

Ohio Bureau of Criminal Investigation

Interview of: David Siefer

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Case Number: SI-18-12-82-1493

Exhibit: 20

Date of Interview: 12/11/2012

Agent(s) Assigned: Jean-Philippe Rigaud, Donald Cleland

Legend:

PD= Patrick D'Angelo

JF= Jeffrey Follmer

DC = Sgt. Donald Cleland

JR = Jean-Philippe Rigaud

DS = David Siefer

.....= unintelligible, undistinguishable

Capitalized letters= yelling or raised voices

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Transcribed by: Christine Shuff

DC I'm Sargent Cleland, I'm with Cuyahoga County Sheriff's Office

DC Did you already read your...?

DS Yea

DC Start out by letting you know that this is not an administrative procedure, this is a criminal investigation and as such I will be reading you your Miranda Rights. Ok? So, you have the right to remain silent anything you say can and will be used against you in a court of law you have the right to talk to a lawyer have one present with you while you are being questioned if you cannot afford to hire a lawyer one will be appointed to represent you before any questioning if you wish. If you decide at any time to exercise these rights and not answer any questions ... or you can decide at any time to exercise these rights and not answer any questions or make any statements. Do you understand your rights?

DS Yes

DC Ok, do you still wish to talk to us?

DS Yes

DC And... How are you holding up through all of this?

DS Good, good.

DC Very good. I'm going to ask a little bit of back ground information. And we will start out with uh your first name is?

DS David

DC And the spelling of your last name?

DS S as in Sam I E F as in Frank E R

DC And can I get your date of birth?

DS 

DC And an address?

DS 

DC [REDACTED]?

DS Correct

DC Ok and a phone number

DS [REDACTED]

DC And is that a home phone or a cell?

DS Cell

DC And do you have a Department issued cell phone?

DS No

DC I'm going to ask a series of questions that are pretty much the format that we have been following. And if you could please tell me what is your current assignment?

DS Basic Patrol Second District C platoon uh night shift.

DC C platoon?

DS Yea It's an abrevia.. esss night shift basically so it's a fancy word for it.....

DC Does this mean that you have days off that rotate? Or is it?

DS Correct rotating days off.

DC Ok, and what are your normal work hours?

DS uh 0 2030 hours to 0630

DC And who is your supervisor?

DS um Sgt. Lane is one of the Sergeants. My Lieutenant is Lieutenant Socha.

DC Could you spell it?

DS S O C H A

DC Ok and again your days off rotate

DS Correct

DC Do you currently work any overtime, extra details um part time?

DS Just court time

DC Just court time?

DS Yep

(Coughing....)

DC Are you rested at this point in time?

DS No

DC No?

DS uh I thought you said arrested ha ha no, yes, yes ha ha I'm like, I hope not!

DC Rested with an "r" , ok, ok

(Laughing....)

DS Yes

DC Ok um, are you now or were you the night in question of uh November 29<sup>th</sup> under the influence of any prescriptions, alcohol or drugs?

DS No

DC Is that for both questions?

DS Yes I was not under the influence of any of the above

DC Ok now and then?

DS Correct

DC Ok what is your uh do you wear corrective lenses, contacts?

DS No

DC Ok and what is your standard uniform?

DS um, basically what I am wearing now, uh blue shirt, blue pants, uh basic patrol uniform.

DC And as far as your duty belt and the equipment that you carry normally on your shift.

DS uh all the required uh city issued firearm the extra 2 magazines uh I carry 2 pairs of handcuffs uh pepper spray, flashlight uh asp baton city issued Taser um let me see I think that's about it.

DC Ok and what type of firearm is it that you are issued?

DS uh Glock 17

DC And that holds how many rounds?

DS uh seventeen and one, I believe. Seventeen and one in the chamber.

DC Ok an on 11/29 was your firearm fully loaded?

DS Yes it was.

DC And were your additional magazines fully loaded?

DS Yes they were.

DC Do you carry or did you have on 11/29 any personal recording devices?

DS um do I, uh personal, no.

DC Ok is your cellphone capable of recording video and taking still photographs?

DS Yes, it is

DC Ok

DC And on the night of uh 11/29/2012 did you use your cell phone to record or take any still photographs at the scene?

DS No I did not

DC Ok

DC As for your assigned cruiser your, zone car, what is the vehicle number that you would be in?

DS We have different cars all the time, the car that we were using that night was 243A.

DC 243A

DS Correct

DC Do you have a call sign other than the car number?

DS Yes, 2 er, 2M31

DC And again on 11/29 uh was anyone in the vehicle with ya?

DS Yes my partner James Hummel, H U M M E L.

DC Ok and was he the passenger or the driver?

DS He was the driver of the vehicle.

DC Ok does uh car 243a have dash cam video?

DS No it does not.

DC Does that vehicle have AVL that you know of?

DS I don't believe so.

DC Do you have an MDT on there?

DS No we do not.

DC Do you have uh ... it's a marked.....unit?

DS Yes it is.

DC Ok

DC It has overheads?

DS Yes it does

DC Ok it has, does it have a spot light?

DS Yes it did, does.

DC And uh a siren, correct?

DS Correct

Phone rings

DC I'm gonna shut this off before ah this gets started..... I'll turn the other one off first and let this one go first uh there it is

(hear others shutting off their phones too)

DC Thank you

DC Ok to get back to the vehicle, uh were the lights and siren operated on the night that uh and the strobe lights?

DS Yes

DC And what radio channel would you of been on, on the 29<sup>th</sup>?

DS Channel 2

DC Ok do you and your partner have particle radios?

DS Yes

DC Ok and what channel would your particles of been on?

DS Channel 2

DC Have you had any specialized training swat, military?

DS No

DC No military, no swat, uh how about your last qualification for the department?

DS uh October I believe was my in service, beginning like the first or second week of October.

DC Ok and on that in service did they also cover use of force?

DS Yes they did.

DC And you are OPOTA certified?

DS Yes I am.

DC Prior to the involvement on 11/29 had you been involved in any other shooting incidents?

DS No

DC Ok, I need ya to go back to that night and, and you tell me how you first became involved in this incident.

DS We were, my partner and I were traveling uh Eastbound on Detroit Avenue, uh when we heard the initial broadcast, by Officer Nan calling out that uh “shots have been fired from an auto on Saint Clair Avenue outside of the Justice Center”. uh He started to broadcast a direction of travel uh and my partner and I were under the belief that it could be heading West. So we preceded East on Detroit um and knowing that he was broadcasting on channel 2 and that we could you know might be the only car that could hear him because he was in the third district we started to head that way in case he needed you know, needed any help, and that when we went over the Detroit Superior, as we, as we were going over the Detroit Superior bridge. We saw the suspect’s vehicle coming at us.

DC Ok at that point what did you do?

DS Well we saw the vehicle matching the descriptions that Officer Nan was broadcasting uh coming at us over the bridge my partner and I both uh, turned and looked at the vehicle the driver did not make any eye contact with us and kept traveling Westbound. At which point my partner did a U-turn activated the lights and sirens and I immediately notified channel 2 that we were behind the vehicle matching the description of the vehicle that Officer Nan described as shooting outside of the Justice Center. Um I notified radio of the description of the vehicle and the license plate number of the vehicle and the direction of travel.

DC Ok, you continue from this point

DS uh We continued traveling Westbound on the Detroit Bridge as we came down approaching West 25<sup>th</sup> um Officer Grav, Detective Graves pulled Northbound and then Westbound in front of the suspects’ vehicle. And then I it was the suspects’ vehicle and then us. Uh we continued Westbound on Detroit um the suspect vehicle



made several attempts to get around Detective Graves. We weren't going that fast maybe about 30 -35 Miles an hour at that point in time.

DC Ok

DS I continued to broadcast our directions of travel. Uh the whole time we had our overhead lights and sirens on um the suspect vehicle was making no attempt to pull over. As we approached, or as we came up upon West 45<sup>th</sup> the suspect vehicle made a sudden Southbound turn a left hand turn onto West 45<sup>th</sup>. Detective Graves being in front of that vehicle could not make that turn and he continued straight. My partner and I made the turn onto West 45<sup>th</sup> and the suspect vehicle accelerated very rapidly uh the traffic the first intersection you come upon is Franklin that light was red the suspect vehicle went through that light the next intersection is Bridge Avenue that light was also red the suspect vehicle went through that light. We had to slow down to clear both intersections so as we slowed down to make sure we were clearing both intersections the suspect vehicle just kept pulling away I believe I broadcasted that the suspect vehicle is pulling away from us um but we could keep an eye on him from his tail lights.

DC Ok

DS Uh as the suspect vehicle approached Lorain I could see he turned Westbound on Lorain. We cleared both intersections we continued um as we got to Lorain and we turned Westbound also the suspect vehicle was just passing, excuse me, West 65<sup>th</sup> continuing Westbound. Um

DC During that time period was there any other vehicles between yourself and the suspect vehicle?

DS Not during that time period that I can, that I recall seeing, um

DC Ok

DS um, as we started and the suspect vehicle began approaching West 73<sup>rd</sup> and Lorain there was a lot of traffic in front of him at the light that caused him to slow down which gave us the chance to catch, to close the gap. And there was a pretty good gap between us, but there was not any vehicle between us. When he came upon that traffic he slowed down rapidly and let us close the gap. As he came upon that intersection there was cars turning from that were going North 73<sup>rd</sup> turning East so

he couldn't go around he had to wait for the car to move then he went into the oncoming lanes into the Westbound lanes or Eastbound lanes and he continued traveling Westbound um one of the cars that the light in front of us pulled over enough for us to get through and we continued behind him. Uh again continuing with our overhead lights and sirens on we preceded Westbound to West 85<sup>th</sup> um at which point the driver turned South on West 85<sup>th</sup>

DC South?

DS Correct, the driver went over the bridge above 90 and then made a Westbound, I'm sorry an Eastbound turn onto Clark Avenue.

DC East on Clark. Ok

DS Correct, as soon as you make that turn East onto Clark there is an on ramp for I-90 um the driver made a move that I, that I believed that he was going to try to get on the highway but he was traveling too fast under my impression he was going too fast and couldn't make it so he continued, he came, he swerved like he was going to get on the highway and I broadcast that I think he is getting on the highway, but then, he came back onto Clark I, I he wasn't going to make the turn he over shot it. At that point in time um, the passenger started making very what I believed to be aggressive moves, um in the vehicle started hitting the dashboard, um becoming from what I could see acting very upset um I broadcasted that the passenger appears to be very angry uh, if my belief in broadcasting that was if this pursuit ends real soon I want other people coming up knowing that I think we have a hostile person in the car. Uh the driver then proceeded to travel Eastbound on Clark um continuing all the way down to Clark Hill approaching Quigley. As we got down the hill uh the driver made a move and swung the back of the car up and started to go I believe that would be South. Toward the steel yard, commons started to climb the hill up the roundabout to the steel yard commons. Just as he got the vehicle going you know straight again after that big turn cause when I saw the passenger um picks, the passenger picks his left arm up over the back headrest grabs the headrest almost with the corner of the elbow and then brings this arm around um and almost climbs on up to his knees and comes around the back seat brings the hand up and cups it like this. In what I believe to be a gun motion over the back seat, so the passenger is now on his knees facing rearward and has both arms extended and at that point in time I'm looking and to me it looked like the passenger, the movements that passenger was

making it looked like the passenger was trying to acquire a target. It the passenger was moving his head up and down and moving the hands like this and I, it took me a second I'm looking and I, I, I, couldn't quite, I'm trying to figure out what is going on and that's when my partner goes they're pointing a gun at us. So everything just clicked, I'm like oh I can't believe what I'm seeing. So I grabbed the mike and at that point in time I'm trying to give myself as much cover as I can I'm going up into the A frame of the car and I'm like cowering up in here and I'm like they are pointing the passenger just pointed a gun out the rear window meaning the passenger turned around and pointed it through the back window towards us. At that time my partners kinda crouched all the way, that would be to his left, to try to give as a small of targets as we could to the passenger to the suspect vehicle. Uh, we called around, somebody broadcast it I don't know who, somebody said "put a spot light on the car." So my partner reaches up as he, he's kinda turned kinda hunched over cause I'm looking at him as I'm broadcasting I look over and he grabs the spotlight and he brings the spot light up and he turns it on and he puts it on the back window the back windshield of the car and just as the spotlight hits the back windshield of the car the passenger jerks around real quick and hunches down so he starts to face forward again and hunches down. And I believe that I broadcast that the passenger is now facing forward so I we couldn't get a good visual of the passenger because as soon as the spotlight hit the passenger he turned around real quick and hunched down, you almost couldn't even see him over the headrest. Then they come over around the roundabout and they start traveling North on West 14<sup>th</sup>

DC Ok now..... on Quigley prior to the round about

DS Just as we are coming up yea, on Quigley between Clark and reaching the top of the roundabout just that little stretch heading up to the steel yard.

DC Ok you may continue from that point.

DS Now were traveling North on West 14<sup>th</sup> um we just get its either right as were getting even with Lincoln Park or just past Lincoln Park somewhere right around the Lincoln Park area, on West 14<sup>th</sup> the passenger does that same movement again, comes the arm comes back comes over the headrest up onto his knees and I broadcast again that the passenger is pointing the gun out the rear window again. My partner then turns the spotlight on places the spotlight, as he is trying to acquire the spotlight into the rear window as soon as that, as soon as that spotlight starts to come in that rear

window the passenger spins back around and crunches down again. Um and then the driver accelerates even more and heads up onto I-90 Eastbound. Now when they, that the driver did it again, when the passenger turned around again on West 14<sup>th</sup> again me believing that they're, the passenger is pointing a gun I go up I we both my partner and I try to go up and get as tight as we can up in that A frame and try to give ourselves as much cover so I'm only looking with the one eye until that passenger spins around again. And then we are back on the car.

DC Ok they entered onto I-90 Eastbound

DS Correct so we continued, (clears throat) I continued to broadcast our directions um you know we were heading we were approaching um as we get uh past East 9<sup>th</sup> we get well actually past East 22<sup>nd</sup> I believe is when there is a series of exit ramps. Um I think Chester I can't remember the next couple. He made several moves, he was in the high speed lane almost the whole time and then he would make several moves 2 or 3 lanes across and then shoot back, he would, he would make a move that he wanted to get off the highway and as he would get close to that lane or the exit he would shoot back over to the high speed lane. And I believe, I believe, I broadcast that every time you know we are approaching this exit the driver, make, he's gonna make a move he's getting off no he's staying back on he was definitely driving very aggressive and then he would come right back over to the high speed lane.

DC Ok

DS As we entered, started to enter dead man's curve I heard a "Pop" I didn't see anything, but I heard a pop and then I heard or I saw the back of the car just wiggle, fish tale a little bit. And with my past experiences I was under the belief at that point in time that, that was a tire going out. I thought a tire just popped. So I broadcasted that I believe a tire just went. And somebody else broadcasted it, right after that, that uh he's losing pieces of his car. Cause just as he went into dead man's curve and he started coming around something kicked up underneath his car, to me I thought it was I, I legitimately believed it was his car was falling apart. Something hard came out either from underneath his car or he kicked something up on the highway or at that time I said, maybe even maybe it's even pieces of the tire ripping off, but something came kicking up underneath his car. And then he continued Eastbound thru the curve and toward 50 West uh East 55<sup>th</sup>.

DC Ok and the part that you saw came from the underside of the vehicle?

DS It wasn't like a big part it looked almost like uh a bunch of little hard pieces, yea it came as he came into the turn we were in a lane or two to his right so it looked like it came just coming out from underneath it would of came out underneath the vehicle like up past like the passenger side, toward us almost.

DC Ok

DS Cause we were a lone over so we were turning like that with them. So it came like this way you know what I'm saying?

DC I know

DS So we continued East on uh 90 there like again continuing calling out, with our overheads and siren on. Um until we got to East 72nd and that's when he made very aggressive move to get off of the highway there, he came over a lane or two cause he was in, he stayed in the high speed lane almost the whole time. And then as we approached East 72nd he just made a real hard cut to get off there and as he came down East 72nd he went up into the grass um fishtailed and almost came sideways came back down into the street and then the car bogged down ever so slightly and we thought I thought that the car it was just going to die there. It was just over. It, it the engine just bogged down and then it kicked right back up and then he was gone again. South on West 72nd. Or I'm sorry East 72nd.

DC When you say that you heard the engine bog down, was it? Describe the sound.

DS It, it almost sounded like it was..... He, came came down out of the grass, he spun up into the grass, came down out of the grass onto the pavement and was like a rhuuuuuu it was just like getting real heavy almost like a rhuuuuuur and then it was like a whuuuuuuu and he took right off again. It just, it just, just it almost sounded like it was just on it last leg like just it wanted to quit or wanted to die. Cause somebody I don't know who broadcasted you know I think something to the extent "I think it's over" or something there and I was under the belief that it might be over here.

DC uh hu

DS but and I said you know he's coming back he's back onto the street he's got it and then he just took off again like, it it bogged down but it wasn't long just that split second and then he got control and was gone .

DC Through the time period that you were on the freeway from I-90 until the exit on East 77nd, were you the lead car?

DS yes

DC ok

DC And if you'd continue from the point where their engine recovered and he continued on.

DS He us continues South on East 72nd um at that point in time I'm not real familiar with the East side so I broadcasted that I'm gonna try to do the best I can with giving out directions. Um we approached Saint Clair um he went West on Saint Clair and then South on East 68<sup>th</sup> I believe. And then we got back into the side streets I, I can't remember 'em cause I don't.

DC That's ok

DS Ok now during that time in the side streets there was a couple of times that um sss that eee uh two of the Vice cars, or the the Vice Unit cars would get in front of us. I mean we went from the side streets on to like Eddy and then all those different streets back there I can't remember their names, but several times there were uh Detective Fairchild a couple times took over the lead and that's when I believe that he broadcasted the thing about uh the passenger having the gloves and the pop can or something along those lines he was up in front of us at the time. And then when get, we got back onto Euclid when we eventually worked our way onto Euclid we took over as the lead car again.

DC How did it take place that once you got onto Euclid did you see anything take place that caused Fairchild to not be in front of you?

DS Back on one of those side streets I don't recall which one um I saw the suspect vehicle strike an unmarked Crown Vic, Crown Victoria but I don't know we have numerous Crown Vic, unmarked Crown Victorias on the department I don't know whose, which one it was.

DC Ok

DS But once we got back onto um Euclid uh most of the cars uh I can't exactly uh we just worked our way back into the lead.

DC Ok

DS But I uh when, when the suspect vehicle struck the unmarked Crown Vic I remember Sargent Coleman broadcasting that uh he just rammed or struck a vehi.. police vehicle or something to that extent.

DC Ok ..... you go down and you took the lead, and continue.

DS (clears throat) We continue Eastbound onto Euclid um at one point in time Sargent Coleman's vehicle comes up almost even with ours and uh as were going you know through intersections and so on (clears throat) I'm looking for a lot of street signs, cause I'm not familiar with that side of that neighborhood and I hear Sargent Coleman broadcast "It looks like there, the passenger is trying to load a gun" and at that time I reacquire the vehicle and the passenger is hunched down in the front seat the shoulders are down and the passenger is making a lot of gestures and movements with his shoulders and with my experience with firearms through the police department it did look very similar to someone either loading a magazine or something along those lines. Uh the passenger definitely was doing something it appeared to be either under the seat or in their lap. It was, it was very, very direct very um it looked very focused. I mean. The passengers head was down and it was the passenger was definitely doing something. And when that happened it or shortly thereafter is when uh we came upon some heavy traffic. I don't recall exactly what the intersection was, but there's a Happy's Pizza right there and I broadcast as we come upon that traffic the um suspect vehicle had nowhere to go um I think it was definitely 2 lanes and there was a lot of traffic there. And as he came upon the traffic he made a sudden right turn into the Happy Pizza parking lot.

DC Ok

DS uh I broadcasted that he's heading into the Happy's Pizza and as soon as he entered the lot he made a quick left turn and started driving down the sidewalk. Now when he was driving East on Euclid we were a little off to his left so we couldn't make that turn into the Happy's with him. One of the cars behind us which I believe was um Officer Diaz and O'Neill they preceded up into the lot with it following him. As we my partner waited for a few cars to move he was able to clear traffic and he preceded East on Euclid. The suspect vehicle came back off the side walk back down onto Euclid with the zone car that followed him now in front of us I believe that was uh was officer Diaz and O'Neill.

DC So when you came back when the subject vehicle came back onto Euclid (said in unison by DC and DS) Avenue, your position was?

DS We were then leapfrogged by the car that followed him. So now we are two, the second car.

DC The 2<sup>nd</sup> car.

DS Correct

DC So at that point you have Officers Diaz and O'Neill ahead of you

DS Correct

DC And you're in second

DS Correct

DC At what speed do you believe you were traveling when you got to the Happy's Pizza?

DS Um we were in and out of traffic, um he was slowing down rapidly because he, he saw that he was coming upon a lot of traffic so I mean as, as he right before he started applying the breaks we were maybe doing 50, but then he started hitting the breaks and started slowing down rapidly because he had nowhere to go. And that's when he made that jerk move in to the Happy's Pizza that was his only place cause we were off set to his left. So the only place he could go was right. And that, that took him into the Happy's Pizza lot. And then he went down the side walk continuing East.

DC ok, so you were slowing from 50?

DS I'm guessing, I'm guessing I mean I didn't... I was focused on the passenger. Because once that passenger I believe pointed a gun at me I just I, I never looked back over at the speedometer.

DC Ok uh from the point that you were second in line where did it go from there?

DS We continued a short distance more I believe and then the, the driver made a Northbound turn onto I cannot recall the name of the street that leads up to the school. Um I, I can't recall the name of the street, right now I'm sorry. But the driver



turned I'm guessing that we were that going South we made a right hand turn and starting heading up the hill. The street has a grade that heads up. uh Diaz and O'Neill were in front of us we were behind him as you head up the hill it kinda has a, a landing and then there is another side street that goes across and then it goes up a little more. Um, an East Cleveland Police car just came zooming by at a super high rate of speed and almost hit the suspects' vehicle. Um but, I, I don't know how they missed each other. But they did. And the suspect vehicle, vehicle continued up the rest of that little hill with uh the, us two behind him. And uh he then as he got up the hill there's a entrance to the school to our right at the time I didn't know it was a school. My partner said "I think we are heading back to the water treatment plant" I didn't know I, where we were at all, so that's when I broadcasted that we are heading into the water treatment plant because I was relying on his information to where, that's where he thought we were. The suspect vehicle then heads down a long narrow drive um back into the big parking lot area.

DC Ok

DS Um, Diaz and O'Neill are directly behind him, and then we're directly behind them.

DC Ok

DS As he gets back into the parking lot area, he makes a big U-turn and there's these um little uh islands in the parking lot that are surrounded like with a curb and grass and there's telephone uh a light pole in them. As he makes his U-turn he comes back and his front tires hit the, the curb and he comes up onto the grass with his front tires.

DC Ok

DS Now the police car in front of us pulls right up head to head and we were right behind the police car, cause every things happening so fast. I thought that they had crashed nose to nose.

DC Ok

DS From the angle that we had, I see Officer Diaz get out of the vehicle and as he gets out of the vehicle he takes one big motion a side step to his left and I see him pull his gun.

DC Ok

DS Now at that point in time my partner Officer Hummel is now fanning our zone car out, to our left. Cause it, when it first happened we were directly behind them I'm looking right at the back end of the zone car. As we start to fan out I'm dropping my microphone and I go to open the zone car door, because my belief at that time was the two vehicles had crashed into one another, it's over.

DC Ok

DS So I, as I drop my microphone and I'm reaching for my, the, the door handle. I look back up and as Officer Hummel's starting to come to a, my partners coming, slowing down he's fanning out to the left and I'm opening my door I can see there is a gap. I, I hear the gun shots and I could see as I hear the gun shots I look up and I can see the car is coming. Officer Diaz is moving out of the way of the car. So that kind of caught me off guard cause I had originally thought that, that there was no gap that, that, that they had crashed. But as we fanned out and we moved when I heard the gun shots and I looked up and I was opening my door and I could see that there wasn't a gap and the car was already coming by him.

DC Ok, so your eyes were not on the subjects vehicle or Officer Diaz's vehicle at the point in time that you heard the gun shots.

DC No, I was dropping my microphone I was opening my door and I was attempting to get out of the car. I heard the gunshots and I look up and I could see Office Diaz getting out of the way, as the car came by him.

DC Ok

DS At that point in time the car is now coming at an angle by us.

DC Ok

DS I am now starting to pull the door closed to keep him from hitting the door as he comes by us. And I'm trying to grab the microphone again to broadcast "Shots Fired".

DC Ok

DS I grab the microphone I'm pulling the door closed as my partner takes a U-turn to try to pursue the suspect vehicle.

DC Ok

DS I get ahold of the mic I believe I broadcasted "Shots fired" I have my hand on the door my partner does a big U-turn to try to pursue the vehicle but as he does a U-turn he doesn't have enough clearance to clear the car that pulled in behind us. One of the cars that pulled in behind us was operated by officer uh Cruz and Gonzalez so when my partner did the U-turn and he came back around to try to pursue the vehicle his U-turn brought us nose to nose, not touching nose to nose, but in line nose to nose with one of the cars behind us. So he wouldn't of had enough room to clear them and we continue driving. If, if you see what I'm saying.

DC I think so. I'll have you draw that up for me in just a few minutes.

DS Ok

DC But if you'd continue to describe what took place from that point on.

DS Right um so the car take off out the way up the, the access road. Uh my partner turns around just as, as he come up, we see that we can't clear it I'm opening the door uh I still have my hand on the door and that's when I start to hear the gun shots. A, at when I start to hear the gunshots I then open the door and start to make my way that way uh toward the where the direction I saw of where the suspects' vehicle went. I get past the zone car that's, that has, officer Cruise and Gonzales in it and come upon a one of the Vice Units Dodge Chargers it's a dark Charger maybe black or dark charcoal grey as soon as I reach that Charger is uh when I then hunker down behind the car and take cover.

DC Ok

DS And I stayed there until the gunshots are over.

DC Ok as you were running upon where you came across uh Cruz and Gonzalez vehicle could you see gun flashes from gun fire or just hear the rounds?

DS I could hear them.

DC You could hear them? Ok what was the, the atmosphere in the area what was, what did it sound like? Um...

DS During the gun fire?

DC At the point at where you were running from your vehicle to where you took cover behind the Charger. What did you see, what did you hear?

DS uh-huh, um I, I, I heard numerous gun shots and I was focused on as I got out of the car and I started making my way toward where the direction of the suspect vehicle went is when the gun fire started getting more intense and the only thing I focused on was getting to that Charger which is the only thing that I could now see in front of me which would provide me cover, because I realized I was exposed.

DC Ok

DS And that I just wanted to make it there, because all I could hear was alot of gunfire and I just wanted to get behind cover because I was in the open.

DC And as you exited your vehicle you had your firearm out correct?

DS When I, I, I exited the vehicle I pulled my firearm but then as I started to move and I heard the rapid gunfire I then holstered it and just figured you know I have to get to cover first and foremost.

DC I'll show you a few maps.

DS Ok

DC I don't know if this one is necessary. .... This one I should show, has a number of the vehicles. So get a marker.

DS Ok

DC Ok and if you'll look, this is the playground.

DS Correct

DC And if you would circle where your vehicle was.

DS um, this would be us right here.

DC Ok, and your direction of travel coming into that (?...)? You mentioned that there were a number of different movements that you made, that's were gonna do that on a different map. This one has no vehicles shown. Ok?

DS Ok, ok.

DC This is the entry

DS Right, Correct

DC If you could just basically just draw me your direction of travel though that drive way.

DS Marker or pen?

DC With the marker.

DS Ok, um this do you want me to do arrows or a line?

DC Ah well the arrows showing direction of travel, but you can do it as a line and just add arrows into it as you go.

DS Um, and then ..

DC And you can mark for where you stopped at that moment.

DS It, it would be somewhere around here?

DC Ok

DS Um, that we made the turning motion. It would be a wider turn here. And we came to a rest somewhere here. Cause we couldn't make the turn to get back down the road. Because of the other zone car approximately here somewhere.

DC Ok, the points where you marked your vehicle can you circle the x's and put your initials here and here? And possibly mark off to the side here that that was the other vehicle that was in your way, if you know who was in it. Ok During the course of the pursuit you had a number of points where you saw inside the vehicle and you saw movement indicating certain things. Could you see whether or not that was a male or female individual?

DS No, I was broadcasting what I believed to be a male the whole time, but I couldn't tell for sure either or.

DC And you mentioned specific hand movements from the passenger of the vehicle, did you see anything in that persons hands?

DS No, I, I, it wasn't light enough to tell the actual hand, but the body movements they were making, came up with the right hand in the left hand cupping it and the arms extended. So the movement led me to believe that that was an indication that that was a gun. I, I saw a glimmer at one point in time and I could see, some f.. there was definitely an object in the hand. But we never got close enough with enough light to see, to really identify the object. And every time my partner put the light on the vehicle. The passenger would spin back around real quick and hunch down.

DC Ok ,during any point in time during the pursuit did you hear any radio traffic of calling off the pursuit?

DS No.

DC You mentioned the sound from the vehicle as it went around dead man's curve where there any other points in time during the pursuit that you heard similar sounds from that vehicle?

DS Not that I can recall uh again with the, the sirens and everything I was focused when that passenger made that movement to point what I believed to be a gun on me. As long as that vehicle wasn't pointed at me I didn't care about the vehicle I was focused on what's going on with the passenger, Um and what direction we were going. My belief was the passenger had a firearm and if that passenger got out of the car I wanted everybody to know where that passenger was because that was my in my belief my direct threat. So once that passenger pointed the gun at me, it was my responsibility to let my fellow officers know hey this is who, this is our direct threat. As long as that car was not pointed at me I, I, I did not care about the car. So I don't recall hearing anything else from the car, but I, I was not paying that close of attention to the car itself.

DC ....On this one I understand your already marked, position of your vehicle. But this goes to my next question basically, it's like a.... At what point did you duck down for cover? Which vehicle would it have been and is it demonstrated here on the map?

DS Mmm, if this, if this is supposed to be the black Charger or the dark Charger then it would have been here. I don't know what that vehicle is.

DC Mmm...(that's the designation part but...)

DS I don't know what that is.

DC That's ok

DS So it would have been here, by his dark, if these are the Chargers, then it would have been here.

DC Ok, can you draw from your vehicle your path of travel and then an x where you took cover.

DS Initial?

DC Ok, Yes, please. Did you at any time during this time period fire any rounds?

DS No.

DC Ok, after the gun fire ceased what did you do at that point in time?

DS Um, I then stood up uh looked around a little bit just in complete um almost disbelief as to what just happened. Um I saw uh, Officer Randy Patrick um, walking toward my direction a little bit, um and he had a cut or he had, he had blood coming from his forehead. Um Officer Randy Patrick works on our shift and uh that concerned me. So I went over to make sure that he was ok and not shot or anything, due to all the gun shots. Um, and it appeared to be just a, a scratch or something from debris. Um once I realized that he was ok, then I immediately went to locate my partner.

DC Where did you locate your partner?

DS Oh, as I was walking back toward my car he was walking up from the car. So somewhere right about in the middle.

DC Ok. Do you know if your partner had exited the vehicle at any point in time or?

DS I believe when I jumped out he was jumping out also. Where he went at that point in time I didn't know cause I was making my way toward the vehic the suspect vehicle.

DC Ok

DS But we both jumped out at the same time.

DC Ok so you got out at the same time and then ended up separating?

DS Correct

DC Approximately how far way from the subject vehicle were you at that point?

DS When I found my partner?

DC Yes

DS um, I, I, I don't I could roughly show ya I guess.

DC Just a guestimate.

DS Um,

DC You could go feet, yards whatever.....

DS Twenty yards maybe? Twenty, Thirty yards I, I don't know. Twenty-five yards maybe as a guess.

DC Ok, um were you looking back towards where the shooting .....

DS When I found my partner I was walking back toward my car. He was walking up toward the car we met somewhere in the middle there, between the car I hid, the car I took cover, well no I actually yea. Somewhere between the car I took cover on and the car that we were driving we had, I had found him and said "Hey, are you ok"? He's like "I'm ok are you ok"? and that was that.

DC Ok, that was the end of your involvement. Did you, did the two of you walk back?

DS yea, yea, we eventually made our way back up cause that's where kind of everybody had congregated. Um, up, up by the playground area. And we eventually walked up to everybody.

DC Ok When you got up to this area what did you see here?



DS Just uh everybody was, all the Officers that were on scene were kind of gathering in this general off to... looking at this map I'm gonna say off to the right. Between the vehicles and the playground area that's kind of like where everybody was gathering up over by the playground area just "hey everybody ok, everybody ok"? and nobody's hurt it was uh you know everybody was for the most part checking on everybody making sure everybody was ok and accounted for. Um that was the mood and the atmosphere was just concern for everybody on scene for the most part. (clears throat) excuse me.

DC Could you see from that point if there was any activity around the suspect vehicle?

DS I can't recall.

DC You don't recall.

DS Don't recall.

DC Were you in any way injured as a result of this?

DS No.

DC Did you hear any other Officers make any statements in regards to this incident after its conclusion.

DS N.. I mean...

DC Whether it be derogatory, positive was there something that was said that might of stuck in your mind?

DS No nothing that out of the ordinary. I mean a couple of people came up and said I you know you did a good job broadcasting you location, but for the most part everybody the few bosses that were on scene were very um concerned with um checking on you know making sure that everybody was ok an, um I that to be completely to be honest about it we really didn't talk about it much. Everybody kind of just sat off to the side and waited for you know everybody to show up that needed to show up.

DC Ok and who have you spoken to in regards to this incident?

DS Pardon me?

DC Who have you spoken to in regards to this incident?

DS Uh, the Union, and uh Mr. Pat, D'Angelo.

DC Ok, did you, do you believe that uh your actions through the course of the pursuit and other Officers actions through the course of the pursuit fall under departmental procedures?

DS I believe so.

DC And you say did not actually see the shots fired here, but heard them.

DS Correct

DC And again here you heard shots fired but did not see what had taken place.

DS Correct

DC And again I realized I asked this earlier on but during the, after the incident was over did you use your cell phone to take any photograph or record any information?

DS No I did not

DC Did you see anyone else doing so?

DS No I did not.

DC And again do you believe that your actions were consistent with your training?

DS Yes

DC And do you believe that the actions of the other officers were consistent with your training?

DS Yes

DC I believe that you already expressed the answer to this one but I will ask it? Did you have a fear of your safety and the safety of others during this time period?

DS Absolutely

DC Has anyone asked you to lie or otherwise try to influence you in the statement you have made to us today?

DS No.

DC .....?....Um. other than what you have been asked is there anything that you can think of that you would like to tell us?

DS I think we've covered pretty much most of it.

PD I'm good

DC Ok

JF ..just..case..well...(?) When you heard the shots fired up in here?

DS mhm

JF And then you see Officer Diaz running is that what you.....

DS no, he when we first got out of the car he made a uh like uh a big side step to his left and I saw him pull his service weapon at that point in time I was under the belief that the two cars had crashed. So I was dropping my microphone and reaching for the doorknob so I, I let go of the mic and I was reaching for the door knob as I'm coming this way I'm hitting the door knob and I hear po.. the gun shots. I look up and that's when I see the car then coming at Officer Diaz and him trying to get out of the way. I, from what I can recall he was trying to then get close to his vehicle and let the car pass him.

JF Ok that's my question. So what you saw and what you observed there the vehicle looked like it was going to strike Officer Di....

DS He he had to get, if he had not of gotten out of the way the car would of hit him.

JF Ok

DS He definitely made movements to get out of the way of the car. If he stood exactly where he was the car would of hit him.

JF Gotch ya

DC Ok and how many rounds did you hear fired?

DS (breathes in hard) Two maybe? I, e I don't know that, that night happened so quickly there was so many gun shots that night I, I two maybe? And after that car came by Officer Diaz if I wouldn't of gotten my door closed he would of taken off our door also. I mean he, he wasn't making any, he wasn't shy about, he was being very aggressive with the vehicle and I got my door back closed for my partner to make that move. If I would of kept my door open or continued getting out he would of struck our door. I mean it, he came right by our vehicle.

DC Ok Did you look into their vehicle at that point in time?

DS uh, No I was trying to get, I pulled the door (...) and I kinda came like this in case it was to hit the door and glass came. So I, I was kind of coming back into the car hunching down you know.

DC Ok now is there anything else that you would like to tell us that we have not already discussed?

DC Ok what I would like you to do, I'm going to hand you my pen. I would like you to sign and date each of these.

DS Today is the eleventh?

DC Correct, Ok, Thank you

DS All set?

DC All set.

DS Thank you for your time.



