

# OHIO BUREAU OF CRIMINAL INVESTIGATION

## INTERVIEW OF

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**CASE NUMBER: SI-18-12-82-1493**

**EXHIBIT: 3-Vasile Nan interview**

**DATE OF INTERVIEW:**

**AGENTS ASSIGNED: John Saraya**

**Legend:**

**JS = John Saraya**

**SK = Steve Kinas**

**PA = Patrick D'Angelo**

**VN = Vasile Nan**

**.... = unintelligible, undistinguishable**

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**Transcribed by: Lori Bennett**

JS All right, do you want to start out here Scott?

SG My name is Detective Sergeant Scott Gardner, I am with East Cleveland and attached to the Major Crimes Unit.

JS Okay. I am John Saraya, I am with BCI. Just so you know, before we actually get this thing rolling, we do this with BCI .....with an officer involved shooting..... for about 12 years, okay? We are going to go through all of these things, forget some of the questions you are going to be asked, alright. It's not here because I am thinking you are stupid or anything else, it's just I just want to make sure you articulate facts and circumstances. I am not second guessing you or anything that happened. Like I said, if the question here...I know because I have had it done where a guy just looks at me like, "really, you're asking me that." It is because I need you to articulate.

VN I fully understand.

JS Okay. We laugh because it takes these interview an hour or more to discuss something that occurred 20 or 30 seconds, half the time. So don't feel bad about that. Now, this is a criminal investigation and I don't know exactly all your involvement, but what happens, because this is criminal we give everybody Miranda because you are entitled to all rights and privileges the same as everybody else plus we give people the heads up that they bring their people with them. Okay?

VN Sure.

JS If at any time you have any questions of us, ask. Alright? What we have is pretty much a formalized thing since we have such a large number of people. Scott and I are going to be working with everybody that was involved on one side of it. There is going to be another team that is going to be working another group of guys. This is just for consistency sake. Um, so don't be surprised if you see us thumbing through papers.

VN Okay.

JS Alright. We want to make sure that we get all the details, the same details from everybody. Okay?

VN ....specific and not just ask the question.

JS Absolutely. Don't be afraid if these guys go, cause you guys already met and talked that if they think there is something that you already told them they might prompt you to say "what about this" or anything else.

SK One of the things you guys had said is that you were doing the shooters?

JS Yes.

SK And the other guys were doing the non-shooters?

JS Yes.

SK He is a non-shooter.

JS Okay. The reason we are starting with you, is because you are the key stone. You're the one that everything started with.

VN Yes.

JS Okay. So what we need to do is we have to understand how all of this started. Where it started. Okay? and....where you ended up at in the whole situation. So...

SK .....you guys should do that....team so to speak.

SG You were in a car with...or...technician?

VN I am sure I will answer that question, but no, just to start, we were on the sidewalk.

JS Okay.

VN Standing outside when this occurred.

JS So, based on that, what is your full name?

VN I will spell it. It is V. A .S. I .L. E. Last name is Nan, N.A.N.

JS Good Italian name, huh?

VN No, I wish.

JS What's your address?

VN [REDACTED].

JS Okay. When is your date of birth?

VN [REDACTED].

JS Okay. Um... easiest way to reach you cell phone number or something like that?

VN Yes. [REDACTED].

JS Okay. Just in case, odds are if we are going to contact you, we will be reaching out to him first. One of these gentlemen to reach out to you, okay?

VN Okay.

JS Um, now. Also, so you know, when we do these cases, when everything is said and done it is a very thick file that we put together and it gets presented to the Prosecutor's office. Okay. So, in reality, this whole thing is going to probably take about a month for us to carve through and get all the paper work put together. Um, then it goes to the prosecutor for review. And, I think now, because of some legal changes and some administrative changes in the Prosecutors office, I think they are looking at all officer involved shootings, they're going to run through grand jury. This has been part of discussion; this is not set in stone. As such, down the road, you may get a grand jury subpoena. Just so you know.

VN Okay.

JS Not a big deal. Alright. To begin this thing, because, as I said, this is criminal. I am going to advise you of your Miranda warnings. It says you have the right to remain silent and anything you say, can and will be used against you in court. You have the right to consult with an attorney and have an attorney present with you during questioning. If you cannot afford an attorney, one will be provided to you before questioning at no cost. Do you understand these rights?

VN Yes.

JS First question. In this whole ordeal, how are you holding up?

VN Not..as good as could be expected.

JS As good, okay. What is your current assignment?

VN Second district. CSU Unit. Which stands for Community Service Unit. And I am on the night shift for this unit.

JS Which is what time frame?

VN 1800 to 200.

JS How many years have you been at Cleveland PD?

VN A little over 12 years.

JS And uh.... where you a Police Officer anywhere before that?

VN No.

JS 12 years at Cleveland PD?

VN ...with the exception of the layoff. I was laid off in 2003.

JS Oh. Okay. You were part of that big group that got laid off?

VN Yes. ....04.....

JS How long have you been assign to the Community Service Unit?

VN Only since May of this year.

JS Okay. Who is your supervisor on that shift?

VN Sergeant Daily right now and Lieutenant Bolon.

JS B.O.L.O.N?

VN Uh huh. Yes.

JS Now, is this your Community Services Supervisor or do you report to a shift Supervisor?

VN No. That is the Community Services Sergeant. My night shift Sergeant and the Lieutenant is in charge of both of them. Nights and days.

JS Gotcha. Do you a steady shift with steady days off or do you rotate around.

VN Steady shift with steady days off.

JS Okay. What is your work days?

VN Work days for this month and again in December. So, I don't know if..

JS November when this happened.

VN November it was Sunday and Monday's.

JS Sunday and Monday off?

VN Yes. Five on and two off.

JS Um, you working any overtime shift or extra duties or side jobs or anything like that?

VN At times.

JS What about within 48 hours of this so that would have been Tuesday and Wednesday.

VN No.

JS No extra duties?

VN Nothing. Other than going to court. There may have been court.

JS Okay. Alright. This starts, Thursday night.

VN Yes.

JS How were you feeling that day? Everything okay? Tired? Sick?

VN No. Just normal.

JS Sneezey? Drowsy? Dopey? Any of those?

VN Nope.

JS Okay. Any type of medication you are taking over the counter? DayQuil? NightQuil? Sudafed? Asprin?

VN No.

JS No. Not any scripts or anything?

VS No.

JS Okay. Um, you worked your shift fully uniformed?

VS Yes.

JS Okay. Um, are you one of the guys that wear the vest on the outside?

VS Outside. Yes.

JS Okay. Here again. These are just the typical questions we do on this so that there are no accusations that they didn't know you were a police officer. Okay? Your

duty belt, the gear you carry. Do you carry a Taser or anything like that? Less lethal?

VN Yes.

JS You do? Taser?

VN Yes. Taser. Pepper Spray. And the gas was not on my duty belt. I had that in the bag cause I didn't have enough room anymore on my duty bag...my duty belt I should say.

JS Skinny guys we have problems with that. Okay. What about firearms? Do you carry a back- up gun or anything?

VN No.

JS So, just one gun. Your duty issued?

VN That is it.

JS Okay. Um, how many magazines do you carry?

VN Three mags.

JS Two extra?

VN Two extra plus the one.

JS You got them all topped off? How many rounds that is in each magazine?

VN .....fifteen, fifteen and one in the chamber. So...

JS Okay. Do you carry any type of cameras or digital recorder on you when you are dealing with people? Nothing like that?

VN At times I have a little voice recorder.

JS Were you wearing it that night?

VN I had it but it wasn't on. Only when I do what you gentlemen do, an interview would I put it on.

JS I see guys now a days with the video fountain pen in their pocket and everything else, so.

VN I haven't gotten to that level yet.

JS What cruiser were you using that night?

VN 244 I believe. I will have to reference my mind but I am almost ninety some percent sure that is what I was using. Our regular cars may .....but.

SG .....the number of that car?

VN No, I don't remember that.

SK We have ..... that are cars between the calls signed or the actual two Paul code vehicle code itself. It will say like, for instance the CP217 or 238 this could have another number, which is the two Paul code or actually vehicle number. That's just the fleet number so to speak.

JS Right. Then you have your fleet number attached to it then...city.

VN Right. That's what exactly it is. The fleet number.

JS Gotcha. Working by yourself or with a partner?

VN I was working by myself.

JS Alright. Um, now I know that Cleveland doesn't have the in car camera but I know a lot of you guys have your own that you mount to the dashboard or the cage or whatever. Did you have a camera in the car?

VN No. I did not.

JS Okay. Everything else working in okay the car? The spot light? Siren? Everything else.

VN Everything else... yes.

JS But you were having an issue with your MDT in your car. The terminal.

VN I had some slowness and I also want discuss some other cars that we have in the CSU unit some of the issues that I wanted to give in error messages so he knows if it is fixable or not.

JS Okay, so the one in your car that night giving error messages as well?

VN Yea. After you run so many plates, it kind of bogs out and shuts down. But not even shuts down, it gets... freezes I guess would be a good word to describe it.

JS That is why you went back to get that checked.

VN Yes.

JS Gotcha. Uh..did you do anything else besides that, the SWAT team or anything like that?

VN No.

JS No. Any military behind you?

VN Yea. Army reserves, from 84 to 92. Again, reserves only. I was never activated.

SG What was your MOS?

VN Initially, well.....Phy Ops. Psychological Operations. And the time.....I think they moved to Twinsburg but don't quote me on that cause I got out and I keep hearing that is where there at right now.

JS Okay. Standard training with the firearms. You guys qualify handgun shotgun? Do you qualify with anything else?

VN With the city, yes.

JS With the city. Okay. Just handgun shotgun or do you do anything else with qualification?

VN Nothing else.

JS Okay. Um...do you guys do any of the use of force stuff, the video interaction or anything like that? The ...type training or anything like that?

VN At times we did but not this previous year.

JS Okay. Have you ever been involved in a shooting before this?

VN Yes.

JS You have?

VN Yes.

JS When was that?

VN 11, I want to say April of 11. April....

SK Yea, it was spring time. Remember last year springtime.

VN I should remember that but I just try and put it behind me. April... I almost want to say either April 4 through April 11 of 2011.

JS Okay. Tell me what happened Thursday. What time did you come on shift? You got to work at 6:00.

VN 6:00 o'clock, yea...1800.

JS And what happened?

VN Um, you want me to take it from the point I got downtown or...

JS Whole shift, let's start with 1800 hours.

VN Went to roll call, exchanged some information, then I went ...I wish I had the duty with me, I should have brought it so I can break it down by hours. Did a few stops. As a matter of fact, on the way downtown, I stopped to help a guy that was calling out they had a warrant on West Twenty Fifth and I briefly stopped, asked me if he need my help. By that time somebody else was there so now he can go ahead and I was going to sit in on a tow for him and he was slow enough, even though we are not required to answer the radio but we do assist a lot. So, I said I might as well go take, see...talk to Almeida about these issues. I right around the corner from Twenty Fifth and that's when I went there.

JS Okay. So you go to the district there, where did you park your car there? Which street?

VN I parked the car on St. Clair. I can draw a little diagram I wish, hopefully the video will finally come from those streets. I can't be exact but I do remember plus or minus four feet.

JS Okay.

VN At 205 St. Clair, there is a door that the mobile support guy comes out of. ....right outside of the door which is perpendicular with the entrance to the P1 P2ish where our jail and parking lot for our justice center on the city side is at.

SG That's on the opposite side...?

VN Yes. I am on the southside of the street. My cruiser is facing east and I exited the car, Almeida came out I wasn't here very long before this occurred. Within a minute or so.

JS Okay. Keep going. And what happened within that minute.

VN Within the minute, kind of that street at night, well lit, at one point we hear, peeling and squealing. We see a car coming our direction. That was odd enough, so that kind of made us turn because I was not turned north bond. I was sitting there talking to Almeida, the mobile support guy. As he passes us, almost parallel I hear a loud gunshot and both of us look at each other and said, I don't know if anybody ..... or anything like that and Almeida and myself at the same time said, "that was a shot," he said, "go get em." At that point, I jump in the car, I loop my car around, and I believe prior to jumping in the car, I notice the car and it was a very distinctive car cause I used to have a Malibu but that night, I did not identify this....I identified as a Chevy late 70 early 80's I believe. It is even on the audio and I see it turn south on West Third. Now, mind you, my heart is pumping, it's just like being shocked for a second, I even hesitated initially, to you know, froze a little bit until he told me, "go get it" I looked around and I catch it with the corner of my eye turning south on West Third and I am way behind it. It is going. It is not stopping. I am pretty sure it took the red light on St. Clair when they saw me running to my car. I see it turn west on Superior and at this point, I am catching traffic. St. Clair there was nothing on it. As soon as I hit Superior, which is a main avenue for Cleveland downtown, I catch traffic. So, at this point I am pumping the breaks to make sure nobody gets hurt and I don't crash. He turns and I see him turning on Prospect. Prospect goes kind of southeast, mostly east as defined as east but it is kind of if you can imagine the angle. I get behind there, and as soon as I turn I lose sight of it. Probably a football field or two. I continue going east at this time and I am doing this simultaneously, I describe the driving portion as I am doing this as soon as I got in the car and upon you guy pulling the AVL you know when I clicked the mic first and what my location was, you know for the broadcast. I am edgy, I am nervous, and I am just broadcasting you know, cause I am outside my district and that is ....I don't know if you guys worked in agencies where you are all on one channel, were not. I am like, patch me to channel 3, because they used to be able to do that. Cause I wanted people in this district to be aware and to at least look for it or help me cause I don't want to do this by myself. After what I have observed and I am broadcasting the description and I did observe 2 males and I did see one uh..the driver and the passenger and I advised everybody, "be careful if you come in contact, they're armed." I will take this to my grave, my perception at the time because of the loud bang, I didn't know what was going on, I see Almeida like, just go gettem. That kinda verified, what I heard, what I seen and at that point, once I broadcast that, a few seconds later, probably, I would say ten to fifteen, as I am still traveling east, and again, they still have to pull the AVL. The AVL will come into place so you will know exactly where I was at and where I was at when I heard it, I am kinda.....you know. I may have made it all the way to East Ninth, maybe East Sixth area on Prospect and I hear another car from the second district on the Detroit Superior bridge which if they would have went straight, it would have been 2 football fields away you know, and they would have been over the bridge a lot soon then. They picked up the car on top of the bridge. And they looked behind it and from that point I heard the broadcast from to the end, A to Z.

If you want to call it the second part of the incident, when the car got picked up again, on the bridge.

JS Okay. Did you get into the pursuit then as well?

VN I paralleled it cause they were going and I was kinda way behind at that time, again they have to pull my AVL when my car physically turned around and started going back west. I was headed east and I paralleled everything they were doing I believe I went on West Twenty Five once I crossed the bridge myself I did cross the Superior bridge and I went to Lorain and when the point when I reached Lorain and Seventy Third, there were, the car was already at Clark, which is the next main street south of Lorain and he was turning back east so I shot up Seventy Third and I saw the car being pursued then at that point. Once everybody cleared I got behind the convoy the following it.

JS Okay. What happened then?

VN I was just listening and trying to drive as cautiously as possible and trying to, you know trying to listen to everything that was being said over the air.

JS Did you end up getting way out to East Cleveland then?

VN Yes.

JS Okay. What happened out there?

VN I made East Cleveland...

JS You guys went down Ninety?

VN Right.

JS Tell me what happened then?

VN When I got to East Cleveland, I kind of made the wrong turn, again you need to pull the AVL to see where my position was in this whole thing, and I don't know what exactly...can I reference....

JS Sure, that is why we brought it here for.

VN Okay. Is this east or west?

JS This is the drive coming in.

VN Is this east or west?

SK East.

VN I ended up, I think...

SG There is a drive that comes in here and a drive.....

VN Is there another drive south of this?

SG Guys, that would be Lee (?) Road?

SK Lee road is over here, it is further east.

VN So there is no other drive here?

SG There's a main drive that goes into the school. There is a drive that moves over this drive and then you have Lee Road that's right....

VN I think I was pretty much somewhere on Lee cause I think they lost it, I had to cross some grass to get.... It may have been Lee. Cause I definitely...this is the only way I could have got there. I was...when they made a turn onto this road, I kept straight.

SG This would have essentially, if you can envision Whymore is down here, Terrace.....

VN Terrace I know, I used to work in the Sixth a long time ago when it was the Sixth.

SG This driveway access comes off of Terrace. So, you have Whymore that pretty much dead end at Terrace, but then the access road picks up.

VN No...I am pretty sure I am on.....again, verify this on my car AVL.

JS Alright. ....wider angle there. You got your orientation now? Okay. This is .....

VN Yea. That's where I was at. On that street.

JS Okay. So you went up on Lee Road there?

VN Yes. Again, like I said, I want you to verify that statement with the AVL, but I.....

JS What happens when you get up there on Lee Road?

VN I just heard a few last shots and I duck behind my car. I heard all this traffic over..you know, voices all the ....up to that point. Somebody is waving a gun. It

is the most intense that I have experience, even when I got shot at, it was one shot, I was chasing, I didn't have time to think about it. It was like a 25 minute...however long it was. So, staying focused and hearing all this stuff, hoping that everything will end up good in the end.

SG John, do you mind, for my benefit? I am not familiar with you guys radio system and all, so each district has their own frequency and you have your own frequency?

VN Yes. I was on channel two, just to clarify that. And I happened to be just across the border into channel three area. District three, channel three same....you can use...

SG Now, are you able to hear all the districts that are talking?

VN If I physically change the dial.

SG Okay, alright. So at this point, you are on channel three and you are just hearing traffic.

VN I was on channel two.

SG I am sorry, you were on channel two.

VN Channel two.

SG At that's all the traffic you can hear is on channel two? It is not scanning, you cant hear any....

VN No.

SK Let me clarify that. Each district has its main channel. Has a tactical channel, it has an alternate channel. The CSU broadcast on the alternates...you would be on channel two...

VN We don't have those anymore.

SK You don't have that?

VN No. We stay on regular channels now. It used to be the case. Uh...they used to have a dispatcher for the different units. They don't anymore. There is only one dispatcher.

SK You were on regular two then?

VN Yes, and sometimes was go on tactical to just, so we don't cut into traffic that is important.

SG Now, when you asked to patch to channel three, is that broadcast simultaneously on both channels. Is that what that does?

VN That is my understanding.

SK That used to be the case, that does not happen anymore.....earlier in the year that prevents..they switched...where you cannot speak across channels anymore because it slowed down the computer systems too much.

SG Okay. So, the day of the incident, could you talk on both channels or just one channel.

SK He can only talk and only be heard on channel two.

SG So, he would hear the traffic on channel five or channel three?

VN No. Unless you physical switch.

JS So the only thing you were hearing on the radio is district two traffic?

VN Which was the main one involved. Any I believe it was the only channel that it was broadcast on.

SK Channel three .....broadcasting....channel five.

VS ....channels. But I am talking about the main lead vehicles in the pursuit.

SK that was second district?

VN .....second district.

JS You heard them broadcast then that they saw the passenger turning around and everything?

VS Yes

JS That was on channel two?

VN Right.

JS What else did you hear on some of the radio broadcast?

VN Just the fact that there may be a gun that the passenger was waving around. Um, at some point I did hear the red pop can also and black gloves. I heard the police cruiser at various points during this incident were rammed and toward the end, and this was fuzzy at the end, what I picked up trying to run over police officer. It was simultaneous with the ramming.

JS This is at the end?

VN Yes. There was...pretty sure I heard that they rammed a police car at Addison or somewhere close to there. Still in our city. I do not think they were in East Cleveland at the time.

SG Did you hear that once or multiple time on rammings.

VN The rammings were multiple times but the one location, the first location that I remember hearing was around Anderson. While we were still, I believe that is still in Cleveland. Off of St. Clair or somewhere.

JS Do you remember specifically any other points?

VN I remember the end, I remember when they were going around the round a bout which is ...Fourteenth by Metro Hospital, I don't know if you guys are familiar with that area, somebody else....this time he came with a identifier, a geographical identifier that the gun was seen in that area as well.

JS So ramming were.....just saw....

VN Just saw the gun, one of the occupants holding the gun and you will have to refer back to the broad cast because like I said it was very tense moments especially me being by myself, you are trying to multitask to the best of my ability and you don't first of all to get hurt, or hurt somebody else.

JS Right. Okay, so let me back up here a little bit now. This first happens, you get in your car you initiate the pursuit. You call it out?

VN Yes.

JS Okay, about how close where you to the car?

VN I believe um...I am going to use generic terms, probably about two and a half football fields, and that was on West Third, cause he had to slow down again. There was more traffic than normal. On St. Clair it was ....any speed you wanted, there was nobody out there. When he hit Superior, we had to slow down and go around.

SK I'm sorry, was that question directed to how close he was initially when he was standing?

JS No. During the pursuit as well. Obviously, because.....you were about 30 feet away when it passed you.

VN Yes. That was the closest I came. After that point point I had no....

JS Okay.

VS Does that clarify it?

JS Yes. It did. That what I wanted to know, during the pursuit about how close were you?

VN About two football fields.

SG And you did see...he crashed one light.

VN St. Clair, I am pretty sure and again the video comes into play because that would confirm and then he wanted to ...car. But initially, before the shots, and that's the point I am reemphasizing cause that's what drew our attention is the manner in which this vehicle was driving. It wasn't like someone was driving like 20 miles per hour....you wouldn't even draw attention to yourself on the city they are talking about. Not related to this incident obviously and when we hear the peeling and squealing and I still to this day, it happened so....they came at us so fast, and I know from the corner on Ontario to where I was at, I know is only about a football field and a half, not even. So, it is parallel...with that and before I could even, cause normally if you have a little time and hear peeling and squealing you start focusing. So, to this day, I don't know if this car turned from Ontario or it came straight down barreling through. That remains for the cameras to answer. When we became aware of the vehicle because of the manner the engine revved up the peeling and squealing and then the gun shot, it was all became one issue opposed as opposed to somebody driving by casually I am sure it would have been almost the same, your senses heighten when you have all those three elements. It's just like, what just happened, is someone trying to put me out of my misery or what is going on here.

JS Right. Right. Ummm, at any time, when you started off.....two and a half football fields behind, alright. Did you see anything get pitched out the windows?

VN No. Even if that were to be done. I probably would not have a good visual. I was focusing for a lack of better words on tail lights. Going erratically. I saw the car so the tail and that's, even though it is a well-lit street, once we ran into traffic, I had all kinds of other elements coming into play like other cars, pedestrian and so forth.

JS Okay. You probably know this now, but at the time, about what time did you think it was when this started? How far into your shift were you?

VN About half way.

JS About half way through your shift. Okay. So, you are thinking it is about 10:00?

VN Somewhere around 10:00. Yea.

JS Okay. You saw other traffic, pedestrian and everything. How was this guy driving through the traffic?

VN He was going around it and pretty much creating his escape route. Looking for a clear road way so he can keep going straight.

JS Okay, about how fast do you think he was going? Just estimate it?

VN 45 to 50. Because there is a lot of turns. Even if he caught a little speed, you're talking to West Third to basically West Sixth, three blocks. And then he make a pretty sharp turn. Almost like a ...it is a 120 degree turn. Somewhere around there.

JS How fast do you think you were going?

VN Same. This is where they can pull the speed and verify all. I was not making any considering gain, you know. But, again, the reason that is, being my myself and I had to take other factors into account. Like other cars and so forth.

JS Okay. Um, did you see them roll any other red lights or anything?

VN The ones on Prospect I cannot say for sure because as I am turning onto Superior, and he has already making....sharp turn on the Prospect.

JS When the car went past you, you could tell there were two occupants. Can you tell....

VN I said two black males...

JS Two black males. Okay.

VN The one thing I should have said I remembered distinctly seeing something like a black jacket could have been a leather jacket but I didn't say that. I mean, I was just...

JS Okay.

VN But everything that was distinctive was again, the make, if you lived up in 2001 to....or black, this was such a distinctive car, you see them here and there but its not a regular car that you see they could be confused. It is not your regular sedan that between Toyota , Honda or Geo Prism you cannot really tell them apart when it comes down to it until you have a partial plate or something.

JS Okay. When did you find out that it was a male and a female in the car?

VN Next day.

JS Okay.

SG How did you find out?

VN Somebody told me? Or I may have read it in the news. I am not sure. It came as a complete, complete shock.

JS Okay. Um, after the fact here, with all the media reports and what not, have you heard their names? The people that were in the car?

VN Just the one. I still do not know the female name. I try not to watch too much. No that...believe me...even as a police officer, that's now how I like to see anything end up. And I didn't take this job to you know, I took it to put bad guys away but not...so..

JS I understand. The males name. Did you know it, have you heard that name before? Do you remember that name for any interactions or anything?

VN They will have to do a check and see if I may have run-ins with him, it is a very common name from what I understand. Russell. So..

SG Timothy Russell.

VN Timothy Russell. Yea.

SG Doesn't...Did you see the photograph of him?

VN I am not exaggerating. They will have to pull my number of arrest. I pretty much do the job on a daily basis and I deal with a lot of people. It is not unusual for me to have 10 to 15 arrest, sometimes a week.

JS So, it just doesn't stand out to you?

VN It doesn't particularly stand out.

(Someone left the room)

JS     Alright. ...get back. Nice and simple. You are doing great.

VN     I wish I wouldn't be here to be honest.

JS     Well, you know what? Unfortunately, this line of work, as you know, every so often, something happens. We are just here to get all the fact down. So, and you are doing very well. I appreciate all the detail.

VN     Like I said, I tried...no quite like this, this was like, even when I got shot at...I wasn't as trouble...not after the fact, during the whole...it is just very intense. You hear all these ..... and you get a pit in your stomach that this may not end up well and everybody is like tense and shakes. It starts where you hear the shot and it goes for that long. As a responsible person you think this is something really, really, really, really bad here. That someone is pushing that hard to get away.

SG     Timothy Russell

JS     You don't remember seeing him at all?

VN     Again, I prefer that you guys look at my records...whether I had a run in with him or not but, he does not click. Certain names I remember cause they were you know, some more attached, now obviously this one...but....

SG     Melissa Williams?

VN     No

JS     Okay. Thank is fine. You're working the downtown area your seeing thousands of people a day. One of the questions we have to ask is if they stand out. Okay? When you guys got to the school here, you were parked out here on the street?

VN     Here, in the area, which is not in the photograph.

JS     What did you do? Did you get out of the car?

VN     I still heard a few shots and I ducked. Because I saw stuff that you don't want to see. Police cars, everybody's screaming, scared, people talking here and there. I didn't know what we had until everything stopped and people were walking around. I stayed low.

JS     Did you walk up to the cars after that?

VN     Afterward, I did.

JS Okay. What did you see there. What was going on up there?

VN I just saw the car as you guys have it. I saw cruiser with holes in them, I saw a lot of people catching their breath and checking to see, you know, if anyone was injured.

JS Okay.

VN We called for EMS immediately. That is what I remember at that precise moment.

JS Okay. In this diagram here, alright, it is a little bit closer shot of this area, where you walking up here around the cars itself, did you go all the way up here, where did you go?

VN Well, eventually, after everything had calmed down, I walked here, behind these two cars, and then eventually, they walked, they opened the school up they kind of walked around.

JS Okay. So you had a chance to walk the whole way around her then?

VN For the most part, yea.

JS Okay. Um, your interpretation, what was the lighting like in that parking lot at this time?

VN Fairly well-lit.

JS Fairly well-lit?

VN Yes.

JS You didn't feel it was too bright or too dark?

VN Just like a normal street, not a side street, but a regular street.

JS Okay.

VN ... certain area, I was on the side with the woods are were obviously dark.

JS Okay. All the cruiser had flashing lights on and spot lights and everything?

VN Yes.

JS Okay. Um, so by the time you got there, they are already broadcasting shots fired on the radio.

VN Yes.

JS Okay. You don't know exactly who summoned the EMS?

VN No.

JS Okay.

SG Heard it on the radio though?

JS Everybody heard it on the radio and was catching their breath you said, when you got there, when you walked up?

VN When I started walking up, yes.

JS Okay.

SG Did you make any phone calls?

VN You know, I don't know if I did. I don't think so. Not for a while. I didn't talk to my wife until the morning, so.

JS Okay. You walked through the crime scene here. Did you pick anything up? Did you touch anything?

VN Nothing.

JS Okay.

VN By the time I got that close, if I could clarify, I mean I walked around but you know....they put the crime scene tape up.

JS Tape up...okay?

SG Who started that?

VS The crime scene tape?

SG Did the uniformed officer's start that immediately or do you know.

VN After EMS was on scene or something because they left it open for EMS and I don't know who but it was fairly quickly ....EMS showed up that the crime scene tape was put up.

JS Okay. Um, did any of the officers...I am sure the everybody was talking about what happened. Any statements anybody made that what had happened, what they saw, what they heard?

VN Just that, the basic statement that the cruisers were rammed just prior and that an officer was almost ran over when he put it in reverse. But, I don't specifically remember.

SG You don't remember what vehicles were, what officers were out of their vehicles?

VN No. this is just being there and over hearing it.

JS Who did you talk to about this beside your lawyer. Did you talk about this with anyone else? Friends, family, clergy?

VN No clergy. Family, obviously a little bit, not much.

JS Wife, brother, father?

VN Wife.

JS Okay.

VN I you know, not to tell her too much for obvious reasons.

JS What about other officers?

VN Other officers called the next day to make sure I was okay because nobody ...facts get thrown out that I was shot or shot at or something.

JS Okay. Do you remember who that was that check in on you?

VN A couple of people at least. Um, Seth Likedjo checked on me. Trying to think of all the names. Check by phone or when they saw me?

JS Either or.

VN Two guys from the forth anywhere from...I wish I could just go into the directory, but I think its...

JS Two guys, four guys, a dozen guys?

VN Six to ten people. Oh..Matt Baeppler is another one.

JS Baeppler?

SG B.A.E.P.P.L.E.R.

JS Okay. Um, here again. Here are a couple of those questions that are going to sound kinda funny but just bear with me, alright? Um, you think your actions were consistent with your training?

VN Yes.

JS What about everybody elses? Do you think reacted the way they have been trained?

VN Yes.

JS And again it was dictated not only by my event but what everything else that happened during the chase. My heart beat goes up during the chase hearing all that stuff.

JS Okay. Alright. We asked you these last couple questions, this again, don't take them personal, we are going to ask everybody, okay? Has anyone asked you to lie or otherwise try to influence your statement to us?

VN Not at all.

JS Okay. Not pointing fingers but we are going to ask. Um, and you are going to laugh at this one too. Cause everybody's got a cell phone, everybody's a camera. Did you take any pictures up there with your phone?

VN Absolutely not.

JS Okay. Thank you. You have been around long enough and I think we are all of the nature that we can say that some of the younger guys do stupid things like that and they grab a phone and grab a picture.

VN Anybody..anybody can do stupid stuff.

JS Exactly.

VN That could you know...be my kid, ten years from now doing something..you know..feel....

JS Is there anything you can think of that I didn't ask you, any of us asked you that you think that we need to know about?

VN Just the state of mind.. the car, the speed, the gun shot, the confirmation from the officer and then the fact that he took off, even on me. All those, I have to put together as one unit. To some people it may be separate. You know, little mini

- incidents, to me I took that all into account and the fact that this summer I was threatened by one of the people that I arrested so it is the only time in twelve years that I actually put it in my report at the end that he made threat, to this that and the other, and to my wife. So, I am always looking over my shoulder because I think the guy is capable to carry through.
- JS When the car went past you initially, did they look at you? You said you ran to your car, did you see them turn their head and look over? Do you think they even saw you to begin with?
- VN I would hope that they saw two uniformed guys on the sidewalk. I would hope that they saw my cruiser and granted it is black, but it still got the lights, it still got the blue letters Cleveland Police and I would hope that anybody that lives in Cleveland knows .....front of the police quarters building.
- JS You are driving a fully marked cruiser. Right?
- VN Fully marked. Full uniformed and I again, it wasn't like day light but it was a very lit street, just like the parking lot where we ended up where I would call it as good as light as you get in the city. On St. Clair and also Public Square. I mean there was areas that for obvious reasons were very well lit.
- JS Right, ok.
- VN Cause uh there was other I'm sure and again I'd have to refer to the tape that I even though I was the only one standing there that there were other police cars around the Justice Center within proximity.
- JS Okay
- SG I just... one point of clarification I'm trying to figure out. You said you were in car 244? Is there a different designation?
- VN There are two designations. 244 is the district, the police destination where number two means the district and the last two could be the shift or what have you, but I don't know if that's.....anymore. The P code as we call it, cause it has Paul in every number is the city destination for the fleet. Am I explaining that correctly?
- SK .....three numbers you guys should know. The two Paul number which is the actual vehicle code, the fleet number for .....
- JS Which is on the bottom of the trunk lid.
- SK Right. Only the very newest car has that there. The two Paul stand for the fact that they are police vehicle and the two is just our department with the city.

...plate number and a vehicle which the first is a three number code 244 would be the second district and it is the forty fourth car of the second district.

JS Okay.

SK And the..which is something different, which is going to start out 2 um...who is your call sign?

VN 2 George 37, which they designate what unit you are in.

SK 2 would be the .....for the district, George would be his unit, CSU. 37 would be the 3<sup>rd</sup> shift, he is the 7<sup>th</sup> car.

VN Section 7. Whatever. They divide it geographically. That's what it is.

SG So, this indication here, I guess what I am trying to find out. It says 244, so you would be...

SK that would be the license plate of the vehicle.

SG I just wanted to clarify that....

VN No it is not....

SG What car where you driving?

VN Probably 224 or 244. That's what I said, I wish you guys would have...tell me to bring the duty, because it would be exactly what I did.

JS We will put....we will make sure they know.

SG So the car.....was in fact the car that you were driving?

VN Yes. That would match...miles that day. Fairly detailed logs.

SK You're pulling a car out of a fleet so you might not get the same car every day.

JD Right. You have a sign...

VN No...where I am at there are sign cars but my car was junked and never replaced.

JS Okay. Anything else you can think of.

PA Can I have him to clarify a couple of things?

JS Sure.

PA The vehicle itself, the vehicle you saw at St. Clair is it the same vehicle at East Cleveland?

VN Yes.

PA Did you activate your overhead lights and siren and if so ,when?

VN Again. Pull the AVL, but almost immediately did I look behind it.

PA ...you turn onto St. Clair?

VN Yes. They can track the exact location where I activated them and that is pretty much the same time that I am trying to broadcast.

PA Did I ask you to go to Cleveland.com and play the radio tapes that were put on the internet that the city produced?

VN Yes.

PA There is an 18 minute transmission, did you listen to that?

VN Yes.

PA Is that your voice on there?

VN In the beginning, and I chimed in one more time, half way through because working in the sixth district I am familiar.....all the time and their officers are equipped with the spikes and I think they are getting on the highway I say, “hey, just advise them, just be cautionary in case they go there way so we can, they can do the...

PA Is that dispatch tape about 18 minutes accurately reflect and what you heard?

VN Absolutely.

PA And just to point out, initially, did you go on the air and say, “a vehicle just popped a round on St. Clair.”

VN Yes.

PA And did the supervisor get on and say “what is this in connection with”

VN Yes.

PA And did you respond, “shots fired out of vehicle conferring with mobile Support Unit, popped a round right as he drove by us.” Is that your voice?

VN Yes. That is it.

PA Into about 4 minutes did you say “use caution, both occupants are armd”?

VN That is what I said, yes.

PA There was another transmission around 9:49 he will fire so be careful. Was that you that said that?

VN No.

PA Did you remember hearing that?

VN Yes.

SG Did you want us to play that item.

PA No. We just wanted to incorporate it by reference. I mean, this isn't rocket science but I mean, that is the stuff the responding officers are hearing and I wanted that in his statement to acknowledge it that it was him on there and that he listen to it and it reflects what he broadcast and so if officers heard that is what they are hearing from this officer anyway.

JS Okay. How loud was that shot when the car went past you?

VN It was loud and it was to the point that I heard shots many times, fireworks, everything else. It could have only come from the vehicle. It wasn't one where you hear it fading to the left, fading to the right, fading behind you. It was right as the car drove by us.

SG Okay. Can I ask at the time, did you believe it was the car backfiring?

VN No. No reason I would have jumped. Taken any action.

JS Thank you. I appreciate it. Thanks for everything.

(end of interview)

