

Ohio Bureau of Criminal Investigation

Interview of: Dymphna O'Neill

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

Exhibit Number: 56

Date of Interview: 12/12/2012

Agents Assigned: Eric Lehnhart, James Ruth (Not BCI)

Legend:

SK= Steve Kinas

PD= Patrick D'Angelo

JF= Jeffery Follmer

EL= Eric Lehnhart

JR= James Ruth

DO= Dymphna O'Neill

.....= unintelligible, undistinguishable

Transcribed by: Christine Shuff

JR I will get started out by saying that I am Detective Sargent Ruth City of East Cleveland.

EL Eric Lehnhart, with BCI of which no one can get the last name right. Yea its German

(Laughing)

JR I first off I want to let you know we are doing a criminal investigation so I'll, I'm gonna read you your Miranda Rights.(.....) Uh you have the right to remain silent, do you understand that?

DO I do.

JR Anything you say can and will be used against you in a court of law, do you understand that?

DO I do.

JR You have the right to talk to a lawyer and have him present with you while you are being questioned. Do you understand that?

DO yes.

JR If you cannot afford to hire a lawyer one will be appointed to represent you before any questioning if you wish. Do you understand that?

DO I do.

JR Ok you ah, you can decide any time to exercise these rights and not answer any questions or make any statements. Do you understand that?

DO I do.

JR Ok do you understand each of these rights I have explained to you?

DO I do.

JR And having these rights in mind do you wish to speak to us now?

DO yes

JR Alright, um first lets get some ah, basic information. Uh your name, date of birth, address, phone number. Things like that.

DO Ok

JR So your name?

DO Dymphna D Y M P H N A O'Neill O apostrophe N E I L L

JR D Y ?

SK Correct, common spelling (laughing)

JR That's what I was about to say (laughing)

DO My parents rocked the boat.

JR Your date of birth?

DO [REDACTED]

JR And your address?

DO [REDACTED]

JR Ok, phone number, do you have a cell phone, or regular, cell phone I guess.

DO [REDACTED]

JR Alright, If you don't mind I'll just go ahead and call,

DO Theres and N there H N A

JR Ok If you don't mind just if when I say if you don't mind when I say O'Neill? (laughing)

DO Oh absolutely, everyone calls me O'Neill

JR (laughing) Ok now how, how are you doing after all of this alright?

DO I'm Ok

JR Have you ever been involved in anything like this before? Type Officer involved shootings or?

DO Uh, yea I have. Not like this but I have been involved in a few shootings.

JR Alright. Whats your current assignment with Cleveland?

DO Second District, Basic Plato, Basic Platoon and uh afternoon shift.

JR And you just a its marked?

DO Yes

JR OK, and how long have you been at Cleveland now?

DO Fifteen years.

JR And who is you're ah supervisor there?

DO Lieutenant Ketter is our shift Supervisor.

JR Ketter?

DO Ketter.

JR Do you do extra duty or details you work? Any of the Browns of Claves or?

DO Indians.

JR Indians? Yea although I forgot, it not baseball season

DO But that's part time. (.....)

JR Um do you have any type of a prescription, drugs?

DO No.

JR Uh, the night of the incident no alcohol or drugs anything like that?

DO No.

JR Do you wear any type of corrective lenses or contacts or?

DO I do, contacts.

JR Contacts?

JR Um your duty belt is it normal standard issue? What you wear?

DO It is.

JR Uh, What, what do you have on that just real quick, just.

DO I have a magazines, the radio, OC spray, handcuffs and my gun.

JR Ok City issued?

DO Correct

JR And you qualified for that this year?

DO I did.

JR ok um, no you don't carry any type of personal recording devices in the way of video?

DO No

JR Ok, how about your cruiser, what number were you in?

DO I was in 215

JR Ok, how many were in there?

DO Two of us.

JR Who is your partner?

DO Diaz.

JR And everything works in the car lights, sirens, spotlight?

DO yea, that I'm aware of.

JR As far as you know. Ok there's no MUT or there is?

DO There is.

JR Ok um there's no uh mobile vision camera though.

DO No.

JR Have you have any specialized training in anything do you have SWAT or a Military or?

DO No.

JR Are you an instructor for anything at all?

DO No.

JR And you say that you were uh involved in a prior incident with a shooting?

DO I was.

JR What year was that?

DO Uh 1999.

JR A little bit what happened with that.

DO Um there was in the Tree House we were off duty I was with my two partners. Two came in to rob the place there ended up being a shooting.

JR Did you fire your weapon that day?

DO I did not have my gun.

JR It always happens like that doesn't it. Uh have you had any prior discipline at all?

DO No.

JR If you could just uh explain to us how first you became involved in this incident. And also describe in detail your involvement in the pursuit.

DO We were responding to 25th and Clark there was a (.....?....) for shots fired. As we were traveling Eastbound on Clark a car went by us Westbound in kinda of in a high rate of speed. So Freddy s, Diaz, turned the cruiser around and we decided to do a traffic stop to see if it was related it didn't seem like too much was going on, a car had already arrived on scene. So we pulled over the clar, car at 44th and Carlisle. We caught up to him, I called out the traffic stop. We had just walked up to the car, we could see um they had just gotten fast food, there was a ton of fast food in the car. We are just initiating contact when we heard, um, we are outside of our car obviously at, at this car um, we heard Officer Nan start screaming that shots had been fired he was downtown outside of the Justice Center. To let Cannel 3 know. We like immediately let the guy go. We jumped into our car. I turn to Channel 3 real fast. Cause I was hoping, sometimes there is a

lag in you know information so I wanted to make sure since it sounded so bad that um they would know right away. So I switched over I, I didn't hear any radio traffic so I said uh Channel 3, Channel 2 there's an Officer um I'm not sure exactly what I said but um an Officer and shots were being fired. And there you know switch to Channel 2. So then immediately I was relieved to know they obviously knew about it cause they started talking right away, they didn't ask me like what was going on. They started giving out information on the suspect vehicle.

JR Ok

DO Uh, so we were able to catch up we went in the you know the area of where the suspect was and we caught up and joined in the chase. I'd say we were about probable about six or seven cars back for the majority of the chase.

JR You don't remember the area you caught up to em at?

DO Um, I'm not sure exactly we went up, we were Westbound on Bridge uh I'm not exactly sure. I know we were definitely in the chase at 85th and Lorain, somewhere between Bridge and Lorain. We, we caught up to it.

EL And you said about six or seven card back right?

DO Mhm

JR Uh, so you heard all this radio traffic uh it that the only time you transmitted anything?

DO The only time yes, yea.

JR Ok, during the uh pursuit and all this, did you see a gun, did you hear a gun fire or anything like that?

DO I never saw the suspect vehicle until the very end, when we became the lead car.

JR Ok. And you said at the very end you became lead car?

DO Yes, at the very end.

JR Ok I'm sorry at the very end is it, when you got into East Cleveland or right, before?

DO No, right, right around um I think it was right around the time he tried to cut though the parking lot of Happy's and I thought we had him in there but we didn't and we went around, I think we were number one at that point. Not, Happy's isn't too far from the school right? Just like a block or two. Yea.

JR So you guys were actually what? Number two at that time?

DO We were right behind him.

JR Ok, Well I'm saying down Euclid you were number two and when he went into Happy's you switched into number one.

DO No we weren't number two we were still a few back.

JR Ok, I gotch ya. I didn't(.....?.....)

DO Fred well he pulled into the parking lot and Freddy was able to manage and go all the way around so he came out and we jumped in behind him.

JR Ok now at that point from Happy's on did you see any movement in the car, see anything happen inside the car?

DO I, can't, I it was dark.

JR I'm sorry were you driving or was he?

DO No. he was driving.

JR Ok that's what I thought you said. But you really couldn't see anything cause, dark?

DO Right, not that I remember.

JR Ok once you pulled into the school lot, you would be coming in this way.

DO Mhm

JR So this map do you know where your car is at on this?

DO Mhm, were right there.

JR Ok if you'd do me a favor and just circle. Ok Um Ok Diaz, now I got it which one. This is where, Ok what happened Diaz got out of the car?

DO Well, we were lead car for here and um somebody started broadcasting "We are at the water treatment plant". I'm totally unfamiliar with this area. Um I, I was very frustrated cause I didn't know where I was at. I was in basic patrol for twelve years, I've been off the street for three years and this was like my fifth day back on, so I felt like a rookie (laughing). So I couldn't even broadcast I couldn't be of help. Cause I didn't know where I was at. So somebody said that we were at the water treatment plant, I thought we were cause it was in a distance. I thought we were. And then somebody else said "careful back there "it's a dead end, it's a dead end" So we get down here and he flips around and he comes right back at us, and we're the lead car. Freddy hits his car we jump out I thought the conf, confrontation was going to be right there. I thought we had 'em cause I mean he clipped him pretty good. Um, we jumped out and the car, I could feel the car rolling as I jumped out and I thought, that I don't know why, but I thought to get back in and throw it in park. (coughing) And as I'm putting it into park, I hear shots fired. It, at this time I'm thinking it's the suspects shooting. I, I'm not entirely sure cause I can't see. So then I jump back out, Freddy jumps back in and turn, we turn around because now he took off, he took off right in here. So as we're turning around everything happens up here. And Freddy just starts screaming "GET DOWN, GET DOWN, GET DOWN!" So we're like trying to get down in the floor of our car.

JR So, you after you got back in it, you stayed in it?

DO Mhm

JR And, you, you never fired a round?

DO No.

JR And you said that you weren't sure who fired, you just heard the rounds?

DO I, I, I thought that it was the suspect but I wasn't sure I didn't know, I didn't see.

JR How many rounds did you hear?

DO I'd say like three or four.

JR Now once everything happened up here (.....?.....) when did you actually get out of the cruiser or your unit?

DO Well it seemed like an eternity, but when the shots stopped um, we got out and we started, we still don't know what's going on I mean. So were like slowly coming up here. I mean it was horrible like there was Police Officers down on the ground, I didn't know if you know people were, I who had gotten hit. So we, we, edged up here. And uh, obviously the shooting had already taken place, by the time we got up there.

JR So you made it all the way up to the suspect car?

DO Right, and I was on the driver's side.

JR Ok when, when you got up there what did you see or do?

DO Uh, I didn't do too much because somebody tried to you know check on them, but it was apparent that they were already deceased.

JR Ok so after all this, were the Officers just standing, they weren't saying anything or doing anything that you saw?

DO I, I think Freddy uh my partner that day he used to be EMS he tried to reach in to like you know help this, well, we thought, she, it was a male at that time but it was a female.

JR Ok and how about after words I mean after that done everyone is congregating around did anyone say anything of their actions?

DO Uh, well Freddy said that he had fired at, at them. That's when I knew that it was him and not them.

EL That was up here right?

DO Correct

EL Right

JR Ok, Real quick, how was the lighting could you see what was going on? Do you remember the lighting there?

DO Um, There was some lighting but it wasn't like critically bright or anything.

JR I'm sure it was very loud.

DO It was very loud well and there was sirens,

JR Sirens.

DO and lights flashing, it was pretty chaotic.

JR And you weren't injured at all?

DO Huh-uh

JR And, uh your partner wasn't injured? I can't remember if I talked to him.

DO No.

JR Who have you spoken to regarding this incident after words anyone?

DO Uh, the Union.

JR The Union, Ok, but no other Officers?

DO Well I mean in conversation I've talked to my partner, Yea.

JR Ok

JR You write a lot of it but... You don't start.....

EL No I'm just trying ta keep up with him

JR catch up

JR So which way is it that the car is facing now?

DO We're facing yea, we would have been you know following them going back again the whole time so,

JR Ok, with ya, with these pictures I have no idea which is the front of the car or which is the back end so.

DO Right

JR Is, if you don't mind go ahead and uh ss sign it for me and date it 12/12/12.

DO 12/12/12

JR yea.

DO There ya go.

EL My trun?

JR Sure.

(laughing)

EL Um, just a couple of things here. Anybody ask you, anyone try to influence your statement here today?

DO No.

EL Um lets kind go, were gonna kinds step back today at the beginning here real quick. And, you had mentioned here that you've got quite a few years of experience on. Can you tell me initially um or at least elaborate a little bit more of me. As far as, when, when you hear that call coming out from the officer downtown that says hey you know there's shots being fired. Um

DO Mhm

EL What, what concerns do you have at that point?

DO It was unlike any call that I had heard before. That I, I believe that they were being shot at.

EL So can ya, can ya explain to me I mean did you have concerns for your safety at that time, their safety. I mean can you elaborate that a little bit for me?

DO I had concerns for everybody's safety cause I mean that would be out of the norm shooting at police officers and if you take it to that level you know then I'd worry about all the citizens too.

EL Yea, yea. So then as, as the pursuit continues uh. Correct me if I'm wrong that an Officer with your experience does that, does, does your fears heighten because of that?

DO Absolutely.

EL What with

DO Well they were saying that she had gone she was pointing it, well not a she, the passenger I should say.

EL And, how, how did you hear that?

DO I heard that over the radio.

EL Ok so there's radio traffic as it goes your hearing radio traffic that there's adverted movements things like that. Um.

DO Right. At one point they believed ah the passenger was loading a gun. Taking it back out the window.

EL Was there uh, had there been um. I think you just answered my question. Um, did were you guys in the position to see any of those movements in the car?

DO No.

EL You just heard that there was movements in the car.

DO Correct

EL I find it odd that the vehicle didn't stop at any point. That it just kept going. May, was that a concern for ya as well?

DO Absolutely.

PD Why?

DO Cause he could've stopped at any point.

EL So, through all your training,

DO Or even at the end they could of like gone on across or stopped and bailed like a lot of suspects do. But they came right back at us.

EL So the actions that you guys took in your vehicle?

DO Mhm

EL Was it consistent with the training that you've received from the Cleveland Police Department or anywhere else that you've taken training?

DO Yes.

EL Would you say that the actions of the Officers around you are they consistent with the training that they have received?

DO Yes.

EL Were you injured at all?

DO No.

EL Your partner injured?

DO No.

(coughing)

EL Did you guys seek medical attention or anything like that?

DO No.

EL Did you identify anyone else on the scene that was injured?

DO No.

EL So that,

DO Other than the

EL So the one's that you identified that were "Down", were they down for cover reasons? After?

DO Right.

EL Our picture disappeared.... Because I think that you said that you guys advanced forward, after things settled.

DO Right, they were down just taking cover.

EL So everybody was just finding a place to get low.

DO Yes.

EL Right, Uh what about did you use your cell phone at the scene at all?

DO The crime scene?

EL Did you make any phone calls?

DO No I didn't make any calls.

EL Do you have uh a camera with ya or a picture phone or anything?

DO No, I have like a junky phone

(laughing and coughing)

EL I'm proud of my phone (laughing)

EL Um so no pictures on, on your phone or anything like that.

DO No, no

EL Do you know of anybody else that was taking photos at the, at the scene?

DO No. I mean when I say I didn't use my phone I'm sure I got text messages from people asking if I was ok. I did not....

EL You just, you do not remember any incoming or outgoing calls that you made while you were there.

DO I did not make any calls, no.

EL And, and absolutely no photos.

DO No, none.

EL The only other thing I had was uh what, a what did you guys uh was that a Ford, a Chevy?
(coughing)

DO No, it was a Dodge Charger.

EL Dodge.

DO Mhm

EL And did you guys, what was your call sign for the day?

DO Two Adam twenty-seven.

EL Counselor?

PD I, I, don't have any more things.

JR You said you just, your fifth day.

DO Mhm

JR What were you doing before that?

DO I was, I spent three years in a domestic violence unit which was basically an indoor job. I missed the streets.

JR I, I knew I meant to ask that and he kept going and I didn't want to interrupt.

EL Days off? Are they Monday, Thursday, Friday?

DO That, well I had just came back to the district so I was in one V class last month, now I'm in a different one this one. I don't know if you're talking about November or December.

JR What are your normal days off?

DO Uh, they rotate. So, I'm in S class.

SK I gave you guys a list of all the classes.

EL Yea you guys are confusing (laughing)

PD On the 29th?

DO On the 29th I, I was scheduled to work Friday and I would have been off, well I was off Saturday, Sunday, Monday.

(others in the back ground having a discussion about the rotating schedules, saying "rotating, five on five off... very distracting)

SK So like this week I could be on Monday, Tuesday, Wednesday, off. The following would be Tuesday, Wednesday, Thursday (...?.... coughing) Friday. Then the weekend comes up its Thursday, Friday, Saturday, Sunday or Friday, Saturday, Sunday, Monday.

EL So it guarantees people weekends off and?

SK Yes

EL Ok

SK I actually sent the schedule to Saraya so he could follow (again multiple people talking at once about the schedule again, and coughing....?.....) I, also give the call signs too(.....?.....)

EL Very good, questions comments for us, concerns?

DO No.

JF Anything you want to say?

JF Anything else you want?

JR Anything else you want to tell me?

DO No, no I mean, other than, I, I

JF How does this compare to the Tree House shooting?

DO It, it, well the Tree House was comparable in one way in that I was unarmed and under a bar.

EL Right

DO So I didn't know if my partners were dead or not. In this I was on the floor of a car. I didn't know if my co-workers were dead or not. So that part was equally mortifying. But as far as the bigger picture this was way worse. I mean I, I really was concerned for everybody's safety, When he turned around and came back at us I knew it was going to end badly. I mean there was no way out of it at that point.

JR Right

PD Well, on scene at any time did you hear any Officers uh utter any uh racial epithets or?

DO No.

PD Uh did you observe anyone who was uh out of control?

DO No, everybody was very, I mean it was somber, it was horrible. Nobody wants to kill people.

SK Did you call for EMS?

Do No I did not.

SK Did you hear it on the radio?

DO I, I know that EMS came, even Cleveland fire came. No I don't know who called.

EL Was Freddy, was, was Freddy the one that jumped up on the cruiser to get to the car to check for?

DO No, Freddy was the first one who fired shots. Oh yes. (lots of people talking?.....) yes cause Freddy was EMS for a long time.

EL Yea, your right. That a I think that came when we were talking yesterday about something

JR Right, I remember that too, right.

DO It was his second day on the District.

EL Oh

SK He transferred from another unit too.(....? Patrol.....)

EL Alright, well if anything comes up call my call phone um its on twenty-four hours a day.

DO Ok

EL And if I can't, I can't answer it for you, well get ya in touch with one of these guys that can.

DO Alright

EL Very good, thanks for coming in.

DO Thanks, nice meeting you.

