



**Ohio Bureau of Criminal Identification & Investigation**  
**INVESTIGATIVE REPORT**



01/03/13

**REPORT RECEIVED SGT. JAMES RUTH**

**Summary**


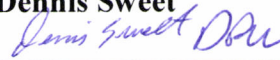
On January 2, 2013 Sgt. Scott Gardner and Sgt. James Ruth met officers of the Cleveland Police Department. This interview took place at 4055 Highlander Parkway Richfield, Ohio 44286.

**Details**

On January 2, 2013, Sgt. Gardner and Sgt. Ruth met with Ofc. Patrick O'Malley at the BCI Richfield Office. O'Malley was interviewed in regard to his participation in the officer involved shooting that occurred on November 29, 2012.

Sgt. Ruth reduced the interview to writing for submission to the case file.

The interview was video recorded and added to the file as Exhibit #129. The recording and associated documentation were submitted to the case file.

|  |   |
|--|---|
| <b>File Number: SI-18-12-82-1493</b>   | <b>File Title: Timothy R. Russell (S)<br/>Malissa A. Williams (S)</b>   |
| <b>Case Agent: Mark Kollar</b>   | <b>Authoring Agent: John Saraya</b>          |
| <b>Date of Report: 01/03/13</b>  | <b>Exhibit #: 129</b>   |
| <b>Investigative Activity: Report received<br/>from Sgt. Ruth – O'Malley</b> | <b>Supervisor Approval: Dennis Sweet</b><br> |

This document is the property of the Ohio Bureau of Criminal Identification and Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency.

EAST CLEVELAND POLICE DEPT  
SUPPLEMENTARY REPORT

OFFENSE/INCIDENT: HOMICIDE/OFFICER INVOLVED SHOOTING

LOCATION: 14410 TERRACE ROAD, EAST CLEVELAND, OHIO 44112

---

Additional details of offense or accident program of investigation, etc.


PAGE 1 OF 3

1/2/2013 CLEVELAND POLICE OFFICER INVOLVED SHOOTING DOO: 11/29/12

On January 2, 2013 Detective Sgt. James Ruth (ECPD) and Detective Sgt. Scott Gardner (ECPD) met with Officer Patrick O'Malley (CPD) badge #524 along with his Union Representative (Jeff Follmer). O'Malley was advised we were conducting a criminal investigation regarding the officer involved shooting that took place on November 29, 2012 in the area of 14410 Terrace Rd. East Cleveland, Ohio 44112. Investigators asked O'Malley if he would speak to Investigators relative to this incident and O'Malley stated yes.

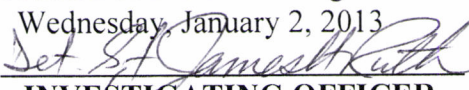
Investigators asked O'Malley to give us some general information about himself. O'Malley stated he lives at [REDACTED] Cleveland, Ohio and his date of birth is 6/15/83. O'Malley gave us his cell phone number as [REDACTED] O'Malley stated he has been with the Cleveland Police Department for 3 years, assigned to the 2nd District and his Supervisor was Lt. Donegan. O'Malley stated he is not on any medication and does not wear any type of corrective lenses. O'Malley states he was wearing the class B uniform and was carrying departmental issued equipment and was well rested. O'Malley stated his partner was Todd Esson. O'Malley stated Esson was driving on this night. O'Malley stated they had no type of recording device with them. O'Malley stated on the night of this incident their call sign was 2B34 but could not remember the car number. O'Malley stated they had their car radio on channel #2. Investigators asked O'Malley if he had been involved in any other officer involved shootings. O'Malley stated no. Investigators ask O'Malley if he has any type of specialized training. O'Malley stated no. Investigators asked O'Malley if he qualified with his city issued weapon. O'Malley stated he qualified with his weapon this year in the summer along with his in service training for use of force. Investigators asked O'Malley if he had any prior discipline. O'Malley stated no. Investigators asked O'Malley to tell us how they first became involved in this incident and describe in detail their involvement in the pursuit.

O'Malley stated they were handling an assigned call at W.61<sup>st</sup> and Clark when they heard the chase over their portable radio. O'Malley stated they heard the chase was coming in their direction so they went to W.58 and got into the pursuit at W.58<sup>th</sup> and Lorain. O'Malley stated when they got into the pursuit they were about 4-5 cars back. O'Malley stated they stayed in the pursuit until it got into East Cleveland. O'Malley stated once the chase got into East Cleveland the other zone cars drove up a side street but they continued onto Lee Rd. O'Malley stated they continued on Lee Rd and then back down to the scene after everything was over. Investigators asked O'Malley to show us on a map the location they drove.

  
APPROVED BY

Detective Sgt. J. Ruth ECPD/Detective Sgt. S. Gardner ECPD

Wednesday, January 2, 2013

  
INVESTIGATING OFFICER



EAST CLEVELAND POLICE DEPT  
SUPPLEMENTARY REPORT

OFFENSE/INCIDENT: HOMICIDE/OFFICER INVOLVED SHOOTING

LOCATION: 14410 TERRACE ROAD, EAST CLEVELAND, OHIO 44112


---

Additional details of offense or accident program of investigation, etc.

PAGE 2 OF 3

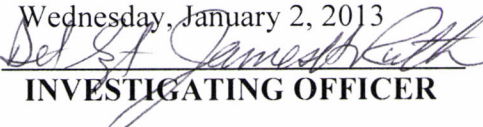
1/2/2013 CLEVELAND POLICE OFFICER INVOLVED SHOOTING DOO: 11/29/12

O'Malley then showed Investigators the route they took once they were in East Cleveland. O'Malley stated when they turned up Lee Rd they were going to cut through the grass toward the school parking lot but were unable to because there were too many cars in the way. O'Malley stated after driving around the area they parked on Terrace Rd and then walked up to the scene. Investigators asked O'Malley if he heard shots being fired while they were walking up to the scene. O'Malley stated they heard the shots being fired while they were driving and being broadcasted over the radio but heard nothing while walking up to the scene. O'Malley stated Esson thought Lee Rd cut through to where the other zones cars were heading but Esson was unsure of the area. Investigators asked O'Malley if ever transmitted over the radio. O'Malley stated no they let the lead car do all the transmitting. Investigators asked O'Malley what their location was during the pursuit. O'Malley stated they were 4-5 cars back for most of the pursuit. Investigators asked O'Malley if he saw or heard any gun fire coming from the suspect auto. O'Malley stated no. Investigators asked O'Malley if he ever saw anything discarded from the suspect car. O'Malley stated no because he could never get a good look at the car and he was looking out to make sure they were not hit by another car. Investigators asked O'Malley to describe the traffic and speed of the pursuit. O'Malley stated the traffic was light to moderate and the speed on the streets was anything from 40mph to 60mph. O'Malley stated once they were on the highway the speed was a lot faster. Investigators asked O'Malley to describe the driving habits of the suspect car. O'Malley stated the suspect car was driving fast, reckless and trying to avoid everything. Investigators asked O'Malley if he was aware of the suspects' description. O'Malley stated he was aware of the suspect car description as a blue Chevy Impala but not the suspects. O'Malley stated they heard that the suspects shot at an officer and that was why there was a pursuit. Investigators asked O'Malley what type of radio traffic he heard during the pursuit. O'Malley stated he remembers someone broadcasting that a suspect was pointing a gun out the back window and believes it was in the area of the roundabout (W.14<sup>th</sup> area). Investigators asked O'Malley if he believed the suspects were armed from the radio traffic. O'Malley stated yes. Investigators asked O'Malley if he knew who was in front of him during the pursuit. O'Malley stated C31 and some undercover cars. Investigators asked O'Malley to describe what he saw once he was on scene. O'Malley stated he observed a zone car 217 with multiple holes in it and the suspect car against another zone car.

  
APPROVED BY

Detective Sgt. J. Ruth ECPD/Detective Sgt. S. Gardner ECPD

Wednesday, January 2, 2013

  
INVESTIGATING OFFICER



EAST CLEVELAND POLICE DEPT  
SUPPLEMENTARY REPORT

OFFENSE/INCIDENT: HOMICIDE/OFFICER INVOLVED SHOOTING

LOCATION: 14410 TERRACE ROAD, EAST CLEVELAND, OHIO 44112

---

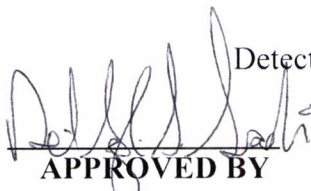
Additional details of offense or accident program of investigation, etc.

PAGE 3 OF 3

1/2/2013 CLEVELAND POLICE OFFICER INVOLVED SHOOTING DOO: 11/29/12

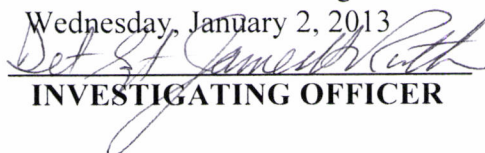
O'Malley stated officers were standing together and they were checking on the officers because as they were pulling around they heard someone call for EMS. O'Malley stated as things were settling down supervisors showed up and started having people tape off the area with crime scene tape. O'Malley stated Sgt. Coleman asked him and his partner to look around for shell casings near the grass. O'Malley stated they did this for about twenty minutes but were unable to locate anything. O'Malley stated after completing this task another supervisor told them to go back into service. Investigators asked O'Malley if he could recall any specific location of the officers. O'Malley stated all the officers were just standing around together. Investigators asked O'Malley if he could remember if any officers were injured. O'Malley stated not that he could recall. Investigators asked O'Malley if he heard any officers make any type of statements while on scene. O'Malley stated the only thing he heard was everyone checking to make sure officers were okay. Investigators asked O'Malley if he had spoken to anyone about the incident. O'Malley stated he has only spoken to his partner and it was about how crazy everything was during the incident. Investigators asked O'Malley if he felt his and his fellow officers' actions were consistent with training. O'Malley stated yes. Investigators asked O'Malley if he used his phone to make any phone calls, text messages or take pictures while on scene. O'Malley stated no. O'Malley stated he didn't have his cell phone with him. Investigators asked O'Malley if he saw any other officers using their cell phones to take any pictures. O'Malley stated no. Investigators asked O'Malley to describe the lighting in the parking lot. O'Malley stated some spots were lighted and some were not. Investigators asked O'Malley if anyone has asked him to lie or otherwise influence his statement to investigators. O'Malley stated no. Investigators asked O'Malley if there were any other questions that we did not ask that he felt were important. O'Malley stated no. Investigators asked O'Malley if he ever saw the suspects in the car while on scene. O'Malley stated yes from the sidewalk. O'Malley stated they did not want to get any closer because he knew it was a crime scene. Investigators showed O'Malley the pictures of the suspects and asked if had ever seen them before or had any type of interaction with them. O'Malley stated no and the conversation ended.

Investigation Continues...

  
APPROVED BY

Detective Sgt. J. Ruth ECPD/Detective Sgt. S. Gardner ECPD

Wednesday, January 2, 2013

  
INVESTIGATING OFFICER