



Ohio Bureau of Criminal Identification & Investigation
INVESTIGATIVE REPORT



01/07/2013

REPORTS RECEIVED SGT. SCOTT GARDNER

Summary

On January 7, 2013 SA John Saraya received reports of interviews in regard to the Officer Involved Shooting involving the Cleveland Police Department. These interviews took place at 4055 Highlander Parkway Richfield, Ohio 44286.

Details

On December 6, 2012 at approximately 1500 hr., Sgt. Gardner and SA Saraya met with Ofc. Michael Farley at the BCI Richfield Office. Farley was interviewed in regard to his participation in the officer involved shooting that occurred on November 29, 2012. Sgt. Gardner reduced the interview to writing for submission to the case file. During the interview, Farley was provided with a copy of the crime scene drawing to note his location.

The interview was video recorded. The recording and associated documentation were submitted to the case file Exhibit #8

On December 18, 2012 at approximately 1500 hr., Sgt. Gardner and Sgt. Ruth met with Ofc. Daniel Smith at the BCI Richfield Office. Smith was interviewed in regard to his participation in the officer involved shooting that occurred on November 29, 2012. Sgt. Gardner reduced the interview to writing for submission to the case file

The interview was video recorded. The recording and any associated documentation were submitted to the case file Exhibit #112.

File Number: SI-18-12-82-1493	File Title: Timothy R. Russell (S) Malissa A. Williams (S)
Case Agent: Mark Kollar	Authoring Agent: John Saraya <i>JS</i>
Date of Report: 01/07/13	Exhibit #: 8 and 112
Investigative Activity: Reports received from Sgt. Gardner	Supervisor Approval: Dennis Sweet <i>[Signature]</i> JAN 17 2013

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**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.

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12/06/2012 CLEVELAND POLICE OFFICER INVOLVED SHOOTING DOO:11/29/2012

On December 6th, 2012 Detective Sergeant Scott Gardner with the East Cleveland Police Department and Special Agent John Saraya with Ohio BCI received Michael Farley with the Cleveland Police Department into the Ohio Attorney General's Richfield Office. Present with Farley was Steve Kinan and Jeff Follmer with the Cleveland Police Patrolmen's Association Union. Also present was Patrick D'Angelo legal counsel representing Farley.

Farley provided investigators with the address of [REDACTED], Avon Lake, Ohio 44012. Farley provided investigators with a cellular telephone number of [REDACTED]. Farley's date of birth is 04/28/1971.

Farley was read his Miranda warnings and stated that he understood and agreed to speak with investigators. Below is a condensed video recorded oral statement of Farley.

Investigators asked how he was doing since the incident and he stated that he stated that he has not slept for a few days and was very stressed. He stated that he got back from a vacation. He stated that if he had not paid for it in advance he would not have gone and that he just got back Sunday night.

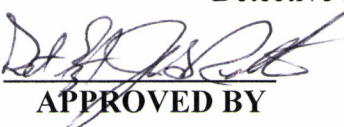
Investigators asked what his current assignment was and he stated that he was currently assigned to the 2nd District.

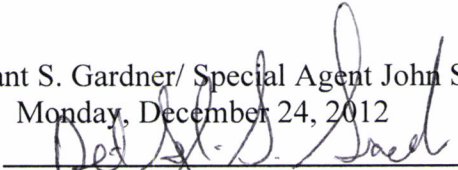
Investigators asked how long he had worked for the Cleveland Police Department and he stated that he had worked for Cleveland Police for over 16 years and he has not had any prior experience with any other agency.

Investigators asked what shift he was working that day and he stated that he was working 2nd shift or 1430-0030.

Investigators asked who his supervisor was and he stated that it was Sergeant Chetnik gave roll call that day. He believes that he was the supervisor the day of the incident.

Investigators asked what his days off were for the week and he stated that his days off for last week were Monday, Tuesday, and Wednesday.

Detective Sergeant S. Gardner/ Special Agent John Saraya (BCI)
Monday, December 24, 2012

APPROVED BY


INVESTIGATING OFFICER

DATE: 12/24/2012

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Investigators asked if he worked any extra details within 48 hours of the incident and he stated that he had not.

Investigators asked how he was feeling for his shift and he stated that he felt fine.

Investigators asked if he was taking any medications and he stated he was not.

Investigators asked if he was wearing glasses or contacts on Thursday night and he stated that he was not.

Investigators asked what he was wearing and he stated that he had his regular uniform on with an exterior vest, Taser, ASP Baton, and pepper spray, flashlight, and handcuffs.

Investigators asked if he had a backup weapon and he stated that he did not.

Investigators asked what kind of firearm he had and he stated that he had a Glock 19 and three total magazines. 16, 15, and 15 were the round configurations for the magazines.

Investigators asked if he carried any personal recording devices and he stated that he did not.


Investigators asked what kind of vehicle he was in and he stated that he was in a marked Ford Crown Victoria equipped with lights and sirens. He stated that Brian Sabolik was in the unit with him and that he (Farley) was driving. Investigators asked what channel he was operating on and he stated that he was on Channel 2, call sign 2A24. Farley stated that his car number was 234.

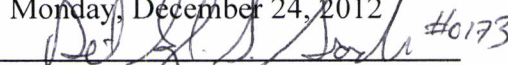
Investigators asked about specialized training and he stated that he did not have any but was in the U.S. Army National Guard from 1992-1997, he thought. Farley stated that he had qualified with handgun and shotgun this year and reviewed his Use of Force Policy. Investigators asked if his OPOTA was up to date and he stated that it was.

Investigators asked if he had ever been involved in any previous shootings and he stated that he was. He stated that it was around 2003 with his prior shooting.

Detective Sergeant S. Gardner/Special Agent John Saraya (BCI)

Monday, December 24, 2012


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Investigators asked to describe how he became involved in the incident and he stated that they had answered some "runs" that day. Investigators asked how he became aware of the incident and he stated that he heard that someone was being shot at over his portable radio. Farley said that he heard over the radio that there was a police car that saw it going over the Detroit/Superior Bridge. Investigators asked if he recalled where he was and he stated that he was on his lunch break and was working out at the gym at the 2nd District. Farley said that he was "monitoring the chase" thinking it was going to end any second and kept on working out. Farley said the chase went to Detroit and 85th and he continued by saying that it went down Clark and around the roundabout. Farley said that he was working out with a female officer and she stated to him that she could not believe that he (Farley) was not getting his "rookie" (Sabolik) involved in the chase. Farley thought she was right, got his things and went out to get Sabolik. He said that they got into their car. He said that when he got on W. 25th, that the pursuit was on I-90. Farley said that when he got to I-90 that he heard that they were going around dead man's curve. He continued by stating when they got off on E.72nd that they were at dead man's curve. Farley said that the entire time that they were in the pursuit that they never saw the suspect's car.

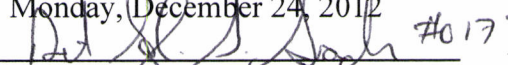
Investigators asked what kind of radio traffic he was hearing and he said that when they were around Clark that he was hearing about them (suspects) having a gun and pointing it at officers. When they (suspects) were on the freeway he heard Sergeant Coleman say that it looked like they were loading a weapon. Investigators asked what he remembered once they got off on E.72nd. He said that he had no idea where he was once he got off, that he was following 3rd District cars.

Investigators showed Farley an overhead view using a Google Maps printout of the surrounding area. Once the interview was completed Farley was asked to initial the map and place his badge number on the document. Investigators asked, once he pulled into the school, how many zone cars were in front of him, and he estimated stating that there were around 20 zone cars ahead of him. Farley indicated by drawing on the map that his cruiser was somewhat behind CPD-238. Investigators asked what he saw once he pulled up. He stated that it was the "scariest thing that I've seen in my whole life" and that "people were shooting". As he got out of his car he realized that because he had been working out that he did not put his vest on, that he had just left it on the front seat. Farley describes as he exits his unit he thought he was going to die right there, he had no vest and shots were coming from all directions. He said that he ran up to the CPD Zone car, ducked down and fired a couple of shots at the driver's side of the suspect automobile. He thought that he had fired two shots but found out that he had fired four times. He said that once he got back around the car he saw Officer Sisteck diving down. He did not know at the time if

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Sistek was shot or if he was just diving to get out of the way. Farley stated that he remembered a female undercover officer shooting from around the hill towards the suspect's car. Farley said that the only other person he recalled shooting was Officer Brelo. He remembered that Officer Brelo was on the back of the trunk of a zone car and was shooting down into the suspect's automobile. Investigators asked if he knew where his partner was at this point, he stated that he did not know at the time but he (Sabolik) was behind him the entire time. Investigators asked if he knew who inventoried his weapon at some point and he stated that it was a lieutenant from homicide but he did not know his name.

Investigators asked if he transmitted on the radio and he indicated that he did not.

Investigators asked if they could see inside the vehicle during the pursuit and he stated that the first time that he saw the suspect vehicle was when he pulled into the school.

Investigators asked what he thought his speeds were during the pursuit and he stated that he thought they were around 80 mph on the freeway.

Investigators asked if he knew who was in the vehicle and he stated he did not hear the initial descriptive broadcast that he did not know the descriptions of them until the next day.

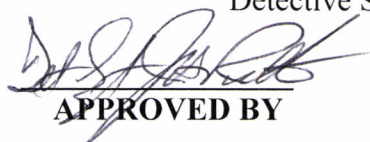
Investigators asked if he knew either of the decedents in the past and was shown photographs of them and he stated that he did not think so.

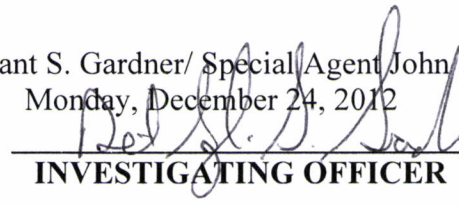
Investigators asked to describe what was happening in the parking lot and he stated that he was in fear for his life and in fear for his partner's life. Investigators asked him to clarify that and he stated that he felt that it was a "full blown out" firefight with the police.

Investigators asked about the lighting in the parking lot and he stated that it was lighted but he could not see inside the vehicle.

Investigators asked if he heard anyone issue verbal commands and he stated that he did not.

Investigators asked if he recalled anyone saying cease fire and he stated that he does recall that. He thinks it was called out once he got to the bumper of the zone car.


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Investigators asked if he saw any movements inside the suspect vehicle and he stated that he did not.

Investigators asked if he thought his rounds hit and he stated probably not. Investigators asked why he thought that and he stated that because he was moving and he was not that great of a shot.

Investigators asked if there was anything else that could have been done and he stated no, that if he had to do over again he would have done it the same way.

Investigators asked if he had checked himself for injuries and he stated that he was not injured.

Investigators asked if he recalled officers making any statements afterwards and he stated that he did not remember hearing anyone saying anything.

Investigators asked if he had spoken with anyone regarding this incident and he stated that he talked with his mom and fiancée. He stated that he spoke with Sabolik yesterday; he said that he apologized for not being here and asked how he was doing.

Investigators asked if he felt that his actions and the actions of others were consistent with training, and he stated yes to both.

Investigators asked if he used his cellular telephone while he was on scene and he indicated that about an hour later one of the girls from work called to make sure he was okay.

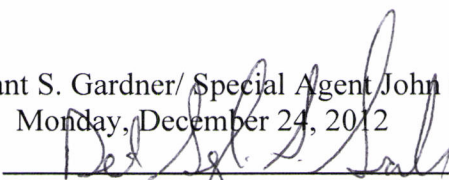
Investigators asked if he took any photographs or see anyone else take pictures and he stated no.

Investigators asked if anyone asked him to lie or attempt to influence his statement to us and he stated no.

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Investigators asked who the female officer was that he was working out with at the gym and he stated that it was Amy Carraway.

Farley was thanked for his time and the interview was completed.

Investigators asked if he recalled any racial comments afterwards and he stated no. Investigators asked if he thought that this was racially motivated and he stated no.

Investigators asked if he had qualified with his weapons this year and he stated that he qualified with handgun, shotgun and the Taser. Farley stated that he received, as part of in-service training, a use of force review and he stated yes. Investigators asked if his OPOTA was current and he stated that it was.

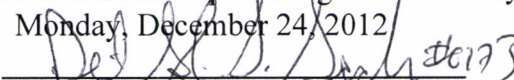
Investigation Continues...

Detective Sergeant S. Gardner/ Special Agent John Saraya (BCI)

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INVESTIGATING OFFICER

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MIF
8/4/09



12/11/12

MICHAEL FARLEY

SLA/Sy - 8/11/09

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12/18/2012 CLEVELAND POLICE OFFICER INVOLVED SHOOTING DOO:11/29/2012

On December 18th, 2012 Detective Sergeant Scott Gardner and Detective Sergeant James Ruth with the East Cleveland Police received Daniel Smith with the Cleveland Police Department into the Ohio Attorney General's Richfield Office. Present with Smith was Steve Kinan and Jeff Follmer with the Cleveland Police Patrolmen's Association Union. Also present was Patrick D'Angelo legal counsel representing Smith.

Smith provided investigators with the address of [REDACTED] South Euclid, Ohio 44121. Smith provided investigators with a cellular telephone number of [REDACTED] Smith's date of birth is 03/04/1982.

Smith was read his Miranda warnings and stated that he understood and agreed to speak with investigators. Below is a condensed video recorded oral statement of Smith.

Investigators asked what his current assignment was and he stated that he was currently assigned to the 3rd District.

Investigators asked how long he had worked for the Cleveland Police Department and he stated that he had worked for Cleveland Police for over 3 years and he has not had any prior experience with any other agency.

Investigators asked what shift he was working that day and he stated that he was working 2nd shift or C Platoon.

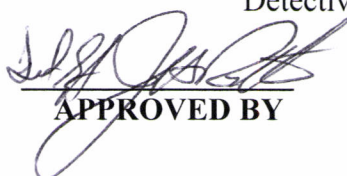
Investigators asked who his supervisor was and he stated that it was Lieutenant Wilson.

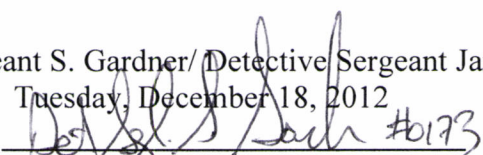
Investigators asked what his days off were for the week and he stated that he was in the "Q" Class and could not recall his days off the week of the incident.

Investigators asked if he worked any extra details within 48 hours of the incident and he stated that he had not.

Investigators asked how he was feeling for his shift and he stated that he felt normal.

Investigators asked if he was taking any medications and he stated that he was not taking any.


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Investigators asked if he was wearing glasses or contacts on Thursday night and he stated that he was wearing contacts.

Investigators asked what he was wearing and he stated that he had his regular uniform on with an interior vest, police sweater, ASP Baton, and O.C. Spray.

Investigators asked if he had a backup weapon and he stated that he did not.

Investigators asked what kind of firearm he had and he stated that he had a Glock 17 and three total magazines.

Investigators asked if he carried any personal recording devices and he stated that he did not.

Investigators asked what kind of vehicle he was in and he stated that he was in a marked Ford Crown Victoria equipped with lights and sirens. The car number was 306. He stated that David Price was in the unit with him and that he (Price) was driving. Investigators asked what channel he was operating on and he stated that he was on Channel 3, call sign 3B33. Smith stated that he did at one point change his car radio over to Channel 2.

Investigators asked about specialized training and he stated that he did not. He further stated that he had served in the U.S. Marines from 2000-2008. Smith was an infantryman and also a recruiter. Mateo stated that he had qualified with handgun and shotgun this year and reviewed his Use of Force Policy. Investigators asked if his OPOTA was up to date and he stated that it was.

Investigators asked if he had ever been involved in any previous shootings and he stated that he had been.

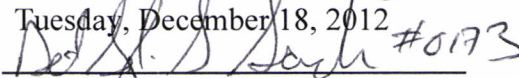
Investigators asked if he had any prior discipline and he stated that he did not have any.

Investigators asked to describe how he became involved in the incident and he stated that he heard over his radio about a car being pursued. He stated that he did hear the description of two black males being pursued. Smith stated that he picked up the pursuit around Wade Park and then to Hough. Smith said that he then went to Euclid and then to Lee Road. Smith said by the

Detective Sergeant S. Gardner/ Detective Sergeant James Ruth

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time they got to the area on Lee Road, shots had already stopped. Smith describes that he saw the vehicle and a lot of officers. The officers were around it in like a horseshoe position.

Investigators asked if he transmitted on the radio and he indicated that he had not.

Investigators asked if he knew either of the decedents in the past and was shown photographs of them and he stated that he did not.

Investigators asked about the lighting in the parking lot and he stated that it was lighted parking lot. In the cul-de-sac he described it being brighter than other areas.

Investigators asked if he recalled officers making any statements afterwards and he stated that he did not.

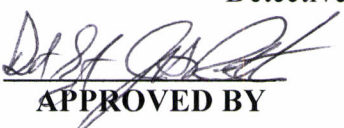
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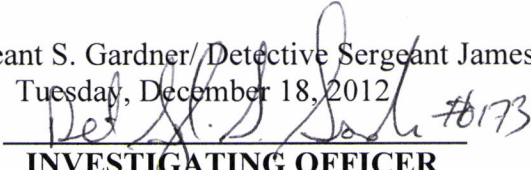
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Investigation Continues...

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