



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



**01/11/13      REPORT RECEIVED SGT. SCOTT GARDNER**

**Summary**

In December 2012 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 December 17, 2012, Sgt. Gardner and Sgt. Ruth met with Ofc. Mathias Varga at the BCI Richfield Office. Varga was interviewed in regard to his participation in the officer involved shooting that occurred on November 29, 2012.

On December 18, 2012, Sgt. Gardner and Sgt. Ruth met with Ofc. David Price at the BCI Richfield Office. Price was interviewed in regard to his participation in the officer involved shooting that occurred on November 29, 2012.

Sgt. Gardner reduced the interviews 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 Exhibits # 109 and 112.

<b>File Number: SI-18-12-82-1493</b>	<b>File Title: Timothy R. Russell (S) Malissa A. Williams (S)</b>
<b>Case Agent: Mark Kollar</b>	<b>Authoring Agent: John Saraya</b> <i>JS</i>
<b>Date of Report: 1/11/13</b>	<b>Exhibit #: 109 and 112</b>
<b>Investigative Activity: Report received from Sgt. Gardner</b>	<b>Supervisor Approval: Dennis Sweet</b> JAN 17 2013 <i>[Signature]</i>

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 4**

**12/17/2012 CLEVELAND POLICE OFFICER INVOLVED SHOOTING DOO:11/29/2012**

On December 17<sup>th</sup>, 2012 Detective Sergeant Scott Gardner and Detective Sergeant James Ruth with the East Cleveland Police received Mathias Varga with the Cleveland Police Department into the Ohio Attorney General's Richfield Office. Present with Varga was Steve Kinan and Jeff Follmer with the Cleveland Police Patrolmen's Association Union. Also present was Patrick D'Angelo legal counsel representing Varga.

Varga provided investigators with the address of [REDACTED], North Ridgeville, Ohio. Varga provided investigators with a cellular telephone number of [REDACTED] Varga's date of birth is 12/28/1976.

Varga 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 Varga.

Investigators asked what his current assignment was and he stated that he was currently assigned to the 2<sup>nd</sup> District Community Service.

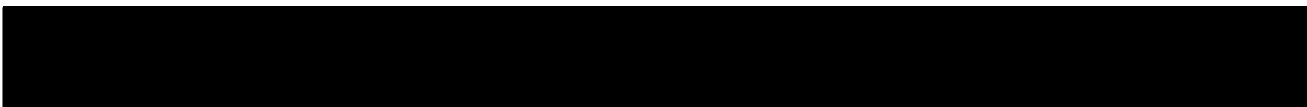
Investigators asked how long he had worked for the Cleveland Police Department and he stated that he had worked for Cleveland Police for 12 years as of today and he has not had any prior experience with any other agency.


Investigators asked what shift he was working that day and he stated that he was working 5:00 P.M. till 01:00 A.M.

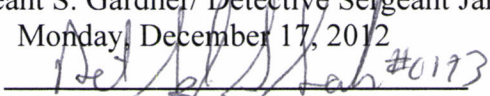
Investigators asked who his supervisor was and he stated that it was Sergeant Randy Dailey.

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

Investigators asked if he worked any extra details within 48 hours of the incident and he stated that he had worked part time at the Steelyard Commons at 01:00 A.M. that night of the incident.



  
**APPROVED BY**

Detective Sergeant S. Gardner/ Detective Sergeant James Ruth  
Monday, December 17, 2012  
  
**INVESTIGATING OFFICER**

**DATE: 12/17/2012**

**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 4**

**12/17/2012 CLEVELAND POLICE OFFICER INVOLVED SHOOTING DOO:11/29/2012**

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

Investigators asked what he was wearing and he stated that he had his regular uniform on with an outer vest, Taser, 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 226. He stated that he was a solo unit and that no one else was in the vehicle with him. Investigators asked what channel he was operating on and he stated that he was on Channel 2, call sign 2G35. He stated that at one time he switched to Channel 1 and let them know that there was a pursuit coming their way.

Investigators asked about specialized training and he stated that he was an OPOTA instructor and was also certified in the use of the Patrol Rifle. Varga 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 in 2011 and had fired his weapon then.

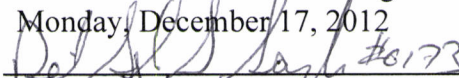
Investigators asked if he had any prior discipline and he stated that he did not have any.

Investigators asked to describe how he became involved in the incident and he stated that he was in the "Old Brooklyn Neighborhood" and started heading to their area. By the time that he had caught up to the pursuit he was in the Clark and W.41<sup>st</sup> area. He stated that the group went by, suspect car first, and that after everyone went by that he pulled eastbound on Clark at the tail end. Varga stated that once he got to W.14<sup>th</sup> he heard on the radio that they looked like they may be going into Steelyard Commons. Varga stated that he then went south on W.14<sup>th</sup> when he

Detective Sergeant S. Gardner/ Detective Sergeant James Ruth

Monday, December 17, 2012

  
**APPROVED BY**

  
**INVESTIGATING OFFICER**

**DATE: 12/17/2012**

**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 4**

**12/17/2012 CLEVELAND POLICE OFFICER INVOLVED SHOOTING DOO:11/29/2012**

figured that they were not going in to Steelyard Commons and that at that point he heard two different officers state that they had seen the suspects with guns. Varga described that at one point he "flipped around facing northbound" and observed the driver looking at him out the driver's side window. Varga stated that he saw a small, black, automatic handgun being pointed at him. Varga stated that he did not know if the driver was pointing it at him or if the passenger was reaching over the driver to point it at him. Varga was asked by Investigators where he was exactly when this happened. He asked if he could look up the location on the telephone and he was told him to go ahead. He looked on his cellular telephone and stated that the street name was Rowley near Clark. Varga emailed the map that was on his cellular telephone to investigators. It was later printed out and will be maintained with the investigative report as an attachment. Varga stated that once they got into the Euclid and East Cleveland border area he somewhat knew where he was but he was not sure how they got to that area. Investigators showed Varga a copy of a Google Earth Map that was printed on the incident area for orientation. Varga stated that he parked on Wymore at the bottom of the hill. He stated that he popped the trunk and grabbed his patrol rifle and made his way up the hill. Varga stated that once he got to the parking lot and it was all over. Varga stated that he spoke with Sergeant Coleman and asked if she needed anything from him and he stated that he went back to his patrol car, secured the patrol rifle and left.


Investigators asked if he transmitted on the radio and he stated that he only did the one time when he switched to Channel 1 to advise them of the pursuit.

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

Investigators asked about the lighting in the parking lot and he stated that it was fairly well lit but it was "pitch black" near the playground area.

Investigators asked if he recalled officers making any statements afterwards and he stated that the only thing he recalled was everyone asking if everyone was okay.

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

  
**APPROVED BY**

Detective Sergeant S. Gardner/ Detective Sergeant James Ruth

Monday, December 17, 2012

  
**INVESTIGATING OFFICER**

**DATE: 12/17/2012**

**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 4 OF 4**

**12/17/2012 CLEVELAND POLICE OFFICER INVOLVED SHOOTING DOO:11/29/2012**

Investigators asked if he took any photographs or see anyone else take pictures and that he did not.

Investigators asked if he had called anyone with his cellular telephone while on scene. He stated that he was actually on the telephone with his wife for the entire incident. Varga stated that he was not aware that he was speaking to his wife on his earpiece when it started and she was still there when he got to the school.

Investigators asked if he could describe what he saw once he got up to the school and he stated that people were just "milling about" and appeared to be "catching their breath".

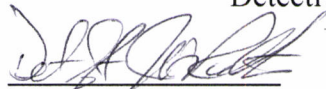
Investigators asked if anyone asked him to lie or attempt to influence his statement to us and he stated no.

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

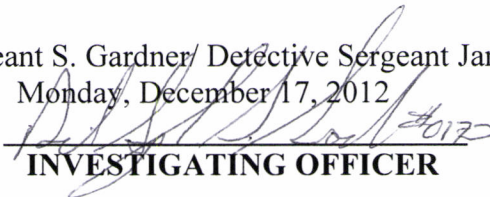
**Investigation Continues...**

Detective Sergeant S. Gardner/ Detective Sergeant James Ruth

Monday, December 17, 2012



**APPROVED BY**



**INVESTIGATING OFFICER**

**DATE: 12/17/2012**

**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**

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

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

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

Price 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 Price.

Investigators asked what his current assignment was and he stated that he was currently assigned to the 3<sup>rd</sup> 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 11 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 3<sup>rd</sup> 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.

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

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

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

Detective Sergeant S. Gardner/ Detective Sergeant James Ruth

Tuesday, December 18, 2012

  
**APPROVED BY**

 #0193  
**INVESTIGATING OFFICER**

**DATE: 12/18/2012**

**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**

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

Investigators asked what he was wearing and he stated that he had his regular uniform on with an outer vest, Taser, 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 Daniel Smith 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. Price stated that he did at one point change his car radio over to Channel 2.

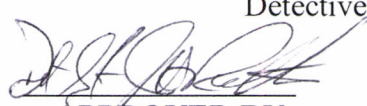
Investigators asked about specialized training and he stated that he did not have any. Price stated that he had qualified with handgun and shotgun this year and reviewed his Use of Force Policy. Investigators asked if his OPOTA was up to date and he stated that it was.

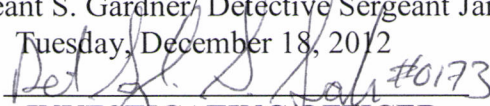
Investigators asked if he had ever been involved in any previous shootings and he stated that he had been shot at but he did not shoot.

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 while they were at the Starbucks getting coffee. He stated that he did hear the description of two black males being pursued. Price stated that he picked up the pursuit around Wade Park and then to Hough. Price said that he then went to Euclid and then to Lee Road. Price said by the time they got to the area on Lee Road, shots had already stopped. Price 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.

  
**APPROVED BY**

Detective Sergeant S. Gardner / Detective Sergeant James Ruth  
Tuesday, December 18, 2012  
 #0173  
**INVESTIGATING OFFICER**

**DATE: 12/18/2012**

**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**

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

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 dimly lit.

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

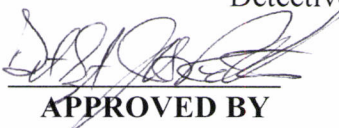
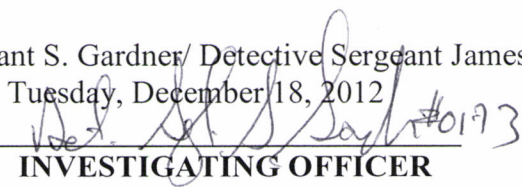
Investigators asked if he felt that his actions and the actions of others were consistent with training and he stated yes to both.

Investigators asked if he took any photographs or see anyone else take pictures and that he did not.

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

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

**Investigation Continues...**

Detective Sergeant S. Gardner / Detective Sergeant James Ruth  
Tuesday, December 18, 2012  
  #0193  
**APPROVED BY** **INVESTIGATING OFFICER** **DATE: 12/18/2012**