



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



12/05/12

**MICHAEL DEMCHAK INTERVIEW**

**Summary**

On December 5, 2012, Cleveland Police Officer Michael Demchak, who was involved in the shooting on November 29, 2012, was interviewed at the BCI Richfield Offices. Also present with the officer was Atty. Patrick D'Angelo, along with Jeff Follmer and Steve Kinas representing the union. The interview was conducted by East Cleveland Police Sergeant Scott Gardner and BCI SA John Saraya.

Officer Michael Demchak was advised of his "Miranda" rights which he waived and consented to speak with investigators.

The interview was video recorded and submitted to the case file as Exhibit #5.

**Details**

Demchak was asked how he was he was holding up. Demchak responded that it had been pretty stressful. He said he was doing okay, "it is what it is".

Demchak is assigned as a detective in the 3<sup>rd</sup> District vice unit. He is a 30-year veteran of the Cleveland Police Department. In the month of November, Demchak was working 4<sup>th</sup> Platoon schedule, 1800-0200 with Saturdays and Sundays off. Demchak verified his schedule by checking the calendar he carries with him. His supervisors were Sgt. Matt Putnam and Lt. Barrow.

Demchak does not work any part-time jobs. On Thursday, November 29, Demchak said he felt fine. [REDACTED] He does not wear corrective lenses.

Demchak is a plainclothes officer, and on Thursday night he was wearing jean jacket, bulletproof vest, jeans, black work boots and his badge on a chain around his neck. This was a regular vest that he was wearing under his jean jacket. In his assignment, Demchak works in an undercover

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<b>Case Agent: Mark Kollar</b>	<b>Authoring Agent: John Saraya</b> <i>JS</i>
<b>Date of Report: 12/11/12</b>	<b>Exhibit #: 5</b>
<b>Investigative Activity: Demchak Interview</b>	<b>Supervisor Approval: Dennis Sweet</b> <i>DS</i> JAN 09 2013

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*Handwritten signature and date stamp*

capacity. He carries a fanny pack with his gun inside it. He carries one extra magazine with him, and depending on what he's wearing, he will carry an expandable baton and OC spray. He also carries a small flashlight with him. With his gun and extra magazines he is carrying a total of 31 rounds. Demchak has a personal recorder but seldom uses it.

Demchak was assigned to a black Taurus, unmarked, but with lights and siren. He was partnered with Erin O'Donnell. Demchak was the driver. There's no camera in the car. All equipment was functional in the car. Initially, Demchak and his partner were on Tac 3; when they found out about the chase, they changed to Channel 2. Their call sign that night was 3V83, the car itself is 3V81.

Demchak has received extra training in search warrants and narcotics. He has no prior military experience. He has qualified with handgun and shotgun in the past year. A segment of the qualifications was dealing with Use of Force.

Demchak was involved in a prior shooting. In 1984 he was involved in a shooting where he did fire his weapon. He said that he hoped he was done; he did not want to go through it again.

Earlier in the shift, they had conducted a buy/bust operation and made an arrest. Demchak and O'Donnell transported the suspect to jail. After booking the suspect in, they were returning to the 3<sup>rd</sup> District to finish paperwork. As they were pulling in, they saw Sgt. Putnam and Det. Ereg going to a car and Putnam is carrying his rifle bag. They asked what was going on and they were told to go to Channel 2, there was a chase and officer shot at. Demchak said as soon as they changed the channel, a broadcast said that they were on the freeway, around Chester. Demchak said he was trying to figure out how to catch up to them as they were at East 105 and Chester and the pursuit was already past them.

The next transmission was that the pursuit was at 55<sup>th</sup> Street. Demchak said he went down 105<sup>th</sup> to Superior and as the pursuit was southbound on St. Clair, they saw the pursuit at 72<sup>nd</sup> and St. Clair. Several cars went past and Demchak joined in. They continued south and around Decker and Addison, then they made their way to Wade Park. They traveled east on Wade Park, and maybe on 118<sup>th</sup> to Euclid. The pursuit went east on Euclid, then south and a few turns were made. Demchak said that he is not too familiar with the area.

Demchak said that he remembers a broadcast that the subject vehicle was pulling into a water treatment plant. Demchak said that he thinks they were just east of the driveway. Demchak was shown an aerial view of the area. Demchak said that, although the thought was that they were going into the water treatment plant, it was the school parking lot. Demchak thinks that he is on Lee Road. Radio broadcasts were that it was a dead end, and if they came back out, it was unknown which way they were going to go. As they were on Lee Road they, "Heard a distinctive 'pop, pop'". Demchak did not know if O'Donnell heard it or not. Demchak said, "Fuck. They're shooting!" Demchak cuts across the grass into the school property, then staying on the grass, he drives parallel to the driveway. Demchak says he is hearing, "pop, pop, pop. Pop." Demchak says he is hearing shots being fired and as they pull up on the grass, they're broadcasting, "Shots fired! Shots fired! They're shooting at us!"



Demchak said he was thinking that, "These were some bad mother fuckers." He explained that from watching videos of police shootings, "They don't last like this. It's usually over pretty quick." In his mind, Demchak is thinking that the subjects are wearing bullet proof vests. He compared this to the LA bank robbery shootout where the subjects there were wearing body armor.

As he was exiting the car, Demchak said that he was thinking that, "These were some bad people who need stopped." Demchak said he came down from his car to the rear of a zone car. In pointing out where he was on the diagram, Demchak indicated he was behind car 238. He did not think that he was immediately behind the car, but may have had some standoff. Demchak moves to the car and sees two officers on the driver's side of the subject car, firing into the driver's side. Demchak sees the windshield is shattered and glass is coming off of it. Demchak, seeing the officers dealing with the driver side threat, fired four times at the driver's area. In his mind, Demchak said he was thinking that, "This has got to stop." He was afraid for officers getting hurt or shot. Demchak repeated that the situation had to stop, the threat neutralized.

As Demchak was approaching the car, he sees an officer "scrambling" around and this leads him to believe that shots are coming down the passenger side of the zone car (238). The officer was ducked down as low as the trunk lid as he circled around the car right in front of Demchak. This gave Demchak the impression that the officer was taking fire. As Demchak gets to the car, "The battle was on. These guys were shooting it out. And this had to come to an end."

Initially, Demchak thought he fired 2-3 rounds, but later he had his pistol checked and was informed it was 4 rounds by a CPD investigator.

Demchak said that as he is pulling up, he does not know where the subject vehicle will be, so he does not angle his car. They just went towards where they were hearing shots. Demchak said that O'Donnell exited the car first, and he was unsure where she went.

Demchak said that after he fires his shots, there is another volley, and then it comes to an end. Demchak did not hear any yelling or anyone giving verbal directions. When he arrives, officers are fully engaged.

Demchak said he walked back to his car, and is met by his supervisor, along with O'Donnell and Ereg. Demchak said that he did not know that Ereg was involved.

There was a point during the pursuit that Demchak thinks O'Donnell broadcast a street name. He said that there appeared to be some confusion as to location and O'Donnell called out where they were.

When the pursuit went by, before they got involved, Demchak was asked how many cruisers went by. His first response was, "Not enough". He paused and said, "A dozen or so?" Demchak continued that not all the cars were involved in the pursuit. There were cruisers "taking the initiative to block off streets". This helped prevent cross traffic. Demchak said he was, "Amazed

that was happening” since most officers wanted in on pursuits. This was done during the chase and Demchak mentioned specifically on Euclid. Demchak estimated his speeds at 45-50 MPH. he then said there were “peaks” and times when it slowed down. Demchak mentioned when the subject car pulled into a parking lot on Euclid, things got bottled up then and Demchak said he thought this would end there. However, the subjects kept going. Demchak did not see any other cruisers from other agencies involved.

Demchak said they initially saw the subject vehicle at 72<sup>nd</sup> and St. Clair, and they got glimpses during the chase. He next saw it in the school parking lot. During the chase, Demchak hears repeatedly, “They got a gun. Looks like they’re pointing a gun out the window. Looks like they’re...reloading their guns, trying to reload a gun or something.” Demchak also remembers something about being underneath the car but he did not understand what it was about. Demchak also remembers a broadcast about a pop can. The pop can traffic made Demchak think about “questioning what the agenda was here. They’re taking the time to drink a pop?” It made him wonder if it really was a pop can.

The next day, during the news is when he found out that the occupants were a male and a female. That night, he thought it was two males. Demchak said that he was on the driver’s side of the subject vehicle and looked inside, but did not get close enough to identify the subjects. Somebody asked if there was a gun in the car, when Demchak went to look he was ordered away.

Demchak did not recall the names of the subjects. When shown photos of the subjects, Demchak said they did not look familiar. He did say that he understood that the female had been staying in his district and he may have had contact with her, but he could not say for sure.

Demchak’s observation of the scene was that there were parking lot lights there and it was “semi-lit”. He said that it was not too bright there. There was enough light to see that the windshield was shattered, but not enough to see inside.

When they arrived at the scene, the shooting was going on and someone had said they were being shot at. When he got up to his position, he saw the officers at the driver side of the subject vehicle and took it to be them shooting it out with the vehicle occupants. He saw glass coming off the windshield. Demchak said that he took action because he could not wait to see an officer fall. Demchak does not believe he could see inside the car due to the condition of the windshield. Demchak did not know any of the uniformed officers around him.

Demchak said he was aiming at the driver’s side of the windshield and he hoped his rounds hit the windshield at least. He repeated again that his objective was to bring this to an end. He did not want any of the officers around him to get shot.

“It had to be stopped” was the response when asked if there were any other options. The “totality of everything”, “they shot at the police, running from the police, especially being casual, drinking pop. When we get here, they’re battling it out with the police.”



Everyone was pretty solemn when the shooting stopped. Demchak said, "It got pretty quiet." Demchak said that he was "pretty unhappy." That he did not want to be there, to be involved in this. Demchak said that he did not believe that anyone wanted to be in that situation. Demchak's voice quieted as he responded and he was pounding his fist on the table. Demchak said that there was a sense of relief from officers. They were waiting for direction from "the bosses".

Demchak did not hear anyone call for EMS. Demchak said a pastor or "religious person" came up and was talking to them. He had the officers say a prayer, offering support.

In his opinion, from when Demchak first hears gunfire until it was over, it seemed to take a while, "a couple minutes". Demchak said that he remembers from his shooting how time distorts and seems to slow down. Again, Demchak referred to training videos and how fast most police shootings take and his impression that this was continuing on that the subjects must have been "fortified" in the car, or wearing body armor.

While at the scene, Demchak called his union rep, Jeff Follmer.

Demchak did not get hurt. He did not check his vest but did remember another officer talking about taking his vest off and checking it.

Demchak said he had talked to his partner, O'Donnell, Ereg, and family members. Demchak asked Ereg if he thought he hit the subjects with his shots and Ereg said yes. He asked the same of O'Donnell. He told her that he shot through the windshield and he believed he hit them.

When asked if he thought his actions were in line with his training, Demchak said that he did what he had to do. He did not think that there were any other options available. He was focused on trying to keep other officers safe. "This had to be stopped." When he exited his car there was a "major gun battle" going on and it had to be stopped. "It was something that had to be done".

Demchak did not see anyone acting contrary to their training.

Demchak said that he has a Tracfone and it does not have a camera.

During the pursuit, he said that they were using the lights and siren the whole time.

When asked if anyone tried to influence his statement, Demchak simply replied "No, not at all."

Demchak said that they ended up ahead of Putnam and Ereg when they left the District Station. Putnam did not order any of the vice officers to stop the pursuit. Demchak said that he did not see Putnam at the scene. Demchak said that he later sees Putnam but does not think Putnam had the rifle out.

Demchak said all the shots he took were from the one position behind the zone car. He did not take any shots from his car.

[Demchak Interview]

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Demchak said that he is close to retirement and hoped he was done with this stuff (shooting).

**Subject Information**

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Telephone: [REDACTED]  
Employment: **Cleveland Police Department**  
DOB: 11/19/1958  
SSN: [REDACTED]  
Sex: M  
Race: W  
Height: 601  
Weight: 220  
Hair: Bro  
Eyes: Bro  
S/V/W:  
CCH:

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