



Ohio Bureau of Criminal Identification & Investigation
INVESTIGATIVE REPORT



12/07/2012 REPORT RECEIVED SGT. GARDNER – O'DONNELL INTERVIEW

Summary

On December 4, 2012 Sgt. Scott Gardner and SA John Saraya met with Ofc. Erin O'Donnell of the Cleveland Police Department. This interview took place at 4055 Highlander Parkway Richfield, Ohio 44286.



Details

On December 4, 2012 at approximately 1300 hr., Sgt. Gardner and SA Saraya met with Ofc. Erin O'Donnell at the BCI Richfield Office. O'Donnell was interviewed in regard to her 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 (see attached). During the interview, O'Donnell was provided with a copy of the crime scene drawing to note her location.

O'Donnell also admitted to taking pictures with her cell phone at the scene. She signed a *Consent to Search* and the phone was examined by BCI Cyber Crimes.

The interview was video recorded. The recording and associated documentation were submitted to the case file as Exhibit #15 and as attachments respectively.

This report was received from Sgt. Gardner on December 7, 2012.

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 
Date of Report: 12/7/12	Exhibit #: 15
Investigative Activity: Report received from Sgt. Gardner	Supervisor Approval: Dennis Sweet  JAN 09 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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12/04/2012 CLEVELAND POLICE OFFICER INVOLVED SHOOTING DOO:11/29/2012

On December 4th, 2012 Detective Sergeant Scott Gardner with the East Cleveland Police Department and Special Agent John Saraya with Ohio BCI received Erin O'Donnell with the Cleveland Police Department into the Ohio Attorney General's Richfield Office. Present with O'Donnell was Steve Kinas and Jeff Follmer with the Cleveland Police Patrolmen's Association Union. Also present was Patrick D'Angelo legal counsel representing O'Donnell.

O'Donnell provided detectives with the address [REDACTED] Bay Village, Ohio 44140. Cellular telephone number [REDACTED]. O'Donnell's date of birth is 5/4/67. O'Donnell was read her Miranda warnings and stated that she understood and agreed to speak with detectives. Below is a condensed video recorded oral statement of O'Donnell.

Detectives asked how you are holding up at this point. O'Donnell responded that she was doing okay. Detectives asked what her current assignment is. O'Donnell stated that she was a third district vice detective. Detectives asked if she was assigned to a specific shift. O'Donnell states that it's fourth platoon hours, usually 1800 to 0200. Detectives asked if she remembered if that what it was on Thursday. She stated yes.

Detectives asked who her supervisor was. O'Donnell responds Sergeant Putnam. Detectives asked if he was working that day. She responds correct.

Detectives asked if she has regular days off. She stated it varies monthly, in November they were off Saturday and Sunday.

Detectives asked if she works any extra duty details or overtime. She replied she works at Tower City. She stated that on Thursday the 29th she did work 1200 to 1800 and went straight into work.

Detectives asked how she was feeling that night, tired, alert. She stated she was fine. Detectives asked if she was sick, she replied no.

Detectives asked how long she has been at Cleveland PD. O'Donnell replied that she is going into her 15th year. She was asked if she had worked in any other agency she stated no, stay at home mom.

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

Tuesday, December 4, 2012


APPROVED BY


INVESTIGATING OFFICER

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[REDACTED]

Detectives asked if she wears glasses or contacts, O'Donnell replied no, that she does have them but doesn't usually wear them. Detectives asked for clarification and she replied that once in a while for reading or on the computer, but that she can see well without them.

Detectives asked if she was in plain clothes that night, she replied yes. Detectives asked how were you dressed. O'Donnell replied I had jeans on, a sweatshirt, a black body armor vest that has pockets in the front, it says police across the front and the back, and a blue jacket over the top and it has police on the left breast.

Detectives asked what she normally carries as far as nonlethal, lethal weapons. She stated that she has her taser, her handcuffs, extra magazines, hand sanitizer, flashlight, and drug bags. Detectives asked if she carried pepper spray anything like that, she replied that she did carry her pepper spray but lately she hadn't been because of an extra flashlight.

Detectives asked if she had any backup firearms or anything like that, and she replied no.

Detectives asked how she carries her magazines, were they fully loaded? O'Donnell replied fully loaded in her pouch in front.

Detectives asked how many bullets she had in each magazine; she replied 15 in the Glock 19. Detectives asked 15, 15, and 16? O'Donnell replied correct. Detectives asked if the magazines are carried in the pouch on the exterior of the vest, she replied yes in her center pouch.

Detectives asked if she has any personal recording devices such as tape recorder, or movie camera. She stated no.

Detectives asked about her vehicle, is it an unmarked car. O'Donnell replied yes, it's a black Taurus that has lights in the front and the rear, the red and blue. Detectives asked if the car is equipped with a siren and she replied yes. Detectives asked if everything was working okay and she states yes.

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Detectives asked if anyone else was in the car with her, O'Donnell replied that Detective Demchak was with her in the vehicle.

Detectives asked if there is a personal dash cam in the car, she stated no.

Detectives asked what channel do they operate on, O'Donnell replied that they operated on TAC 3. It was further explained that TAC 3 is not a general channel for all zone cars, which TAC 3 is solely exclusive to vice.

Detectives asked if she has any specialized training such as SWAT? O'Donnell replied that other than the regular classes no. She further stated that she did not have any military experience.

Detectives asked if she was able to hear the pursuit traffic. O'Donnell replied no her partner had just finished booking a male that they had arrested prior to 10:30. She continued to state they had just left the Justice Center and had just pulled into the 3rd District parking lot when they observed Sergeant Putnam and Detective Ereg run into their car. She stated that Sergeant Putnam had his AR 15, so she knew something serious was happening.

Detectives asked if they were on TAC 3 during the pursuit, they were hearing information on TAC 3? She replied no, they had their radio off, because in the jail she uses her personal radio that is on her vest on the regular radio channel, and the car radio is on TAC. She had turned her personal radio off because in the jail it bleeds and makes noise because it is out of range. She continued to state that she had turned it off and did not turn it back on in the car because they were just heading back to the district for paperwork.

Detectives asked if she had qualified this year she replied yes she had qualified with her hand gun and shot gun and no other weapon. She indicated that she had use of force training.

Detectives asked if she had any other prior shootings, she replied no.

Detectives asked her to describe how she became involved with the incident. O'Donnell replied that either Sergeant Putnam or Ereg stated that they were shooting at the police, turn to channel 2. They did that and heard the vehicle pursuit headed east bound on 90, she believed that the pursuits were approaching Chester. Detectives asked what happened. O'Donnell replied once

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they (The pursuit) passed Chester and they knew it was pointless to head down Chester to 55th, they started heading north down East 105th. They were determining if they should take MLK, or head toward 72nd. Once they stated they were trying to get off 55th but missed the exit she said they're probably going to get off at East 72nd so let's head that way. She continued stating that they headed to 72nd. She continued just prior to us getting to East 72nd and St. Clair they came through the intersection.

Detectives asked if she had seen them at the intersection, she replied yes. Detectives asked what happened at that point. She states that they tried to stay in the area in case the suspects bailed from the vehicle; they tried to stay a couple blocks on either side.

Detectives asked what she is hearing at this point on the radio. O'Donnell replied there was someone stating "to be careful", "I believe the passenger is holding a gun". She stated they heard at one point that the passenger was "pointing a gun out the window", somebody else stated it was a pop can. Moments later she heard that they were loading, that it appeared that the passenger was loading a weapon, so be careful, keep your distance.

Detectives asked if this is all prior to them getting to East 72nd, or after. O'Donnell replied some before, some as they were crossing through and still driving.

Detectives asked if they were still stationary at the intersection when they drove past, she replied yes because they were all driving and that's when they chose to go up, they went south on she believes Adison, and they went, she believes south on 79th, and maybe they were on 71st.

Detectives asked if she had seen the suspect vehicle at this point, she replied yes. She was asked if she saw the occupants inside, she replied no.

Detectives asked her to continue. O'Donnell states they headed eventually east bound on Wade Park and then south bound on, she wasn't sure what street, but thinks maybe 118th, and then east bound on Euclid. She continues that it was broadcasted again still keep your distance because we believe they have guns.

Detectives asked for her to describe how the vehicle operated. She responds that the only time she believes they slowed up was on Euclid when traffic began to back up. She states that they were pretty far back in the pursuit. Detectives asked how the suspects were driving. O'Donnell

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replied that they were out of control. She explained that whoever was driving the suspect vehicle was out of control. She continued by stating that they had no regard for human life, running lights, driving not in the right lanes. She described that they were driving in the opposite lanes of traffic, and doing whatever they could to get away from police at that time. Detectives asked she thought suspects knew the police were behind them, she states that they knew, yes.

Detectives asked her to continue from East 118th. O'Donnell stated that someone called out to notify East Cleveland, somebody else said Cleveland Heights, they were asking for spike strips, to see if anyone had spike strips in the area. She continued that the suspects made a right hand turn, but not sure what the name of the street was, so they took the right after that. Detectives asked to clarify what road she had turned on, we asked her if it was Lee Road. She stated that she thought it was.

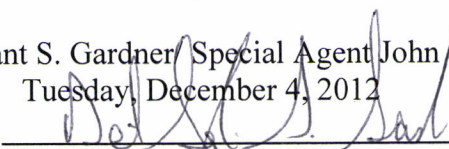
Detectives asked her to continue her account. She said that she could see several police cars following suspects down Wymore and that all of a sudden one of the officers says there's no way out. Somebody might have said this is a dead end, be careful. As they approached she could see cars heading down, she stated that she told her partner to hold up, not to go any further south on Lee because if they bailed they were going to come towards us because you could see a big hill and she figured it would be harder for them to go up the hill. She continued that they stopped right there and she could see the congestion backing up with the cars. She states that she told her partner to hop the curb and to head over that way, as they were hopping the curb she heard a couple of shots and heard at least one person, possible two different people state" they're shooting at us". O'Donnell continued and said as we pulled the car further westbound the suspect's car was still coming towards the police cars.

Detectives at this point showed her an overview Google Earth map for orientation. She pointed to her vehicle being on Lee Road across from the Heritage Middle School parking lot. She stated that they drove their police unit over the curb onto the grass. Detectives asked for her to clarify as to when she began to hear shots fired. She replied just as they came over the curb she could hear a couple of shots. Detectives asked her to clarify if she heard the shots over the radio or externally, or both. O'Donnell replied that she heard both, outside the car, and she told her partner be careful. She stated that she and her partner ducked down because they did not know which way the shots were going to go. She stated that she knew that the suspect vehicle was coming back towards them. She describes that her partner pulled the police unit further forward and they exited their unit. While they are exiting they hear more gunshots. She points and

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describes on the map that she went to the driver's side front door of CPD 238. Detectives asked her to draw her approximate positions. She stated that she had a clear shot to the passenger side of the suspect vehicle. She stated that she took cover by CPD 238 because someone was alerting to crossfire. She looked to the suspect vehicle; she began hearing numerous shots and observed the driver and passenger moving. She stated that she thought the driver was shooting, and it looked like the passenger was reloading. She stated that she drew her weapon, and checked her target and beyond and fired several rounds into the passenger window. She stated that she was uncertain if the window had already been broken or if the window was down.

Detectives asked if she recalled how many shots, she replied that she shot 12 times, but she thought she shot 5 or 7.

Detectives asked her to clarify how she knew that she had fired 12 shots. She stated that Sergeant Tim Stacho received her weapon, inspected it, and returned it to her telling her that she had fired 12 shots.

Detectives asked how long she thought the shooting was going on for, she replied for seconds.

Detectives asked if she was aware of where her partner was at that point, she stated she did not. She is asked if someone was at the driver's side of CPD238, and she replied that there was, but was uncertain of name of the officer. She thought it was Bieler or Biler or something like that. Detectives asked if she saw any other officers around her, and she describes that Detective Ereg was on her left yelling out "cease fire" towards the end.

Detectives asked if she had seen a gun or heard gun shots from the suspect vehicle and she stated that she believed she heard gun fire.

Detectives asked if she observed the suspect vehicle strike police cars and she stated that she was too far back and did not see it but heard over the radio that the suspect vehicle had struck several police cars.

Detectives asked if along the way she observed anything being thrown from the vehicle and she stated that she did not.

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Detectives asked why she thought the driver was shooting and she stated that due to the movements of the passenger that she thought that the passenger was reloading and the because of the numerous shots being fired by other officers that they were exchanging fire with the driver.

Detectives asked what her proximity to the vehicle was and she stated that they were pretty far back and that there were numerous cars in front of them.

Detectives asked how the traffic was during the pursuit and she indicated that for the most part it was clear, that it did become congested around Euclid Avenue.

Detectives asked when she became aware of the sex and race of the occupants and she indicated that she believed it was two males during the pursuit, that she did not find out that the passenger was a female until after.

Detectives asked if she had heard the names of the suspects at this point and she stated that she had. Detectives asked her if the names sounded familiar to her with any prior dealings and she stated that she did not think so. Detectives asked if she had seen photographs of the suspects and she stated that she had and that she did not think that she knew them.

Detectives asked how she would describe the lighting at the scene and she stated that there were lights but she believed that they were off to the side and not directly above. She stated that with all of the police vehicle lights it was somewhat distracting.

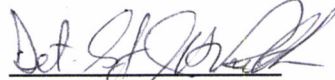
Detectives asked her if she had issued any verbal commands or if she heard anyone else issue verbal commands and she stated that she had heard Detective Ereg issue some and had heard quite a few more stating to cease fire. "I did yell out cease fire when I walked over to the vehicle to check the passenger and driver for a pulse. I did not reach in because there was so much glass and blood. I heard someone yelling to call EMS."

Detectives asked if she had observed weapons from the suspects and she replied that she did not when she went to go look at them.

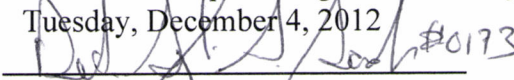
Detectives asked if she had seen any other movements from the driver or passenger. She stated that when the passenger stopped moving is when I stopped shooting.

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Detectives asked if she knew where her rounds were hitting and she stated that she thought she had hit the passenger center mass, because that was what she was aiming for.

Detectives asked if there were any other options that she could have taken and she stated that there was none that she could tell. Detectives asked if she could have gotten back in her car and drove away and she stated absolutely not.

Detectives asked if she remembered any other officers' actions and she stated that she did not.

Detectives asked if she did or if she knew who called EMS and she stated that she did not call and that she did not know who called for EMS.

Detectives asked after the shooting stopped what she did and she stated that she went down to check on the suspects status and several supervisors came on scene and directed the shooters to go to one area and non shooters go to another area. She stated that Fire did come through to check on the suspects.

Detectives asked if she was injured or her vest took any rounds and she stated that she was not injured and her vest was okay afterwards.

Detectives asked if there were any statements made by other officers that she recalled hearing and she stated that she did not remember any.

Detectives asked other the union representatives and her attorney if she had spoken with anyone reference this incident and she stated that she had spoken with her dad and her friend Margie.

Detectives asked if she had spoken with any of the officers that were involved since the incident and she stated that she had spoken to a few to just see if she and they were doing okay.

Detectives asked if she thought she was in fear of her safety or others and she stated that she did. She continued by stating that when the shots rang out she either had the option to crawl in her glove box or go help her fellow officer. She stated that she believed that she had a better angle than others.

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Detectives asked if she felt her and others actions were consistent with training and she stated that she did.

Detectives asked if anyone asked her to lie on her statement and she stated that no one did.

Detectives asked if anyone took photographs with their camera or cell phone and she stated that she did not know of anyone.

Detectives asked if she used her cell phone while on scene and she stated that she had made some calls concerning her daughter being taken to school.

Detectives asked if there was any questions that we had not asked that she felt was important and she stated that she did not think so.

Detectives gave O'Donnell's legal counsel an opportunity to ask any questions that he made have had. Mr. D'Angelo asked O'Donnell if Sergeant Putnam was present on scene if O'Donnell saw him and she indicated that she did see him on scene. Steve Kinas asked O'Donnell what her call sign was for the shift and O'Donnell stated that she was 3V83. Kinas asked O'Donnell if once she changed from channel 3 to channel 2 if she remained on channel 2 for the duration of the incident and she stated that she did.

Mr. D'Angelo and O'Donnell became engaged in a private conversation and asked to step out for a moment. When O'Donnell came back with Mr. D'Angelo O'Donnell stated that she had taken a picture on scene. That the photograph was taken so that she could recall what area she was in during the shooting. Detectives asked if she still had the photograph on her phone and she stated that she did. Detectives asked to see it and she voluntarily gave the telephone to us. She further explained that after the incident she became aware that Detective Ereg had also taken a photograph with his cell phone and she asked him to forward it to her, which she stated that he did. Detectives asked if she had sent the picture anywhere and she stated that she did not. O'Donnell was asked if she would sign a voluntary consent form for BCI's Cyber Crimes Unit to pull the photographs off the cell phone. She agreed and admonished the form in the presence of Mr. D'Angelo, who also signed off as a witness. O'Donnell's Verizon Samsung cellular telephone was taken by Agent John Saraya over to the Cyber Crimes Unit. It was later returned to O'Donnell.

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Detectives asked her if she ever transmitted during the broadcast and she indicated that Sergeant Coleman from 2nd District Vice was calling out some directions but sounded like she was lost. O'Donnell called out that they were at Dibble and Addison.

O'Donnell was thanked for her time and the interview ended.

Investigation Continues...

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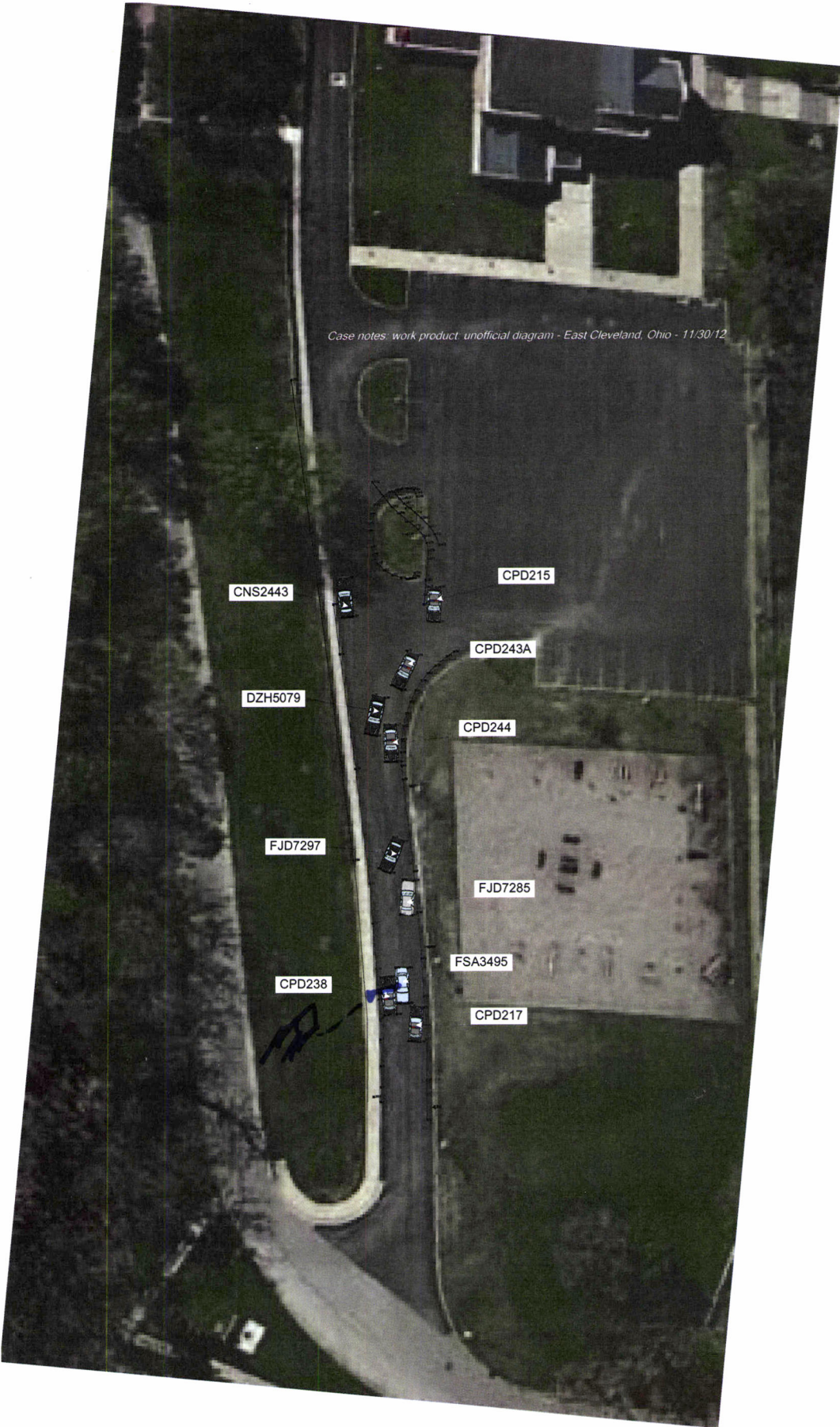

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DATE: 12/04/2012

ETR 113 O'Donnell

12/09/12 SH/KS - 817/34



Case notes: work product: unofficial diagram - East Cleveland, Ohio - 11/30/12

CONSENT TO SEARCH

DATE: 12/04/12

TIME: 1410

I, ^{ERIN} ODONNELL having been informed by S/A J SARAYA and _____ who has identified him/herself as a Peace Officer and or a Law Enforcement Officer, of my Constitutional right to not have a search made, exemplars taken, or evidence seized from me without a search warrant, and having been told of my right to refuse such a search or seizure, hereby authorize the above identified law enforcement officer to:

I. Conduct a search of my computer, further identified as:

II. VERIZON - SAMSUNG CELL PHONE

III. Said search may include all data contained on the referenced Hard Disk Drive or other storage media contained in the referenced computer and any other storage media which may be located such as but not necessarily limited to floppy disk, zip disk, Personal Data Assistant (PDA), secure media cards, smart cards, CD, CDR/W, digital camera media such as compact flash cards, magnetic tape or optical storage devices all other devices, in any format and, whether the data is stored in files, tables, other data structures, or unallocated space;

IV. Said search may include production and examination of a duplicate Hard Disk Drive or analysis files which contain all the data on the referenced Hard Disk Drive and or storage media, said duplicates, files, and data becoming the sole property of **Ohio Attorney General's Office - Ohio Bureau of Criminal Identification and Investigation.**

The above individuals are further authorized by me to take possession of any stolen property, implements of a crime, instrumentalities, or other property or data which may have been used, obtained, or possessed in violation of the laws of Ohio, any other States, or of the United States; and any physical evidence which is believed to be evidence of a suspected criminal offense known or unknown at the time; or any items that are believed to be relevant to the investigation of a suspected criminal offense.

This written permission is being given by me to the above named law enforcement officer voluntarily and without threats or promises of any kind, and is given with my full and free consent.

Erin Donnell

Person Granting Consent (name / printed)

[Signature]

Person Granting Consent signature)

Person Granting Consent (phone number)

Person Granting Consent Address

Person Granting Consent (date of birth)

[Signature]

Witness / Title (name / printed)

PATRICK D'AVELLO

Witness / Title (signature)

[Signature] Det. Sgt. S. Larcher
East Cleveland

Witness / Title (name / printed)

Witness / Title (signature)