



Ohio Bureau of Criminal Identification & Investigation
INVESTIGATIVE REPORT

12/10/12

MICHAEL BRELO INTERVIEW

Summary

On December 10, 2012, Cleveland Police Officer Michael Brelo, 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 Kinan representing the union. The interview was conducted by East Cleveland Police Sergeant Scott Gardner and BCI SA John Saraya.

Officer Michael Brelo 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 #18.

Details

Brelo entered the interview with two full water bottles. Brelo was asked how he was doing. He replied that he was nervous and that it had been a hard couple weeks.

Brelo is a five-year veteran of the Cleveland Police Department and is assigned to the 2nd District, "B" Platoon patrol. His shift is 1530-0130 with Friday, Saturday, Sunday, and Monday off the week of the shooting. He could not recall who his sergeant was on the 29th, but that Sgt. Coleman was at the scene. Brelo did not work any extra shifts or side details within the prior 48 hours.

On the 29th of November, Brelo said that he was feeling good, and was not taking any medications. Brelo does not wear corrective lenses.

For his shift, Brelo is in full uniform with duty-belt and an exterior vest. Brelo was carrying two extra magazines, flashlight, an expandable baton, two pairs of handcuffs, pepper spray and his pistol. He was not carrying anything on his vest, and he has not been issued the Taser. Brelo is issued a Glock 17 pistol and carries a total of about 54 rounds.

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: 12/10/12	Exhibit #: 18
Investigative Activity: Brelo Interview	Supervisor Approval: Dennis Sweet <i>[Signature]</i> JAN 09 2013

Brelo does not have any personal recording devices.

Brelo was working in car to 217, a fully-marked cruiser, call sign 2B22. He is partnered with Officer Cynthia Moore. Brelo was driving. There's no camera in the car. All equipment is functional. They were on Channel 2 at all times.

Brelo has received extra training in crisis intervention. He was in the Marines, in the infantry from 2003 to 2010. He was deployed to Iraq in 2005. While in Iraq, Brelo did not get involved in any firefights. In the past calendar year, Brelo has qualified with handgun and shotgun. He also received use of force training in the past year. His OPOTA qualifications are up to date.

Brelo was involved in another officer involved shooting. He indicated that last year his partner fired one round at a suspect vehicle. He did not fire.

On November 29, Brelo said it was a "normal shift" with nothing crazy going on. While on patrol northbound on west 25th Street, Brelo hears Officer Nan broadcast a description of an older car shooting near the Justice Center. Brelo said he activated lights and siren and headed for the Detroit-Superior Bridge. While eastbound on the bridge, the suspect vehicle was westbound coming at them at a high rate of speed. Brelo said there was a zone car in front of them that activated their lights and siren and turned to go after the suspect vehicle. Brelo heard 2A31, Ofc. Siefer broadcast that they had the suspect vehicle. This is the car in front of him.

The car headed southbound on west 45th Street to Lorain traveling westbound. Brelo says they're the second or third car in the pursuit. They go southbound on 73rd street to Clark and eastbound to Quigley. During this time, Brelo hears Siefer broadcast the suspect pointing a gun out at them. During this time, other zone cars are joining the pursuit and because of traffic, Brelo drops about 10 cars back. 2A31 is the primary car behind the suspects.

The pursuit went down Quigley, through the Steelyard area. Brelo said radio broadcasts advised that the car was getting on the freeway. During that time on the freeway, Brelo remembers hearing radio traffic that the passenger was pointing a gun out the window. Brelo said he did not work on the east side and was unfamiliar with the area as the pursuit left the freeway. At this time, Sgt. Coleman begin broadcasting directions. Sgt. Coleman also broadcast that it appeared the passenger was reloading.

Brelo said that the pursuit ended up on the dusty road where the visibility was bad and he heard the zone car broadcast that it was a water treatment plant they were entering. The broadcast went on that there was no exit. Brelo said he was worried about the visibility because of all the zone cars in front of them. As Brelo was pulling up, he hears "Shots fired! Shots fired!" on the radio.

Brelo sees a zone car to his left. He hears Sgt. Coleman say she thinks the suspect car will stop. Brelo cuts right and stops the car. He sees zone car 238 in front of him, so he pulls to the right and stops. Brelo did not see any officers outside of car 238 and some that are still in the car. Brelo said he sees headlights coming at them. He sees what he describes as either a Buick or

Chevy hit car 238 on the passenger side. The subject car begins to veer off of 238 and comes toward Brelo and he thinks they are about to get rammed. Brelo can see both occupants in the subject vehicle. He said he sees both occupants pointing dark objects at them up and demonstrates holding his hands as if pointing a gun. Brelo said he heard shots being fired from the area of subject vehicle. Brelo said, "I've never been so afraid in my life. I thought my partner and I were being shot at and that we were going to be killed. At which point I drew my weapon and I shot through the windshield at the suspects." Brelo was asked how many rounds he fired through the windshield to which he replied, "I thought it was probably five or six, I looked down at my weapon and thought I had a jam. So I reloaded." Brelo conducted a magazine exchange in the front seat of his car before exiting. He said he still believed he was being shot at and the subject vehicle was going to ram him. Brelo said he knew his partner was shooting from inside the vehicle as well. Brelo said he exited the zone car because he was terrified of it getting hit by the subject vehicle.

Brelo said he knows his partner exited the car, but he loses sight of her. He exits and moves towards the rear of zone car 238. As he moves, he fires at the subject vehicle saying, "...what feels like five or six rounds into the suspect's vehicle, cause there are still rounds going all over the place. I feel like I'm being shot by the suspects, and I can see the suspects kept on moving and threatening by shooting us, at which point I looked down at my magazine and see I'm empty. I drop well behind zone car 238, I'm crouching behind 238, I reload into my third magazine. I look to my left and I remember seeing officers firing, I don't remember who though. I remember there was a hill behind them. I didn't want to go left in fear that I would be shot by one of these officers, and I didn't want to stay behind the zone car. 'Cause the Chevy or Buick I thought would hit me and I was terrified I would be pinned underneath the zone car 238. At which point I made the decision it was safer on the trunk of zone car 238. Where I had the hood and the compartment between me and the vehicle."

As Brelo was telling his story, he started becoming emotional, breathing rapidly and starting to tear up. He paused to drink some water and was offered a chance to take a break which he declined.

Brelo continued: "At this point I still don't know if anyone is in zone car 238 and I was terrified that ah, with crossfire, I didn't... I knew that the suspect vehicle was coming, I didn't know who was behind us." At this point, Brelo broke down in tears and had to pause. He continued, "I remember through my training that engine blocks could stop 9 mm rounds, and I was terrified that I would be shooting behind the vehicle and hitting anyone behind the trunk of the suspect vehicle. So, I didn't know if anyone was in 238, if they were shot or killed, and I just felt that if I had some elevation I could shoot into the suspect's vehicle and try to stop the threat. I keep hearing rounds go off, I see the suspects moving, and I couldn't understand why they are still moving, shooting at us. Even through Iraq I never fired my weapon. I never have been so afraid in my life and I just couldn't understand why the suspects were still moving and shooting at us. Next I was crouching over the light bar of 238 shooting into the suspect's car, I must've had tunnel vision, the next thing I remember, I'm next to the suspect's vehicle, I was by the driver's door, I remember having my weapon in my holster, I remember going up to the car, and putting

the car from drive to park, and took the keys out of the vehicle and put them on the front of the hood.”

Brelo said that he had no idea how he got to the driver’s side door. He does not remember if he shot from the driver’s door, and said his gun was in his holster. He heard people yelling, “cease fire!” Brelo worked to get his emotions under control, and finished his first water bottle.

Brelo said that even for Iraq he was never as terrified as he was at the scene. He said in Iraq, they would take mortar and rocket fire, you would hear it, and have 20 or 30 seconds to dive for cover before it was over. He said this event lasted 30 or 40 seconds. He was afraid he and his partner were going to be killed.

During the pursuit, Brelo said they did not make any radio broadcasts.

Brelo said that at the first point they come into contact with the subject vehicle, the car passes them on the Detroit-Superior Bridge at about 50 to 60 MPH. He said there was a lane between them, he could see a driver and nothing else in the car. He does not recall seeing details of the driver, or the driver even turning to look at him. While in the pursuit, as the second car, he did not hear anything like gunshots while driving. Brelo describes the driver of the subject vehicle driving at “a high rate of speed”. When asked to clarify, Brelo said 60 to 70 MPH. Brelo also said that during the pursuit the only times he saw the car was when it initially passed him and when it turned onto west 45th Street. After that, all he could see were taillights and more zone cars getting into the pursuit.

When asked about the suspect description, Brelo said he believed Officer Nan had said two black males. The next day, Brelo received a text message where he learned that one of the subjects was a female. He believed he received the text from his fiancée. Brelo said he had not been watching the news, and had not learned the subjects’ names. He was shown pictures and given the names of the subjects, and asked if he was familiar with them from prior calls or contacts. He replied they’re not familiar to him at all.

Brelo was provided with an overhead view of the scene and a marker. He was told to draw his positions and movements. This diagram was later initialed, collected, added as an attachment to this report. At about the time they get to the school, Brelo estimates there are about 10 cars in front of him. He was asked how many cars were behind him and he responded, “Too many to count, there were flashing lights everywhere.” Brelo was unsure if they came up Terrace or Wymore to pull into the parking lot. When shown a diagram of the scene, Brelo said he did not think the suspect car was down that far, or that it was in contact with car 238.

Brelo says they entered, he hears “shots fired” as they are driving down the “dusty road”. He sees one car go left, and he moves to the right. He believed he heard Sergeant Coleman broadcasting the subjects had nowhere to go. It looked like the subjects were about to flee, get out of the vehicle. Brelo said he had stopped his car, when he sees the subject’s car come down and strike 238. Brelo draws and fires through the windshield, thinking five are six rounds and a jam, and changes magazines. As he’s moving between the zone cars, Brelo is firing into the

windshield of the suspect vehicle. Brelo said that at this point he's still terrified of being shot or run over by the subjects. Brelo said he remembers the hill and officers up there. He does a magazine exchange. Brelo thought the subject's car would ram 238 and run him over. Fearing that, he climbs onto the trunk of 238 and shoots over the light bar. Brelo said he kept thinking, "Why are they still moving? Why haven't they stopped? Why are they still shooting at us? Why is the threat still moving?" Brelo's next memory is standing next to the driver's door of the subject vehicle. He has no idea how he got there. He was asked if he remembers standing on the subject vehicle. Brelo said he had no recollection of that happening.

Brelo was asked, with all the confusion, if he remembered yelling anything. He said he did not. If he did, based on this training it would have been, "show your hands! or "stop!" Brelo said that at this point, his right ear hurts from a gun fire inside of his zone car. He does not remember anyone yelling out there, "It's lights and sirens, shots are being fired, no sir." The ceasefire command he heard was while he was standing at the driver side of the subject vehicle. He does not know who was saying it.

Brelo said that after putting the subject car in park and removing the keys, he found his partner. She approached him and handed him a magazine. He asked her why she picked it up to which she responded "habit". He took the magazine believing it was his. Officer Moore found the magazine and thought it was Brelo's.

One looking to his left, Brelo said he saw officers on the hill. He was asked how many and responded, "three or four". He could not identify any of the officers there.

Brelo describes the area is dark; however, there were street lights and headlights from the suspect car. Brelo said that while it was dark he could still see inside the suspect vehicle.

Brelo was asked to clarify when he sees the subjects hands come up. He said it was right after the subject car strikes zone car 238, and the car appears to be coming towards Brelo, and he believes he's going to get hit next. He also hears actual gunfire that he believes is coming from the suspect vehicle. Brelo never saw anybody exit car 238. He said he remember seeing movements but no one he could identify.

Brelo was asked why he thought the subjects were shooting at him. He responded that the chase was 22 to 25 minutes long, he heard from Officer Nan about being shot at, A31 during the chase saw them pointing a weapon out the window at pursuing officers, and he heard rounds coming from the vehicle.

Brelo requested a restroom break and was given one.

Upon returning Brelo was asked what his point of aim was. He said the driver and then the passenger. This was cleared up when asked what his point of aim was while inside his own car. Brelo said, "First the driver then the passenger." While moving between the zone cars, he said it was just in to the car. While on car 238, Brelo does not remember transitioning from one target

to another. He was asked where he thought his rounds hit. Brelo responded that they are trained to shoot at center mass and he hoped his rounds hit center mass.

When asked if there were any other alternatives besides deadly force that could have been used, Brelo responded, "absolutely not".

Brelo said he remembered seeing officers on the hill to his left; however, no cars. He believes the officers to have been in uniform.

Brelo knows somebody called for EMS; however, he does not know who.

After everything stopped, Brelo reached in and put the car in park, removed the keys and placed them on the hood. He took the magazine his partner handed him when he found her. He did not pick up or touch anything else.

Brelo had checked his vest to see if he had been hit by any rounds and did not find anything. The only injury he said he suffered was his ear hurting after the fact.

As things calm down, Brelo said that the only thing he hears are officers checking on each other. He remembers a female lieutenant separating officers and moving them away from the crime scene.

Brelo was asked who he spoke to about the incident. He identified his lawyer and union representatives and his fiancée. He knows he asked his partner if she was okay, but does not remember speaking to any other officers there. He did say he received text messages from other officers asking if he was okay. While at the scene, Brelo called his fiancée to tell her he was okay and to ask her to contact his mother and tell her he was okay. He says he did not take any pictures with his phone and he did not see anyone else taking any pictures with their phones.

Brelo was again asked if he was in fear for his safety and the safety of other officers. He responded, "The most I've ever been in my life, sir. Even more than in Iraq. I've never been more afraid in my life for me and my fellow officers, sir." When asked to explain why, Brelo said, "because I thought we were going to get rammed. I thought we were going to be shot and killed."

Brelo said he believes his actions to be consistent with his training. When asked about his fellow officers, Brelo said that from what he saw, he believed their actions were consistent with the training received.

Brelo said no one tried to influence his statement to investigators.

Brelo said that a lieutenant from homicide checked his gun and magazines. The lieutenant told him he had 2-3 rounds left, but being unsure how many rounds were in the magazine he exchanged in the car, Brelo thinks he may have fired about 50 rounds. He did say it felt like he only fired 15 rounds at the most.

Brelo was again asked if he remembered stepping onto the hood of the subject vehicle. He said he has no recollection. When told that it looked like shoeprints on the back of car 238 were the same as the shoeprints on the hood of the subject vehicle, Brelo said that he would not be surprised. He has no idea how he got from car 238 to the driver side of the subject vehicle. Brelo was also asked that while the shooting was going on if he was yelling anything, and specifically, "Semper Fi!" His response was, "absolutely not."

Brelo was asked how long it felt like this incident lasted. His response was 30 to 40 seconds.

Brelo was asked specifically why he got onto the trunk of car 238. He said that in a split second he decided that the suspect vehicle might ram car 238 again, pushing the car on top of him. He was also afraid the engine block of the subject's car was stopping his rounds and that was why they kept shooting at officers. And if there were officers present, the higher angle would prevent him from hitting them.

Brelo said that after removing the keys he walked away from the car. He did not see anybody checking on the subjects.

When asked if he had heard any racial comments made or directed at the subjects, Brelo replied "Absolutely not." He also did not believe this was a racially-motivated incident.

In describing the scene, Brelo said that a number of cars had their sirens on and, with gunfire, it was deafening."

Brelo, upon prompting from Atty. D'Angelo, wanted it known that he had received awards for subduing knife-wielding subjects without using deadly force. He said he had two or three of these in his file. Brelo's point was that he had been in situations where he could have fired his weapon, but never did.

Brelo also offered that, in the Marine Corps. training, he was taught to elevate, and go through the target.

In clarifying, Brelo said that when they first pulled up, he thought they were being shot at. Although he did not know if rounds actually impacted his windshield, he believed they did. What led him to believe this was, according to Brelo, his hearing shots being fired from 5 to 10 feet in front of him. This would be where the subjects vehicle was. Brelo described training you received over the past summer for shooting out of the zone car, and through the windshield.

Brelo said he actually heard gunfire as the subject car struck car 238.

Brelo was also asked if he was wearing the same shoes that he was the night of the shooting. He replied he was. He was asked, in the presence of counsel, if he would be willing to give shoeprint impressions for comparison to the shoe imprints on the vehicles. He consented and BCI crime scene agent SA McNeely obtained the impressions.

Subject Information

Name: Michael J. Brelo
Address: [REDACTED] Bay Village OH 44140
Telephone: [REDACTED]
Employment: Cleveland Police Dept.
DOB: 03/13/1984
SSN: [REDACTED]
Sex: M
Race: W
Height: 511
Weight: 200
Hair: Bro
Eyes: Blu
S/V/W:
CCH:

12/6/12 Mike-Buzzo

S/A JSP - R1 #104



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

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