



Ohio Bureau of Criminal Identification & Investigation
INVESTIGATIVE REPORT



DECEMBER 11, 2012 INTERVIEW OF CPD OFFICER JAIME CRUZ

Summary

On December 11, 2012 at 15:05 pm, Detective Sergeant James Ruth of the East Cleveland Police Department and S/A Jean-Philippe Rigaud met with Cleveland Police Officer Jaime Cruz (DOB: 09/29/58, of [REDACTED] # [REDACTED] (cell)). The meeting occurred in Ohio Peace Officer Training Academy Room C113 at 4055 Highlander Parkway, Richfield, Ohio 44286. The purpose of the meeting was to gather a statement from Cruz regarding case SI-18-12-82-1493.

Details

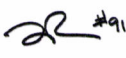
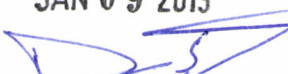
On December 11, 2012 at 15:05 pm, Detective Sergeant James Ruth of the East Cleveland Police Department and S/A Jean-Philippe Rigaud met with Cleveland Police Officer Jaime Cruz (DOB: 09/29/58, of [REDACTED] Ph. # [REDACTED] (cell)). The meeting occurred in Ohio Peace Officer Training Academy Room C113 at 4055 Highlander Parkway, Richfield, Ohio 44286. The purpose of the meeting was to gather a statement from Cruz regarding case SI-18-12-82-1493.

The following were also present for the interview:

- Attorney Patrick D'Angelo (2000 Standard Building, 1370 Ontario Street, Cleveland, OH 44113 Ph. 216-496-0664)
- Cleveland Police Patrolmen's Association President, **Jeff Follmer**, and Vice-President, **Steve Kinas** (1303 West 58th Street, Cleveland, OH 44102 Ph. 216-631-8455)

Ruth read Cruz his Miranda warnings. Following this, Cruz stated these facts:

Cruz is assigned to basic patrol, 2nd division, C Platoon. He has rotating days off. His normal hours are 2030-0630 hrs. He has been with Cleveland Police for eleven (11) years. His supervisor is Lieutenant Socha. He is a certified by the Ohio Peace Officer Training Academy

File Number: SI-18-12-82-1493	File Title: Timothy Russell, Malissa Williams
Case Agent: Mark Kollar #142	Authoring Agent: SA J. Rigaud 
Date of Report: December 11, 2012	Exhibit #: 19
Investigative Activity: Interview of Jaime Cruz	Supervisor Approval: JAN 09 2013  SAS Dennis Sweet #10

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and re-qualified with his firearm with Cleveland Police Department. Cruz stated that he also received his Use of Force training.

Cruz stated that he felt rested at this time.

[REDACTED] He uses corrective lenses and was wearing contacts the evening of November 29, 2012.

Cruz described his standard uniform as the basic patrol uniform for Cleveland Police Department. Cruz stated that the following equipment was on his person the evening of November 29, 2012:

1. City issued firearm (Glock 17)
2. Handcuffs
3. Pepper spray
4. Taser
5. Asp baton

Cruz stated he has no specialized training.

Cruz denied the use of any personal recording devices, including his personal cell phone, for audio or video of the November 29, 2012 incidents.

Cruz stated that on August 2009 he was personally involved in a police shooting incident he described as 'friendly fire'. It occurred at 40th and Bailey in regards to a call involving a male with a gun. It was at a boarding house. Cruz stated that he and his partner had entered the rear door of a residence and began a search for the male with the gun inside. Cruz stated that another police unit had responded to the front of the residence as well. Cruz's partner had told him to open the front door to allow the other police officers outside the residence to enter and assist with the search. As Cruz opened the front door with his weapon still in his hand, one of the officers outside the house proceeded to shoot eleven (11) rounds at him. He was not hit by any of the rounds and was un-injured.

Cruz stated that on November 29, 2012:

- He was partnered with Cleveland Police Officer Tony Gonzalez in police vehicle 244.
 - Cruz was the driver of vehicle 244.
 - 244 contained no dash camera
 - 244 does have a Mobile Data Terminal
 - 244 radio channel was channel 2
 - Lights and sirens operated properly in 244.
- Cruz said his call sign was 2A33.
- He and Gonzalez were at Cypress Beverage when he heard the radio broadcast 'shots fired'. Cruz stated they got in their vehicle and, when they heard the vehicle was headed west on Detroit, they decided to join in on the chase.

- Over the radio they heard that the vehicle was on Detroit and had reached 85th. They were on State and Pearl at the time and began heading towards this area.
- Cruz said that it was broadcast that the vehicle occupant was pointing a weapon out of the window so Cruz stated he began driving faster.
- Cruz stated that broadcasts stated the vehicle was at 65th and St. Clair. Cruz said his vehicle was at Dennison and Pearl at the time.
- Cruz said that broadcasts said the suspect vehicle was headed toward the steel yard. Cruz said his vehicle was at Clark so he started heading toward West 14th.
- Cruz said that broadcasts said the suspect vehicle was coming up toward the steel yard. Cruz stated he drove his vehicle to the roundabout. Cruz stated that his vehicle was going the opposite direction than that of the suspect vehicle. Cruz said he drove to the roundabout with the intention to block off the road to prevent the suspect vehicle from going onto the highway. He stated that the suspect vehicle then went westbound on West 14th.
- Cruz stated that his vehicle then joined the pursuit from West 14th to I-90 to East Cleveland.
- Cruz stated he was possibly the fifth (5th) or sixth (6th) car in the pursuit.
- Cruz stated that in regard to the suspect vehicle occupant having a weapon, he did not see a weapon at any time during the incident.
- Cruz also stated that his partner, Gonzalez, stated to him that he saw the passenger of the suspect vehicle pointing something towards the back window, weapon in the suspect vehicle. This was told to him while they were at the roundabout.
- Does not recall any loud noises or observations regarding dead man's curve and the suspect vehicle.
- Cruz stated that as they entered East Cleveland off of I-90, he was not familiar with the area and just followed the other police lights.
- Cruz stated that as they came onto Wymore, they hit a patch of white dust or smoke. He stated he almost ran into a curb and maneuvered to the left.
- Cruz stated that as they drove into the school parking lot, the suspect vehicle was driving back out of the lot, heading the opposite direction of his vehicle's travel. Cruz stated that the suspect vehicle almost struck his vehicle.

At this moment during the interview, Ruth showed Cruz one (1) photograph from the shooting scene at the school parking lot. Ruth explained the photograph to Cruz and made him familiar with the photograph's layout. Ruth then asked Cruz to identify his vehicle. Cruz located his vehicle on the photograph, circled it, dated, and signed the photograph paper.

- Cruz stated that as he pulled up he did hear a shot fired. He was not certain as to who fired the shot – officer or suspect.
- He stated that he began to open the driver's door of his vehicle. The suspect vehicle was headed out of the parking lot so he stated that he quickly shut his door. Cruz stated that he believed his vehicle would have been struck by the suspect vehicle if he did not close the door. He believed the suspect vehicle was travelling at about 25 mph.

- Cruz stated that as the suspect vehicle drove past him, he observed the driver in the vehicle to be looking straight ahead. He did not observe the passenger at this time.
- Cruz stated that as the suspect vehicle passed him, he opened his door again to get out. He stated that Gonzalez was out of the vehicle with a shot gun already. He stated that he had one foot out of the vehicle when Gonzalez then pulled him back into the vehicle as the gun shots started.
- Cruz said that he attempted to look up during the shooting but he did not observe any of the actual shooting.
- Cruz stated, during the shooting, he observed Fairchild grab McNeely and both take cover at the front of his vehicle, behind the push bumpers.
- Cruz also stated he remembers Sgt. Coleman broadcasting over the radio to watch the friendly fire, watch the friendly fire.
- After the shooting stopped, Cruz got out of his vehicle. He stated he started walking towards the suspect vehicle. He observed Paul Box who Cruz stated was shaken up. He also observes Randy Patrick.

At this point of the interview, Cruz stops speaking, bows his head, and begins to cry. He pauses and remains silent for a few moments. Cruz then continues his statement.

- Cruz stated that he observed Randy Patrick with blood spots on his forehead. He walked toward the suspect car.
- Cruz stated he remembers someone yell to call EMS during this time.
- At the suspect car, he observes Freddy Diaz on the hood of Car #238. Diaz was checking the passenger's pulse. Diaz stated that the passenger didn't have a pulse.
- Cruz also observed Brelo reach into the suspect vehicle, put the car in park, turn off the ignition, and remove the suspect vehicle keys.
- Cruz stated he looked around some to make sure others were okay and then returned to his vehicle and waited.
- Cruz described the area of this shooting as pretty bright and loud from the many sirens.
- In regards to his speed during the pursuit, Cruz stated it may have been 80 or 100; however, he stated he did not look at the speedometer during the pursuit.
- Cruz identified the vehicle next to his police vehicle on the diagram as McNeely's.
- Cruz stated that he was not injured at all from this shooting.
- Cruz stated he did not hear any verbal commands given at all regarding the suspect vehicle while in the school parking lot.
- Cruz stated he was not aware of any racial comments made by others at the school yard.
- Cruz stated that he had spoken to other officers of the incident regarding comments made by the mayor and chief about this being a racial incident.
- Cruz stated that he did believe his actions were consistent with his training as well as confirming that all other officers' actions were also consistent with training.
- Cruz stated that he did not use his cell phone to record anything from the incident nor did he observe anyone else doing so. Cruz stated that at no point did he receive any pictures on his phone regarding this incident.

S/A Rigaud submitted the following item into this case file as Exhibit #19:

- One (1) CD of video recorded interview of CRUZ

S/A Rigaud also submitted the following as an attachment:

- One (1) page with crime scene diagrams marked by CRUZ.

Subject Information

Name: JAIME CRUZ

Address: [REDACTED] CLEVELAND OH 44135

Telephone: [REDACTED] (personal cell phone)

Employment: Cleveland Police Department

DOB: 09/29/1958

SSN: [REDACTED]

Sex: M

Race: H

Height: 6' 04"

Weight: 225

Hair: BLACK

Eyes: BROWN

S/V/W: W

CCH: None



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

CNS2443

CPD215

DZH5079

CPD243A

FJD7297

CPD244

CPD238

FJD7285

FSA3495

CPD217

Sm/ J.B.
E1-11-E1