



Ohio Bureau of Criminal Identification & Investigation
INVESTIGATIVE REPORT



DECEMBER 11, 2012 INTERVIEW OF OFFICER DAVID SIEFER

Summary

On December 11, 2012 at 12:26 pm, Sergeant Donald Cleland of Cuyahoga County Sheriff's Office and S/A Jean-Philippe Rigaud met with Cleveland Police Officer David Siefer (DOB: 03/21/74, 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 Siefer regarding the Cleveland Police Department officer involved shooting.

Details

On December 11, 2012 at 12:26 pm, Sergeant Donald Cleland of Cuyahoga County Sheriff's Office and S/A Jean-Philippe Rigaud met with Cleveland Police Officer David Siefer (DOB: 03/21/74, 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 Siefer regarding the Cleveland Police Department officer involved shooting.


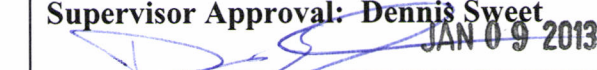
The following were also present for the interview:

- Attorney Patrick D'Angelo
- Cleveland Police Patrolmen's Association President Jeff Follmer

Cleland read Siefer his Miranda warnings. Following this, Siefer stated these facts:

Siefer is assigned to basic patrol, 2nd division, C Platoon. He has rotating days off. His normal hours are 2030-0630 hrs. His supervisors are Sergeant Lane and Lieutenant Socha. He is certified by the Ohio Peace Officer Training Academy and recently re-qualified with his firearm in October 2012 where he also received his Use of Force training.

Siefer stated that he felt rested at this time.

File Number: SI-18-12-82-1493	File Title: Timothy R. Russell (S) Malissa A. Williams (S)
Case Agent: Mark Kollar #142	Authoring Agent: SA J. Rigaud 
Date of Report: December 11, 2012	Exhibit #: 20
Investigative Activity: Interview of David Siefer	Supervisor Approval: Dennis Sweet  JAN 09 2013

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Siefer denied being under the influence of any drugs/prescription at this time as well as on November 29, 2012. He denies the use of any corrective lenses or contacts.

Siefer described his standard uniform as the blue shirt and pants which is the basic patrol uniform for Cleveland Police Department. Siefer stated that the following equipment was on his person the evening of November 29, 2012:

1. City issued firearm (Glock 17) with three magazines. The Glock was loaded with one magazine which had seventeen (17) rounds and one (1) in the chamber. The two (2) other magazines were also loaded with seventeen (17) rounds.
2. Two (2) handcuffs
3. Pepper spray
4. Taser
5. Asp baton
6. Flashlight

Siefer stated he has no specialized training.

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

Siefer stated the following regarding November 29, 2012:

- He was partnered with Cleveland Police Officer James Hummel in police vehicle 243a.
 - James Hummel was the driver of vehicle 243a.
 - 243a contained no dash camera, Automatic Vehicle Locator, or Mobile Data Terminal
 - 243a radio channel was channel 2
 - Lights and sirens operated properly in 243a.
- Siefer said his call sign was 2A31.
- He was travelling east on Detroit Avenue when he heard the radio broadcast by Cleveland Police Officer Nan. Officer Nan broadcast that shots were fired from a vehicle outside the Justice Center. Description of the vehicle and direction of travel were transmitted by Officer Nan on the radio. Nan is from the 3rd district.
- He saw the vehicle as they were going over the Detroit Superior Bridge driving the opposite direction towards them. Hummel did a U turn and turned their vehicle around.
- Siefer radioed on channel 2 that they located the vehicle, gave a description of it, the license plate, and direction of travel. Siefer stated that their vehicle, 243a, was the lead vehicle of the pursuit at that time.
- Continued westbound on Detroit Superior Bridge behind the suspect vehicle with lights and sirens.
- Siefer stated that as they approached West 25th Street, a vehicle driven by Cleveland Police Detective Graves pulled in front of the suspect vehicle. Siefer stated that the approximate speed of the pursuit at this time was 30-35 mph.
- Siefer stated that the suspect vehicle attempted to get around Det. Graves' vehicle. The suspect vehicle then abruptly turned left onto 45th Street, losing Graves' vehicle. Graves'

vehicle continued on Detroit. Siefer stated his vehicle 243a continued to pursue the suspect vehicle on 45th Street which accelerated and ran through two (2) steady red lights at Franklin Avenue and Bridge Avenue.

- Siefer stated that they pursued the suspect vehicle westbound on Lorain Avenue. Around West 73rd, Siefer stated the suspect vehicle drove into the eastbound (opposing) lanes of traffic travelling west. Siefer stated that they pursued the suspect vehicle to West 85th and then south on 85th Street. They then went over the bridge above I-90 and then eastbound onto Clark Avenue.
- Siefer stated that he then observed the passenger to be hitting the dashboard with aggressive movements, acting angry. He stated he also broadcast this observation over the radio.
- Siefer stated that the suspect vehicle continued eastbound on Clark Avenue to the hill at Quigley. The suspect vehicle turned wide and as if going into the steel yard. While the suspect vehicle is in this area, Siefer stated that:
 - He saw the passenger of the suspect vehicle turn around in their seat and onto their knees while still on the passenger seat. The passenger then brings his left arm over the back headrest. The passenger then grabs the headrest with the corner of the elbow. The passenger then brings the other arm around while still on his knees and brings his hand up and cups the hands together over the rear seat. Siefer stated that he believed this movement to be a 'gun motion'. The passenger's arms were both extended out straight, out towards the back window and at Siefer's vehicle. Siefer stated that from his experience and observations of the passenger moving his head up and down as well as his hands, he believed the passenger was possibly trying to acquire a target. Siefer stated he was trying to figure out what he was seeing when his partner, Hummel, said; "they're pointing a gun at us". Siefer said he transmitted over the radio that the passenger just pointed a gun out the rear window. Siefer stated Hummel and he both tried to shield themselves from possibly being a target by crouching to the side 'A' frame of the front windshield. Siefer stated they were told via radio to spotlight the car and Hummel did put the spotlight on the vehicle. Siefer stated that he then sees the passenger quickly turning back around and huddle down. Siefer stated they couldn't get a good visual of the passenger at this time.
 - Siefer stated that he never saw the passenger with an actual firearm at this time.
- Siefer stated that the suspect vehicle drives into the roundabout. He stated that the suspect vehicle travelled northbound on West 14th. Siefer states that as the vehicle passes Lincoln Park he again sees the passenger of the suspect vehicle turn around in their seat and point what he believes to be a gun towards their police car. He stated that he and Hummel both take cover again behind their vehicle's 'A' frame. Siefer stated that he again transmits that the passenger is pointing a gun out the rear window again. The spotlight is again aimed at the suspect vehicle and the passenger again turns back around in their seat and crouches down again.
- They pursue the suspect vehicle onto I-90 eastbound.
- Siefer stated that as they are pursuing the suspect vehicle on I-90, the suspect vehicle is driving aggressively in the high speed lane, making several moves across multiple lanes as if to exit I-90; however, the vehicle would continue back to the high speed lane.

- Siefer stated that as the suspect vehicle took deadman's curve, he heard a pop sound and the suspect vehicle wiggled. Siefer stated that he broadcast that a tire went out on the suspect vehicle. Siefer also stated that he observed a bunch of hard pieces come from underneath the suspect vehicle.
- Siefer stated that at East 72nd the suspect vehicle got off I-90 and the vehicle appeared to have gotten bogged down as it went into the grass, fishtailed, and went back into the street. However, the suspect vehicle engine recovered and the vehicle then took off and continued east on East 72nd.
- As it approached St. Clair, Siefer stated that the suspect vehicle turned westbound onto St. Clair and then south on East 68th
- Siefer stated that he was not as familiar with East Cleveland side streets. While on these side streets, other unmarked vice unit cars would temporarily take the lead of the pursuit. Detective Fairchild was one of these leads. Detective Fairchild is to have broadcast during this time some information of the passenger having gloves and a pop can.
- Siefer stated that as he was on the side streets, he saw the suspect vehicle ram an unmarked Crown Vic car. Sergeant Coleman broadcast this action over the radio as well.
- Siefer stated they were again the lead car East on Euclid. Sergeant Coleman's vehicle is almost next to Siefer's vehicle. Siefer said that Coleman broadcast that it appeared the passenger was loading a gun. Siefer stated that he looks at the passenger as well and sees the passenger hunched down in the front seat, making gestures with the shoulders, a very direct and focused action. Siefer believes that from his experience with firearms, the passenger was possibly loading a magazine.
- Siefer stated that speed was around 50 mph around this time of the pursuit.
- Siefer stated that they hit heavy traffic on Euclid at Happy's Pizza when the suspect vehicle suddenly turns right into Happy's Pizza parking lot and left onto the sidewalk. Another police (Diaz and O'Neil) unit went into that lot with the suspect vehicle.
- Cleveland Police Officers Diaz and O'Neil are now the lead of the vehicle pursuit and Hummel and Siefer are now the second vehicle.
- A short distance later, the suspect vehicle takes a right-hand turn onto a street that leads to the school and drives up a graded hill.
- Suspect vehicle continues up the hill with police behind it, driving down a narrow drive. Diaz and O'Neil are behind the suspect vehicle.
- Siefer stated that the suspect vehicle makes a big U-turn and its front tires hit the curb of one of the islands in the parking lot. Siefer states that he see Diaz's vehicle going head to head with the suspect vehicle, believing that they have crashed.
- Siefer sees Diaz getting out of his parked vehicle and take a wide step to his left, and pulling his gun.
- Siefer stated that Hummel drives their vehicle to the left of Diaz's car
- Siefer stated that he drops his microphone and reaches for his door handle and begins to open the door of his vehicle. He states that he glances up and he hears gun shots. He also observes Diaz getting out of the way of the suspect vehicle as it drives forward towards Diaz.
- Siefer stated that he picks up his microphone and transmits "shots fired". The suspect vehicle is accelerating towards Siefer's car. Siefer stated that he gets back into his car and

quickly shuts the door. He stated that he ducks and turns his head/face away from his window, believing it would break as the suspect vehicle would hit the car; however, Siefer stated that the suspect vehicle drives past his car back to the roadway.

- Siefer stated that Hummel begins to drive their vehicle after the suspect vehicle. As Hummel attempts to turn the vehicle around, they ended up nose to nose with the Cleveland Police car of officers Cruz and Gonzales.
- Siefer stated that he begins to open the door of his vehicle again and hears gun shots. He stated he could not see any of the gun fire. He stated that his partner, Hummel, also exits the vehicle.
- Siefer stated that he exits his vehicle and starts going the direction of the suspect vehicle. He comes upon a Vice unit's Dodge Charger. He takes cover there behind this vehicle because the gun fire was getting more intense and he was in the open. He stated he remained there until the gun shots are over.
- He had his gun un-holstered but put it back in the holster as he sought cover.
- Siefer stated that he located his partner, Hummel, as he was walking back to his vehicle following the shooting.
- Siefer stated that all the on-scene officers congregated in the playground area. He stated officers were checking each other's condition.
- Siefer could not recall if there was any activity around the suspect vehicle at this time.
- Siefer stated that he has not spoken to anyone of the incident other than his union and attorney D'Angelo.
- Siefer 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.
- Siefer stated that he did not use his cell phone to record anything from the incident nor did he observe anyone else doing so.

Cleland asked Siefer follow-up questions in regard to Siefer's above narrative. Cleland asked if Siefer could tell if the passenger was a male or female. Siefer stated that he could not tell if it was a male or female and that he just broadcast that it was a male.

Cleland also asked about the specific hand movements Siefer mentioned from the passenger. Cleland asked him if he saw anything in the passenger's hands. Siefer stated no. He stated it wasn't light enough to tell what was actually in the hand. Siefer further stated that he did see a 'glimmer'. He also stated that there was definitely an object in the hand; however, they were never able to get enough light on it to determine what it was in the passenger's hand.

Cleland also asked Siefer if there were any other times in the pursuit that he heard similar sounds from the vehicle as he had heard when it went around Dead man's curve. Siefer stated that he could not recall any other such sounds. Siefer stated that he was primarily focused on the passenger who he (Siefer) believed had a firearm. Therefore he said that he wasn't paying that much attention to the car itself.

During the interview, Cleland also showed Siefer two (2) photographs from the shooting scene. Cleland facilitated a discussion with Siefer using the photographs to clarify Siefer's

observations. Siefer was directed to use a blue marker to diagram movements of his vehicle. Siefer was also directed to mark where he had taken cover during the gun fire. Cleland also had Siefer sign and date the two (2) photograph pages.

S/A Rigaud submitted the following item into the exhibit portion of this case file as Exhibit #20:

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

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

- Two (2) pages with crime scene diagrams marked by Siefer.

Subject Information

Name: David A Siefer

Address: [REDACTED] Brunswick, Ohio, 44212

Telephone: [REDACTED] (personal cell phone)

Employment: Cleveland Police Department

DOB: 03/21/1974

SSN: [REDACTED]

Sex: M

Race: W

Height: 6' 01"

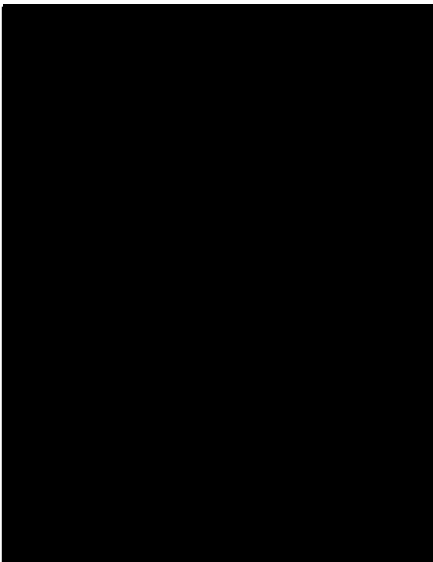
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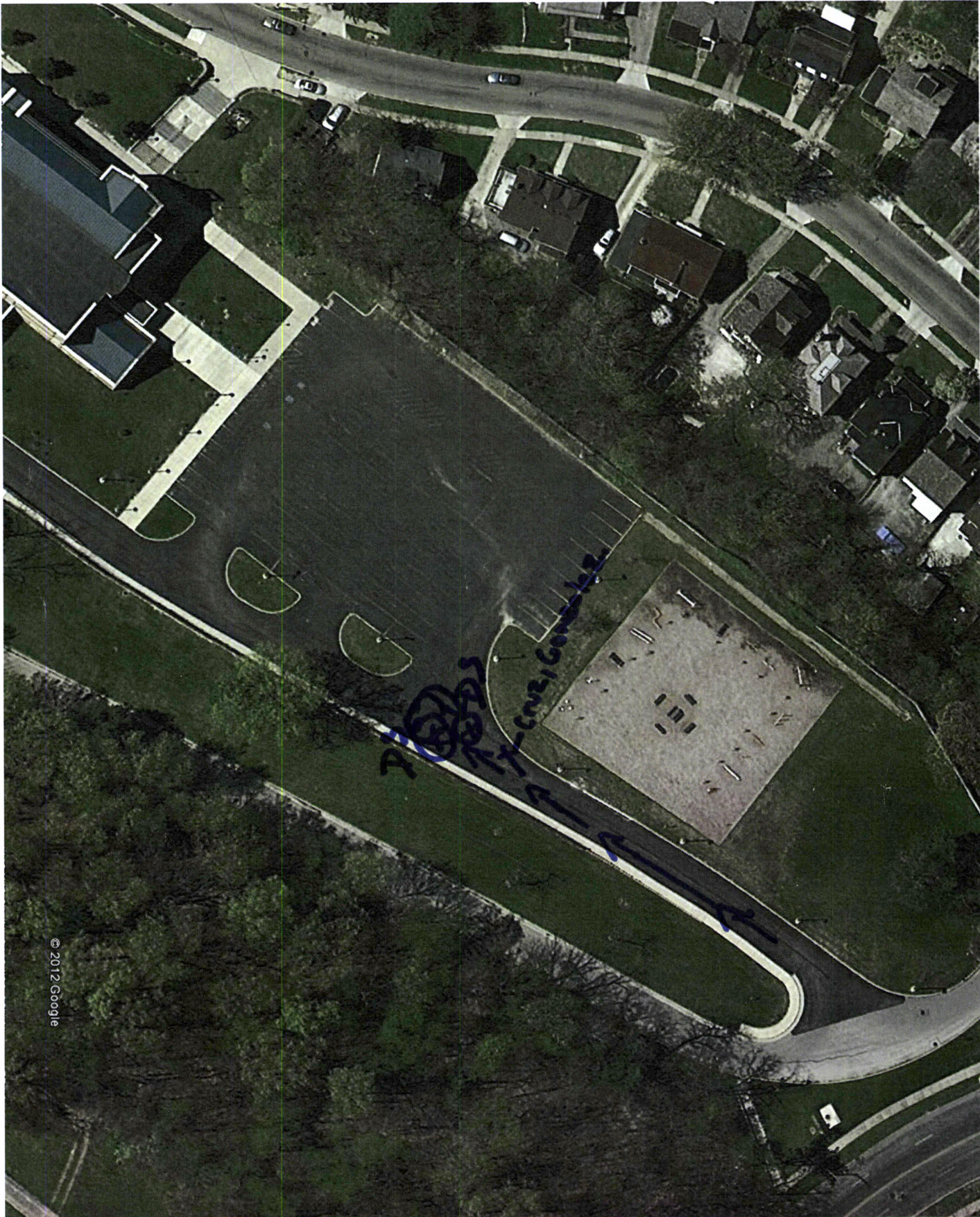
Hair: BLACK

Eyes: BROWN

S/V/W: W

CCH: None





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FRESH

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



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