



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



**12/12/2012**

**REPORT RECEIVED SGT. GARDNER - SABOLIK**

**Summary**

On December 5, 2012, Sgt. Scott Gardner and SA John Saraya met with Ofc. Brian Sabolik of the Cleveland Police Department. This interview took place at 4055 Highlander Parkway Richfield, Ohio 44286.

**Details**

On December 5, 2012, at approximately 1500 hr., Sgt. Gardner and SA Saraya met with Ofc. Brian Sabolik at the BCI Richfield Office. Sabolik was interviewed in regard to his 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, Sabolik was provided with a copy of the crime scene drawing to note his location.

The interview was video recorded. The recording and associated documentation were submitted to the case file as Exhibit #22 and an attachment respectively.

This report was received from Sgt. Gardner on December 12, 2012.

<b>File Number: SI-18-12-82-1493</b>	<b>File Title: Timothy R. Russell (S) Malissa A. Williams (S)</b>
<b>Case Agent: Mark Kollar</b>	<b>Authoring Agent: John Saraya</b> <i>JS</i>
<b>Date of Report: 12/12/12</b>	<b>Exhibit #: 22</b>
<b>Investigative Activity: Report received from Sgt. Gardner</b>	<b>Supervisor Approval: Dennis Sweet</b> <i>[Signature]</i> <b>JAN 14 2013</b>

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**EAST CLEVELAND POLICE DEPT. SUPPLEMENTARY REPORT  
OFFENSE/INCIDENT: HOMICIDE/OFFICER INVOLVED SHOOTING**

**LOCATION: 14410 TERRACE ROAD, EAST CLEVELAND, OHIO 44112**

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**Additional details of offense or accident program of investigation, etc.**

**PAGE 1 OF 6**

**12/05/2012 CLEVELAND POLICE OFFICER INVOLVED SHOOTING DOO:11/29/2012**

On December 5<sup>th</sup>, 2012 Detective Sergeant Scott Gardner with the East Cleveland Police Department and Special Agent John Saraya with Ohio BCI received Brian Sabolik with the Cleveland Police Department into the Ohio Attorney General's Richfield Office. Present with Patrick was Steve Kinas and Jeff Follmer with the Cleveland Police Patrolmen's Association Union. Also present was Patrick D'Angelo legal counsel representing Sabolik.

Sabolik provided investigators with the address [REDACTED] Cleveland, Ohio 44111. Sabolik provided investigators with a cellular telephone number of [REDACTED]. Sabolik's date of birth is 09/10/1982.

Sabolik was read his Miranda warnings and stated that he understood and agreed to speak with investigators. Below is a condensed video recorded oral statement of Sabolik.

Investigators asked how he was doing since the incident and he stated that it was tough sleeping at night.

Investigators asked what his current assignment was and he stated that he was with the 2<sup>nd</sup> District patrol.

Investigators asked what his years of experience were and he stated that he had been on the job for 5 months and has not worked with any other agency. He was assigned an FTO, Mike Farley.

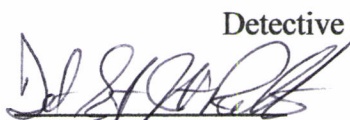
Investigators asked what his hours were the day of the incident and he stated that he was on 2<sup>nd</sup> Platoon and his hours were 1430-0030.

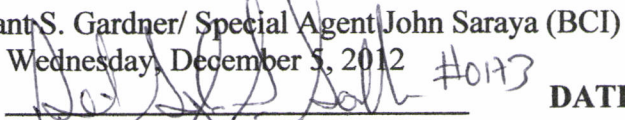
Investigators asked what his days off were and he stated that he had been off Monday, Tuesday, and Wednesday, that he was just starting "his Monday".

Investigators asked who his supervisor was and he stated Sergeant Chetnik was his supervisor the day of the incident but he has different ones every shift.

Investigators asked if he was working any part time or off-duty details and he indicated that he was not.

Investigators asked how he was feeling the day of the incident and he state that he felt fine.

  
**APPROVED BY**

Detective Sergeant S. Gardner/ Special Agent John Saraya (BCI)  
Wednesday, December 5, 2012 #0173  
  
**INVESTIGATING OFFICER**

**DATE: 12/05/2012**

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Investigators asked Sabolik to describe how he was dressed and he indicated that he was wearing his police uniform, as he was dressed today, and an exterior vest.

Investigators asked what was on his duty belt and he indicated that he carried an asp, radio holder, gun and handcuffs on his duty belt. On his exterior vest he has Taser, pepper spray, flashlight holder and two extra magazines.

Investigators asked if he carried a backup weapon and he stated that he did not.

Investigators asked if he had any personal recording devices and he stated that he did not.

Investigators asked what kind of vehicle he was operating and he stated that he was driving a Crown Vic and that it was a marked police car. Sabolik stated that it was car number CPD232. Investigators asked what his call sign was and he stated that it was 2A24. Sabolik stated that he was the passenger and that his FTO was the driver. Investigators asked if the lights and sirens were working that night and he stated that they were. Investigators asked what channel they were on and he indicated that he was on channel 2 and never changed it. Everything else was functioning on the cruiser as far as he knew.

Investigators asked if he had any specialized training or was prior military and he stated no to both. Investigators asked if he had qualified this year and he stated that he had qualified with his handgun and shotgun. Investigators asked if he had received use of force training and he indicated that he had and that his OPOTA was current and up to date.

Investigators asked how they became involved in the situation and he stated that it was a pretty normal day, that he believed that they answered about 5 or 6 radio calls. Sabolik stated that they were at lunch at the second district and his FTO was working out in the gym. Sabolik stated that he was in the roll call room and had listened to the first couple minutes of the chase on the radio. Sabolik stated after a couple of minutes into the chase his FTO came up from the basement and asked him if he wanted to get involved and Sabolik stated that by the time they get there it will probably be over and his FTO asked again and Sabolik agreed that he wanted to get involved.

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

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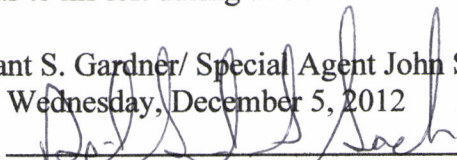
Sabolik stated that he thought by the time they had reached their patrol vehicle that the pursuit was around the roundabout at the Steel Yard. Sabolik stated that they jumped directly on I-71 to get to I-90. Sabolik stated that they were attempting to catch up. The pursuit was at E.72<sup>nd</sup> and they were around dead man's curve. Sabolik stated that when they got off on E.72<sup>nd</sup> they were following a 3<sup>rd</sup> District car he figured they would know where they were going because he and his FTO did not really know where they were. Investigators asked to clarify if there were more than one 3<sup>rd</sup> District car and Sabolik stated that he thinks it was a lone car that they were following at that point. Sabolik stated that they went down a couple more streets but he did not know what streets they were. Sabolik remembers that they pulled "down" Wymore and turned into the driveway of the school. Investigators asked if by the time they got to Wymore if there was still just that one 3<sup>rd</sup> District car and he stated that there were several other cars, but he did not know how many for certain. Sabolik stated that he thought it was a dirt road, or that they were doing construction, because all of the vehicles were kicking up dust and he couldn't really see that well. Sabolik stated that he did not see any other agencies other than Cleveland.

Investigators showed Sabolik an overview Google Maps view of the surrounding area of the incident. Sabolik was asked to demonstrate by writing where his car pulled up to and what actions he took after he pulled up. Sabolik later initialed the map and wrote his badge number on it. Sabolik describes that they are still in the car and he hears gun shots and believes that he is being shot at and tried to duck down as low as he could in his vehicle. He stated that CPD 217 and CPD 238 were in front of him and he knew that there was a zone car to the right of him but he could not recall who or what the car was. Sabolik is asked what he sees ahead of him and he stated that he just sees a cloud of smoke and just keeps hearing gun shots. Investigators asked if he heard anyone shouting anything and he stated that he did not. Sabolik stated that his FTO got out of the car and he remembered what they had told him in the academy, to get out of the car because it is a coffin. Sabolik stated that he got out of the car, believing that he was directly in the line of fire from the suspect, and shot two rounds and began running back behind his police car for cover. Sabolik was asked what he was aiming for and he stated that he was aiming for the driver. Sabolik demonstrated on the map that he retreated to the driver's side of his patrol car for cover and stated that he then rejoined his partner, who was also still at the driver's side of the patrol car. Sabolik was asked how many times that he fired and he stated that Lieutenant Timm checked his weapon and it was inventoried and determined that he had fired 4 rounds. Sabolik then continued and stated that once he was on the driver's side of the car that he then fired two more rounds at the suspect vehicle, again aiming for the driver, for a total of 4 rounds. Sabolik stated that his partner was to his left during this time. Investigators asked what he was

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seeing and he stated that when he was firing he was looking at the driver and he stopped firing because he observed a police officer jump on the hood of the suspect car. Investigators asked if he knew who the officer was and he stated that he did not know at that time. Investigators asked what the officer on the hood was doing and he stated that he was firing inside the suspect car from the hood of the suspect vehicle. Investigators asked if he recalled verbal commands being issued and he stated that he did not remember.

Investigators asked if he or his partner used the radio at all during the pursuit and he indicated that he had not.

Investigators asked what he had heard on the radio throughout the pursuit and he indicated that he had heard that the suspect was pointing a gun out the window, and be careful he's pointing a gun. Investigators asked if he recalled hearing about the police car being rammed and he stated that he did hear that but he did not know when it was. Sabolik stated that there was also another time that someone's vehicle being rammed.

Investigators asked what his speeds were and he stated that on the highway it was around 100 mph but he was uncertain how fast they were going on the side streets.

Investigators asked if he was aware of the sex and race of the suspects and he stated that he was not aware then but is now.

Investigators asked showed him photos and showed him the names of the suspects and he stated that he was not familiar with them.

Investigators asked how he would consider the lighting in the parking lot and he stated that he could see, it was a lit parking lot, but it was night. Investigators asked what he could see in the vehicle and he stated that the windshield was "pretty messed up" but he could see two figures.

Investigators asked if he ever saw any weapons from the suspects and he stated that he did not.

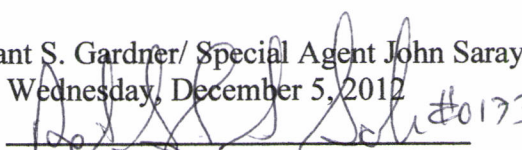
Investigators asked if he believed he was being shot at and he stated yes, with all of his heart.

Investigators asked if he had heard any verbal commands and he stated that he could not tell.

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Investigators asked if he saw any other officers in the area and he stated that he did not. He stated that afterwards he remembers being next to an officer.

Investigators asked if his rounds hit anything and he stated that he assumed so, he was aiming for the driver, but he was uncertain.

Investigators asked proximity to the suspect vehicle and he stated that afterwards he was probably about 40 feet, although initially he thought he was right on top of the vehicle.

Investigators asked if there was any other option that could have been taken rather than the one that was done and he stated that he did not think so because he feared for his life.

Investigators asked how long it felt like the gun fire went on and he stated that it felt like it went on forever.

Investigators asked if he called for EMS or knew who called for EMS and he stated that he did not.

Investigators asked what he did directly after the shots stopped. He stated that he checked his vest. He stated that he was not injured. Investigators asked if he had moved anything from the scene and he indicated that he did not.

Investigators asked if he looked in the car and he stated that he did look inside the car but it was from a distance of like fifteen feet.


Investigators asked if he recalled any comments of officers afterwards and he stated that he saw an Officer Carl Dooly and said that he would not be working with him next month. He stated that Dooly shook his hand and asked why his hands were trembling.

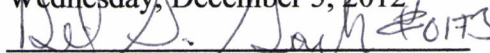
Investigators asked did he speak to with anyone reference his incident and he stated that he spoke with his family and had gotten some texts from friends asking if he was okay. He stated that he only responded with him being okay.

Investigators asked if he had spoken with any of the officers from the incident and he stated that he did speak with "the 13" about their experience that night.

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Investigators asked if he believed his actions and actions of others were consistent with their training and he stated yes.

Investigators asked if he took any photographs of the scene and he stated that he did not.

Investigators asked if anyone advised him to lie to us and he stated that no one had.

Investigators asked if he had ever been in a pursuit before and he stated that he had been only in one, that lasted 10 seconds and the male bailed from the car.

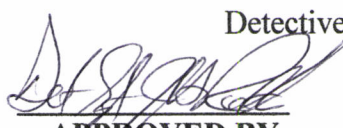
Investigators asked who the officer was that was on the hood of the suspect car and he stated that it was Officer Mike Brelo.

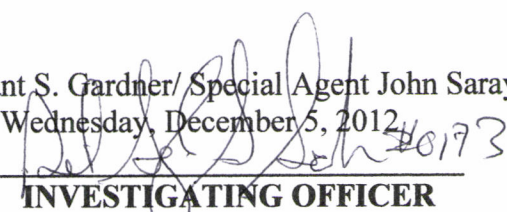
Investigators asked if he observed anyone standing on the zone cars and he stated that he did not.

Investigators asked if there are any details that he could think of that we had not asked and he stated that he did not.

Sobalik was thanked for his time and the interview was completed.

**Investigation Continues...**

  
**APPROVED BY**

Detective Sergeant S. Gardner/ Special Agent John Saraya (BCI)  
Wednesday, December 5, 2012  
  
**INVESTIGATING OFFICER**

**DATE: 12/05/2012**

BMS  
#1021



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

101-551-101

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12/05/12