



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



**12/17/2012 REPORTS RECEIVED FROM CUYAHOGA COUNTY SHERIFF'S OFFICE**

**Summary**

On December 17, 2012 Special Agent Brenda McNeely received reports from the Cuyahoga County Sheriff's Office detectives regarding the ongoing investigation into the officer involved shooting in East Cleveland, Ohio.

**Details**

On December 17, 2012 Special Agent Brenda McNeely received reports from the Cuyahoga County Sheriff's Office detectives regarding the ongoing investigation into the officer involved shooting in East Cleveland, Ohio. The reports received were as follows:

12/04/12 – Interview of Karen Madzia, employee of Mental Health Services for Homeless Persons – N/A

12/04/12 – Telephone Interview of Patrolman David James, Regional Transit Authority Police (RTA) – N/A

12/04/12 - Interview of Ms. Terrel Valentine of Cosgrove Center Human Services – N/A



12/04/12 – Timeline of Sergeant Pinckney / Detective Jacobs – N/A

12/05/12 – Interview of Patrolman Steven Bartczak, Bratenahl Police – N/A

<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: Brenda McNeely</b> <i>Bm</i>
<b>Date of Report: 12/21/2012</b>	<b>Exhibit #: 53, 72, 89, 101, 102, 103</b>
<b>Investigative Activity: Reports Received from CCSO Detectives</b>	<b>Supervisor Approval: Dennis Sweet</b> <i>[Signature]</i> <b>JAN 17 2013</b>

Reports Received from CCSO Detectives

SI-18-12-82-1493

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12/05/12 – Interview of K-9 Officer Michael Flanagan, Bratenahl Police – N/A

12/05/12 – Interview of CMHA Officer Manuel Leon – N/A

12/06/12 – Interview of Officer Alan Eugene Almeida – Exhibit #72

12/10/12 – Interview of Patrolman David James, Greater Cleveland Regional Transit Police (RTA) – N/A

12/10/12 – Review of E. Cleveland Police Dispatch Radio and Phone Recording – Exhibit #101

12/11/12 – Review of CDs Video from 2100 Lakeside (Lutheran Metropolitan Ministry) –  
Exhibit #102

12/12/12 – Received a DVD from The Plain Dealer labeled “camera #37” (Exhibit #53)

12/12/12 – Received a CD-R from Regional Transit Authority (RTA) that was unmarked but the sleeve was labeled “Belmore and E. 118<sup>th</sup> St.” (Exhibit #89)

12/12/12 – Received 4 items of evidence from the Cuyahoga County Regional Forensic Science Laboratory.

12/13/12 – Received John Jordan Personnel File – Exhibit #103

Interviews that were recorded and all DVDs and the CD-R have been placed in the file as Exhibits #53, 72, 89, 101, 102 and 103.

Cuyahoga County Sheriff's Office

Interview of Karen Madzia  
Mental Health Services for Homeless Persons Inc.

Sir

On Tuesday, December 4<sup>th</sup> 2012, at approximately 12:00 hrs., East Cleveland Police Detective Sergeant Ruth and Cuyahoga County Sheriff's Office Sergeant Cleland had occasion to interview Karen Madzia employed at Mental Health Services for Homeless Persons Inc. Located at 1744 Payne Avenue Cleveland Ohio 44114

Synopsis

Interviewed Subject background information

Karen Madzia

Phone 216-274-3511

Mental Health Services For Homeless Persons Inc

1744 Payne Avenue Cleveland Ohio 44114

Details

Karen Madzia asked if we were there regarding Malissa and Tim at the time Sergeant Ruth and I Sergeant Cleland introduced ourselves. Karen Madzia stated that Both Timothy Russell and Malissa Williams were clients of Mental Health Services (MHS) For Homeless Persons Inc. as residents of their sponsored shelters, Malissa had been a resident for 10 years, Timothy Russell "off and on" for a number of years. Timothy Russell had called the Mobile crisis 24-hour suicide prevention line last in 2010 and recently was staying at the 2100 Lakeside Avenue shelter his intake date was November 4<sup>th</sup> 2012, and was moved into transitional housing at North Point 1550 with an intake date of November 27<sup>th</sup> 2012, Timothy Russell has a PO who is PO Cox phone # 216-291-4909

Karen Madzia stated that on the morning of November 29<sup>th</sup> 2012, Malissa Williams and a counselor had a meeting at the Cosgrove center regarding a new program. Health Insurance Portability and Accountability Act (HIPAA) regulations prevent giving any further detail.

Karen Madzia stated that an individual had come forward to her who had seen Malissa Williams get into Timothy Russell's car on the night of November 29<sup>th</sup> 2012, and would call to see if this individual would speak to us. Moments later Karen Madzia returned to her office and provided the name Ebony Hall with a phone number of 520-310-9800 and said she will speak with us. This interview was terminated at this point.

Respectfully Submitted

*Donald Cleland (DAS)*

Sergeant Donald Cleland

*CW G. R. Sgt.*  
OK

CUYAHOGA COUNTY SHERIFF'S OFFICE

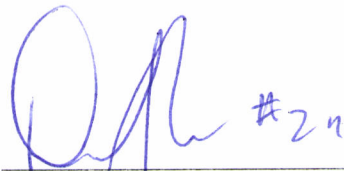
Summary Report

Incident: Cleveland Police Department (CPD) pursuit and officer involved shooting,  
November 29, 2012.

The following interview was conducted on December 4th, 2012, in conjunction with the captioned investigation. The interview was done by Detective Jacobs and was done telephonically. The interviewee's name is Patrolman David James, Greater Cleveland Regional Transit Authority Police Department (RTAPD), cell phone [REDACTED]. James was made aware of the interviewer's name and the purpose of the interview. James thereafter provided the following facts:

According to the Ohio Law Enforcement Gateway (OHLEG), Malissa A. Williams, (decedent) date of birth, 06/20/2012, social security account number (SSAN), [REDACTED] had been run by Patrolman James on November 28<sup>th</sup>, 2012 at 10:19am.

Patrolman James explained that while in the course of duties he had performed an "integrity check" at East 24<sup>th</sup> Street and Euclid Avenue, Cleveland, Ohio. James went on to say that this particular bus, (Red Line/Health Line) is on the honor system. James stated that he is tasked with periodic checks to make sure riders are paying. On this particular day, he had the occasion to stop and talk to Malissa Williams, who was riding that bus line. James stated that Williams did not pay and was ultimately cited with a minor misdemeanor ticket. James ran Williams in the OHLEG system because Williams did not have photo identification at the time of her stop. James was able to view an OHLEG photo and confirm that the person stopped was in fact Malissa Williams. James stated that Williams did provide accurate information was concerned she may have had warrants. James confirmed Williams did not have any warrants and was cited and released. According to James, Williams seem to be "on the edge" but he attributed that to the possibility of warrants.

 #211

Detective David Jacobs #211  
Cuyahoga County Sheriff's Office

 Sgt.

OR

**Cuyahoga County Sheriff's office**

December 4<sup>th</sup> 2012

**Interview Ms. Terrel Valentine  
Cosgrove Center Human Services Worker**

Sir

On Tuesday December 4<sup>th</sup> 2012 at approximately 1000 hrs. East Cleveland Police Detective Sergeant Ruth and Cuyahoga County Sheriff's Office Sergeant Cleland had occasion to interview Ms. Terrel Valentine a Human Services Worker employed at (The Cosgrove Center is a Catholic Charities food serving facility for breakfast and lunch meals).

**Synopsis**

Interviewed Subject background information

Terrel Valentine

Human Services worker for Catholic Charities Cosgrove Center  
1736 Superior Avenue Cleveland Ohio

Employed 10-11 years  
Phone 216-323 0184

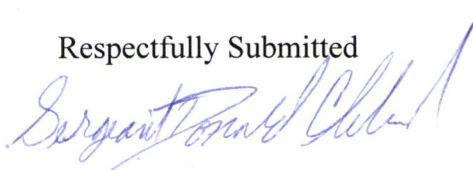
**Details**

Sgt. Cleland and Detective Sgt. Ruth asked Ms. Valentine if she knew either Malissa Williams or Timothy Russell. Photographs were shown of each individual, Ms. Valentine stated that she had known Malissa for approximately 5 years as a client at the Cosgrove Center. Ms. Valentine Described Malissa as a female that when on her meds or after a period of time incarcerated looked like a female but the more time she spent on the street the more manly she became, Malissa would wear short hair styles and dress like a man. Ms. Valentine stated that Malissa talked to herself all the time and was under the care of Mental Health Services 1744 Payne Ave Cleveland Ohio and was a resident at the women's shelter at East 24<sup>th</sup> and Payne Ave. Ms. Valentine stated that she was aware that Malissa "uses" and when she gets "Geeked" she acts up at the Cosgrove center. She was aware that Melissa had been banned for a short period of time but was unsure of the dates, but she saw Malissa on the 29<sup>th</sup> of November at the Cosgrove Center between noon and 1:00 and described her as being up-beat and happy on that day.

Ms. Valentine Stated that Officer Leon would have been working on that day and could tell us more about Malissa and her time spent at Cosgrove that day. Ms. Valentine Stated that Officer Leon works on Wednesday's and Thursday's.

Ms. Valentine stated that she does not know Timothy Russell the way she knows Malissa Williams, Timothy Russell stays at North Point transitional housing, Persons staying there are fed at the housing unit, and not at the Cosgrove center. Ms. Valentine had nothing further to add.

Respectfully Submitted



Sergeant Donald Cleland



CUYAHOGA COUNTY SHERIFF'S OFFICE

Summary Report

Incident: Cleveland Police Department (CPD) pursuit and officer involved shooting,  
November 29, 2012.



*D. Jacobs #211*

Detective David Jacobs #211  
Cuyahoga County Sheriff's Office

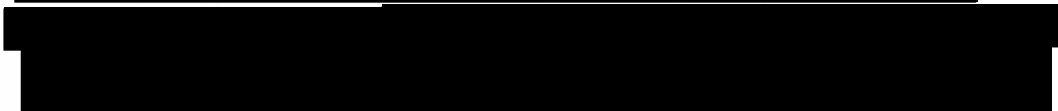
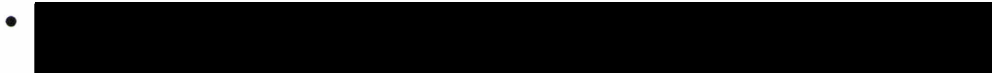
*C. W. A. [Signature] sat  
OK*

December 4<sup>th</sup>, 2012 TIMELINE (SERGEANT PINKNEY/DETECTIVE JACOBS)

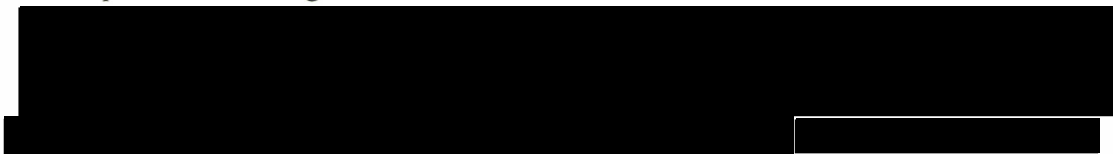
- 12/04/2012-0830 hours, brief at Richfield BCII.



- 12/04/2012-1040 hours, Sergeant Pinkney sent an email to Commander Chura, CPD concerning a list of items requested by investigators.



- 12/04/2012- 1300 hours-Sergeant Pinkney/Detective Jacobs met with Lieutenant (Lt.) Ron Timm, CPD, Homicide Division with regards of obtaining spare magazines of Officers involved in shooting. Lt. Timm advised he did not have those items and does not confiscate those during and Police involved shooting but does a physical exam of such. Lt. Timm also advised he does a inventory of such but was told not to release said inventories as it would taint investigators involved.
- 12/04/2012-1415 hours-Detective Jacobs spoke to Patrolman David James (telephonically), Regional Transit Authority Police Department (RTAPD). See report as to findings.



- 12/04/2012-1600 hours-Debrief of days activities at BCII, Richfield.

*[Handwritten signature]* #211  
*[Handwritten initials]* OK

# Cuyahoga County Sheriff's Office

## Summary Report

### INCIDENT: CPD PURSUIT OFFICER INVOLVED SHOOTING 11/29/2012

On Wednesday, December 5, 2012 at approximately 3:50pm, I along with Detective David Jacobs conducted an interview with Patrolman Steven Bartczak at the Bratenahl Police Department located at 411 Bratenahl Road, Bratenahl, Ohio 44108.

Ptl. Bartczak stated that he has been employed with the Bratenahl Police Department since July 12, 2012 as a part time officer and that he is also employed full time with the State ODNR since August 2006. Ptl. Bartczak stated that he was never really actively involved in the pursuit so the first time he saw the vehicle was at Heritage School. He goes on to say that at or around 2243 hours on November 29<sup>th</sup> he along with K-9 Officer Flanagan received a call from the Cleveland Police Department (CPD) that they were in a pursuit and would need assistance. He along with K-9 Officer Flanagan went to the Eddy road overpass waiting for the parties involved to arrive. They learned that the vehicles in question exited I 90 eastbound at East 72<sup>nd</sup>. Ptl. Bartczak said that he and K-9 Officer Flanagan joined the pursuing police vehicles on East 72<sup>nd</sup> and continued assisting

Ptl. Bartczak said that he remembers the reason for the pursuit was because the occupants in the suspect vehicle fired shots at Cleveland Police Officers. Ptl. Bartczak goes on to say that they continued the pursuing officers into East Cleveland until it ended on a road that parallels the Heritage School. He said they traveled east on Euclid Avenue then south on Lee road. After Ptl. Bartczak parked his vehicle and exited, he heard gun shots. Ptl. Bartczak and K-9 Officer Flanagan used cover from the trees to make their way up to the suspect vehicle. Once they approached the vehicle he heard someone yell cease fire. Ptl. Bartczak remembers hearing only one volley of shots fired but after he reviewed his dashcam video he noticed that there were two volley of shots fired.

After the cease fire, Ptl. Bartczak and K-9 Officer Flanagan met up and completed a welfare check of each other they notified their dispatch and returned to the station. Ptl. Bartczak said he remembers a CPD Sergeant taking pictures but he thinks it was from a hand held camera not a cellphone. Ptl. Bartczak returned back to the station around 2300 hours and completed a form 1 report for Lt. Lobello. Ptl. Bartczak said he has not spoken with anyone outside of his agency regarding this incident.

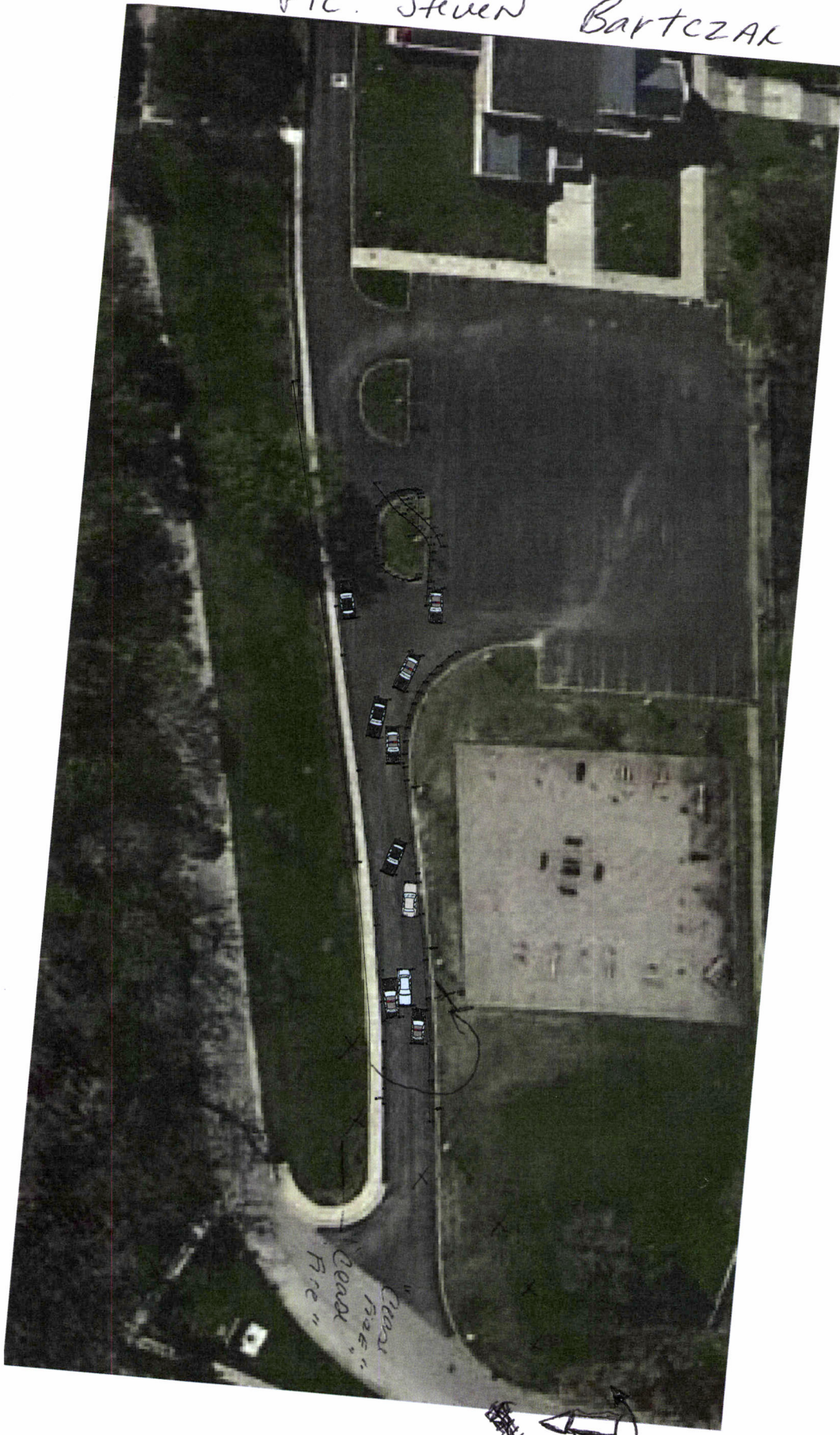


*DJh #201*  
Dave Jacobs, Detective

*Clifford E. Pinkney*  
Clifford E. Pinkney, Detective Sergeant

*Det. Ronald Clark*  
*OK*

PTL Steven BARTCZAK



COND  
Pkg  
Fr

1711 or 1714  
Bratenahl

**BRATENAHL VILLAGE POLICE DEPARTMENT**  
**DEPARTMENTAL INFORMATION**

**TO:** Lieutenant Lobello #7000  
**FROM:** Patrolman Bartczak SR #412  
**DATE:** December 4, 2012  
**REFERENCE:** Motor Vehicle Pursuit

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Sir,

At/around the hour of 22:43, on Thursday, November 29<sup>th</sup>, K-9 Patrolman Flanagan #94 and I received a notification from the Cleveland Police Department that they were currently in pursuit of a motor vehicle and its operator. We arrived on the Eddy road overpass to await the arrival of the parties involved and learned that the motor vehicle in question exited I 90 eastbound at East 72<sup>nd</sup> Street. Furthermore, we were advised that the motor vehicle pursuit was initiated because the occupants fired rounds from a handgun and the Cleveland Police Department Officers.

K-9 Patrolman Flanagan #94 and I joined the pursuing police vehicles on East 72<sup>nd</sup> Street and continued assisting the pursuing officers into East Cleveland. The pursuit ended in East Cleveland on a road that parallels the Heritage School. Upon my arrival in the area I heard several gunshots being fired and I advised the Bratenahl Dispatch of the gunshots.

Once the gunshots ceased K-9 Patrolman Flanagan #94 and I completed a welfare check of each other and then cleared the incident and returned to the Village of Bratenahl. We arrived back at the Bratenahl Police Station at/around the hour of 23:43. (END)

  
Patrolman Bartczak SR #412

# Cuyahoga County Sheriff's Office

## Summary Report

### INCIDENT: CPD PURSUIT AND OFFICER INVOLVED SHOOTING 11/29/2012

On Wednesday, December 5, 2012 at approximately 4:10pm I along with Detective Dave Jacobs conducted an interview with K-9 Officer Michael Flanagan at the Bratenahl Police Department located at 411 Bratenahl Road, Bratenahl, Ohio 44108.

K-9 Officer Flanagan has been employed with the Bratenahl Police Department 10 years and he was the Officer in Charge (OIC) on November 29, 2012. He said that there were two officers working the night of November 29, 2012 and they were getting ready for shift change. K-9 Officer Flanagan said they were at the station when The Cleveland Police Department (CPD) called for assistance involving a pursuit around 2244 hours. K-9 Officer Flanagan stated that he was in unit 1714 and Plt. Officer Steven Bartczak was in unit 1711. They went to the Eddy Road overpass and met up with a CPD unit on the bridge.


K-9 Officer Flanagan said the dispatcher relayed that the suspect vehicle was traveling eastbound on I 90 and exited on East 72<sup>nd</sup> and that the passenger had possibly bailed out of the vehicle and is now on foot. The dispatcher said the reason for the pursuit was because the occupants of the suspect vehicle had shot at a CPD Officer. K-9 Officer Flanagan responded to the area of East 72<sup>nd</sup> with K-9 Erok to assist and there were CPD units already there, dispatch called out and said the suspect car did not stop so K-9 Officer Flanagan continued and paralleled the pursuit on East 79<sup>th</sup>.


K-9 Officer Flanagan went on to say that dispatch called out that the passenger of the suspect vehicle is reloading and that the occupants of the suspect vehicle were two black males. The Bratenahl Police dispatcher never called out shots fired. K-9 Officer Flanagan along with Plt. Bartczak continued in the pursuit and joined other police units onto Euclid Avenue traveling eastbound. They continued eastbound then southbound onto Lee Road. K-9 Officer Flanagan remembers staying in the pursuit with his K-9 in case someone exited the suspect vehicle and fled on foot. He said he never saw the suspect vehicle until it was rested at the school.

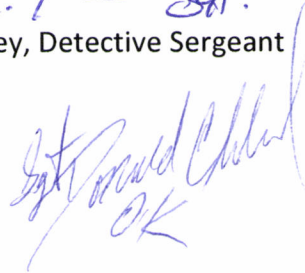
K-9 Officer Flanagan goes on to say that the pursuit ended in a parking lot of a school and when he exited his vehicle shots were already being fired. He made his way to the front of his vehicle with his shotgun then made his way to a grey Taurus; K-9 Officer Flanagan said he did not have a shot so he stayed behind the grey Taurus until someone yelled cease fire. He noticed a bunch of bullet holes in a CPD black chargers hood. He recalls it being approximately 30 seconds from

the time he exited his vehicle to someone yelling cease fire. After he heard cease fire, he made his way to the front of the suspect vehicle with his shotgun. He remembers there being two volleys of shots fired but it seemed to him that the first volley got louder like an orchestra then lower with a slight pause then another volley of shots getting louder again.

K-9 Officer said someone yelled this is a crime scene so he exited the area and went to check on Plt. Bartczak. They conducted a welfare check on each other and he asked Plt. Bartczak was he ok and if he had fired any rounds. Plt. Bartczak told him that he was ok and that he did not fire any rounds, K-9 Officer Flanagan then advised his dispatch of the situation and he and Plt. Bartczak cleared the scene around 2300 hours and returned to the station. K-9 Officer Flanagan said he did not fire a shot and once back at the station he did a form 1 report for his agency. K-9 Officer Flanagan stated that he has not spoken to anyone other than his brass regarding this incident.

 #24  
Dave Jacobs, Detective

 Sgt.  
Clifford E. Pinkney, Detective Sergeant

 Sgt. Ronald Chisholm  
OK

PTL- Michael Flanagan

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



# BRATENAHL POLICE DEPARTMENT

Form M

To: Chief Richard Dolbow

From: Ptl. Michael Flanagan #94

Date: December 4, 2012

Reference: OCA 12-6629 Assist other agency, Pursuit on 11-29-12

Sir,

While on Station on the night of 11-29-12 dispatch received a call from Cleveland Police at 2244 hours requesting assistance in regards to a pursuit of a blue Chevy bearing OH Lic# FSA3495 that was approaching the Village on IR-90 E/B. Ptl. Bartczak #412, assigned to car 1711; and myself, assigned to car 1714 responded to the area of Eddy Rd and met with Cleveland PD car 511B. Dispatcher Perkins remained on the line with Cleveland PD dispatch and relayed information to on the radio.

Dispatch informed us the vehicle had exited at East 72<sup>nd</sup> St, had blown a tire and that the passenger had possibly bailed out of the vehicle. We responded to the area with K-9 Erok in my vehicle to assist and found that the passenger had not bailed out and that the car continued south on E. 72<sup>nd</sup> St. We continued, with myself in the lead Bratenahl car; with Cleveland Police units. Our route was South on E. 72<sup>nd</sup> St, East on St Clair, South on E, 79th St., West on Superior, South on Lakeside, East on Euclid Ave. while attempting to run a parallel course and catch up the suspect vehicle. We were not in view of the suspect vehicle during this time and in my judgment of our position in relation to the relayed radio transmission I estimate we approximately 10 blocks behind the suspect vehicle. On Euclid Ave we joined a large number of units traveling eastbound in pursuit.

We remained with the pursuit to assist with K-9 Erok if the suspects fled from their vehicle. When the suspect vehicle turned South off Euclid Ave on a side street with a large number of police units following, Ptl. Bartczak and I continued on Euclid Ave. turning South on Lee Rd. in an attempt to run a parallel course again. The pursuit ended in parking lot at Raymore and Lee. We stopped at East end of the parking lot.

As we arrived Ptl. Bartczak informed dispatch of shots fired at our location. As we exited our cars and moved towards the suspect vehicle I moved southward to cover behind a gray car and Ptl. Bartczak moved northward to cover behind trees. No shots were fired by any Bratenahl officers. After an unknown officer shouted for "cease fire" and the shooting stopped, I moved into a cover position at the front of the suspect vehicle.

I confirmed that the scene was secure, suspects were down (still in the car), that no officers had been injured and that no Bratenahl officers had fired any shots I advised dispatch of our situation. At the request of Cleveland Police Officers we moved back from the area so they could secure the scene further. All units cleared at 2304 hours and returned to the Village.

Respectfully,

 #94

Ptl. Michael Flanagan #94



**Cuyahoga County Sheriff's Office**

**Interview CMHA Officer Manuel Leon  
Cosgrove center security**

Sir

On Wednesday December 5<sup>th</sup> 2012 at approximately 1044 hrs. East Cleveland Police Detective Sergeant Ruth and Cuyahoga County Sheriff's Office Sergeant Cleland had occasion to interview Cuyahoga Metropolitan Housing Authority Police Officer Manuel Leon while working his part time employment at 1736 Superior Avenue Cleveland, Ohio (The Cosgrove Center is a Catholic Charities food serving facility for breakfast and lunch meals).

Synopsis

Subject interviewed background information

Cuyahoga Metropolitan Housing Authority Police Officer Manuel Leon 21 years

Cosgrove Center hours of work 0800 hrs. – 1530 hrs. Wednesdays and Thursdays.


Details

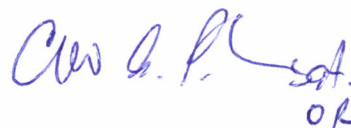
Officer Leon was asked if he was working at the Cosgrove Center on November 29<sup>th</sup> 2012, He stated that he was working on that day his normal work hours. Sergeant Ruth presented Photographs of Malissa Williams and Timothy Russell to Officer Leon, He identified Malissa first, Officer Leon stated that it was not unusual for Malissa Williams to threaten officers, "She is pushy", Officer Leon stated that he receives complaints from females at the Cosgrove center that Malissa could be violent, Malissa was banned from the Cosgrove center in the past. Officer Leon indicated that Mrs. Evans was the Cosgrove center employee that "makes the call" as to when someone can return to eat at the Cosgrove center after being banned. Officer Leon stated that Malissa makes intimidating gestures (indicated with a quick physical lean inward and then backing off again).

Sgt Cleland asked if Malissa ate at the Cosgrove center on the 29<sup>th</sup> of November. Officer Leon indicated that he saw Malissa twice that day once at breakfast and again later in the day, He said that everyone was out of the building by 1430 hrs. Officer Leon stated that Malissa was quiet that day.

Officer Leon was shown the Photograph of Timothy Russell. Officer Leon stated that he did not see Timothy Russell on that day, But did know him from other encounters but was not sure when or where. Officer Leon continued to comment that Malissa was always by herself, and had nothing further regarding Thursday November 29<sup>th</sup> 2012.

Respectfully Submitted

  
Sergeant Donald Cleland



**Cuyahoga County Sheriff's Office**

**Interview of Cleveland Police Officer Alan Eugene Almeida**

Sir

On Wednesday December 6<sup>th</sup> 2012 While assigned to Special Investigation in cooperation with Ohio Bureau of Criminal Identification and Investigation and East Cleveland Police . Sgt. Clifford Pinkney and Sgt. Donald Cleland were assigned to interview Cleveland Police Officer Almeida in the presence of Union Representative Jeff Follmer And Attorney Patrick D'Angelo Interview took place at 4055 Highlander Parkway Richfield Ohio 44286.

Synopsis

At the onset of the interview Officer Almeida was read his Miranda Rights and the interview continued in the presence of his Attorney and Union Representative. Background questions were asked by Sgt. Cleland

Subject interviewed Background information

Cleveland Police Officer Alan Eugene Almeida

Home address [REDACTED] Cleveland Ohio 44135

D.O.B. 10/23/1970 Cell Phone [REDACTED] Department Cell Phone [REDACTED]

No cell phones used on the November 29<sup>th</sup> 2012 for video, still photos or recording.

Employed by Cleveland Police for 18 Years

Current assignment Mobile Support Unit 7 Years

Shift 2100-0500 hrs. Mon.-Fri. 205 St Clair 3<sup>rd</sup> floor, solo officer in this unit for this shift. Unit supervisor Sgt. Todd Melzer

Assigned zone car #7707 no assigned call sign, Car number only.

Uniformed officer wearing modified duty belt containing (Firearm) Glock 19 with magazine loaded with 15+1 rounds, Handcuffs, Radio holder, Cell Phone holder and Tazer. (No personal Weapons)

Part time employment Northern Boarder Initiative Marine Patrol Last worked October 2012

Cleveland Browns Stadium

Last worked November 25, 2012

Officer Almeida reports he does not wear Corrective lenses or contacts, and that he is not under the influence of Medication, Alcohol, or Drugs.

Details

Sgt. Cleland asked Officer Almeida to describe the events of November 29<sup>th</sup> 2012

Officer Almeida stated that He reported for duty as usual at 205 West St. Clair 3<sup>rd</sup> floor across from the Justice Center, He checked his e-mails, voice mail and the CKS server. He knew that officer Vic Nan was going to come by to drop off his personal desk top computer to be serviced from a previous phone call. Approximately 10:30 Officer Almeida received a call that officer Nan was on St Clair Avenue to deliver the computer.

Officer Almeida stated that Officer Nan was parked on the south side of West St Clair in front of 205 West St Clair. While they were standing on West St Clair. Officer Almeida heard an engine rev, he observed a vehicle traveling at a high rate of speed, and he estimated 60 miles per hour. As the vehicle passed he heard a "round go off". The car went to west 3<sup>rd</sup> and went south. Officer Almeida added "you could briefly smell the powder from this thing, the shot". Officer Almeida continued that he threw the computer back into Nan's car he did not have equipment to get into the car with him. Officer Nan did a u-turn on West St Clair to go after the suspects.

Officer Almeida ran back into his office to get equipment, Duty Belt and Vest, as he ran to the Justice Center garage he passed the guard shack. Officer Almeida stated that she (the guard) said "they are shooting at us". Officer Almeida stated that from his vehicle (#7707) he heard the radio traffic of the pursuit at 1-90 eastbound at dead mans curve, He entered 1-90 east at west 3<sup>rd</sup>. Street, as he was entering the freeway the radio traffic indicated that the pursuit was at East 55<sup>th</sup> street. Officer Almeida followed other Zone Cars and exited I-90 at East 72<sup>nd</sup> street followed to Euclid.

Sgt. Cleland asked what Officer Almeida was able to see during the pursuit. Officer Almeida stated that did not see the suspect vehicle during the pursuit; there were a lot of cars in front of him and he fell in line with the others.

Sgt. Cleland asked about radio traffic during the Pursuit. Officer Almeida stated that he had his portable radio on channel 2 and car radio on channel 3, he did not know what radio traffic was from what channel. The radio traffic he specifically mentioned was regarding seeing a weapon pointing through back window from suspect vehicle, and as he was around East 72<sup>nd</sup> and St Clair radio traffic of reloading a weapon in suspect vehicle. Officer Almeida continued with details of the pursuit stating that he followed onto Euclid Avenue to Wymore and up the hill towards the scene a number of other zone cars were going up the hill. Officer Almeida heard radio traffic of "shots fired" at this point. There were too many vehicles to continue driving and continued on foot

Sgt Cleland asked for Officer Almeida to continue with what happened from this point. Officer Almeida Stated he was about 1 ½ - 2 blocks from the scene and that it took approximately 2 minutes to arrive at the location. When Officer Almeida arrived on foot other officers were in a general area. As he approached the scene he went up to the other officers to see if they were ok, Officer Almeida saw one officer checking to see if he was hit, Officer Almeida did not know who that was but said "he pealed off his vest and checked". Officer Almeida stated that he assumed he was ok because he then joined the main group of other officers.

Sgt Cleland asked how long Officer Almeida was at the scene. Officer Almeida stated that he did not leave until about four in the morning. He had left the scene to go to the 6<sup>th</sup> district and then returned, He did not know who would be needed so stayed on scene. Officer Almeida then corrected himself as to the district he refueled the 5<sup>th</sup> not the 6<sup>th</sup>. Was released from the scene and concluded his duty report and ended his normal shift

Sgt Cleland asked if Officer Almeida had used his cell phone to record or take still photos of the scene he responded by stating that he only received a call from a Lieutenant in the 4<sup>th</sup> district to see if anyone was injured, the Supervisor was identified as Lt. Rene Kane. Officer Almeida stated he told her people were stunned but not injured. Officer Almeida stated that he did not see anyone taking photos.

Sgt Cleland asked if the pursuit was based upon his training, Officer Almeida responded by stating that he was a solo unit he did follow his training, Lights and siren were used, his zone car is not equipped with a dash cam and his MDT was not turned on.

Union Attorney D'Angelo asked Officer Almeida to explain his in-service training. Officer Almeida stated that he had in-service training in September 2012 this training was regarding shooting from vehicles and to vehicles, Use of force policy and Tazer recertification was done at this time.

Sgt Pinkney asked for clarification of the in service training Officer Almeida gave a step by step description removing seat belt, un-holstering, shooting through the windshield and retreating to the back of the car for cover. In-service training also covered Tazer recertification and use of force.

Sgt Cleland asked about any prior incidents of officer involved shooting. Officer Almeida stated his partner was bitten by a dog and he shot the dog, this was approximately 11 years ago.

Sgt Cleland asked Officer Almeida to recount the starting incident at 205 West St Clair. Officer Almeida stated the acceleration of the vehicle is what first caught his attention at Ontario and St Clair he heard the engine come up, he must really stepped on the gas because it really came up hard, between Ontario and the front of my building they were easily going 60 mph, Officer Almeida stated that he was unsure if the vehicle came straight down St Clair or turned off of Ontario. Officer Almeida stated they squealed the tires as they turned on West 3<sup>rd</sup> street after firing the round.

Sgt Cleland asked if Officer Almeida was looking at the car as it passed. Officer Almeida stated that he looked up he was standing at the curb and as the engine came up he glanced at the vehicle, "It was in the middle of the street, it was not hard to see.

Sgt Cleland asked if Officer Almeida had seen a flash from the car. Officer Almeida stated that he did not see a flash.

Sgt. Pinkney asked if Officer Almeida was able to tell how many occupants were in the vehicle. Officer Almeida stated the sound of the shot to him was as if it came from the passenger side of the vehicle.

Sgt Pinkney asked if Officer Almeida knew if anyone was working at the construction site of the medical mart Ontario and St Clair, Officer Almeida Stated that he did not know.

Sgt Cleland handed an aerial view Google map (marked #2) this map is a wide view including Terrace Rd, Wymore Ave, Lee blvd and Heritage middle school. Officer Almeida was asked to identify the location of his zone car on this map at his time of arrival. Officer Almeida indicated that his zone car was on Wymore east of terrace. This map is attached and signed by Officer Almeida. One correction was made as we continued and Officer Almeida indicated that he was closer to Terrace Rd than he had originally marked. He was asked to show the position and cross-out the earlier location and initial the spot. Officer Almeida complied with the request.

Sgt Cleland handed Officer Almeida a second Google aerial map marked #1 this map is a close up of the parking lot and playground of the Heritage middle school. Officer Almeida indicated on this map that the officers were clustered near the playground not far from the suspect vehicle. He stated that his first contact with other officers was closer to the driveway entrance to the parking lot; this is where he saw an officer peel off his vest to check to see if he was hit.

Sgt Cleland asked if Officer Almeida had fired any rounds during the incident. Officer Almeida indicated he fired no rounds.

Sgt Cleland asked if Officer Almeida could hear gun fire at the scene upon arrival. Officer Almeida stated that he did not hear any gunfire while approaching the scene.

Sgt Cleland asked if Officer Almeida radioed out at the scene. Officer Almeida indicated that he did not call out upon arrival; he wanted to keep the channel open. Officer Almeida stated that he did radio on scene later on channel 2.

Attorney D'Angelo asked Officer Almeida about the earlier statement regarding officers being stunned at the scene. Officer Almeida stated he was concerned by the fact that everyone was so quiet, no conversation about the incident.

Sgt Cleland asked if through the course of Officer Almeida's career and hearing other forms calibers of gunfire, could he identify the sound he heard that night at 205 West St Clair. Officer Almeida stated it was louder than a 9mm but not as loud as a 40 caliber, Maybe a .38 or a .357.

Attorney D'Angelo asked Officer Almeida if anyone else was with him approaching the scene on foot. Officer Almeida stated that 5 or 6 other officers were going up the hill at that time.

Sgt Cleland asked how long it took to get up the hill from the zone car. Officer Almeida stated that from the shots fired radio call it was about 2-3 minutes, it was about 4 city blocks and took about one minute from the car to the scene.

Continued from page 3

Attorney D'Angelo asked Officer Almeida what his stress level was as he approached the scene. Officer Almeida stated it increased the closer he was to the scene, going up the hill it was more stressful. That there was a dust cloud on Wymore from the cars kicking up dust climbing the hill.

Sgt Cleland asked Officer Almeida if he could tell how many cars were in front of his on Wymore. Officer Almeida stated it was 7 or 8.

Sgt Pinkney asked if there was anything Officer Almeida would like to tell us anything that we did not ask.

Officer Almeida replied no.

At this time the interview was terminated.

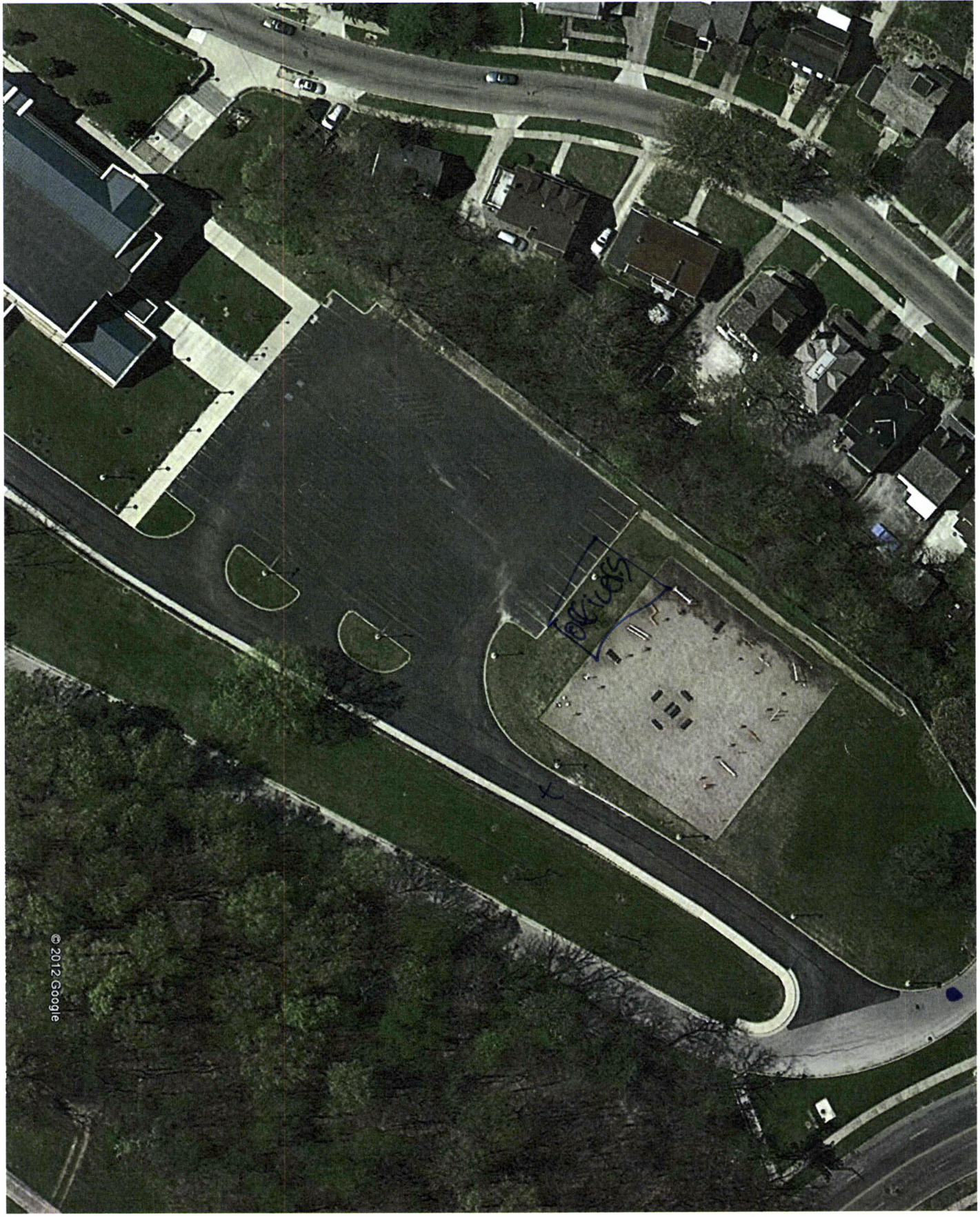
Respectfully Submitted

*Donald Cleland (OAS)*

Sgt Donald Cleland

*CW Lt. P. [Signature] Sgt.  
OK*

1#



© 2012 Google

John J. Charles Jr

#2



*Handwritten signature: K. S. ...*

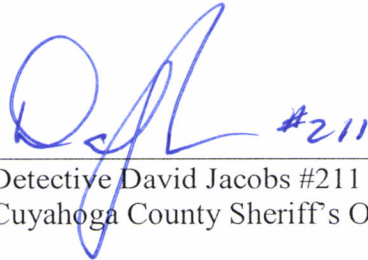
CUYAHOGA COUNTY SHERIFF'S OFFICE

Summary Report

Incident: Cleveland Police Department (CPD) pursuit and officer involved shooting,  
November 29, 2012.

The following interview took place on December 10<sup>th</sup>, 2012 and was conducted in conjunction with the captioned investigation. The interview was done by Detective Jacobs and was done telephonically. The interviewee's name is Patrolman David James, Greater Cleveland Regional Transit Authority Police Department (RTAPD), cell phone [REDACTED]. James was made aware of the interviewer's name and the purpose of the interview. James thereafter provided the following facts:

James confirmed the location of the stop of Malissa Williams on November 28, 2012. James further stated that the bus stop at East 24<sup>th</sup> Street and Euclid Avenue does have video surveillance. James was going to check with his supervisor about obtaining the video footage of Williams encounter with the RTA Police on November 28<sup>th</sup>, 2012.

 #211

Detective David Jacobs #211  
Cuyahoga County Sheriff's Office

 sgt.

OK



CUYAHOGA COUNTY SHERIFF'S OFFICE  
SUPPLEMENTAL REPORT

UDF INVESTIGATION CPD 11/29/12

re: Review of East Cleveland Police Radio and Phone Recording from 11/29/12

=====

Below is a summary of recorded radio and phone traffic of East Cleveland Dispatch and Officers on 11/29/12. The CD reviewed by myself contains 16 separate audio files. The CHANNEL 1.WAV files (first two entries below) are phone recordings and the remaining CHANNEL 15.WAV files are East Cleveland Police Radio Traffic.

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22.53.38 CHANNEL 15.WAV	22:53 hrs	29sec	Radio keyed up with siren heard but no voice transmission occurred.

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<b>22.56.18 CHANNEL 15.WAV</b>	22:56 hrs	23sec	Dispatch requesting welfare check on 31
<b>22.56.28 CHANNEL 15.WAV</b>	22:56 hrs	29sec	Unit 47 advised radio he has eyes on 31 and 43
<b>22.59.17 CHANNEL 15.WAV</b>	22:59 hrs	37sec	Radio traffic regarding securing crime scene tape
<b>23.00.34 CHANNEL 15.WAV</b>	23:00 hrs	24sec	Unit 47 trying to contact 32
<b>23.00.48 CHANNEL 15.WAV</b>	23:00 hrs	47sec	Additional radio traffic regarding crime scene tape
<b>23.05.59 CHANNEL 15.WAV</b>	23:05 hrs	41sec	Request made to unit 43 and 32 to start doing some traffic down the street

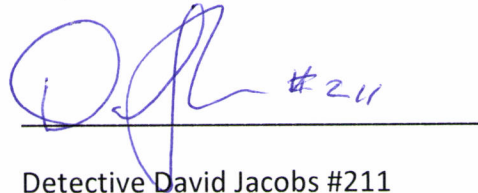
Respectfully Submitted,

James Mackey, Detective  
Cuyahoga County Sheriff's Office

Cuyahoga County Sheriff's Office

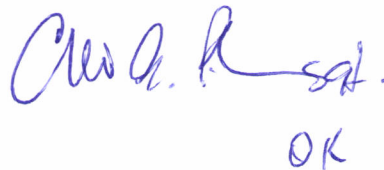
SUMMARY REPORT

On December 12, 2012 at approximately 10:30am, Detective David Jacobs obtained a copy of surveillance video from the Cleveland Plain Dealer, 1801 Superior Avenue, Cleveland, Ohio. The person who provided the copy of the DVD was Captain Felicia Gaurileta, OSS Security. The DVD is labeled camera # 37 on DVR-Date 11/29/2012 from: 10:30pm to 10:32pm.



Detective David Jacobs #211

Cuyahoga County Sheriff's Office



Cuyahoga County Sheriff's Office

Summary Report

INCIDENT: CPD PURSUIT AND OFFICER INVOLVED SHOOTING 11/29/12

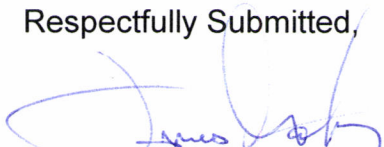
RE: RTA Video

DATE: 12/12/12

On 12/12/12 at 8:30am I, (Det Mackey CCSO) at the request of BCI SA Mark Kollar retrieved a CD-R from RTA Security Supervisor Charles Brown of video from 11/29/12 at Belmore and E. 118th St. The CD-R is unmarked but the CD sleeve is marked with the street intersection and date along with my name and Richard Wagner.

The above video was transported by myself in Sheriff 98-37 to BCI Richfield, 4055 Highlander Parkway, Richfield OH 44286 and released to BCI SA Mark Kollar at approximately 11:06am.

Respectfully Submitted,



James Mackey, Detective  
Cuyahoga County Sheriff's Office

Chad A. R. sat.

OK

Cuyahoga County Sheriff's Office

Summary Report

INCIDENT: CPD PURSUIT AND OFFICER INVOLVED SHOOTING 11/29/12

RE: Evidence Transfer

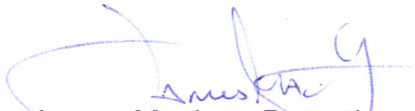
DATE: 12/12/12

On 12/12/12 at 9:25am I, (Det Mackey CCSO) at the request of BCI SA Mark Kollar retrieved the below listed evidence from Cuyahoga County Regional Forensic Science Laboratory from Mark Shea:

Lab Case #	Lab Evid #	Agency Case #	Evidence Description
2012-007598	029	N/A	DNA Stain Card
2012-007597	014	2012-384899	(1) Shell Casing (410 magnum)
2012-007597	014.01	2012-384899	One swab of overall surface of shell casing
2012-007597	015	2012-384899	DNA Stain Card

The above evidence was transported by myself in Sheriff 98-37 to BCI Richfield, 4055 Highlander Parkway, Richfield OH 44286 and released to BCI SA Dan Winterrich at along with two evidence transfer receipts (ZCFL3NZ0KB0DS and ZCFFL3NZ0K9C8F) attached.

Respectfully Submitted,



James Mackey, Detective  
Cuyahoga County Sheriff's Office

CWO D. P. [Signature] Sgt.  
OK

Cuyahoga County Sheriff's Office

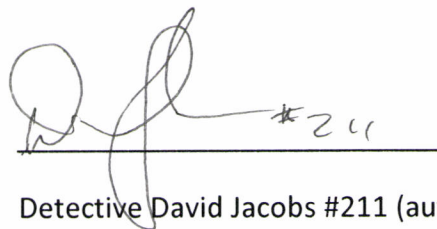
Summary Report

Cleveland Police Department Officer Involved Shooting

On December 13, 2012, at approximately 2:30pm, Sergeant Clifford Pinkney and Detective David Jacobs had the occasion to pick up a personnel file, for the Cleveland Police Officer, John Jordan badge number 2227. Another request was made for shooting proficiency reports. The shooting proficiency reports are for Cleveland Police Officers that fired their respective weapons during the captioned incident. The request was made through Commander James Chura, Cleveland Police Department. The documents were received from Sergeant Holby, Cleveland Police Department, Human Resources Division.

Handwritten signature of Sgt. Clifford Pinkney, consisting of the initials 'CW' followed by a stylized 'G.' and 'Sgt.' written below a horizontal line.

Sgt. Clifford Pinkney

Handwritten signature of Detective David Jacobs, featuring a large, stylized initial 'D' followed by 'J' and '#211' written below a horizontal line.

Detective David Jacobs #211 (author)

Cuyahoga County Sheriff's Office  
Summary Report

INCIDENT: CPD PURSUIT AND OFFICER INVOLVED SHOOTING 11/29/12

RE: 2100 Lakeside Video Review

Date of Report: 12/11/12

=====

Below is a summary of notable events from surveillance cameras located at 2100 Lakeside, Cleveland OH. Two CD's were reviewed by myself and the time stamps below are from camera 1. Both cameras are facing the same direction but camera 1 is closer in proximity to the notable action. Camera 4 has the same notable events but from a farther distance and should correlate the same time stamp.

Time Stamp	Description
21:00:47	Vehicle matching description of Officer Jordan's unmarked car traveling East bound. Stops in middle of roadway and a passenger exits (wearing lighter colored top and darker colored pants). The vehicle then drives a short distance East bound, stops and reverses to a group of about 10 individuals on the North side of the street. An individual wearing dark clothing approaches the drivers side window and appears to be engaging the driver in conversation and then walks away.
21:01:30	A second individual wearing a white hat, white shirt under a light colored jacket and dark pant approaches the passenger side of the vehicle and gets in.
21:01:40	The vehicle (referenced at time stamp 21:00:47) then pulls from the center of the street to the South curb (East Bound) and parks
21:02:06	Passenger Exits vehicle (referenced at time stamp 21:00:47) and engage an individual from the North side of the street who appears to have a white hat on with a dark shirt/jacket and light colored pants.
21:02:13	Vehicle drives (referenced at time stamp 21:00:47) off East bound to end of Lakeside.
21:24:42	Vehicle matching the description of Timothy Russell traveling West bound pulls up on the North end of the street to an area known as the "wall"
21:27:12	Vehicle (referenced at time stamp 21:27:12) leaves heading West bound
22:01:47	Vehicle that resembles that of Officer Jordan driving East bound and takes a right towards St. Clair at a slow rate of speed.
22:07:14	Vehicle matching the description of Timothy Russell heading West bound parks along North side of street (near the "wall") . Some Pedestrian activity occurring at the drivers side window with at least two individuals at the window.
22:09:14	Vehicle matching the description of Timothy Russell pulls off without head lights and performs a "u" turn with a new direction of East Bound making a right toward St. Clair.
22:18:02	Vehicle matching description of Timothy Russell heading West bound pulls up to the North curb. Some pedestrian traffic at passenger side window.

<b>Time Stamp</b>	<b>Description</b>
<b>22:18:38</b>	Vehicle matching the description of Officer Jordan's unmarked car headed West bound pulls to the left rear of the car matching the description of Timothy Russell.
<b>22:18:51</b>	Vehicle matching the description of Timothy Russell pulls out continuing North bound with no headlights. Vehicle matching that of Officer Jordan follows. Both vehicles are traveling at a low rate of speed.
<b>22:24:43</b>	Vehicle matching description of Officer Jordan's UC returns traveling East bound and pulls up to the North side curb. Driver exits the vehicle with car appearing to be running and driver door remains open while the driver engages pedestrians who are loitering along the North wall.
<b>22:28:05</b>	Vehicle matching description of Officer Jordan's UC leaves heading East bound and takes a right heading towards St. Clair.

Respectfully Submitted,



James Mackey, Detective  
Cuyahoga County Sheriff's Office



CUYAHOGA COUNTY SHERIFF'S OFFICE  
SUPPLEMENTAL REPORT

UDF INVESTIGATION CPD 11/29/12

re: Review of East Cleveland Police Radio and Phone Recording from 11/29/12

Report Date: 12/17/12

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James Mackey, Detective  
Cuyahoga County Sheriff's Office