



Ohio Bureau of Criminal Identification & Investigation
INVESTIGATIVE REPORT



12/19/2012 REPORTS RECEIVED FROM CUYAHOGA COUNTY SHERIFF'S OFFICE

Summary

On December 19, 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 19, 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:

- 12/10/12 – Interview of Officer John Graves, Cleveland Police – Exhibit #104
- 12/10/12 – Interview of Officer Kevin Fairchild, Cleveland Police – Exhibit #105
- 12/13/12 – Officer Craig Malone, Ohio Highway Patrol
- 12/17/12 – Summary of Cleveland Police RMS reporting system on Timothy Russell
- 12/18/12 – Interview of [REDACTED]
- 12/19/12 – Summary of Bratenahl Police Department unit 1711 dashcam video – Exhibit #116
- 12/19/12 – Received a thumb drive from Cleveland Police Commander James Chura containing Cleveland Police information

File Number: SI-18-12-82-1493	File Title: Timothy R. Russell (S) Malissa A. Williams (S)
Case Agent: Mark Kollar	Authoring Agent: Brenda McNeely <i>Bm</i>
Date of Report: 12/21/2012	Exhibit #: 104, 105, 115, 116, 117
Investigative Activity: Reports Received from Cuyahoga County Sheriff Office Detectives	Supervisor Approval: Dennis Sweet <i>[Signature]</i> JAN 17 2013

SI-18-12-82-1493

Officer Involved Shooting

12/19/12 – Summary of recording from Bratenahl Police Department Dispatch – Exhibit #115

12/19/12 – Summary of recording from Bratenahl Police Department unit 1714 dashcam video –
Exhibit #117

12/19/12 – Interview of Henry Banks

All interviews have been recorded and all DVDs and the thumb drive have been placed in the file as Exhibits #s 104, 105, 115, 116, and 117 .

December 10, 2012

Cuyahoga County Sheriff's Office

Interview of Cleveland Police Officer Kevin Fairchild

Sir

On Monday December 10th 2012 While assigned to Special Investigation in cooperation with Ohio Bureau of Criminal Identification and Investigation and East Cleveland Police. East Cleveland Police Sgt James Ruth and Cuyahoga County Sheriff's office Sgt. Donald Cleland were assigned to interview Cleveland Police Officer Kevin Fairchild in the presence of Union Representative Jeff Follmer, Steve Kinan and Attorney Patrick D'Angelo Interview took place at 4055 Highlander Parkway Richfield Ohio 44286.

Synopsis

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

Subject interviewed Background information

Cleveland Police Officer Kevin Fairchild

Home address [REDACTED] Olmsted Township

D.O.B. 12/12/1973 Cell Phone [REDACTED] Department Cell Phone none

No cell phones used on the November 29th for video, still photos or recording.

Employed by Cleveland Police for 15 Years

Current assignment 2nd district vice Unit 7 Years

Shift 1800-0200 hrs. Mon.-Fri. Unit supervisor Sgt. Coleman and Lieutenant Mone

Normally partnered with Officer Graves for paperwork purposes both are 284, they were not partnered on the night of 11/29

Assigned unit #288 an unmarked black Ford Crown Victoria. Equipped with lights and siren, spot light (does not work) no MDT, Radio channel 2

Plain Clothed officer on 11/29 wearing black BDU pants, tactical vest and a brown coat
Equipment (Firearm) Glock 19 with magazine loaded with 15+1 rounds, Handcuffs, Radio and Tazer. (No personal Weapons)

Part time employment; works at a bar 1 day every other week, and a gas station on weekends. Did not work part time prior to incident of 11/29

Officer Fairchild reports he does not wear Corrective lenses or contacts, and that he is not now nor on the night of 11/29/12 under the influence of Medication, Alcohol, or Drugs.

Details

Sgt Cleland asked how did you become involved in the pursuit of November 29th 2012.

Officer Fairchild stated we were in our district, in our office working on reports and evidence from a prior invest when Sgt Coleman came in and said that they were chasing a car that shot at Officer Nan.

I grabbed my vest and the keys to a car, the 288 car and proceeded to the location to try to catch up with the chase. I got involved with the chase around west 45th and Clark.

Sgt Ruth asked did you ever see the car there.

Officer Fairchild stated yea it passed me; he went north because they were on Lorain.

Officer Fairchild continued he first went north on 41st, as he approached I-90 they went south on 85th, he was going to get on the highway thinking they would get on the highway, but they went to Clark. Officer Fairchild came back south on 44th there was a broadcast they were coming up on 44th, Officer Fairchild stated he turned west on 44th and then they came right at him.

Sgt Ruth asked what happened when they came at you.

Officer Fairchild stated I turned around at 46th, Officer Siefer was the lead car and I got behind them

Sgt Ruth asked if Officer Fairchild called on the radio to let them know what he was doing

Officer Fairchild stated no, I wasn't going to break in while they were broadcasting locations

Sgt Ruth asked if that was all he heard, Broadcast of locations

Officer Fairchild stated yes, I was not on the radio prior to that. Only knew what our sergeant told us happened.

Sgt Ruth asked how long Officer Fairchild stayed in the second car position

Officer Fairchild stated all the way to east 79th street.

Sgt Ruth asked what happened there to make you get back or change

Officer Fairchild stated we were on Addison and came down Star by that time I was the lead car, I took over the lead around 72nd and St Clair. I think we went west on Star, I don't know the directions over there. From 79th, Addison towards 79th at 79th he took a really wide turn, I didn't think he was going to make the turn, When I turned onto 79th I was on the inside of them, not next to them but close. As we were going down the street he slammed on the brakes and made a right hand turn on the next street striking the front of my car, at which time I tried to spin out of it. I went left and did not make that turn. I went to the next street and turned right and got back into it

Sgt Ruth asked so he hit you in what area

Officer Fairchild stated the driver's side front with his back right passenger's side.

Sgt Ruth asked what speeds were reached during the pursuit

Officer Fairchild stated we were upwards to the hundreds on the highway; I didn't look much I was by myself so I had to watch for other people.

Sgt Cleland asked what was your best estimate of speed on side streets

Officer Fairchild stated I didn't even look on the side streets; I was focusing on the car and the people in the car. I didn't want to get side swiped by a zone car either.

Sgt Cleland asked if Officer Fairchild had his lights and siren on through the whole period

Officer Fairchild stated yes

Sgt Ruth asked if when you were behind the vehicle what did you see the driver or passenger doing

Officer Fairchild stated when we got off at 72nd and went up to St Clair we were staying farther back from the vehicle due to the radio transmission of a gun being pointed out of the back window over off of Quigley, we were keeping our distance keeping out of the line of fire. Coming up 72nd they were going a little bit slower than they had been through most of the chase so I actually got a lot closer. When we got to St Clair there were other district vehicles in that area, I guess they didn't know what way they were going to go with all those cars there so I got pretty much right up on the car.

Continued from page 2

Officer Fairchild Continued the passenger was "all over the place", going towards the driver reaching back towards the back window and was pulling on the door. When they went off the highway at 72nd I think the door might have popped open it looked like they were pulling on the door trying to make sure it was shut. As we were going down 68th towards Bliss is when I broadcast that I observed a pop can, It was in the right hand the person was completely turned around (demonstrated the movement) body turned to left as far as possible, left arm extended right arm across the body. I could see there were black gloves on the hands so I broadcast that.

Attorney D'Angelo asked what hand he saw the pop can in
Officer Fairchild stated the right hand; the left hand was extended towards the back window. I did not observe a gun at that time but I did see there were a pair of black gloves on.

Sgt Ruth asked if at this time if Officer Fairchild knew if the subject was male or female.
Officer Fairchild stated no, I did not.

Sgt Ruth asked if when they were leaning back did they motion
Officer Fairchild stated the motion was like a gun, they did not have a gun in their hand but the motion was like they had a gun. I could not tell male or female. The driver stayed very calm very steady he was focused dead on straight. The passenger was all over the place, reaching down reaching over pushing on the driver reaching back again. When I was behind them they must have done it five or six times.

Sgt Ruth asked if Officer Fairchild ever saw the passenger get into the back seat
Officer Fairchild stated no

Sgt Ruth asked you never saw a weapon per se just a pop can
Officer Fairchild stated that is correct

Sgt Ruth asked if that was in the right hand
Officer Fairchild stated yes it was red cylinder shaped I perceived it was a pop can.

Sgt Ruth asked Officer Fairchild to continue with the pursuit details
Officer Fairchild stated it was 79th, from 68th and Bliss we went back up 71st to Addison, Addison to 79th I don't know what direction that was. He went to the next right off of 79th I went to the next street. I was passed up and went down to Wade Park. He went up 118, I went up 116 then down Euclid and by the time we went up the hill to the school I was probably the 4th car. I went up the hill, came around and I'm sure there are a lot more questions now.

Sgt Ruth asked you went up the hill and that's where you parked
Officer Fairchild stated I went up the hill and as I went up and over the top of it the first thing I saw was him coming up and over the island in the middle of the parking lot, I don't know how he got turned around in that direction, All I know is he was coming up and over that island, I heard the shots fired, shots I did not know where it came from or who was shooting, I was concentrating on the car itself. I was to the left I came in I stopped on the left hand side.

Sgt Ruth interrupted at this point and placed an aerial map with vehicles overlaid in front of Officer Fairchild. And asked which car are you.

Officer Fairchild identified his vehicle on the aerial map by circling his vehicle

Sgt Ruth asked referencing the map can you follow it on
Officer Fairchild indicated the direction his vehicle was pointing, and said he was probably the 4th car in he pulled to an indicated point and got out of his car, "I knew he was not going to be able to get out with all the cars that were behind us". I ran along here (indicating the curb of the roadway) he drove by me and headed straight for these two cars. (Indicating the subject vehicle passed him on the roadway and continued straight towards zone car 238).

Officer Fairchild continued that the officer in that car (indicating zone car 238) got out of his car I saw the door open he was standing outside his car, At this time I knew he (subject vehicle) was probably going to ram these cars (zone cars 238 & 217) I stopped and ran in this direction (indicating towards zone car 244) when Officer McNeeley was getting out of his car, I grabbed Officer McNeeley and got down in front of this car (indicating zone car 244) because I knew a shooting probably was going to happen and I am not going to run into the line of fire. I got down in front of this car (indicating zone car 233) along with officer McNeeley.

Sgt Ruth asked you said it was back lit could you see anything else
Officer Fairchild stated because there were police cars behind here (indicating the location of zone cars 238 & 217) because I saw a really tall shadow, he's a really tall guy I observed him get out of that car (indicating zone car 238) but did not see the impact with the police car.

Sgt Cleland asked when you first arrived here you said they were coming over the island.
Officer Fairchild stated as I was in this area (indicating across from the playground) he was just coming up and over the island. There is a little bit of a hill so I did not see how he got to that point I just saw him coming up and over this way. (Indicating subject vehicle path over the island) I drove up stopped and got out I was running kind of next to the car for a few minutes as it continued on.

Sgt Cleland asked as your car came to rest, you mentioned you heard shots at this point.
Officer Fairchild stated yes, the car was in this area (indicating past the island) I stopped there almost next to it.

Sgt Cleland asked if the shots had already been fired at that point
Officer Fairchild stated yes

Sgt Ruth asked when did he hear the first shots
Officer Fairchild stated before I got there, as I was going down (indicating next to the playground) the shots were going, I stopped and got out

Sgt Ruth asked if during the shots did you hear anyone yelling
Officer Fairchild stated that over the radio there was a shots fired call.

Sgt Ruth again asked did you here anyone yelling stop or stop the vehicle or anything like that.
Officer Fairchild paused

Sgt Ruth asked if you knew where the shots came from
Officer Fairchild stated no I had no idea where they came from.

Sgt Ruth asked do you remember hearing any officer yelling for the car to stop
Officer Fairchild stated no I don't remember hearing that no.

Sgt Ruth asked as you were running beside the vehicle did you see a weapon at any time
Officer Fairchild stated no, I could not see inside the car, not from where I was.

Sgt Cleland asked they drove past you
Officer Fairchild interrupted they drove past me, I came out of the car and was like this to it (indicating running beside it) and they just sped away.

Sgt Cleland asked once you reached this point (indicating zone car 233) you took cover, Was there anything you did until after the gunfire was over with down the road
Officer Fairchild stated no after shots were fired I walked up and made sure everyone was all right, there was a bunch of people all over the place, a couple of people, it looked like a female from vice was going to put handcuffs on the passenger but then someone came up and started getting everyone away from the car. I don't even know who it was.

Sgt Ruth asked if Officer Fairchild ever fired a round
Officer Fairchild stated no

Sgt Ruth asked why didn't you fire
Officer Fairchild stated there were other cars here in the area if I had fired there was a chance of striking somebody

Sgt Ruth asked if McNeeley was one of the shooters
Officer Fairchild stated he was still in the car when I grabbed him I took him out of the car and pulled him over here (indicating the front of car 233)

Sgt Ruth asked you did not see any weapons, you heard shots but did not know where they were coming from, you grabbed McNeeley and both went down in front of the car. How long before you heard the gunshots go off

Officer Fairchild stated it felt like forever but it wasn't maybe about 6 seconds.

Sgt Ruth asked after everything subsided did you hear anyone saying anything
Officer Fairchild stated they were around the car, they were making sure there was no movement in the car nobody was saying much of anything; I didn't see anything or learn of anything other than the shots.

Sgt Ruth asked if you were down behind the car when the shots were fired
Officer Fairchild stated correct

Sgt Ruth asked if Officer Fairchild had any idea who the first officer to shoot was or if the car shot
Officer Fairchild stated I have no idea

Sgt Cleland asked if Officer Fairchild could give us an idea what the sound of the gunfire was
Officer Fairchild stated a lot, a quick burst sounded almost like an assault rifle, that's how quick they were.

Sgt Ruth asked if Officer Fairchild has been involved in any other shooting incidents
Officer Fairchild stated no, I have arrived shortly afterward to assist at scenes but not involved

Sgt Cleland asked if during the time period you were involved in the pursuit from any point where he could see or hear the subject vehicle were there any noises that came from that vehicle
Officer Fairchild stated yes around dead mans turn, I heard a loud bang, and I believed the rear tire had blown

Sgt Ruth inquired from the sound you thought the tire had blown
Officer Fairchild stated right there was a bang and a flash it came from the rear tire, Siefer broadcast it first and said the tire blew and I reiterated the point that the rear tire blew. When we came through dead mans it was still inflated and I broadcast I guess he didn't lose a tire. It was a very loud bang pop.

Sgt Ruth asked Officer Fairchild if he had talked to anyone else about this incident
Officer Fairchild stated not directly about what happened

Sgt Ruth asked if on scene did you use your cell phone to take any pictures or have you received any pictures

Officer Fairchild stated no all I did was text my wife that I would be late.

Sgt Ruth asked if he was injured at all when the car hit his
Officer Fairchild stated no

Sgt Ruth asked if his actions were consistent with his training
Officer Fairchild stated absolutely

Sgt Ruth asked if the actions of the other officers involved were consistent with their training
Officer Fairchild stated absolutely

Continued from page 5

Sgt Ruth asked if anyone has asked him to lie or attempted to influence his statement to us
Officer Fairchild stated no

Sgt Ruth asked how about after the shooting did you do anything like move any objects check any weapons make any calls after the shooting

Officer Fairchild stated no I just waited for them to mark our car so we could drive away.

Sgt Cleland asked who did that

Officer Fairchild stated BCI came and marked our locations

Sgt Ruth asked if he had any prior discipline with Cleveland Police

Officer Fairchild stated no

Sgt Cleland asked if there was anything we did not ask that Officer Fairchild would like to talk about

Officer Fairchild stated I don't think so

Sgt Cleland wanted to clarify one thing, Going around dead mans curve you or someone else thought it was a blown tire. Give me a better description of that. What part of the vehicle did you see the flash

Officer Fairchild stated the passenger rear tire

Sgt Cleland asked you said it was a loud bang

Officer Fairchild stated yes to hear it at 70 going around dead mans it has to be loud

Sgt Cleland asked if Officer Fairchild broadcast that the tire was not blown

Officer Fairchild stated that about 200 feet from dead mans I looked down at the tire again we were in the high speed lane; I had to move over a little bit. I observed the tire did not go flat and broadcast I guess the tire did not blow

Sgt Cleland asked what channel that was on

Officer Fairchild stated channel 2

Sgt Ruth asked about a statement you knew there was going to be a shoot out

Officer Fairchild stated I thought it was inevitable, he was going up the hill quickly and there was nothing but police cars there and knowing there were just shots from down here (indicating on the map the island area) I'm sure they didn't know who just shot; he didn't look like he was going to stop. I saw an officer standing outside the car and he was going right at him

Sgt Ruth asked for Officer Fairchild to sign the map that he had marked his location and referenced throughout the interview

Officer Fairchild complied

Attorney D'Angelo asked if he could take Officer Fairchild through the pursuit and the broadcast
Officer Fairchild agreed

Attorney D'Angelo asked about the black glove and the pop can. What were the broadcasts significant to any weapon being involved also what were your observations of the occupants of the suspect vehicle

Officer Fairchild stated when we came off of Clark to Quigley is when there was a broadcast of a weapon out the back window, at that time we backed off a little I was unable to observe that from where I was at. As we were coming down Quigley I even broadcasted to put a spot light on the back window so we can try to observe inside the vehicle. This was done, but the subject vehicle moved to the left out of the spot lights' view. As we went up to 14th to the roundabout there were officers at the top of that hill already in the roundabout as we went through the roundabout and down 14th one of the officers said that he saw a gun at the roundabout, so again the presence of a weapon was still there. We still stayed back on 14th until we got onto the highway

Attorney D'Angelo asked if during this time you could see any movements of the passenger
Officer Fairchild stated the passenger was as I said before always moving around and motioning to the back of the car (demonstrated as earlier in interview)

Attorney D'Angelo asked what was your state of mind how did you interpret that
Officer Fairchild stated that they were pointing a weapon out the back that's why I asked to put a light on the window to try to see what was going on.

Attorney D'Angelo asked if there was anything remarkable up to the time he broadcast about a pop can

Officer Fairchild stated we all believed there was a gun involved

Attorney D'Angelo asked about the tone of the officers when broadcasting relative to a gun
Officer Fairchild stated it was highly iterated that there was a gun in the vehicle

Attorney D'Angelo asked if even after he broadcast that there was a pop can, What was your state of mind relative to the occupants having a weapon

Officer Fairchild stated from what I observed I did not see a weapon at that time as the chase continued there was a broadcast of "Now it looks like they are loading a weapon"

Attorney D'Angelo asked who broadcast that
Officer Fairchild stated my sergeant did, Sgt Coleman

Attorney D'Angelo asked based on that
Officer Fairchild stated based on that he still believed there was a gun in the vehicle

Attorney D'Angelo asked if seeing the pop can excluded the likelihood of the occupants having a weapon

Officer Fairchild stated no

Attorney D'Angelo asked if it was the state of mind that they did have a weapon
Officer Fairchild stated I did not see a weapon, I wanted everyone to know I did not see a weapon at that time, I did not say that there was not one period because I could not see inside the car

Attorney D'Angelo asked about the street where he first heard shots were you still of the belief that there was a weapon in the suspect motor vehicle

Officer Fairchild stated yes

Attorney D'Angelo asked about the point when he was running near the subject vehicle if he entertained firing at the subject vehicle

Officer Fairchild stated my weapon was drawn but I looked over and there were other cars on the other side

Attorney D'Angelo asked if he heard any inappropriate racial remarks at the scene or after
Officer Fairchild stated no

Attorney D'Angelo asked if he observed any inappropriate behavior at the scene
Officer Fairchild stated no

Attorney D'Angelo asked what speed the subject vehicle was going as it passed coming from the island

Officer Fairchild stated it was pretty fast, it got past me quickly

Attorney D'Angelo asked if at any time he felt that he should notify a supervisor to call off the chase

Officer Fairchild stated no but we did ask for spike strips, the traffic was not that bad there was no real danger to the public I would not have called off the chase.

Sgt Ruth asked if he ever heard them call off the chase
Officer Fairchild stated no

Continued from page 7

Attorney D'Angelo asked did you believe that when the shooting began that the suspect vehicle was shooting back

Officer Fairchild stated at first I thought they were the ones doing the shooting at the bottom. I was not aware of who was doing what shooting

Attorney D'Angelo asked if based on his training and experience he believed that occupants of the subject vehicle were also firing

Officer Fairchild stated that many shots that quickly, yes

Attorney D'Angelo asked at the time the car went around dead mans curve did you think that was a backfire, would you have broadcast if you thought it was a backfire

Officer Fairchild stated that if I thought it was a backfire I would have broadcast that.

Attorney D'Angelo asked assuming that it was a backfire at dead mans curve, did that change the behavior of the occupants of the vehicle

Officer Fairchild stated no

Attorney D'Angelo asked if backfiring had anything to do with the actions at the island in the parking lot

Officer Fairchild stated no

Attorney D'Angelo asked as a reasonable police officer, did the actions of the occupants of that vehicle indicate they were trying to give up or cause officers to believe they did not have a weapon

Officer Fairchild stated no they never made any attempt to stop

Sgt Ruth asked you have been in vice for 7 years have you ever heard of something called the red zone

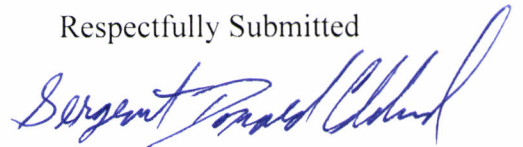
Officer Fairchild stated only football

Sgt Ruth asked nothing citywide or locally

Officer Fairchild stated no

This concluded the interview

Respectfully Submitted



Sergeant Donald Cleland



OK



Blue - my vehicle

Red = TOOK COVER IN FRONT OF VEHICLE

 2138 12-10-12 1504

December 10, 2012

Cuyahoga County Sheriff's Office

Interview of Cleveland Police Officer John Graves

Sir

On Monday, December 10th 2012, while assigned to Special Investigation in cooperation with Ohio Bureau of Criminal Identification and Investigation and East Cleveland Police. East Cleveland Police Sgt James Ruth and Cuyahoga County Sheriff's office Sgt. Donald Cleland were assigned to interview Cleveland Police Officer John Graves in the presence of Union Representative Jeff Follmer, Steve Kinas And Attorney Patrick D'Angelo Interview took place at 4055 Highlander Parkway Richfield Ohio 44286.

Synopsis

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

Subject interviewed Background information

Cleveland Police Officer John Graves

Home address [REDACTED] Cleveland, Ohio 44135

D.O.B. 09/13/1971 Home Phone [REDACTED] Cell Phone [REDACTED]

Department Cell Phone none

No cell phones used on the November 29th for video, still photos or recording.

Employed by Cleveland Police for 17 Years

Current assignment 2nd district vice Unit 11 Years

Shift 1800-0200 hrs. Mon.-Fri. Unit supervisor Sgt. Coleman and Lieutenant Mone

Assigned unit; Unmarked Blue Ford Taurus # 281 Call sign 2V81

Plain Clothed officer; under vest and tactical carrier CPD Sweatshirt Police marked front and back Equipment (Firearm)Glock with 1 magazine loaded with 17 rounds, Handcuffs, Radio ch 2, Flashlight and Pepper spray on Tactical vest. (No personal Weapons)

Part time employment; Cleveland Browns Locker room all home and away games

Officer Graves reports he does not wear Corrective lenses or contacts, and that he is not now nor on the night of 11/29/12 under the influence of Medication, Alcohol, or Drugs.

No prior officer involved shooting incidents

Details

Sgt Cleland asked how Officer Graves first became involved in the incident of November 29, 2012 Officer Graves stated He and his partner Detective Mitchell were in the area of west 41st and Bridge Avenue eastbound on Bridge, they heard a broadcast from Officer Nan of shots fired/vehicle had taken off on him. Officer Graves continued east on Bridge and turned north on West 25th Street as they were approaching Detroit avenue, heard Radio traffic of subject vehicle crossing Detroit Superior bridge. Officer Graves stated that their lights had been activated and they turned left on Detroit Avenue thinking the subject vehicle would be in front of them, in reality the subject vehicle was behind them.

Continued from page 1

Officer Graves continued that there was a lot of traffic in front of them so he stayed in front of the subject vehicle to try to slow it down, the vehicle stayed behind them till west 45th street. The vehicle turned left on west 45th. Officer Graves continued west because they had passed that intersection, he turned onto to west 48th street and went south. At Lorain Road he went west on Lorain and was second vehicle in Pursuit one marked unit in front of him. At west 85th Street they proceeded south it loops around to Clark Avenue. They continued east on Clark to Quigley Avenue south. Officer Graves stated while on Quigley there was radio traffic of a firearm pointed from subject vehicle. They continued on Quigley to steelyard drive and back up to West 14th, Down West 14th to the inner-belt. Subject vehicle continued North/East on inner-belt. There were 2 broadcasts that the subject vehicle was attempting to exit the freeway but continued to Dead-mans curve. Officer Graves exited at Superior Avenue believing the subject vehicle was attempting to get to city streets. From the Superior road Exit they continued to St Clair Avenue, Then eastbound on St Clair towards East 72nd they pulled to the curb and heard radio traffic of subject vehicle was traveling south on East 72nd Street. The subject vehicle came off East 72nd west on St Clair then south on east 68th Street. Officer Graves turned onto East 68th and pulled to the curb to allow the zone cars go past. Officer Graves turned around and went back to St Clair Avenue to wait in case of a foot pursuit. Officer Graves stated that the pursuit continued within city streets, He did not really know where he was at but continued east and south based on radio traffic. He heard radio traffic that subject vehicle was going into a dead end, but was not sure of the exact transmission. As they pulled up to the scene they were on a street near by but because they were at the end there were a lot of police cars around and could not drive closer to the scene. Officer Graves stated that as they exited there vehicle they could hear the last of the round going off. Officer Graves and his partner ran up the street to where the police cars were and his partner said to take cover because they did not know were anyone was at that point. Officer Graves stated that as the reached the top of the hill he was concerned because he saw a police car was shot up too, Officer Graves was checking to see if any officers were injured and remained on the scene to help East Cleveland officers tape off the scene.

Sgt Ruth asked what speeds were reached during the pursuit.

Officer Graves stated that on Detroit Road is was around 40 -50 mph, 60-70 mph on Lorain Road, throughout the pursuit Officer Graves said his top speed was 90 mph. When he saw how fast they were going he got off the highway.

Sgt Ruth asked their location at the time of broadcast pointing a gun.

Officer Graves stated that it was south on Quigley going towards Steelyard commons.

Sgt Ruth asked if at any time during the pursuit did you hear a radio broadcast calling off the pursuit. Officer Graves stated no

Sgt Cleland asked what was the closest you were to the suspect vehicle during the pursuit Officer Graves stated they were right behind us on Detroit but after they turned off on 45th they were not that close.

Sgt Ruth asked if Officer Graves saw the driver at all

Officer Graves stated that I looked back in the mirror and could see people moving around but was concentrating on driving, stated he was looking out for the civilians who were in front of us.

Sgt Cleland asked if during the time you were in front of or near the subject vehicle did you hear any sounds coming from that vehicle.

Officer Graves stated no

Sgt Ruth Did you see or hear gunfire from the vehicle during the pursuit
Officer Graves stated no

Sgt Cleland asked if Officer Graves saw anything inside the vehicle
Officer Graves no, we were in front of it and when it was in front of us we were too far behind.

Sgt Cleland asked how many cars were between him and the subject vehicle
Officer Graves stated on Lorain just one, after it got farther down Clark avenue more because police cars were actually blocking intersections so civilians would not pull out. Officer Graves continued that honestly he could not tell us because he backed off and pulled off.

Sgt Ruth handed Officer Graves an aerial map of the school lot where the pursuit ended and asked where their car was parked at the end of the pursuit.

Officer Graves stated and indicated that their car was on Terrace road near Wymore at the bottom of the hill, he and his partner ran through the grass, up the hill and saw people standing around, it was a loud and chaotic scene. People were just turning off their sirens, he saw a police car was shot up and was asking if anyone was shot and was checking to see if the officers from that police car were hurt. After learning no officers were hurt he helped "taping" (police caution tape) off the scene.

Sgt Ruth asked how many cars were in the driveway when they arrived.
Officer Graves stated that he could not tell us it looks wider on the map than it really is and 2 cars could not fit side by side, and the cars were staggered in the driveway.

Sgt Cleland asked if the drive was so full of cars that they could not get into it.
Officer Graves stated that they didn't try when they saw the cars parked at the end of the drive. Officer Graves stated he was not going to drive past any police cars we did not know what we were getting into.

Sgt Ruth asked when Officer Graves arrived at the scene what were the actions of the officers he saw.
Officer Graves stated some people were talking but you could not hear what they were saying, it was loud very loud.

Sgt Ruth asked what took place after the sirens were turned off.
Officer Graves stated there were supervisors there and they separated the shooters from everyone else.

Sgt Ruth asked if Officer Graves had spoken with any of the officers since then.
Officer Graves stated just one guy, not about this, I don't want to talk about it, I knew there was an investigation, it was this morning he was going to give me directions to get out here.

Sgt Ruth asked if his actions and actions of other officers were consistent with his training.
Officer Graves stated yes

Sgt Ruth asked if anyone asked him to lie or to try to influence his statement.
Officer Graves stated absolutely not

Sgt Cleland asked if at any point did you fire any rounds
Officer Graves stated no

Sgt Cleland ask if there was anything Officer Graves wanted to tell us that we did not ask him
Officer Graves stated no, just an unfortunate situation.

Union representative Kinas asked what channel they were on that night
Officer Graves stated Channel 2 and his portable was off.

Union representative Kinas asked if rounds were heard over the sirens at the scene.
Officer Graves stated yes the last few rounds.

Attorney D'Angelo asked what was your state of mind from the point you got involved in the pursuit to the time you got out of the car and ran.

Officer Graves stated honestly, a little scared, cars going by, a little crazy at that point.

Attorney D'Angelo asked what were you concluding based upon the radio traffic you were hearing Officer Graves stated in the beginning I thought they were firing a weapon out of the vehicle. Then the sound of the officer's voice when we got to Quigley that they were pointing a firearm back at policeman was a little hair raising.

Sgt Ruth asked if Officer Graves heard radio traffic that it's not a gun
Officer Graves stated later in the pursuit someone said that it was a pop can but that was way into the pursuit.

Attorney D'Angelo asked what did you conclude from the broadcast about the pop can
Officer Graves stated nothing at that point because anyone can have anything at that moment.

Attorney D'Angelo asked what other broadcasts were heard about what the occupant were doing
Officer Graves stated they were moving around

Sgt Ruth interrupted to ask did you say you broadcast or you heard.
Officer Graves stated I did make one broadcast at the very beginning My partner had the radio on channel 2 as we got up to west 85th street "I'm correcting myself, I misspoke" I turned my portable to channel 1 because my partner had the car radio on channel 2, to tell channel 1 that we were in it, my car number and that the pursuit was coming to west 85th. Just to let channel 1 know where we were they didn't tie us into the channels.

Attorney D'Angelo asked if after you heard the broadcast about the pop can, did you hear Sgt Coleman broadcast at all.

Officer Graves stated yes, if I recall correctly, I can't remember if it was something about reloading a weapon or, that's what I recall it was shortly after the pop can that there was a broadcast of loading a weapon.

Sgt Ruth stated He (pointing to Attorney D'Angelo) said Sgt Coleman, Did you know who was broadcasting.

Officer Graves stated yes I did she is my boss I recognize the voice, She is my Sergeant.

Attorney D'Angelo asked when you arrived on scene after all the gunshots had been fired what was your impression looking at the faces of officers who were involved in this and their appearance.
Officer Graves stated a little disheveled, concerned, scared a little bit some of these people are young officers and the first shooting they have been in probably

Attorney D'Angelo added you are a senior officer and you indicated you were afraid, is there anything wrong with that.

Officer Graves stated if you are not scared on this job then there is something wrong with you.

Attorney D'Angelo asked if there were any racial comments made at the scene.

Officer Graves stated absolutely not.

Attorney D'Angelo asked if anyone was out of control at the scene

Officer Graves stated no

Sgt Ruth asked for clarification on Sgt Coleman's broadcast

Officer Graves stated I believe it was the passenger was loading a weapon.

Attorney D'Angelo asks to be excused with Officer Graves for a moment.

Attorney D'Angelo returned with Officer Graves and said in the interest of full disclosure he did receive a text message.

Officer Graves stated he received a text message with picture of the scene, not bodies or anything, a picture of the scene from a distance that's it.

Sgt Ruth asked who did that come from.

Officer Graves stated Officer Hummel, it showed the scene from about 30 feet away a few cars and the suspect vehicle.

Sgt Cleland asked if that was on his cell phone

Officer Graves stated correct

Attorney D'Angelo asked when he received the text

Officer Graves stated Friday I was out of town till Monday then I deleted it.

Attorney D'Angelo asked if the text was forwarded to anyone

Officer Graves stated if I did it was once to my Brother I believe, it was a picture of the scene not bodies or anything.

Sgt Ruth asked did you forward it or do you think you forwarded it.

Officer Graves stated I did just one forward that was it.

Sgt Cleland asked what is you [REDACTED]'s name

Officer Graves stated [REDACTED]

Sgt Cleland asked if his [REDACTED] is in law enforcement

Officer Graves stated no

Sgt Cleland asked for his [REDACTED] phone number

Officer Graves stated [REDACTED]

Sgt Cleland asked if it was forwarded on Monday

Officer Graves stated it was before Monday, He deleted it on Monday

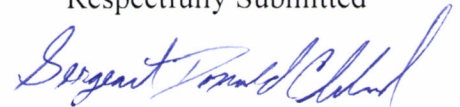
Sgt Cleland asked what day it was sent

Officer Graves stated I'm guessing Friday, to be honest I don't remember what day it was.

Sgt Ruth asked for Officer Graves to sign the map he had marked his location on and Officer Graves complied.

The interview was then terminated.

Respectfully Submitted



Sergeant Donald Cleland



OK



John Graves '2008

Cuyahoga County Sheriff's Office

Summary Report

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

Interview with OSP Trooper Craig Malone

On Thursday, December 13, 2012 at approximately 10:15pm I along with Detective Dave Jacobs conducted an interview with OSP Trooper Craig Malone at the Garfield Post located at 12323 Broadway Garfield Heights, Ohio 44125.

Trooper Malone has been employed with the Ohio State Patrol (OSP) 6 years and currently with the Garfield Post for 2 years. On November 29, 2012 Trooper Malone was assigned to the VGRIP detail in the 5th district. Trooper Malone said he was traveling eastbound on I 90 towards the 5th district when he saw approximately 3 to 4 CPD units pass him along with 6 other police vehicles pass him traveling in the same direction. Trooper Malone initially thought that the police units were responding to an accident so he called his supervisor Lt. Mannion who was also assigned to the VGRIP detail.

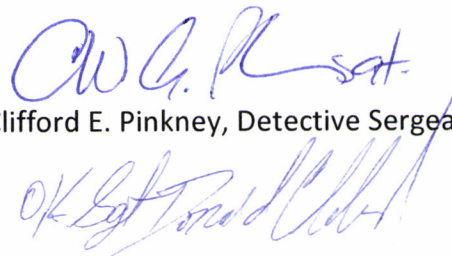
Trooper Malone said Lt. Mannion told him that CPD was involved in a pursuit, at that time he heard Sergeant Laughlin (OSP) over the radio say that a subject was armed or possibly armed in the suspect vehicle. Trooper Malone goes on to say that the police units exited E.55th off of I 90 going southbound then they turned left at St. Clair going eastbound and he just followed the cars in front of him. Trooper Malone said he never heard over his radio any direction of travel and he didn't know where everyone was going. Trooper Malone went on to say that he heard dispatch say a CPD Commander terminated the pursuit so he shut down and headed back toward E. 55th.

Trooper Malone said he never heard anything regarding shots fired or why the pursuit started. He also said he never saw the suspect vehicle and that he was never really involved in the pursuit. He only followed the police cars in front of him approximately 2 minutes.

Dave Jacobs, Detective

Handwritten signature of Dave Jacobs in blue ink, including the number #211.

Clifford E. Pinkney, Detective Sergeant

Handwritten signature of Clifford E. Pinkney in blue ink, including the initials 'OK' and 'Lt. Mannion'.

Cuyahoga County Sheriff's Office

Summary Report

Incident Cleveland Police Department Pursuit/Shooting 11/29/2012

On December 17th, 2012, Detective David Jacobs reviewed Cleveland Police Department (CPD) RMS reporting system as it pertains to Timothy Russell, listed below is a compilation of the reports received:

- 06/27/2007 RMS report number 2007-00235921

Officer James Kooser #1805

"Injury to Person", 1300 Ontario Street, Cleveland, Ohio, Timothy Russell transported to Fairview Hospital, Russell possibly having a heart attack.

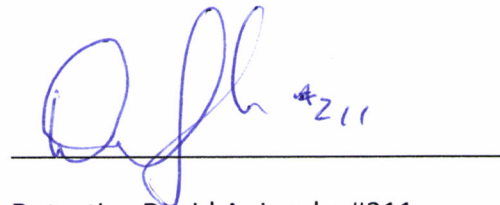
- 12/27/2007 RMS report number 2007-00493651

Patrolman Erik Melendez M041

Patrolman Janice Givens 0929, Supervisor

Patrolman Earl MorrisM1026

"GTMV", East 93rd and Marah Avenue, Cleveland, Ohio, Victim of GTMV contacts Police and states he located his vehicle and there is a person near it. Police arrive, a short foot pursuit takes place, Russell arrested for GTMV.



Detective David A. Jacobs #211

Cuyahoga County Sheriff's Office



OK

Cleveland Police Department

PS1191S1

12/07/12

Jacket Activity

ORI#: OHCLP0000

Jacket #: 001187865 A

RUSSELL, TIMOTHY,,

1055 ROANOKE DR

CLEVELAND HTS

OH 441211850

Phone: 216-390-2284

Work :

DOB: 12/09/1968 Age: 43 Black MALE

Hgt. : 5.05 Wgt: 180

DL#: [REDACTED] Hair: Black

Eyes : Brown

SS#: [REDACTED] Other ID #1:

Type options, press Enter.

5=Display 10=Close 11=Delayed Close 12=Open

Opt	Date	Description	Number	Type
—	12/27/2007	MOTOR VEHICLE THEFT - AU 2007-00493651	000000424159	ARREST
—	12/27/2007	18:48:00 SEQ#: 001 PRIM GTMV	2007-00493651	Suspect
—	06/26/2007	05:39:00 SEQ#: 001 PRIM Inj to Per	2007-00235921	Victim
—	12/27/2007	21:42:57 FreshAres Transfer Released	2007-00037810	BOOKING

Bottom

F3=Exit F9=Date/Activity Order F12=Cancel F17=Profile Sheet



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DEFENDANT PROFILE

<p style="text-align: center;">GENERAL INFORMATION</p> <p>Name: TIMOTHY R RUSSELL Defendant ID: 168576 Def Status: DEFN LVJAIL Marital Status: D Birth City: Birth State: LA Citizenship: FBI #: N/A Sheriff #: 208223 CPD #: N/A BCI #: N/A</p>	<p style="text-align: center;">ADDRESS INFORMATION</p> <p>Address: 1055 ROANOKE DR Line 2: City, State, Zip: CLEVELAND, OH Phone: (216) 390-2284</p>
<p style="text-align: center;">ALIAS INFORMATION</p> <p>Name DOB "TIM" "TIMMY"</p>	<p style="text-align: center;">IDENTIFYING CHARACTERISTICS</p> <p>Race: BLACK Height: 5'5" Sex: MALE Weight: 192 Age: 43 Eyes: BROWN DOB: 12/09/1968 Hair: BLACK</p>

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CASE SUMMARY

CASE INFORMATION

Number: CR-08-506008-A
Caption: THE STATE OF OHIO vs.
TIMOTHY RUSSELL
Status: CASE CLOSED
Judge Name: EILEEN T GALLAGHER
PO Name: KARI JONES
Next Event: N/A
Arrested: N/A

DEFENDANT INFORMATION

Number: 168576
Name: TIMOTHY R RUSSELL
Status: DEFN LVJAIL
Date of Birth: 12/09/1968
Race: BLACK
Sex: MALE

BOND INFORMATION

Bond Number	Amount	Type	Date Set	Date Posted	Bondsman/Surety Co.
528195	\$25,000.00	CASH/SUR/PROP/10%	12/31/2007		
528544	\$2,500.00	CASH/SURETY/PROP.	01/07/2008		

ACTIONS

Event Date	Event
12/27/2007	ARRESTED
12/31/2007	BINDOVER CIF#CI072877AB
12/31/2007	TRANSCRIPT FILED
12/31/2007	JAIL
01/28/2008	INDICTED BINDOVER
01/31/2008	ARRAIGNED
02/05/2008	PRETRIAL HELD
02/05/2008	CONTINUANCE
02/14/2008	PRETRIAL HELD
02/14/2008	CONTINUANCE
02/22/2008	PLEA
02/22/2008	REFERRED PROBATION - PSI
03/10/2008	P.S.I. CPT
03/13/2008	SENTENCED
03/19/2008	LEAVING JAIL

CHARGES

Statute	Description
2913.51.A	RSP (MV)

OTHER DEFENDANTS

OTHER CASES

Other Cases
 CR-02-423287-D
 CR-98-363537-ZA
 CR-98-363388-ZA

CR-98-363180-ZA
CR-98-363156-ZA

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CLEVELAND MUNICIPAL COURT
1200 Ontario Street, Cleveland, Ohio 44113

General Inquiry



Search Criteria

Last Name: RUSSELL*; First Name: TIMOTHY; DOB: 12/09/1968;

Search Results

4 record(s) found.

1-4 of 4

Sort Results..

Party	Affl	Party Type	D.O.B	Case Status	Case Number
RUSSELL, TIMOTHY A		DFNDT	12/09/1968	CLOSED	2006 TRD 072978
RUSSELL, TIMOTHY A		DFNDT	12/09/1968	CLOSED	2002 TRD 010819
RUSSELL, TIMOTHY A		DFNDT	12/09/1968	CLOSED	2006 TRD 030429
RUSSELL, TIMOTHY A		DFNDT	12/09/1968	CLOSED	2007 CRA 043722 -RSP



General Inquiry



New Search...

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TRD - TRAFFIC - Summary

2006 TRD 030429 STATE OF OHIO / CITY OF CLEVELAND -VS- RUSSELL, TIMOTHY A ADMIN

Ticket Number	T20060973637B	Jurisdiction	CITY OF CLEVELAND
Defendant		Case Information	
Full Name	RUSSELL, TIMOTHY A	Offense Date	04/25/2006
		Haz. Mat.	Unk.
D.O.B.	12/09/1968	Points	
Address		Prior Convictions	
1055 ROANOKE RD.		Vehicle Year	1994
		State Code	Ohio
City/State/Zip	CLEVELAND OH 44129	License Code	
HTS		License No.	
		Vehicle Code	Passenger Automobile
Gender	M	Race	UNKNOWN
Height		Weight	
Hair		Eyes	
Employer		Plate Number	
		Primary Str.	
		Secondary Str.	
Attorney(s)		Officer Code	GASIEWSKI, ANDREW
		License Taken	<input type="checkbox"/> Accident <input type="checkbox"/> Insured <input type="checkbox"/>
		Speed Limit	Speed
Case Comments		Case Attributes	
Officer badge # : 0648 , Officer Name : ANDREW GASIEWSKI		Number	2006 TRD 030429
		Status	
		Filed	04/25/2006
		Incomplete	

Charge(s)

Charge	Action Code	Indict Charge	Amd Charge	Disposition Code	Counts
1	RECKLESS OP;STR/PUB/PRIV PROP			FOUND GUILTY (REPORT TO BMV)	
2	LIC PLATE TO BE UNOBSTR			FOUND GUILTY (REPORT TO BMV)	
3	UNSAFE VEH;BUMPERS & HEIGHT			FOUND GUILTY (REPORT TO BMV)	



CLEVELAND MUNICIPAL COURT
1200 Ontario Street, Cleveland, Ohio 44113

General Inquiry



New Search...

- Summary
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- Fields
- Notes
- Disposition
- Costs

TRD - TRAFFIC - Summary

2006 TRD 072978 STATE OF OHIO / CITY OF CLEVELAND -VS- RUSSELL, TIMOTHY A ADMIN

Ticket Number	T20060970656A	Jurisdiction	CITY OF CLEVELAND
Defendant		Case Information	
Full Name	RUSSELL, TIMOTHY A	Offense Date	11/02/2006
D.O.B.	12/09/1968	Haz. Mat.	Unk.
Address		Points	
1055 ROANOKE RD.		Prior Convictions	
City/State/Zip	CLEVELAND OH 44129	Vehicle Year	1993
HTS		State Code	Ohio
Gender	M	License Code	
Race	UNKNOWN	License No.	
Height		Vehicle Code	Passenger Automobile
Hair		Plate Number	
Employer		Primary Str.	
		Secondary Str.	
Attorney(s)		Officer Code	MCMANAMON, FRANCIS
		License Taken	<input type="checkbox"/> Accident <input type="checkbox"/> Insured <input checked="" type="checkbox"/>
Case Comments		Speed Limit	Speed
Officer badge # : 1155 , Officer Name : FRANCIS MCMANAMON		Case Attributes	
		Number	2006 TRD 072978
		Status	
		Filed	11/02/2006
		Incomplete	

Charge(s)

Charge	Action Code	Indict Charge	Amd Charge	Disposition Code	Counts
1	TRAFF CONTRL SIGNAL;TERMS			FOUND GUILTY (REPORT TO BMV)	



CLEVELAND MUNICIPAL COURT
1200 Ontario Street, Cleveland, Ohio 44113

General Inquiry

New Search...

Summary Parties Events Dockets Fields Notes Disposition Costs

TRD - TRAFFIC - Summary

2002 TRD 010819 STATE OF OHIO / CITY OF CLEVELAND -VS- RUSSELL, TIMOTHY A ADMIN

Ticket Number	T20020598659	Jurisdiction	CITY OF CLEVELAND
Defendant		Case Information	
Full Name	RUSSELL, TIMOTHY A	Offense Date	01/28/2002
D.O.B.	12/09/1968	Haz. Mat.	Unk.
Address		Prior Convictions	
1055 ROANOKE RD.		Vehicle Year	
City/State/Zip	CLEVELAND OH 44129	State Code	Ohio
HTS		License Code	
Gender	M	License No.	
Race	UNKNOWN	Vehicle Code	Passenger Automobile
Height		Plate Number	
Weight		Primary Str.	
Hair		Secondary Str.	
Eyes		Officer Code	VEGA, ASTRID
Employer		License Taken	<input type="checkbox"/> Accident <input type="checkbox"/> Insured <input type="checkbox"/>
Attorney(s)		Speed Limit	Speed
Case Comments		Case Attributes	
Officer badge # : 1216 , Officer Name : ASTRID VEGA		Number	2002 TRD 010819
		Status	
		Filed	01/31/2002
		Incomplete	

Charge(s)

Charge	Action Code	Indict Charge	Amd Charge	Disposition Code	Counts
1	DISPLAY OF PLATE/STICKER EXP			FOUND GUILTY (REPORT TO BMV)	

CLEVELAND POLICE DEPARTMENT
OFFENSE/INCIDENT REPORT

Date: 12/07/2012

Page: 1

Case Description:
Grand Theft Motor Vehicle

Case Number: 2007-00493651

Primary Victim: PENNYMAN, LAWRENCE, A,

Date/Time Reported: 12/27/07 18:48 Hrs. Dispatch Incident Type:
Date/Time Occurred: 12/27/07 17:00 Hrs. *FASLT X
Date/Time Between : 12/27/07 19:50 Hrs.
Location Occurred : E 93 ST
Cross Street . . : MARAH AV
Area: District 4 Section: Zone 413 Grid: Ward6

Reporting Officer : M1041 MELENDEZ, ERIK, E,
Primary Unit Assigned to Investigate: D4 Bureau
Patrol Supervisor
12/27/07 0929 GIVENS, JANICE,,
Secondary Investigating Officer
12/27/07 M1026 MORRIS, EARL, A,
Primary Investigating Officer
12/27/07 M1041 MELENDEZ, ERIK, E,

Case Status: Closed/Arr Disposition: ARREST Disp. Date: 12/28/07

No. of Offenses: 1 No. of Offenders: 1 No. of Victims: 1

Offense Number: 1
Crime Code: 1302A MOTOR VEHICLE THEFT - AUTO
Statute . : 2913.02A Attempted/Committed : Completed
Stat Desc : MOTOR VEHICLE THEFT - AUTO
Location Type . : GasStation Criminal Activity . :
Adults Present: 3 # Juveniles Present :
Alcohol Related : Unknown Drug Related . . . : Unknown
Domestic Crime : Not Domest Hate Crime : No Bias NA
Computer Theft : No Just. Homicide Code :
Statute ORI/Group . : S Agg Aslt/Homc Crmst:
Counts : 001 Larceny/Theft Offnse: MV Theft
NCIC Code : GTMV Scene/Location Type2:
Offense Date . . . : 12/27/2007 Victim Drug Related : No
Victim Alchl Related: No Victim Comp Related : No
Abandoned Structure : NO Property Damage . .
UCR Return A . . . : VehThtAuto UCR Stolen Property : VehTht Tot
Gang Related . . . : N Additional Subcode :

SUBJECTS:

Arrestee . : Present Information
Primary RUSSELL, TIMOTHY,, Phone: 216-390-2284
Arrested 1055 ROANOKE DR
CLEVELAND HTS OH 441211850

Race : Black Sex: MALE D.O.B: 12/09/68 Age: 43
Hgt : 5'05" Wgt: 180 Hair: Black Eyes . . : Brown
Build: Medium Complexion: MEDIUM Ethnicity: Non-Hispan

CLEVELAND POLICE DEPARTMENT
OFFENSE/INCIDENT REPORT

Date: 12/07/2012

Page: 2

Case Description:
Grand Theft Motor Vehicle

Case Number: 2007-00493651

Dr Lic #: RT852170

St:

Residence Type : Other/Unk
Statement Type :

Residence Status : Non-residt
Related Offenses : 1

Arrest Information:

Arrest Date/Time : 12/27/07 19:29 Hrs. Arrest Type . : On-view
Arresting Officer: MELENDEZ, ERIK, E,
Arrest Location : 16209 STOCKBRIDGE AV

Area . : District 4 Section . : Zone 424 Grid: Ward1
OBTS Number . . . : 2877AB Booking Number. . : 200700037810
Influence of Alcohol: No Influence of Drug . : No

Charge Number: 001

Crime Code: 1302A MOTOR VEHICLE THEFT - AUTO
Statute . : 2913.02A Attempted/Committed : Completed
Stat Desc : MOTOR VEHICLE THEFT - AUTO
Domestic Violence . : Not Domest

Charge Number: 002

Crime Code: 13510 RECEIVING STOLEN PROPERTY
Statute . : 2913.51 Attempted/Committed : Completed
Stat Desc : RECEIVING STOLEN PROPERTY

Victim . . : Present Information

Primary PENNYMAN, LAWRENCE, A, Phone: 216-323-2620
Individual 3292 E 89 ST
CLEVELAND OH 44104

Race : Black Sex: MALE D.O.B: 02/02/83 Age: 29
Hgt : 5'09" Wgt: 185 Hair: Black Eyes . . : Brown
Build: Slender Complexion: Ethnicity: Non-Hispan
Dr Lic #: SA381710 St: OH

Residence Type : Other/Unk Residence Status : Non-residt
Statement Type : Verbal Related Offenses : 1

VICTIM OFFENDER RELATIONSHIPS:

RUSSELL, TIMOTHY, , Unknown

Witness . : Present Information

PENNYMAN, PRESTON, A, Phone: 216-926-3899
216 CENTER RD #210
BEDFORD OH 441462702

Race : Black Sex: MALE D.O.B: 10/14/81 Age: 31
Hgt : 5'09" Wgt: 220 Hair: Black Eyes . . : Brown
Build: Complexion: Ethnicity: Non-Hispan
Dr Lic #: RU844835 St: OH

Business: Phone: 216-883-0711

Residence Type : Other/Unk Residence Status : Non-residt
Statement Type : Verbal Related Offenses : 1

Property: PENNYMAN, LAWRENCE, A,

CLEVELAND POLICE DEPARTMENT
OFFENSE/INCIDENT REPORT

Date: 12/07/2012

Page: 3

Case Description:
Grand Theft Motor Vehicle

Case Number: 2007-00493651

Item Number . : 1 Subject #: 1 Subject Type: Victim
Property Code : Stolen Property Type : AUTOMOBILE
Property Class: LocStlnVeh
Date Received : 12/27/07 Initial Value : 1,500.00
Date Recovered: Recovered Value: .00
RFOJ?: N Notify Owner Date: Notified How?:
Prp Loc . . . : Bin : Disposition . . :

Vehicle Year: 1994

Description :

Make . . . : Buick Model : Regal Style . : 4 Dr Auto
Color Top . : Green Bottom: Green Interior:
License # . : EEU1978 State : OH Expires : 02/02/08
Serial #/VIN: 2G4WB55LXR1439658 OAN . . . :
Owner's Name: PENNYMAN, LAWRENCE, A,

Property: PENNYMAN, LAWRENCE, A,

Item Number . : 1 Subject #: 1 Subject Type: Victim
Property Code : Recovered Property Type : AUTOMOBILE
Property Class: LocStlnVeh
Date Received : 12/27/07 Initial Value : 1,500.00
Date Recovered: 12/27/07 Recovered Value: 1,500.00
Recovery Loc . : Fnd on st Recovery Code : Local/Loca
RFOJ?: N Notify Owner Date: 12/27/07 Notified How?: INNARRATVE
Prp Loc . . . : Bin : Disposition . . :

Vehicle Year: 1994

Description :

Make . . . : Buick Model : Regal Style . : 4 Dr Auto
Color Top . : Green Bottom: Green Interior:
License # . : EEU1978 State : OH Expires : 02/02/08
Serial #/VIN: 2G4WB55LXR1439658 OAN . . . :
Owner's Name: PENNYMAN, LAWRENCE, A,

ORIGINAL NARRATIVE (CASE)

GRAND THEFT MOTOR VEHICLE/RECOVERY/COMBO/ARREST

SIR:

ON DECEMBER 27, 2007 WHILE ASSIGNED TO ZONE CAR 424, IN COMPANY WITH
P.O. MORRIS #1793, WE HAD THE OCCASION TO ARREST TIMOTHY RUSSELL.

THE FOLLOWING ARE THE FACTS OF THE ARREST:

MEMBERS OF ZONE CAR 424 RESPONDED TO 4006 LEE FOR A RADIO BROADCAST
FOR A MALE WHO RECOVERED HIS STOLEN AUTO (EEU1978), SUSPECT ON SCENE.
UPON ARRIVAL, ARRESTED MALE (TIMOTHY RUSSELL) WAS GONE ON ARRIVAL.

ZONE CAR 425 P.O. BIGGERS #821 AND P.O. WALKER #2412 STATED THAT UPON
THEIR ARRIVAL, THEY OBSERVED ARRESTED MALE FLEE THE SCENE NORTHBOUND
ON LEE RD. ARRESTED MALE WAS DESCRIBED AS A BLACK MALE WEARING A
WHITE SET OF OVERALLS.

VICTIM (PENNYMAN) STATED THAT HIS VEHICLE WAS TAKEN FROM E.93 & MARAH

Case Description:
Grand Theft Motor Vehicle

Case Number: 2007-00493651

WITH KEYS AT APPROX 1500 HRS. NO REPORT WAS MADE.

WITNESS (PRESTON PENNYMAN) VICTIM'S BROTHER, LOCATED THE VEHICLE ON LEE AND DEFOREST AT 1848 HRS AT WHICH TIME HE CALLED THE POLICE. WITNESS FOLLOWED THE VEHICLE TO 4006 LEE, WHERE THE ARRESTED MALE EXITED THE VEHICLE AT WHICH TIME THE WITNESS LOCKED THE VEHICLE. BOTH VICTIM AND WITNESS DESCRIBED ARRESTED MALE AS WEARING WHITE OVERALLS.

WHILE TOURING, MEMBERS OF ZONE CAR 425 LOCATED ARRESTED MALE AT 16209 STOCKBRIDGE. ARRESTED MALE WAS HANDCUFFED AND PLACED IN THE REAR OF ZONE CAR 424 WHERE HE WAS ADVISED HIS MIRANDA RIGHTS. VICTIM AND WITNESS BOTH POSITIVELY IDENTIFIED ARRESTED MALE DURING A COLD STAND.

VEHICLE RELEASED TO OWNER ON SCENE.

ARRESTED MALE CONVEYED TO CPU FOR BOOKING AND HOUSING.

TYPED BY SDCO JONESKI 12282007 RMS# 07493651

DETECTIVE FOLLOWUP (CASE)

Clean up////////////////////////////////////Clean up/////

Sir: on 12-28-07 I was assigned to the fourth district detective bureau as car # 475. I was assigned the above case for the follow up investigation. The following are the facts. RMS # 07-493651

I had the occasion to review the rms report and present the facts of this case to city of Cleveland prosecutor Rodriguez and papers were issued for Receiving Stolen Property. The deff. Timothy Russell was then charged at BSI (12-29-07)

This clean up report, grand jury package and unit form ten was completed on January 2, 2007.

See unit form ten for complete details
file # 07/30/2037 OIC Lt. Farinacci CIF # 2877AB
Respectfully, Det. Pirinelli # 2189
Clean up////////////////////////////////////Clean up/////

CLEVELAND POLICE DEPARTMENT
OFFENSE/INCIDENT REPORT

Date: 12/07/2012

Page: 1

Case Description:
Injury to Person

Case Number: 2007-00235921

Primary Victim: RUSSELL,TIMOTHY,,

Date/Time Reported: 06/26/07 5:39 Hrs. Dispatch Incident Type:
Date/Time Occurred: 06/25/07 6:45 Hrs. Inj to Per
Date/Time Between : 06/25/07 13:00 Hrs.
Location Occurred : 1300 ONTARIO ST
Area: District 3 Section: Zone 311 Grid: Ward3

Reporting Officer : 1805 KOOSER,JAMES,,
Primary Unit Assigned to Investigate: Narcotics

Case Status: Open Disposition: Disp. Date:

No. of Offenses: No. of Offenders: No. of Victims: 1

SUBJECTS:

Reporting. : Present Information
KOOSER,JAMES,E, Phone: 623-5173
1300 ONTARIO AV
CLEVELAND OH 441131600

Race : White Sex: MALE D.O.B: 07/31/60 Age: 52
Hgt : " Wgt: Hair: Black Eyes . . : Brown
Build: Complexion: Ethnicity: Non-Hispan
Dr Lic #: St:

Victim . . : Present Information
Primary RUSSELL,TIMOTHY,, Phone: 216-390-2284
Individual 1055 ROANOKE DR
CLEVELAND HTS OH 441211850

Race : Black Sex: MALE D.O.B: 12/09/68 Age: 43
Hgt : 5'05" Wgt: 180 Hair: Black Eyes . . : Brown
Build: Medium Complexion: MEDIUM Ethnicity: Non-Hispan
Dr Lic #: RT852170 St:

Residence Type : Hospitaliz Residence Status :
Extent of Injury: Medical Treatment: Hospitaliz
Hospital/Clinic : Fairview Transported by . : Fire Dept

original narrative

On the above date and time at the above location P.O. Timothy Russell #1824 reported that he was ill and possibly having a heart attack. P.O. Russell was transported to Fairview Hopspital by Cleveland Fire Department, Fire Rescue. P.O. Russell was addmitted to Fairview Hospitalfor observation.

Cuyahoga County Sheriff's Office

Summary Report

Incident involving Cleveland Police Department Pursuit/Shooting 11/29/2102

On December 18, 2012, at approximately 9:00 am, [REDACTED] date of birth (DOB) [REDACTED] social security account number (SSAN) [REDACTED] home telephone number [REDACTED] cell phone [REDACTED] home address [REDACTED] was advised of the identity of the interviewing Detectives (Pinkney/Jacobs) and the purpose of the interview. [REDACTED] thereafter provided the following information regarding the captioned investigation:

[REDACTED] was contacted by Sergeant Clifford Pinkney via her cell phone December 17th, 2012 and was asked if she would speak to investigators. [REDACTED] agreed to speak to investigators and we arranged to meet her at the Dunkin Donuts, Ridge Park Square, Brooklyn, Ohio at 9:00 am on December 18th, 2012.

[REDACTED] is currently unemployed and her last place of employment was [REDACTED] and Detective JOHN JORDAN, CPD (badge number 2227), CPD, have one child together, a twelve year old. [REDACTED] stated that her and JORDAN have been "on and off again" for the past twelve years. [REDACTED] and JORDAN have never been married and do not currently reside together. [REDACTED] identified JORDAN's cell phone number as [REDACTED] [REDACTED] also went on to say that JORDAN her speak daily, sometimes upwards of four times.

On November 29th, 2012 at approximately 10:00 pm, [REDACTED] recalls being on the phone with JORDAN while he was at work. [REDACTED] was informed by JORDAN that he was in a "UC" and that his partner (name unknown) was off that day. [REDACTED] was told by JORDAN that he was said he watching a car that was stopped and that a lot of people were around the car. [REDACTED] thought he may have been in a gas station but was not sure. [REDACTED] maintains phone contact with JORDAN when she heard him run the vehicle's license plate. [REDACTED] could hear what she thought was a dispatcher's voice but never heard any specific information such as names or vehicle's information and or locations.

[REDACTED] heard (still on cell phone) JORDAN say "Driver, put your hands out the window." [REDACTED] stated she heard JORDAN say it a "couple of times." [REDACTED] could make out a female's voice, who was yelling. JORDAN indicated that the passenger was female and she was the one yelling. [REDACTED] could not make out what the female was saying but

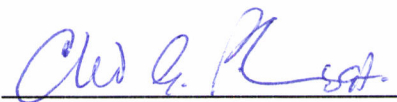
indicated she was "loud." JORDAN then told ██████████ that the car is pulling off. ██████████ asked JORDAN if he was going to chase the car and he told her no. JORDAN then told ██████████ he did not have his vest and that he was alone. JORDAN also told ██████████ "it wasn't a reason to cause a chase." JORDAN told ██████████ that he was going back to 2100, Homeless Shelter, where the car was initially parked. JORDAN told ██████████ that he was going to talk to the people who were seen talking to the occupants of the car. ██████████ (still on the phone) heard JORDAN talking to people (unknown) about who was driving that car. ██████████ heard the people say they didn't know and JORDAN told them "I know who the car is registered to, I got their plate." ██████████ stated the people who JORDAN was talking to did not seem cooperative. ██████████ never heard sirens and was unsure if JORDAN ever exited his vehicle.

A short time later, ██████████ was on the phone again with JORDAN when he told her that there was a "chase" going on but that it had gone into East Cleveland and that CPD was "called off."

According to ██████████ the following day, JORDAN and she were on the phone when JORDAN told her the car he had stopped the night before may have been the car that was involved in the police chase and shooting. ██████████ asked JORDAN if he had felt bad and he said yes. JORDAN went on to tell ██████████ that he has an informant who told him people on the street are calling him a "dirty cop."

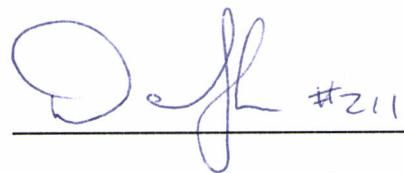
██████████ said that she and JORDAN have spoken about his interview with investigators at length. JORDAN told ██████████ he was "mirandized" and that his union attorney was present during the interviews. JORDAN told ██████████ he may have made a mistake explaining to the investigators how the vehicle stop took place. JORDAN told ██████████ he may have made a U-turn instead of going around the block.

██████████ was asked if JORDAN usually stays on the phone with her when he is making stops and or arrests, she stated "no", usually he says "I got to go." According to ██████████ JORDAN does not talk about specifics when it comes to his job. ██████████ is also opposed to "texting", so the two "text" rarely. Interviewed concluded at approximately 9:45 am.



Sergeant Clifford Pinkney

Cuyahoga County Sheriff's Office



Detective David A. Jacobs #211 (author)

Cuyahoga County Sheriff's Office

Cuyahoga County Sheriff's Office

Summary Report


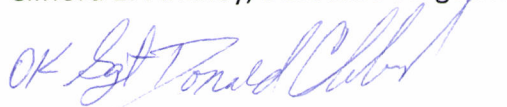
INCIDENT: CPD PURSUIT & OFFICER INVOLVED SHOOTING 11/29/2012

Bratenahl Police Department Unit 1711 Dashcam Video

On December 19, 2012 I Detective Sergeant Clifford Pinkney reviewed the recording from the Bratenahl Police Department (BPD) unit 1711 dashcam video that was recorded on November 29, 2012 at approximately 2246 hours.

As the recording starts you can hear radio transmission that they just arrived at the Eddy Road bridge overpass with Cleveland Police Department (CPD) unit 5118. You then hear the dispatcher say that they bailed at E. 72nd. The BPD unit 1711 along with the CPD unit starts to travel on I-90 westbound towards E. 72nd. Both units exited I-90 with lights and sirens activated. Both units fall in behind multiple police units in a pursuit. Some police units make turns down side streets.

BPD unit 1711 pulls over to allow several police vehicles to pass and then BPD unit 1711 falls in behind to continue in the pursuit. All the police vehicles make several turns and continue in the pursuit. At approximately 09:20 you hear a radio transmission say they turned onto Lee Road. At approximately 09:43 into the recording you hear several gun shots as BPD unit 1711 approaches several parked police cars. At approximately 09:47 you hear a male voice possibly BPD unit 1711 say shots fired. At approximately 09:52 the gun shots stop, at approximately 09:53 you can hear 1 (one) gun shot. At approximately 09:56 you can hear several gun shots start again. At approximately 10:01 the gun shots stop and you can hear police sirens in the background. At approximately 10:58 the recording ends.


Clifford E. Pinkney, Detective Sergeant


Cuyahoga County Sheriff's Office
Summary Report
Incident Cleveland Police Department Pursuit/Shooting 11/29/2012

On December 19th, 2012, at approximately 9:30am, Commander James Chura, Cleveland Police Department (CPD), Integrity Control Section OIC, Department of Public Safety, Division of Police, work telephone number (216)623-5551 was advised of the identity of Detective David Jacobs and the purpose of the meeting. Commander Chura was provided with a thumb drive with which he transferred CPD information to it. The information transferred to the thumb drive was requested by BCII investigators and is pertinent to the captioned investigation.

 #211

Detective David A. Jacobs #211 (author)
Cuyahoga County Sheriff's Office



OK

Cuyahoga County Sheriff's Office

Summary Report

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

Bratenahl Police Department dispatcher recording 11/29/2012

On December 19, 2012 I Detective Sergeant Clifford Pinkney reviewed the recording from the Bratenahl Police Department (BPD) Dispatcher recorded on November 29, 2012.

SYNOPSIS:

The Cleveland Police Department (CPD) dispatch called the BPD Dispatch informing them that they were in a high speed chase on I-90 pursuing an older model blue Chevy license plate number FSA 3495. The male operator tells CPD that he was going to transfer the call to BPD dispatch. The CPD dispatch tells BPD that the suspect vehicle was traveling eastbound on I-90 and that they just passed Chester headed towards dead man's curve coming towards Bratenahl. CPD advised BPD that the passenger of the suspect vehicle had a weapon and that they shot at a zone car.

CPD continued to give BPD updates and the direction of travel so that BPD can relay the information to the BPD Officers involved in the pursuit. CPD tells BPD that they did not have a description of the suspects and that the suspect vehicle exited I-90 at East 72nd. CPD also said that the passenger of the suspect vehicle may have bailed and is now on foot on E. 72nd. Both CPD and BPD continued to give their officers updates and the direction of travel of the suspect vehicle. CPD tells BPD that the suspect vehicle hit a zone car at 79th and Addison.

CPD tells BPD that the passenger of the suspect vehicle was reaching for something but they did not know what the passenger was reaching for. They continued to give the direction of travel of the suspect vehicle. CPD tells BPD that the passenger of the suspect vehicle was holding a weapon and was reloading; BPD relayed the message to their officers. At approximately 11:20 into the recording CPD tells BPD that shots had been fired. At approximately 11:43 into the recording BPD unit tells his dispatcher that shots were fired. At approximately 11:53 into the recording both CPD and BPD dispatch ended the call.

As the recording continued you hear one of the BPD units telling the other unit to check in, they then notify dispatch that both units were ok and they have two (2) shot both suspects. At 2303

hours BPD unit 1711 told dispatch they were going to clear the incident. At 2314 both BPD units 1711 and 1714 notified dispatch that they were back in the village.



Clifford E. Pinkney, Detective Sergeant

Cuyahoga County Sheriff's Office

Summary Report

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

BRATENAHL POLICE UNIT 1714 DASHCAM

On December 19, 2012 I Detective Sergeant Clifford Pinkney reviewed the dashcam video from the Bratenahl Police Department unit 1714 recorded on November 29, 2012 at approximately 2246 hours.

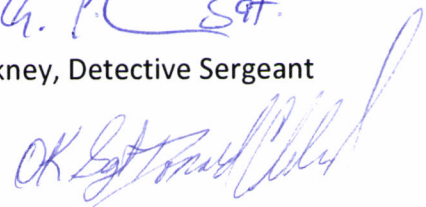
As the recording starts Bratenahl Police Department (BPD) unit 1714 is driving and at approximately 00:40 BPD unit 1714 arrives at the Eddy Road bridge overpass and pulls up behind a Cleveland Police Department (CPD) unit 5118. At approximately 00:55 BPD unit 1714 does a U-Turn on the Eddy Road bridge overpass and heads towards I-90 traveling westbound. BPD unit 1714 exits I-90 at East 72nd following a CPD unit with both units having their overhead police lights activated. Both units were traveling southbound on E. 72nd then made a left turn onto St. Clair traveling eastbound. Both units then turned right onto E. 71st traveling southbound. The units then made another left turn traveling eastbound and another right turn onto E. 79th traveling southbound. The units continued traveling southbound until they reached Wade Park. The units made a left turn onto Wade Park traveling eastbound behind several police units.

BPD unit 1714 continued to travel eastbound then made a right turn onto E. 115th traveling southbound. BPD unit 1714 continued then made a left turn onto Euclid Avenue traveling eastbound behind several police units. All of the police units had their overhead lights activated. BPD unit 1714 then made a right turn onto Lee road traveling southbound. At approximately 09:40 BPD unit 1714 parked. At approximately 09:48 two uniformed CPD Officers ran in front of the dashcam video. At approximately 09:51 a CPD vehicle pulls up in front of the parked BPD unit 1714 and the CPD Officer exited the vehicle and ran towards the direction of the other officers. At approximately 10:59 the recording ends.

NOTE: There was no audio.



Clifford E. Pinkney, Detective Sergeant



Cuyahoga County Sheriff's office

December 19th 2012

Interview Henry Banks
Resident of shelter at 2100 Lakeside Avenue

Sir

On Wednesday December 19th 2012 at approximately 1000 hrs. While attempting to locate a subject known only as Tim Noel. Cuyahoga County Sheriff's Office Sergeant Cleland had occasion to interview Henry Banks a resident of 2100 lakeside avenue Cleveland Ohio The interview took place at the Cosgrove center 1736 Superior Avenue (The Cosgrove Center is a Catholic Charities food serving facility for breakfast and lunch meals).

Synopsis

Interviewed Subject background information

Henry Banks DOB 10/17/1966

SSN [REDACTED]

Homeless

2100 Lakeside Avenue Cleveland Ohio

Phone none

This subject is on parole with ODRC

Details

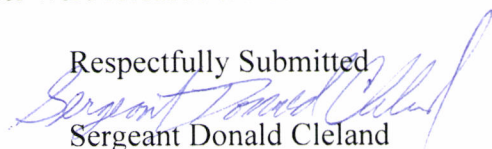
Sgt. Cleland asked if he was the person using the name Tim Noel, Henry Banks said no he is not but was there the night of the 29th.


Sgt. Cleland asked Henry Banks if he could recall the events of November 29th 2012 from the time he saw Timothy Russell's car that night.

Henry Banks stated that he was on "the wall" (an area on the north side of Lakeside Avenue across from the shelter reaching from East 20th to East 22nd street) near east 22nd street the car pulled up and Malissa Williams called him over to the car. He was standing at the driver's side of the car when Vice Officer Jordan pulled up behind them, they pulled away and Jordan followed. Henry Banks stated that they both turned left on east 20th street, he heard the roar of an engine moments later. Officer Jordan returned to the wall and asked "who was in that mother fucking car" and then "don't make mister slappy happy". Henry Banks explained that Officer Jordan carries a slap jack with him and he beats homeless people up with it. Henry Banks stated that Officer Jordan said "I want to know who was at that mother fucking car, buying or selling, I know one of you beige jackets was at the car". Henry Banks stated that no one answered and Officer Jordan said "I'm about to turn it up around here, who's got ID". Henry Banks continued that someone (he did not know who) Said "Malissa is in that car", Officer Jordan asked "who's the guy" again an unknown person said, I don't know they call him Big Man.

Henry Banks could give no further information about the 29th of November but wanted to inform me that Officer Jordan has been harassing Homeless people more after this took place. Henry Banks stated that between 4 days to a week later Officer Jordan pulled him over while walking with 3 other persons on Hamilton Avenue. Officer Jordan and his partner (a black male, hefty with short cut hair) Henry Banks and the 3 others were "put on the hood of the car and their pockets emptied". Henry Banks stated that Officer Jordan said "you can thank Ebony for this". Henry Banks and one other were released the others were taken to jail on warrants. Henry Banks would give no further information.

Respectfully Submitted


Sergeant Donald Cleland


CW A. R. Sgt.
OK