



Ohio Bureau of Criminal Identification & Investigation
INVESTIGATIVE REPORT



12/19/2012

REPORTS RECEIVED SGT. SCOTT GARDNER - ECPD

Summary

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

Details

On December 4, 2012, Sgt. Gardner and SA Saraya met with Ofc. William Salupo at the BCI Richfield Office. Salupo was interviewed in regard to his participation in the officer involved shooting that occurred on November 29, 2012.

On December 5, 2012, Sgt. Gardner and SA Saraya met with Ofc. Randy Patrick at the BCI Richfield Office. Patrick was interviewed in regard to his participation in the officer involved shooting that occurred on November 29, 2012.

On December 6, 2012, Sgt. Gardner and SA Saraya met with Ofc. Michael Rinkus at the BCI Richfield Office. Rinkus was interviewed in regard to his participation in the officer involved shooting that occurred on November 29, 2012.

Sgt. Gardner reduced the interviews to writing for submission to the case file. During the interviews, the individual officers were provided with a copy of the crime scene diagram to note their location. The officers marked the drawings and initialed them. These were added as attachments to Gardner's reports.

The interviews were video recorded. The recordings were submitted to the case file as Exhibits #38, 38 and 40.

File Number: SI-18-12-82-1493	File Title: Timothy R. Russell (S) Malissa A. Williams (S)
Case Agent: Mark Kollar	Authoring Agent: John Saraya <i>JS</i>
Date of Report: 12/12/12	Exhibit #: 38, 39 + 40
Investigative Activity: Reports received from Sgt. Gardner	Supervisor Approval: Dennis Sweet <i>[Signature]</i> JAN 10 2013

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

LOCATION: 14410 TERRACE ROAD, EAST CLEVELAND, OHIO 44112

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

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12/04/2012 CLEVELAND POLICE OFFICER INVOLVED SHOOTING DOO:11/29/2012

On December 4th, 2012 Detective Sergeant Scott Gardner with the East Cleveland Police Department and Special Agent John Saraya with Ohio BCI received William Salupo with the Cleveland Police Department into the Ohio Attorney General's Richfield Office. Present with Salupo was Steve Kinas and Jeff Follmer with the Cleveland Police Patrolmen's Association Union. Also present was Patrick D'Angelo legal counsel representing Salupo.

Salupo provided detectives with the address [REDACTED] Cleveland, Ohio 44144. Cellular telephone number [REDACTED] Salupo's date of birth is 04/07/1971. Salupo was read his Miranda warnings and stated that he understood and agreed to speak with investigators. Below is a condensed video recorded oral statement of Salupo.

Investigators asked Salupo how he was holding up and he stated good.

Investigators asked what his current assignment was and he stated that he was in the 2nd district vice unit working undercover drugs and prostitutes. Investigators asked how long he had been with the Cleveland Police Department and asked if he had been with any other agency and he stated that he had been with Cleveland for 14 years and had worked 2 years as a Cuyahoga County Corrections Officer.

Investigators asked what shift he was working and he stated that he was working 1800-0200 and was working that shift the night of the incident.

Investigators asked who his supervisor was and he stated that his supervisor was Sergeant Patty Coleman, who was working that night.

Investigators asked what his days off were the week of the incident and he stated that he was off Saturday and Sunday the week of the incident and all of November.

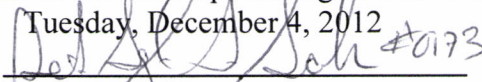
Investigators asked if he worked any extra duty details or part time details and he stated that he did both but not within 48 hours of this incident.

Investigators asked how he was feeling that night, if he was sick or tired and he stated that he wasn't tired and was fine.

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

Tuesday, December 4, 2012


APPROVED BY

 #0173
INVESTIGATING OFFICER

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Investigators asked if he wore glasses or contacts and he stated no.

Investigators asked he was dressed that night and he stated that he had blue jeans, exterior vest, badge around his neck, and a blue hooded sweat shirt. He said that he also had a blue windbreaker and on the windbreaker it had Cleveland Police on the back and the front had CPD.

Investigators asked what he was carrying that night and he stated that he had his holster and his city issued 9mm. He stated that he also carried handcuffs and maybe a flashlight but that was not always the case. He was asked if he carried O.C., expandable baton or anything else non lethal and he stated that he did not.

Investigators asked if he carried any back up weapons and he stated that he did not.

Investigators asked if he carried extra magazines and he stated that he only carried the magazine in the handgun and did not carry any additional magazines. He stated that there was 17 rounds in the magazine plus 1 in the handgun for a total of 18 rounds.

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

Investigators asked what kind of vehicle they were in and he stated that it was a black Dodge Charger that was unmarked. He indicated that it had covert lights and was equipped with a siren. He stated that he was a passenger and that his partner, Michael Rinkus, was the driver. Investigators asked if everything in the vehicle was working and if anything was malfunctioning at which he indicated that everything was working.

Investigators asked what channel they were operating on and he stated that they originally were on TAC2 but later changed to Channel 2 once in the vehicle. Investigators asked what call sign they were and they stated that he thought it was 2V82. Investigators asked about the car number but he wasn't not certain what it was.

Investigators asked if he had any specialized training and he stated that he did not. Investigators asked if he qualified this year and he stated that he qualified with his handgun and shotgun and

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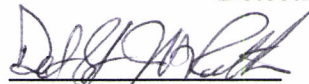
did not qualify with any other type of weapon. Investigators asked if he had Use of Force training this year and he stated that he did. Investigators asked if his OPOTA Certification was up to date and he indicated that it was.

Investigators asked if he had been involved in another shooting and he stated that he had been in two shootings as a witness but not an active shooter.

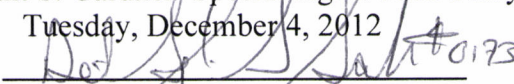
Investigators asked how he had become involved in the pursuit and he stated that he and his partner were back in the office after a fresh drug arrest completing paperwork. He described that there were two offices in his section and stated that someone had a portable radio on and he began to hear "noise" on the radio and it became apparent that something was "breaking off" or that someone was in trouble. He said that Sergeant Coleman ran past their office stating something to the fact that they shot at a cop or they were shooting at a cop. He stated that they grabbed what they could and ran out of the district to get involved. He said that when he ran out he did not grab a portable so as he went to their vehicle there was about 10-15 seconds of radio traffic that he did not hear. They got into their police car and began driving north on Fulton towards the area. He stated that when they got to Fulton and Clark that the radio traffic was talking about someone shooting at the police and direction of travel with the suspect vehicle. There were one or two police vehicles tracking the suspect vehicle, they picked it up on Lorain Avenue and they ended up going west on Lorain Avenue he stated. He said at one point they went on west on Lorain all the way to 85th. He stated that he and his partner went westbound on Clark. He continued stating that they were pretty much paralleling the chase at that point. He said that they were around West 44th when the pursuit has made the turn onto West 85th. At around West 61st and Clark our vehicles passed by each other. He stated that they then turned around and become involved in the chase. He stated that they crossed Fulton, W. 25th, W. 14th and then ends up on Quigley Avenue. Salupo continued stating that he turned south on Quigley Avenue. Salupo stated that he did not recall any previous radio traffic about a gun but once they got to Quigley that's when he first remembered hearing radio traffic about the passenger jumping back and forth from the front seat to the back seat pointing a gun out the back window. He continued that he continued to hear radio broadcasts about the passenger pointing the gun out the window. He said that a supervisor came across the radio and told everyone to point their spotlight at the vehicle. Salupo stated that they went up the hill towards Steel Yard when he heard a radio broadcast about that "It's coming out the window". Investigators asked when they saw each other at W. 61st and Clark who had the lead in the pursuit and he stated that he had no idea. Salupo stated that they then went northbound on W. 14th and got onto 90 eastbound.

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

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Investigators asked where they were in the pursuit at this point and he stated that they were about six cars back. He stated as they were traveling on 90 that he heard radio traffic about notifying other districts. Investigators asked if he had any radio traffic and he stated that he did around Jacob's Field he went on Channel 5 and notified the 5th district that the suspects had a gun and was pointing at officers. Salupo stated that they continued on 90 eastbound and went around Dead man's curve and they thought the suspect vehicle was going to get off on E. 55th but they did not. Salupo stated that they ended getting off on E. 72nd. Salupo told us that they headed south on E. 72nd and someone said that they may be "bailing" but they did not, they remained in the car. He said that continue south. Salupo said that they ended up near E.71st and Bliss and many of the 2nd district cars were not familiar with where they were. Salupo said that he had made a turn around Addison and Salupo heard radio traffic that the suspect vehicle had struck a zone car. Salupo said that he remembers the streets Wade Park and MLK and that somehow they ended up at the school. Salupo said that he remembered heading down the street that went right up to the school parking lot.

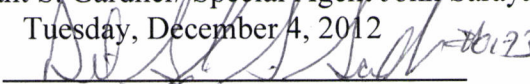
At this point Investigators showed Salupo an overhead Google Maps view of the parking lot. Salupo described that they came up straight into the parking lot from Wymore and went into the parking lot. He stated that they were about 5 cars back. Salupo stated that they pulled in and he heard radio traffic that it was a dead end. He describes that they were about half way into the parking lot and the suspect vehicle was close to the school when it began to turn around. Salupo said that it came into contact with a zone car and spun around near an island in the parking area and now was facing them. He said that a couple of zone cars pull in front of their position and they hear shots fired on the radio and was asked if he heard it outside of his car and he stated that he did not remember hearing it outside. Salupo said that they came right by the passenger side of the vehicle that he is in and sees inside the car somewhat because of the headlights of their unit. Salupo continues by stating that he was trying to see if he could see anything that they were holding up but did not see anything. He describes the driver having a "gaze" and was fixed straight ahead. He stated that as soon as the suspect's vehicle got by them that Rinkus did a U-Turn and pulls up to their final resting location. Salupo describes that Sistek, passenger from CPD Unit 238, jumps out of his police unit and Salupo says that he could tell that Sistek did not know that the suspect vehicle was there and had an "O Shit" look on his face. Salupo continues by stating that the suspect vehicle then hits Sistek's car (CPD Zone Car 238) and he (Sistek) ran backwards when the suspects' vehicle struck the car shutting the passenger door of CPD238. Salupo stated that he and Rinkus had exited their unit and was running diagonally towards the suspects' vehicle. Salupo says that he begins to hear gun shots and as they are running up he

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

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sees SisteK go down. Salupo states that SisteK is near the trunk of his car and now I am thinking that the suspects' car is on top of him and when the car came to rest the engine is still "revving". Salupo said that he thinks that the suspect vehicle is going to disengage and completely run SisteK over. Salupo describes that he then fires two rounds through the back window towards the driver. Salupo describes that he continues to run and ends up near the sidewalk. He stated that glass in flying around he can sense bullets coming at him and he becomes separated from Rinkus. Salupo stated that he went back behind the silver Charger for cover. He stated that Rinkus eventually comes back to the Charger and stated that he (Rinkus) was out of ammo. At this time Salupo was asked to use a Sharpie pen and indicate where he was on the map, which he did. He later initialed the paper.

Investigators asked if he had broadcast anything on the radio other than when he was around Jacob's field and he stated that he had not.

Investigators asked if he saw the suspects with a gun and he stated that he did not.

Investigators asked how the traffic, speed and driving habits were during the pursuit and he stated that traffic was very light and stated that the suspect vehicle never slowed down, stop for lights, or stop for cross traffic.

Investigators asked when he became of the sex and race of the occupants and he stated that he could tell it was a male driver but did not become aware of the female passenger until after the shooting.

Investigators asked if he was familiar with either of the suspects and showed him a picture and he stated that they did not look or sound familiar to him.

Investigators asked what he felt the lighting conditions were from the parking lot he stated that there were some lights but felt that it was "medium at best".

Investigators asked if he or anyone else gave verbal commands to the suspects and he stated that he did not hear any being issued and he did not issue any.

Investigators asked if he believed that there were shots coming from the suspect vehicle and he stated that he did believe.


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Investigators asked if he recalled any statements from other officers directly after the incident and he stated nothing that he could recall other than checking on everyone's welfare.

Investigators asked if he recalled the positioning of the other officers and he stated that the only people he really knew where they were was Sistek and Rinkus.

Investigators asked if he felt he struck his target and he stated that he was trying to get to the back head rest area and fired as he exited their car and were running up.

Investigators asked if he knew how many shots he fired and he stated that he fired two shots. Investigators asked if anyone inspected his weapon and he stated that Sergeant Tim Stacho counted his ammunition.

Investigators asked if his rounds hit and he stated that he did not know.

Investigators asked if there was any other availability of other options that could have been used and he stated that there was not. He stated that he had to stop the threat from Sistek being run over.

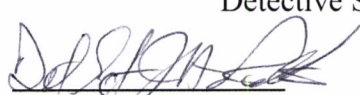
Investigators asked if he called for EMS and he stated that EMS and Fire came but had any idea how they were called.

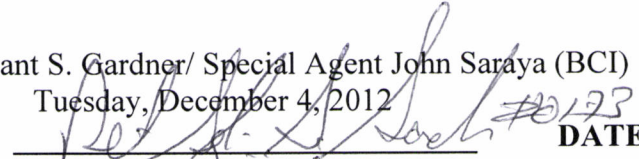
Investigators asked what he did after the shooting and he stated that he went back up to the suspect car and made sure that the threat was neutralized and that it was secured. Investigators asked if he moved anything and he stated that he was never that close to the vehicle.

Investigators asked if he was ever injured and stated that he was not and had checked his vest.

Investigators asked if he had spoken to anyone reference this incident since and he stated that he spoke with Rinkus, Nan, Sistek to see how everyone was doing.

Investigators asked if he was in fear or fear of someone else's safety and he stated that he was afraid for Officer Sistek's safety.

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

Investigators asked if anyone had influenced him to lie to us and he stated no.

Investigators asked if he had used his cell phone or taken any pictures while on scene and he stated that he had not.

Investigators asked if there was any questions that he could think of that we did not ask him that he thought was important and he stated no.

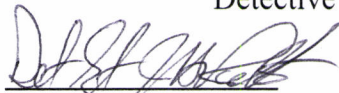
Investigators asked if he had ever learned what happened with Sistek and he stated that he later had found him on the hill.

Salupo was thanked for his time and the interview ended.

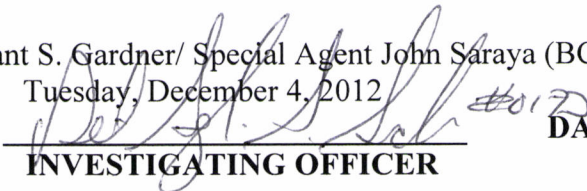
Investigation Continues...

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12/09/12 SA/KS - William Salvo



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

Patrick provided detectives with the address [REDACTED] Cleveland, Ohio 44109. Cellular telephone number [REDACTED]. Patrick's date of birth is 04/22/1966. Patrick was read his Miranda warnings and stated that he understood and agreed to speak with investigators. Below is a condensed video recorded oral statement of Patrick.

Investigators asked Patrick how he was holding up and he stated that he was stressed, that he has never been through anything like this.

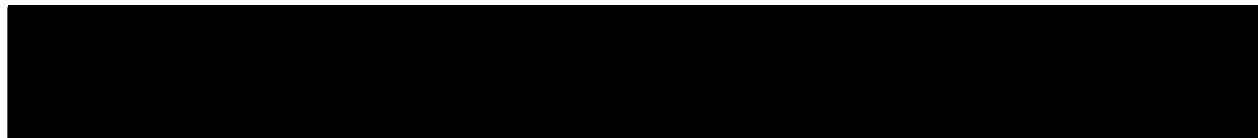
Investigators asked Patrick what is current assignment was and he stated that he was assigned to the 2nd district, 3rd platoon which hours are 2030-0630. Patrick stated that his days off at the time of the incident was Friday, Saturday, Sunday, and Monday.

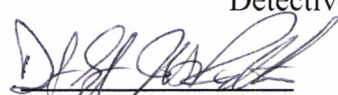
Investigators asked how long he has been with the Cleveland Police Department and if he had been with any other agencies and he stated that he had been with Cleveland Police for 16 years and had not worked for any other agencies.

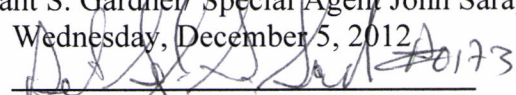
Investigators asked who his supervisor was and he stated that his supervisor was Lieutenant Jenny Socha.

Investigators asked Patrick if he worked any extra details or part time details and he stated that he did. Investigators asked if he had worked within 48 hours of the incident and he stated that he had not.

Investigators asked the night of the incident how he felt and he stated that he felt good.




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Investigators asked if he wore glasses or contacts and he stated that he just recently began wearing glasses for reading.

Investigators asked how he was dressed the night of the incident and he stated that he was wearing his police uniform along with an exterior outer vest.

Investigators asked what was on his duty belt as far as "less lethal" options and he indicated that he had a Taser. Investigators asked if he had an expandable baton or pepper spray and he stated that he did not.

Investigators asked what kind of weapon he had and he stated that he carries the Glock 9mm. Patrick stated that he had three magazines that carry 15 rounds each plus one additional round in the chamber making a total of 46 rounds.

Investigators asked if he carries a back up weapon and he stated that he did not.

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

Investigators asked to describe the car that they were driving the night of the incident and he stated that it was a marked Ford Crown Victoria police car, car number CPD243. Patrick stated that he was driving and he had a partner, Paul Box, who was the passenger. He stated that everything in his unit was functional the night of the incident. Patrick's call sign was 2A37. Patrick stated that he was operating on Channel 2 and did not change it the night of the incident.

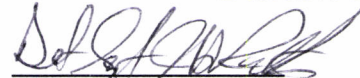
Investigators asked if he had any specialized training or military experience and he stated no. Patrick indicated that he had qualified with hand gun and shot gun this year, completed use of force training, and was current with his OPOTA certificate.

Investigators asked if he had been in a prior shooting incident and he stated that he had not.

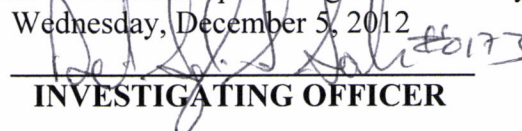
Investigators asked to describe how he and his partner became involved in the situation. Patrick started off stating that he had taken a couple of radio assignments prior, but nothing he could specifically recall. Patrick stated that when the initial broadcast came over the radio that they were just patrolling their zone but could not recall exactly where they were. Patrick stated that Officer Nan broadcast that shots had been fired towards him at the Justice Center and that he had

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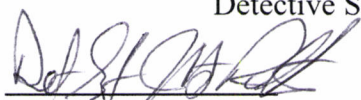
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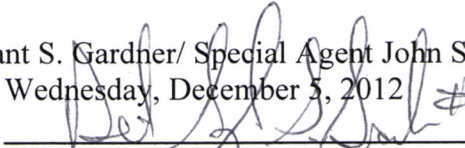
12/05/2012 CLEVELAND POLICE OFFICER INVOLVED SHOOTING DOO:11/29/2012

given the description of the vehicle as well as the license plate. Investigators asked if he recalled what the description was that Officer Nan relayed and Patrick stated that it was an older model blue vehicle. Patrick explained that their zone and where they were, was close to Brookpark, which was far away from the pursuit. He stated that he just started to go north and monitor where the pursuit, in attempt to parallel it. Patrick stated that he remembered the Officer Nan lost the vehicle for a few minutes and that Nan advised to notify Channel 3, which was district 3 or the down town district. Patrick stated that he did not know which way he was going to go, because he was the furthest south that you could be in the 2nd district. Patrick stated that a couple minutes later 2A31 spotted the vehicle on the Detroit-Superior Bridge. He and his partner began discussing in the car, where do you think they are going to go next so they headed northwest. Patrick stated that both he and his partner believed that the suspects were attempting to get to a highway. He stated that they (suspects) did not get on the highway at around W. 85th area, they (suspects) began heading east on Clark so Patrick stated that they began going east. Patrick stated that when he got around Clark and Fulton that he remembers hearing the broadcast that the suspects had taken Clark to Quigley and up to W. 14th. Patrick stated that the broadcast stated that the suspects headed north on W.14th and Patrick stated that he knew that the highway is right down the street from there. Patrick stated that they were around Dennison approaching I-176 at this point. Patrick stated that the suspect vehicle already got on the highway at W.14th and Abby and that is when Patrick and his partner headed northbound on I-176. Patrick stated that he cannot remember when but Officer Seifer, who was broadcasting most of the pursuit, stated that the passenger was pointing a gun out the window. Patrick states that he's on the highway, 90, at dead man's curve and the pursuit is a ways ahead. Patrick stated that he hears on the radio that they are passing E.55th, approaching E. 72nd and the suspects got off on E. 72nd. Patrick stated that he got off on E. 55th in case they came back west bound. Patrick stated that he begins going down E. 55th and going down some streets east he does not know where he is. Patrick stated that he is basically following other police units at this point. Patrick stated that he knows that they are on Wade Park and eventually made it on Euclid. Patrick stated that around that time frame that he believes it was Sergeant Coleman who radioed that a police car had been struck by the suspect vehicle. Patrick stated that they know they are not stopping, traveling a high rate of speed, shot at an officer and are pointing a gun at officers. Patrick stated that there was around 10-15 police cars that are ahead of him. Patrick stated that when the suspect vehicle hung a right to go up a hill, Wymore, that he hears a broadcast that they were headed towards a "water treatment plant". Patrick is shown an overview Google Earth Map of the surrounding area to the incident. Patrick described the road that he went up as a "dirt road" and that all he could see was dirt and smoke. Patrick stated that as soon as he started to going up that road he heard an officer

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

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APPROVED BY


INVESTIGATING OFFICER

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broadcast, "Shot fired, shots fired". Patrick stated that he just went into the parking lot a "little way" and that was the first time that he had seen the suspect vehicle, coming directly at them. Patrick describes that they went from the 10th or 15th car in line to like the 2nd. Patrick stated that he observed the suspect vehicle strike CPD238 (Marked Police Car). He stated that CPD238 was on the left and CPD217 was on the right. Patrick stated that he was not certain if the suspect vehicle struck CPD217 or not but could tell that he was trying to get through both of the vehicles. Patrick stated that as soon as he struck CPD238 that the shots just started ringing out. Patrick stated that he put his car in park and Patrick stated that he thinks that the suspects are firing at us. Patrick stated that he went down to the floor and his partner already had the shot gun out and his partner exited the passenger side. Patrick stated that he got out of the driver's side of the car. He was crawling on the ground because he thought he was being shot at. Patrick stated that he made it to the passenger door of CPD217 and that he recalled that the passenger door was open. Patrick stated that his partner was to the right of him and that he looked inside the vehicle (CPD217) and saw that it was just riddled with bullets. Patrick stated that the shots were continued to be fired. Patrick stated that he was trying to look over the vehicle to get a clear line of sight of the suspect vehicle but he could not because he was taking fire. Patrick stated that he then went to the right of his partner and went to the front right of CPD217. Patrick was asked to draw on the map where his cruiser was and to highlight his movements, which he did. He later initialed and put his badge number on the map. Patrick continued to describe that he went over to the front right side of CPD217. Patrick stated that shots are still coming at him. He got up and let some rounds off and went back on the ground. Investigators asked if he knew how many times he fired and he stated that he does know now, but did not at the time. He stated that he was about to come back up to fire more, then everything stopped. Investigators asked if he remembered anyone call out anything and he stated that it was so hectic that he did not recall.

Patrick stated that once they were done that he remembered looking at his partner, who was feeling his vest. Patrick stated that his partner thought he may have been shot. Patrick stated that right about then that he felt something running down his forehead. He demonstrated that he put his fingers to his forehead and that he had blood on his hand. Patrick stated that originally he thought he had been hit but never fully figured out what caused his injury. He stated that EMS later came over and checked his injury and he was fine.

Investigators asked is anyone inspected his weapon and he stated that Sergeant Stoch inventoied his rounds and that he had fired nine rounds.

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

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Investigators asked what he was aiming for and he stated that he was aiming at the driver through the side window.

Investigators asked if he saw anyone climbing on the cruiser and he stated that he did not.

Investigators asked if he or his partner broadcasted on the radio and he stated no.

Investigators asked if he ever saw the suspect(s) with a gun and he stated that he had not.

Investigators asked what the speeds were for the pursuit and he stated that on the highway around 70 mph and the side streets 40 mph or 50 mph.

Investigators asked when he became aware of the sex and race of the suspects and he stated that Officer Nan stated that it was two black males.

Investigators asked if he was familiar to the suspects, and was shown a photograph of them and he stated that neither looked familiar to him.

Investigators asked to describe the lighting in the parking and he stated that it was lit up but his eyes were just focused on the car.

Investigators asked if anyone issue any verbal commands and he stated that he did not.


Investigators asked if he believed that he was getting shot at and he stated that he did.

Investigators asked if he could see the suspects' movements and he stated that he did not.

Investigators asked about officers' positions and he stated himself, his partner and Officer Cindy Moore behind CPD217. He stated that Moore asked Patrick to grab the shotgun. Patrick stated that he looked inside and saw bullets flying and told her, "Hell, no".

Investigators asked if he believed his rounds hit and he stated that he did not know.

Investigators asked if there was any other available option that could have been used and he stated that there was not.


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

Investigators asked what he did after it was over and he stated that he re-holstered his weapon and checked on his partner.

Investigators asked if he went up to the suspect vehicle and he stated that he did not.

Investigators asked if he recalled officers' statements afterwards and he stated they were just asking if everyone was okay.

Investigators asked if he had spoken to anyone relative to this incident and he stated that his wife, mother, sister and his immediate family. He stated when others have asked he stated that he could not discuss it.

Investigators asked if he had discussed with any other officers and he stated that he discussed with his partner, just about the incident and how he was in shock.

Investigators asked if he believed if his actions and the actions of others were consistent with training and he stated that they were.

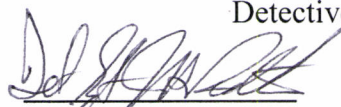
Investigators asked if he had taken any pictures of the incident and he stated that he had not.

Investigators asked if anyone had asked him to lie and he stated no, that he had nothing to hide.

Investigators asked about the blood transfer that was on his firearm that the Ohio BCI laboratory had discovered. Patrick indicated that it was probably when he rubbed his forehead, that he probably then touched his weapon.

Investigators asked if his partner fired the shotgun and he stated that his partner believes that he fired the shotgun but is uncertain.

Investigators asked if there was any questions that we did not ask that he thought might be important and he stated that he could not think of any.


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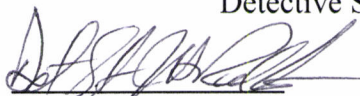
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Patrick was thanked for his time and the interview was completed.

Investigation Continues...

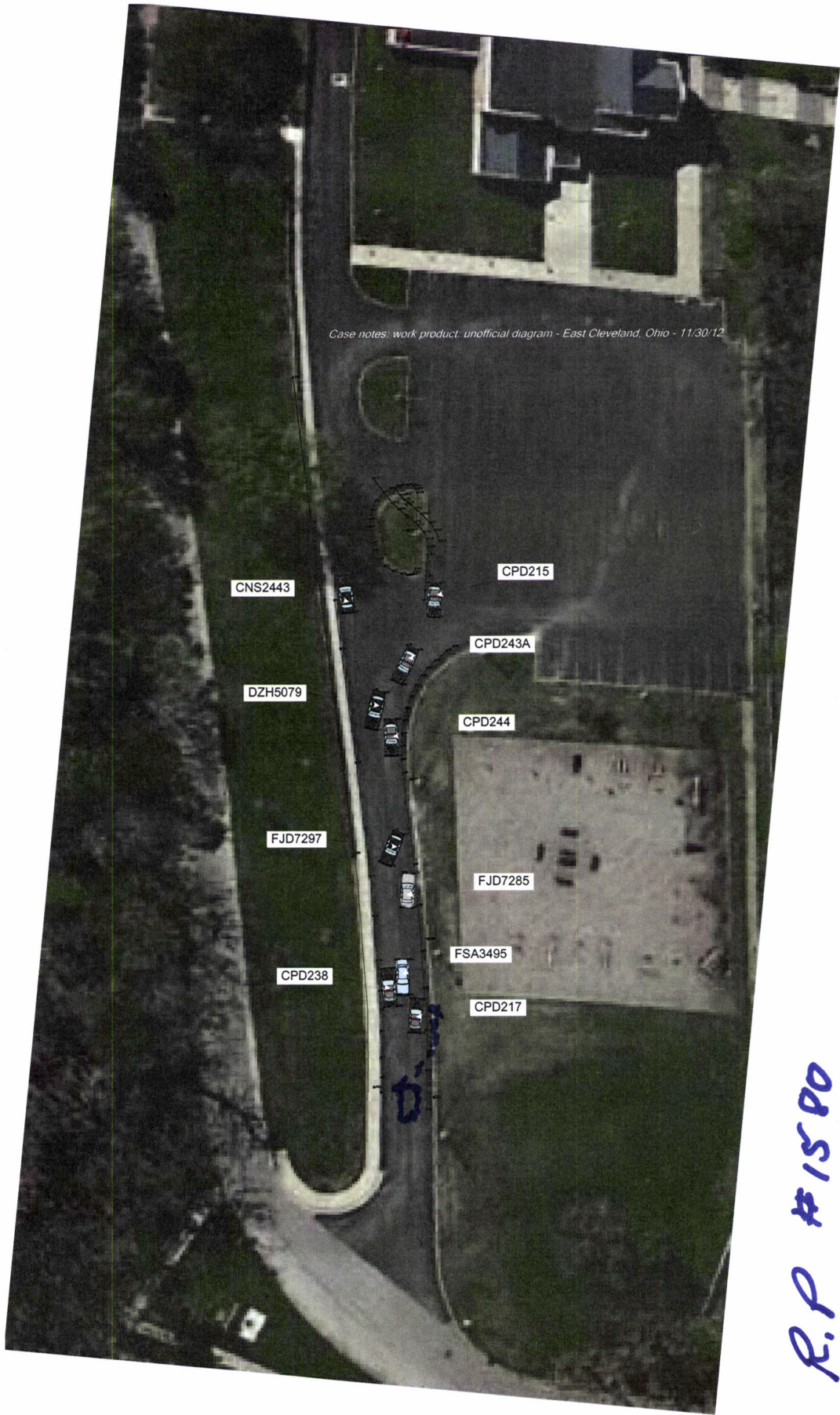

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Wednesday, December 5, 2012


INVESTIGATING OFFICER

DATE: 12/05/2012



12/05/12 Ptz. RAVEN PARK

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R.P #1540

**EAST CLEVELAND POLICE DEPT. SUPPLEMENTARY REPORT
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On December 6th, 2012 Detective Sergeant Scott Gardner with the East Cleveland Police Department and Special Agent John Saraya with Ohio BCI received Michael Rinkus with the Cleveland Police Department into the Ohio Attorney General's Richfield Office. Present with Rinkus was Steve Kinas and Jeff Follmer with the Cleveland Police Patrolmen's Association Union. Also present was Patrick D'Angelo legal counsel representing Rinkus.

Rinkus provided investigators with the address of [REDACTED] Cleveland, Ohio 44109. Rinkus provided investigators with a cellular telephone number of [REDACTED] Rinkus's date of birth is 04/22/1965.

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

Investigators asked how he was doing since the incident and he stated that so far, so good. He stated that he was getting a lot of support.

Investigators asked what his current assignment was and he stated that he was currently assigned to the 2nd District Vice.

Investigators asked how long he had worked for the Cleveland Police Department and he stated that he had worked for Cleveland Police since 01/06/1992 so almost 21 years. He stated that he has not worked for any other agency.

Investigators asked what shift he was working that day and he stated that he was working 1800-0200 or 4th Platoon hours.

Investigators asked who his supervisor was and he stated that it was Sergeant Coleman.

Investigators asked what his days off were for the week and he stated that his days off for last week were Saturday and Sunday.

Investigators asked if he worked any extra details within 48 hours of the incident and he stated that he worked the 28th and 29th part time for 4 hours each day from 0700-1100. He stated that he was working the DCA (Downtown Cleveland Alliance).

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

Thursday, December 6, 2012 #0173


APPROVED BY


INVESTIGATING OFFICER

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Investigators asked how he was feeling for his shift and he stated that he felt fine.

Investigators asked if he was wearing his glasses on Thursday night and he stated that he was.

Investigators asked what he was wearing and he stated that he had a black Under Armor shirt on, khaki pants, vest, and his badge clipped on his vest. Investigators asked if it was a regular vest and he stated that it was. Investigators asked if he had any jackets that stated Police on it and he stated that he left it in the office when he ran out.

Investigators asked what kind of equipment he had that night and he stated that he had a flashlight and his service weapon. Investigators clarified asking if he had any extra magazines or any handcuffs and he stated that he reiterated that he only had a flashlight and his service weapon. Investigators asked what pistol he was carrying and he stated that he was carrying the Glock 26. Investigators asked how many rounds that carries and he stated 13, 12 in the magazine and one in the weapon.

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

Investigators asked what kind of vehicle he was in and he stated that he was in an unmarked Dodge Charger equipped with lights and sirens. He stated that Bill (William) Salupo was in the unit with him and that he (Rinkus) was driving. Investigators asked what channel he was operating on and he stated that he was on Channel 2, call sign 2V82.

Investigators asked about specialized training and he stated that he did not but was in the U.S. Army as a paratrooper from 1986-1989. Rinkus stated that he had qualified with handgun and shotgun this year and reviewed his Use of Force Policy. Investigators asked if his OPOTA was up to date and he stated that it was.

Investigators asked if he had ever been involved in any previous shootings and he stated that in September of 2000 he was shot but did not return fire. In January 2003 he was involved in a shooting and September 2011 he had a domestic violence call, which he shot at.

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Investigators asked to describe how he became involved in the incident and he stated that he and his partner had just completed a "controlled buy" and was in the district doing paperwork. Rinkus stated that Sergeant Coleman stated that they were chasing and he came out in the hall and was asking who was chasing. Rinkus then began hearing the traffic on the radio and there was discussion between he and his partner as whether they were going to get involved in the pursuit and he stated that "they are just chasing, it will be over". He said that then it came over that they were shooting at police, so Rinkus said to his partner, "Well, we are going now". Rinkus said that he grabbed his vest, flashlight, and ran out to his car. Rinkus stated that they left the district parking lot and they crossed over Fulton and went north on W.41st. Rinkus stated that they got westbound on Clark and he heard that the pursuit was on Clark. Rinkus stated that the chase was coming towards them. Rinkus stated that around W.61st he can see them coming. Rinkus describes that he jostles for position a couple of times and then just moves out of the way and lets the pursuit go by. He waits for all cars to pass then does a U-Turn and falls in behind the pursuit. Rinkus stated that there was a lot of broadcasting on the radio but because he was driving he was only able to pick up a couple of transmissions. He stated that when they were at Clark and Quigley he heard someone saying something about a gun. He originally thought they were talking about a gun coming out of the suspect vehicle. He stated that as marked Zone Cars came up he would let them get in front of them. Rinkus stated that they went around the turn around, north on W.14th and then onto the freeway. Rinkus stated that he just followed the "trail" of cars until they got off at E.72nd. Rinkus stated that once they were off on E.72nd that he was lost. He stated that he knew they got up to St. Clair but he was not familiar with the east side at all. He stated that there was "chatter" from other officer stating they had seen guns, hanging a gun out the window, and towards the end of it something about loading "it" and pointing it out the window. Rinkus stated that they said it was a Water Treatment Plant but Rinkus had no idea where he was at. He continued stating that he went up a "dirt" road and he remembered that they went in and someone said it was a dead end. He said it looked like other officers were chasing the suspect around in circles and then someone yelled "shots fired" and he started coming back at us. Rinkus stated that they went over an island and came back around through a playground median and back onto the street and that's when Rinkus states that he stopped. Rinkus stated that the cars were stopped; it looked like they had them blocked in. Rinkus said that he then got out of his car and there were bullets flying all around him. Rinkus stated that he "returned fire" and ran for cover. Rinkus stated that he did not know any of these officers and that he saw an officer fall and by the time he got to the sidewalk he was out of rounds. He continued stating that the "volley of gunfire stopped" so he then ran back to his car. He said that by the time he got back to his car that more shots were going over and he remembers

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

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tugging at a patrolman's belt telling him to give him a magazine and he "locked and loaded". Rinkus stated that when those shots stopped he started to approach the car and that "uniform" officers were approaching ahead of him so he just stayed at a low-ready.

Investigators asked if he had fired any rounds once he put the second magazine in and he stated that he did not.

Investigators showed Rinkus an overhead Google Map view of the surrounding area, which Rinkus later initialed and wrote his badge number on. Rinkus was asked to draw his vehicle and actions on the map. Investigators asked Rinkus what he was aiming at as he was firing and he stated that he was aiming at the back window of the suspect vehicle. Rinkus stated that the back window "blew out" and the rounds were just "coming right at me" he stated. Rinkus was further describing when he asked the uniform officer for an extra magazine, he stated that he thought he was going to give him an extra magazine from his magazine holder but the officer dropped the magazine that was in his gun and gave it to Rinkus. The officer then loaded a fresh magazine into his gun. Rinkus recalled that he later gave the extra magazine back to the uniform officer but did not know who he was or what his name was.

Investigators asked how fast he thought he was going through the pursuit and he stated that he would only be guessing but maybe 60 mph or 70 mph.

Investigators asked if he had his lights and sirens activated the entire time and he stated yes.

Investigators asked if he knew what the suspects looked like or heard the original broadcast of the description and he stated that he did not.

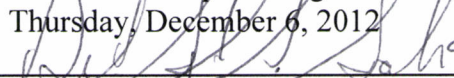
Investigators asked if he had heard the names of the suspects and if he was familiar with either of them and he stated that apparently Malissa Williams. Investigators asked how he was familiar with Ms. Williams and he stated that apparently he had arrested her. He stated that he did not remember this but had read that he had arrested her in the paper in 2009. Investigators showed Rinkus photographs of the deceased and he stated that he did not recognize either of them.

Investigators asked how far he thought from the point that he bailed out to the sidewalk was and he stated that he thought it was about 20 to 30 feet.

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

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Investigators asked from his position on the sidewalk how far he thought he was to the suspect vehicle and he stated "a little further" maybe 30 to 35 feet.

Investigators asked from where he was if he heard anyone giving verbal commands to the suspects and he stated that he did not, that the sirens were "so loud" that he does not think he could have heard them if someone had given them. Rinkus recalled that after it was all over that everyone was yelling to shut the sirens "down" because it was so loud.

Investigators asked what he thought the lighting was like in the parking lot and he stated for being dark he thought it was okay. Investigators asked if he could see into the vehicle and he stated from his angle that there was just a big hole in the glass and he could not see inside.

Investigators asked if he knew where his partner was during this incident and he stated that he did not. Investigators asked if he knew where other officers were and he stated that he could see uniformed officers on or by the grass where he was initially running towards but did not know who they were.

Investigators asked why he fired and he stated that he thought he was "getting fired on". Rinkus then followed up with he "couldn't believe that he didn't get hit".

Investigators asked what he thought happened to the officer that he saw go down and he stated that he thought he had gotten shot. He stated that there was such a volume of gun shots, everyone reporting they had seen them with guns and that he thought the suspect was going out in a "blaze of glory".

Investigators asked under the circumstances if he felt that there was anything else that could have been done and he stated that he did not.

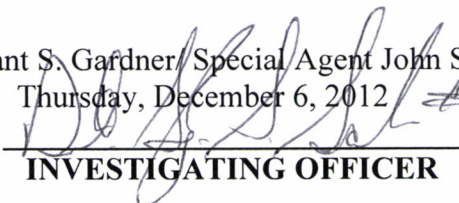
Investigators asked after everything had stopped what he saw other officers doing and he stated that other uniform officers began "roping" the area off and he was trying to get their attention because he knew that there had been shots fired closer to the school. Rinkus asked one of the zone cars to move down towards the shell casing. He marked off one of the shell casings so that it could be marked for collection. Rinkus stated that he did not touch it but simply marked it off with some crime tape.

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

Thursday, December 6, 2012 #0193



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Investigators asked if he heard anyone call for EMS and he stated that he did not. He stated that he "taped that off" and went and sat in his car.

Investigators asked what the conversations were with the other officers and he stated that he did not speak to anyone, he was in his car and that later Sergeant Coleman found him.

Investigators asked if he was injured in any way and he stated that he was not. Rinkus continued that he went and checked his vest yesterday and must have checked it five times and could not believe that he had not been shot.

Investigators asked since Thursday night, if he had had any conversations with the other officers and he stated that he has had brief conversation with officers to just make sure they were okay.

Investigators asked if he was in fear for his safety or the safety of others and he stated that he was.

Investigators asked if he felt that his actions were consistent with his training and the actions of others and he stated that he felt it was.

Investigators asked if he used his cell phone at the scene and he stated that he did not nor did he take any pictures because he left his cell phone on the desk when he ran out. Rinkus stated that he later used his partner's cell phone to call his wife.

Investigators asked if anyone asked him to lie to us and he stated that no one told him to do that.

Investigators asked if at some point if someone inspected his weapon and had gotten a round count and he stated that Detective Nate Sowa had caused his weapon to be inspected and it was determined that he had fired 13 rounds.

Patrick D'Angelo asked Rinkus if he had ever had to help in the prosecution of a fellow officer's misconduct and he stated that he had. He stated that he never had to go to court on it but the incident was pled out in court.

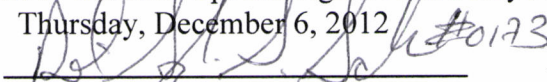
Patrick D'Angelo asked if he had ever had any previous shootings like this and Rinkus stated that he never had anything like this ever happen before.

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

Thursday, December 6, 2012 #0123



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INVESTIGATING OFFICER

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Rinkus was asked about the time when he had to report police misconduct he stated that an informant had made a complaint about another officer reference sexual misconduct. Rinkus stated that he reported it to his supervisors and eventually had to speak with prosecutors about it but he never had to testify in court reference it.

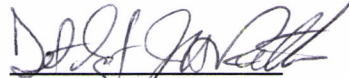
Rinkus was asked about running the deceased through OHLEG and what his purpose for running them and he stated that "two people were dead and I wanted to know if I had any affiliation with them".

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

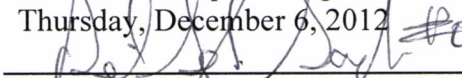
Investigation Continues...

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

Thursday, December 6, 2012 #017



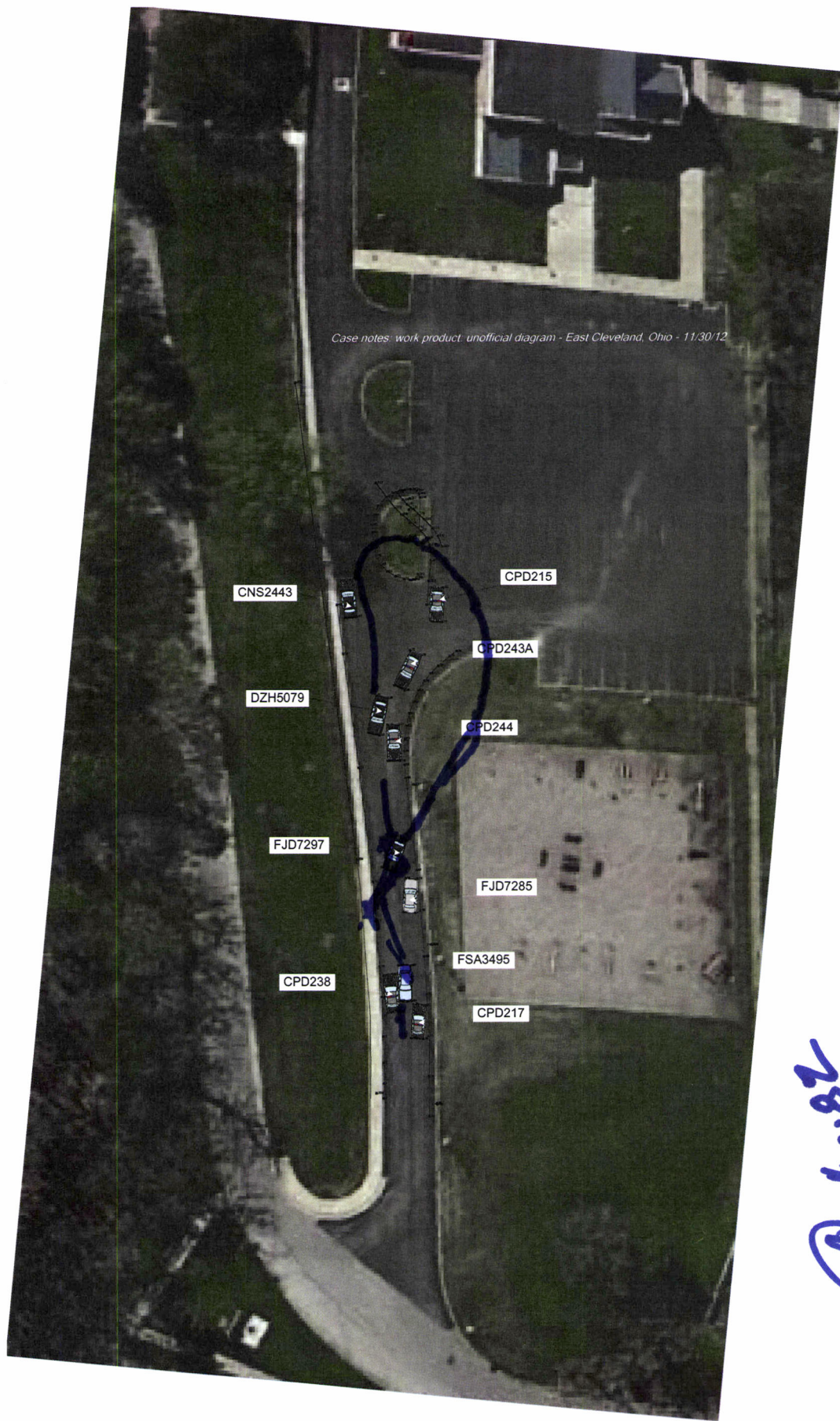
APPROVED BY



INVESTIGATING OFFICER

DATE: 12/06/2012

12/06/12
MILK RUCKUS
5/4/15-409



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