



Ohio Bureau of Criminal Identification & Investigation
INVESTIGATIVE REPORT



12/28/2012

REPORT RECEIVED SGT. JAMES RUTH

Summary

On December 19, 2012 Sgt. Scott Gardner and Sgt. James Ruth met officers of the Cleveland Police Department. This interview took place at 4055 Highlander Parkway Richfield, Ohio 44286.

Details

On December 19, 2012, Sgt. Gardner and Sgt. Ruth met with Ofc. Victor Claudio at the BCI Richfield Office. Claudio was interviewed in regard to his participation in the officer involved shooting that occurred on November 29, 2012.

Sgt. Ruth reduced the interviews to writing for submission to the case file.

The interview was video recorded. The recording and any associated documentation were submitted to the case file Exhibit #111.

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: 12/28/12	Exhibit #: 111
Investigative Activity: Report received from ECPD - Sgt. Ruth	Supervisor Approval: Dennis Sweet <i>[Signature]</i> JAN 17 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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12/19/2012 CLEVELAND POLICE OFFICER INVOLVED SHOOTING DOO: 11/29/12

On December 19, 2012 Detective Sgt. James Ruth (ECPD) and Detective Sgt. Scott Gardner (ECPD) met with Officer Victor Claudio (CPD) badge #1563 along with his attorney (Pat D'Angelo) and Union Representative (Steve Kinas). Claudio was read his Miranda Warning which he acknowledged and stated he understood them. Claudio was asked that having his rights in mind would he speak with us concerning the officer involved shooting that took place on November 29, 2012 in the area of 14410 Terrace Rd. East Cleveland, Ohio 44112. Claudio stated yes he would speak with us.

Investigators asked Claudio to give us some general information about himself. Claudio stated he lives at [REDACTED] Cleveland, Ohio and his date of birth is 12/3/70. Claudio gave us his cell phone number as [REDACTED]. Claudio stated he has been with the Cleveland Police Department for eleven and a half years, assigned to the 5th District and his Supervisor is Sgt. Durgiser. Claudio stated he is not on any medication and does not wear any type of corrective lenses. Claudio states he was wearing the class B uniform and was carrying departmental issued equipment. Claudio stated his partner was Douglas O'Neill. Claudio stated he was driving on this night. Claudio stated they had no type of recording device with them. Claudio stated on the night of this incident they were in car 511 call sign 5A21, their car radio was on channel #5 and their portable was on channel #2. Investigators asked Claudio if he had been involved any other officer involved shootings. Claudio stated yes at Club Envy while working part time. Investigators ask Claudio if he has any type of specialized training. Claudio stated he does not. Investigators asked Claudio if he qualified with his city issued weapon. Claudio stated he qualified with his weapon this year in the summer along with his in service training for use of force. Investigators asked Claudio if he had any prior discipline. Claudio stated he received a reprimand in 2010 and there is a civil law suit pending. Investigators asked Claudio to tell us how they first became involved in this incident and describe in detail their involvement in the pursuit.

Claudio stated they were taking their lunch at Gordon Park when they heard the channel #5 dispatcher broadcast over the radio that 2nd district is in a chase on 90 with the male pointing a gun at police officers. Claudio stated they waited at the exit of E.72nd at 90 to see if the chase was heading their way. Claudio stated they heard over the radio that the suspect car lost a tire before dead man's curve. Claudio stated they felt the car would cripple up to E55th so they got onto the highway westbound to go to E.55th. Claudio stated as they were driving on the highway they saw the other police cars traveling eastbound on

 #0193
APPROVED BY

Detective Sgt. J. Ruth ECPD/Detective Sgt. S. Gardner ECPD

Wednesday, December 19, 2012


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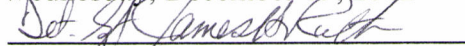
12/19/2012 CLEVELAND POLICE OFFICER INVOLVED SHOOTING DOO: 11/29/12

90. Claudio stated he told his partner that the car didn't lose a tire because of the way it was moving. Claudio stated they then got onto 90 eastbound and got behind the other Cleveland cars which got off on E.72nd. Claudio stated they tried to speed up to catch up to the cars but were unable to see the suspect car. Claudio stated they sat at the intersection of St. Clair and E.72nd and blocked traffic for the other zone cars coming off the highway. Claudio stated they then shadowed the pursuit on different streets. Claudio stated when the suspect car went into the 3rd district one of their supervisors came over the radio and told them to terminate the pursuit. Claudio stated they continued to parallel the pursuit just in case they came back into their district. Claudio stated they were listening to channel #2 so they could have a jump on them if they came back their way. Claudio stated they heard the pursuit was heading toward Eddy Rd so they got in the area of Eddy Rd in their district to see if the pursuit was coming back their way. Claudio stated they heard on the radio that the suspect car turned into a cul-de-sac. Claudio stated they were waiting when they heard over the radio shots being fired. Claudio stated when they heard shots over the radio they went into East Cleveland. Claudio stated when they arrived everything was over so they parked on Terrace Rd behind a bunch of other cars. Claudio stated when they exited their zone car they had the weapons in their hands. Claudio stated it took about three to four minutes to walk from where they parked to where everyone was at. Investigators asked Claudio once he got to the scene what did he see. Claudio stated he saw a bunch of officers and cars. Claudio stated he was asking if everyone was alright because nothing was said over the radio. Claudio stated he saw the bullets in the suspect car and did see someone inside slumped over so asked if he was dead and someone told him yea he is dead. Claudio stated they spent about 15 minutes on scene and walked back to their car to leave due to their shift was almost over. Investigators asked Claudio if he saw any officer around the suspect car messing with anything. Claudio stated most of the officers were standing in a group and some were getting tape to tape off the scene but no one was near the suspect car. Investigators asked Claudio to describe the lighting in the parking lot. Claudio stated minimal depending on where you were standing. Investigators asked Claudio if he ever transmitted on the radio. Claudio stated he did transmit once and that was to advise they were shadowing. Investigators asked Claudio what supervisor told them to terminate the pursuit. Claudio stated he thinks it was Sgt. Rose. Investigators asked Claudio if he heard any statements made by officers while on scene. Claudio stated no. Investigators asked Claudio if he had spoken to anyone about the incident.


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Claudio stated he has spoken to his partner and other officers about how no one was hurt. Investigators showed Claudio the pictures of Malissa Williams and Timothy Russell and asked if he knew the suspects' names or ever had any type of interaction with them before. Claudio stated he ran the plate of the suspect car the same night during the pursuit but knew nothing about the suspects. Investigators asked Claudio what type of radio traffic he heard during the chase. Claudio stated he heard the rate of speed, car refusing to stop and someone reaching down for something. Investigators asked Claudio if while on scene he ever used his cell phone for anything. Claudio stated no, his cell phone was in the zone car. Investigators asked Claudio if he saw any officers injured or if EMS was on scene while he was there. Claudio stated as they were leaving EMS was trying to get through all of the police cars. Investigators asked Claudio if he felt his actions and the actions of his fellow officers were consistent with their training. Claudio stated yes from what he saw. Investigators asked Claudio if anyone has asked him to lie or otherwise tried to influence his statement to us. Claudio stated no. Investigators asked Claudio if there were any other questions we did not ask he felt would be important. Claudio stated no and the conversation ended.

Investigation Continues...


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