



Ohio Bureau of Criminal Identification & Investigation
INVESTIGATIVE REPORT



12/28/2012

REPORT RECEIVED SGT. JAMES RUTH - MATEO

Summary


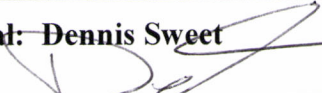
On December 18, 2012 Sgt. Scott Gardner and Sgt. James Ruth met officers of the Cleveland Police Department. This interview took place at 4055 Highlander Parkway Richfield, Ohio 44286.

Details

On December 18, 2012, Sgt. Gardner and Sgt. Ruth met with Ofc. Kevin Mateo at the BCI Richfield Office. Mateo was interviewed in regard to his participation in the officer involved shooting that occurred on November 29, 2012.

Sgt. Ruth reduced the interview 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 #112.

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 
Date of Report: 12/28/12	Exhibit #: 112
Investigative Activity: Report received from Sgt. Ruth - Mateo	Supervisor Approval: Dennis Sweet 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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12/18/2012 CLEVELAND POLICE OFFICER INVOLVED SHOOTING DOO:11/29/2012

On December 18th, 2012 Detective Sergeant Scott Gardner and Detective Sergeant James Ruth with the East Cleveland Police received Kevin Mateo with the Cleveland Police Department into the Ohio Attorney General's Richfield Office. Present with Mateo was Steve Kinas and Jeff Follmer with the Cleveland Police Patrolmen's Association Union. Also present was Patrick D'Angelo legal counsel representing Mateo.

Mateo provided investigators with the address of [REDACTED] Cleveland, Ohio 44111. Mateo provided investigators with a cellular telephone number of [REDACTED]. Mateo's date of birth is 05/27/1978.

Mateo 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 Mateo.

Investigators asked what his current assignment was and he stated that he was currently assigned to the 3rd District.

Investigators asked how long he had worked for the Cleveland Police Department and he stated that he had worked for Cleveland Police for over 5 years and he has not had any prior experience with any other agency.

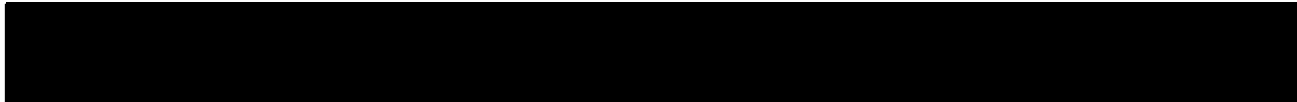
Investigators asked what shift he was working that day and he stated that he was working 2nd shift or 2nd platoon.

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

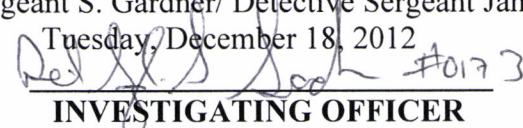
Investigators asked what his days off were for the week and he stated that he was in the "O" Class and could not recall his days off the week of the incident.

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

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




APPROVED BY

Detective Sergeant S. Gardner/ Detective Sergeant James Ruth
Tuesday, December 18, 2012
 #0173
INVESTIGATING OFFICER

DATE: 12/18/2012

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

Investigators asked what he was wearing and he stated that he had his regular uniform on with an exterior vest, Taser, ASP Baton, and mace.

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

Investigators asked what kind of firearm he had and he stated that he had a Glock 17 and three total magazines.

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 a marked Ford Crown Victoria equipped with lights and sirens. He stated that Dan Rescina was in the unit with him and that he (Rescina) was driving. Investigators asked what channel he was operating on and he stated that he was on Channel 3, call sign 2B21. Mateo stated that he did at one point change either his portable or car radio over to Channel 2, although he could not recall which one was switched. Mateo stated that he could not remember the car number that he was in.

Investigators asked about specialized training and he stated that he did not. He further stated that he had not served in the U.S. Military. Mateo 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.

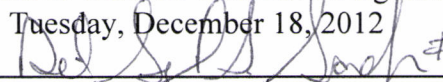
Investigators asked if he had ever been involved in any previous shootings and he stated that he had not.

Investigators asked to describe how he became involved in the incident and he stated that he heard over his radio channel that 2nd District was in pursuit with a vehicle that had shot at the police. Mateo stated that they heard that the pursuit was on I-90 and they thought that they would get off on E.55th but it didn't so they went to E.72nd and the suspect got off there. Mateo stated that the suspect vehicle was going southbound and they were going eastbound on 72nd.

Detective Sergeant S. Gardner/ Detective Sergeant James Ruth

Tuesday, December 18, 2012


APPROVED BY

 #6193
INVESTIGATING OFFICER **DATE: 12/18/2012**

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Mateo stated that they were in the pursuit and did not know any of the side streets or how they ended up at the "dead end".

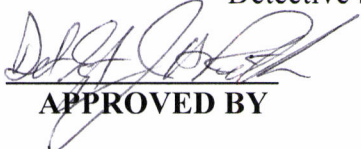
Detectives showed him a Google Earth Map of the area for orientation. Detectives asked him to draw on the map and indicate his position and what they did. Later Mateo was asked to initial and place his badge number on the map to indicate that it was his. Mateo stated that as they drove up the suspect vehicle "gunned it" and was coming right at them. Mateo stated that he excitedly told his partner to, "Go, go, go" as the suspect vehicle came towards them. He stated that he had his gun out but was trying to avoid being hit. Mateo stated that his partner "guns it" and "he just misses us". Mateo stated that they both exited their police car and went "cover to cover", demonstrating on the map going behind one police car to the next. Mateo states that they get behind a police vehicle and observe a blond haired officer, that he never found out who it was, lying on the ground. The officer was being tended by another officer. Mateo stopped and inquired if the officer was okay and the officer tending to the officer lying on the ground indicated that he was okay. Mateo stated that he made his way up to the tan charger. He said that he did not realize the suspect car was so close. He heard a couple of shots. Mateo stated that he "perched out" and came out of cover and went to engage and then he just heard a lot of shots and he went back into cover. Mateo stated that he stayed there until the shooting stopped and he then went and did a quick inspection of the suspect vehicle to make sure they were no longer a threat.

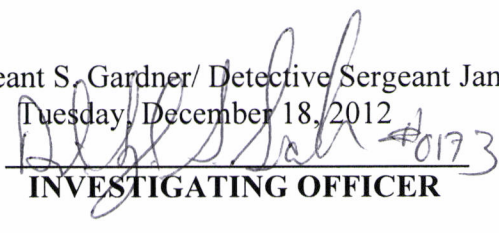
Investigators asked if he transmitted on the radio and he indicated that he did, he remembered asking if they were in the pursuit or not. Mateo stated that he never got a response to this question.

Investigators asked if they could see inside the vehicle during the pursuit and he stated that the first time that he saw the suspect vehicle was when he pulled into the school.

Investigators asked if he knew who was in the vehicle and he stated he did not hear the initial descriptive broadcast that he did not know the initial description. He thought they were both males, even after checking the vehicle.

Investigators asked if he knew either of the decedents in the past and was shown photographs of them and he stated that he did not.


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Investigators asked about the lighting in the parking lot and he stated that it was lighted but it was night.

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

Investigators asked did you see any movements inside the suspect vehicle and he stated that he did not.

Investigators asked why he did not shoot and he stated that he could not because of his training about "backdrop"; he further stated that there was cross fire.

Investigators asked if he had a clear shot if he felt that he would have been justified in shooting and he stated that he absolutely thought he would be justified.

Investigators asked if there was anything else that could have been done and he stated that if there was anything else that could be done he did not know what it was.

Investigator asked if he remembered any officers being around him or doing anything and he stated that once he was in "cover" he had tunnel vision and did not recall anyone during the shooting.

Investigators asked if he recalled where his partner was and he stated he "ducked under cover" from what he remembered but they were split up when they exited their car.

Investigators asked if he recalled officers making any statements afterwards and
Investigators asked if he had spoken with anyone regarding this incident and he stated that he absolutely had. He said that it was a huge dramatic event. He is speaking to everyone asking and finding out if everyone was okay.

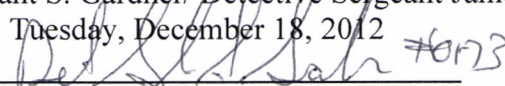
Investigators asked if he felt that his actions and the actions of others were consistent with training and he stated yes to both.

Investigators asked if he took any photographs or see anyone else take pictures and he stated yes, that he had forwarded them to Detective Sergeant Gardner. He stated that he did not use his cellular telephone any other way. Mateo stated that he did not forward them to anyone. Printed

Detective Sergeant S. Gardner/ Detective Sergeant James Ruth

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photographs were shown to him and he confirmed that those were the photographs that he had taken.

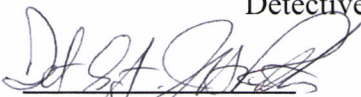
Investigators asked if anyone asked him to lie or attempt to influence his statement to us and he stated no.

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

Investigation Continues...

Detective Sergeant S. Gardner/ Detective Sergeant James Ruth

Tuesday, December 18, 2012


APPROVED BY

INVESTIGATING OFFICER

DATE: 12/18/2012

CS-18-12-82-1488
Officer Involved Shooting
14410 Terrace Road
East Cleveland
S/A's McNeely / Staley



Km #1008

CONSENT TO SEARCH

DATE/TIME: 12/17/2012

I, Kevin Mateo having been informed by Det. Sgt. S. Gardner and Det. Sgt. J. Roth who has identified him/herself as a Peace Officer and or a Law Enforcement Officer, of my Constitutional right to not have a search made, exemplars taken, or evidence seized from me without a search warrant, and having been told of my right to refuse such a search or seizure, hereby authorize the above identified law enforcement officer, with the assistance as needed of the Ohio Bureau of Criminal Investigation Cyber Crimes Unit, to:

I. Conduct a search of my computer, cell phone or other digital media, further identified as:

II.

- a. Iphone - Photos taken relative to officer involved shooting of Nov. 29, 2012
- b. Said search may include all data contained on the referenced Hard Disk Drive or other storage media contained in the referenced computer and any other storage media which may be located such as but not necessarily limited to floppy disk, zip disk, Personal Data Assistant (PDA), secure media cards, smart cards, CD, CDR/W, digital camera media such as compact flash cards, magnetic tape or optical storage devices all other devices, in any format and, whether the data is stored in files, tables, other data structures, or unallocated space;
- c. Said search may include production and examination of a duplicate Hard Disk Drive or analysis files which contain all the data on the referenced Hard Disk Drive and or storage media, said duplicates, files, and data becoming the sole property of Ohio Attorney General's Office – Ohio Bureau of Criminal Identification and Investigation.

The above individuals are further authorized by me to take possession of any stolen property, implements of a crime, instrumentalities, or other property or data which may have been used, obtained, or possessed in violation of the laws of Ohio, any other States, or of the United States; and any physical evidence which is believed to be evidence of a suspected criminal offense known or unknown at the time; or any items that are believed to be relevant to the investigation of a suspected criminal offense.

This written permission is being given by me to the above named law enforcement officer voluntarily and without threats or promises of any kind, and is given with my full and free consent.

X Kevin Mateo
Person Granting Consent (name / printed)

X Kevin Mateo
Person Granting Consent (signature)

Person Granting Consent (phone number)

Person Granting Consent Address

Person Granting Consent (date of birth)
08/21/1980

[Signature]
Witness / Title (signature)

Witness / Title (name / printed)

Witness / Title (signature)

Witness / Title (name / printed)

Witness / Title (signature)