



Ohio Bureau of Criminal Identification & Investigation
INVESTIGATIVE REPORT



12/28/2012

REPORT RECEIVED SGT. SCOTT GARDNER

Summary



On December 6, 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 6, 2012, Sgt. Gardner and SA Saraya met with Ofc. Scott Sistek at the BCI Richfield Office. Sistek 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 drawing to note their location. The officers marked the drawings and initialed them. This was added as attachment to the report.

The interview was video recorded. The recording was submitted to the case file as Exhibit #94.

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 #: 94
Investigative Activity: Report received from Sgt. Gardner - Sistek	Supervisor Approval: Dennis Sweet  JAN 14 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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12/06/2012 CLEVELAND POLICE OFFICER INVOLVED SHOOTING DOO:11/29/2012

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

Sisteck provided investigators with the address of [REDACTED] Cleveland, Ohio 44109. Sisteck provided investigators with a cellular telephone number of [REDACTED]. Sisteck's date of birth is 02/02/1981.

Sisteck 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 Sisteck.

Investigators asked how he was doing since the incident and he stated that he was all right.

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

Investigators asked how long he had worked for the Cleveland Police Department and he stated that he had worked for Cleveland Police for almost 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 2130-0730 or 3rd Shift.


Investigators asked who is supervisor was and he stated that it was Sergeant Martinez he believed.

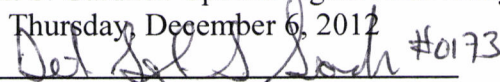
Investigators asked what his days off were for the week and he stated that his days off for last week were Saturday, Sunday, Monday and Tuesday.

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 fine.

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


APPROVED BY

Thursday, December 6, 2012 #0173

INVESTIGATING OFFICER

DATE: 12/06/2012

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Investigators asked if he was taking any medications and he stated he was not.

Investigators asked if he was wearing glasses or contacts on Thursday night and he stated that he was not.

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

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. 18, 17, and 17 were the round configuration for the magazines.

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

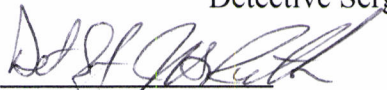
Investigators asked what kind of vehicle he was in and he stated that he was in a marked Ford Crown Victoria equipped with lights and sirens. He stated that Robert Radosevic was in the unit with him and that Radosevic was driving. Investigators asked what channel he was operating on and he stated that he was on Channel 2, call sign 2B38. Sistek stated that his car number was 238.

Investigators asked about specialized training and he stated that he did not but was in the U.S. Army from 2002-2006. Sistek 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.

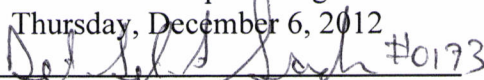
Investigators asked if he had ever been involved in any previous shootings and he stated that he had not.

Investigators asked to describe how he became involved in the incident and he stated that they had been answering a couple of assignments here and there but for the most part it was pretty quiet. Sistek stated that they became aware when they heard "Nan" come over the radio stating that he (Nan) was chasing a vehicle that had fired at officers. Investigators asked if he recalled where they were and he stated that he thought he was at around Broadview and the Pearl area.

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



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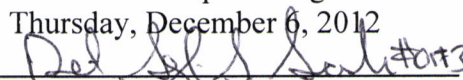
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12/06/2012 CLEVELAND POLICE OFFICER INVOLVED SHOOTING DOO:11/29/2012

Sistek continued by stating that "Nan" had lost them and that 2A31, being operated by Hummel and Radosevic, picked the vehicle up on the Detroit/Superior Bridge. Sistek stated that he and his partner began heading northbound on Pearl from W 25th. Sistek stated that his driver was pretty new and had just gotten off probation so he was trying to direct him where to go. Sistek stated that he had his partner go to W 44th so that the pursuit would come towards them. He stated that once the suspect vehicle was close to them, they initially took the lead but Sistek had him let the lead car get back in front of them. Sistek describes that he is about the second or third car in the pursuit at this point. He told us that he was trying to keep his "driver" calm and focused. Sistek stated that prior to them getting into the pursuit that he remembers radio traffic warning others that they (suspects) were "armed and dangerous and they will shoot." Sistek stated that once they got on the freeway that they were still about the third or fourth car behind the suspect vehicle. Sistek stated that he heard radio traffic about the passenger point the gun out the window and towards the back. Sistek was warning his "driver" to watch where he drove because he (Sistek) thought they (suspects) were going to shoot them (Sistek and his partner). Sistek stated that once they got off the freeway he heard say on the radio that they were loading a gun, unloading a gun, or doing something with a gun. Sistek stated there was radio traffic about them going into a "Water Treatment Plant" and they had lost positioning. They were no longer the fourth or fifth car but had fallen greatly behind. Sistek stated that when everyone first went in, he could see the suspect vehicle and a "bunch" of zone cars following them (suspects) and they were by a "round about" and Sistek stated that he had lost everyone in the lights. Sistek stated that when this happened that he heard "shots fired" come across the radio and he told his partner to stop the car because he could not see what was happening. Sistek stated that when he heard the shots fired call he thought that the zone cars had them (suspects) cornered and that they were shooting at the police. Sistek told his partner that they needed to get cover and get out of their car. Sistek stated that at this point he did not know where the suspect vehicle was, that he opened his passenger door and the "Oh-shit" factor kicked in because as he stepped out of his car the suspect was coming right at him around fifteen feet away. Sistek stated that he immediately drew his service weapon and as he ran backwards fired his weapon at the windshield. Sistek stated that it was happening so fast that he did not really have time to aim he just began shooting at the direction of the car. Sistek stated that once he got to the rear of his zone car that he went down on the ground for cover. He stated that he heard gun fire and thought that the suspects were shooting at him. Sistek stated that he "popped" his head up and there was still gun fire going on so he ducked back and went over towards the driver's side of the rear of his unit where he "popped" his head up again. He continued saying that he heard more gun shots and "ducked" back down. Sistek stated that he just held position there until everyone stopped firing.

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Investigators asked how many times he had fired and he stated that it ended up being 12 rounds, but at the time he just thought it was a couple. Investigators asked how he knew he shot 12 rounds and he stated that someone from the homicide unit checked his weapon but he did not know who. Investigators asked if he had fired after he was running backwards and he stated that was the only time that he had fired his weapon.

Investigators asked if he transmitted on the radio. He stated that he thought he transmitted twice, calling out direction of travel because Radosevic was not familiar with where they were.

Investigators asked if they could see inside the vehicle during the pursuit and he stated that he could see that there were two people inside but that was about it.

Investigators asked what he thought his speeds were during the pursuit and he stated that he thought they were around 40 mph or 60 mph on the side streets and around 100 mph on the freeway.

Investigators asked if he recalled anything specific that the suspect vehicle was doing or that he heard that they were doing and he stated that around E 79th and Addison that Sergeant Coleman called out that they had "rammed" a police car.

Investigators asked if he knew who was in the vehicle and he stated that when the pursuit first started it was put out as being two black males.

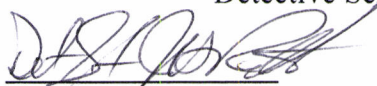
Investigators asked if he knew either of the decedents in the past and was shown photographs of them and he stated that he did not think so.

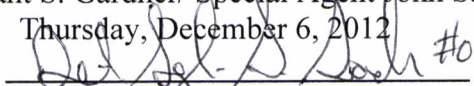
Investigators asked about the lighting in the parking lot and he stated that it was lighted but he could not see inside the vehicle.

Investigators asked if 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.

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Investigators showed an overhead Google Earth map of the surrounding area for orientation. Sistek was asked to draw on the map his position and describe what he did during the shooting. He drew on the map and later initialed and placed his badge number of the map.

Investigators asked if he recalled the positions of any of the other officers and he stated that he knew that there were officers behind him and some vice guys that were to his left. He followed up stating that it was Demchak and his female partner.

Investigators asked if he had called for medical services and he stated that he did not but heard someone unknown call it on the radio.

Investigators asked what he did after the shooting stopped and he stated that he re-holstered his weapon.

Investigators asked if there was anything else that could have been done and he stated that there was not.

Investigators asked if he had checked himself for injuries and he stated that he was not injured.

Investigators asked if he recalled officers making any statements afterwards and he stated that he did not remember hearing anyone saying anything but it seemed that everyone was in shock.

Investigators asked if he had spoken with anyone regarding this incident and he stated that he talked with his family and close friend and just told them that he was involved in a shooting. Sistek continued stating that other officers had texted him asking if he was okay but that was it.

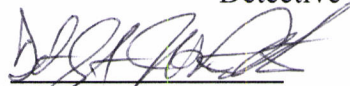
Investigators asked if he felt that his actions and the actions of others were consistent with training and he stated yes to both.

Investigators asked if he used his cellular telephone while he was on scene and he indicated that he did text his wife to let her know that he was okay.

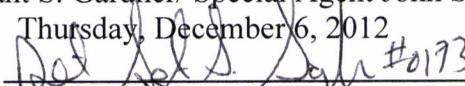
Investigators asked if he took any photographs or see anyone else take pictures and he stated no.

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

Investigators asked if he heard any racial remarks from officers afterwards and he stated no.

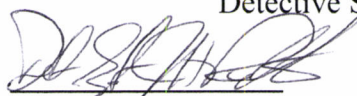
Investigators asked if he knew where his partner was and he stated that he was by the driver's side of the door. Sisteck stated that he did not even recall doing this but his partner told him later that Sisteck had actually pulled his partner down to the ground for cover.

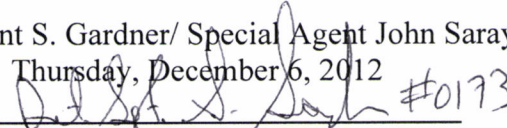
Investigators asked how long he thought shots were being exchanged and he stated that he thought around ten seconds.

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

Investigation Continues...

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

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12/06/12

Scott SISTER

SIA
SSJ — 12/10/12

