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VIDEOTAPED INTERVIEW

CHRISTOPHER EREG

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APPEARANCES:

Scott Gardner
John Saraya
Patrick D'Angelo
Jeffrey Follmer
Steve Kinas

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1 MR. GARDNER: My name is Scott Gardner.
2 I'm a detective/sergeant out of East Cleveland
3 assigned to the Major Crimes Unit.

4 I've got sort of the same speech.
5 You're going to get the real abridged version.
6 All right?

7 We're here to investigate the facts.
8 Just investigate what happened. All right.

9 We are conducting the criminal
10 investigation aspect of this. This is not an
11 internal investigation. Because of that,
12 obviously, you're going to be afforded your
13 rights. All right?

14 There's going to be some questions in
15 here that -- there's questions that you may not
16 appreciate, but they're designed to elicit
17 certain responses from you. All right?

18 You can feel free to get offended by
19 them. That's fine. I'm not going to get hurt
20 feelings about it. All right?

21 MR. SARAYA: I'm John Saraya, BCI.
22 We've been put on the lead on this. Our policy
23 has been that this it is the criminal side.

24 As Scott said, you get all the rights

1 and privileges, because you're going to be given
2 the Miranda; not because we think you did
3 anything wrong, but because you get all the
4 rights and privileges, same as everybody else.

5 We've been mixed up -- I've been mixed
6 up about 12 years that I've been working and
7 doing officer-involved shootings. This isn't my
8 first rodeo.

9 If at any time you have any questions,
10 ask us. We'll clarify it for you.

11 If there's something you want to pause
12 and consult with your people, not a problem. You
13 can step out in the hallway, figure out what you
14 want to do. Okay?

15 Like Scott said, some of the questions,
16 don't take them personally. We're looking for
17 you to continue on and give us some details we're
18 trying to pull out. Okay?

19 Any problems with any of that?

20 THE WITNESS: No.

21 MR. SARAYA: Okay.

22 MR. GARDNER: All right. You have the
23 right to remain silent. Anything you say can and
24 will be used against you in court. You have the

1 right to consult with an attorney and have an
2 attorney present during questioning. If you
3 cannot afford an attorney, one can be provided to
4 you before questioning at no cost.

5 Do you understand these rights?

6 THE WITNESS: Yes, I do.

7 MR. GARDNER: Having those rights in
8 mind, do you wish to speak to us now?

9 THE WITNESS: Yes.

10 EXAMINATION

11 BY MR. GARDNER:

12 Q. Let's start off, what's -- what's your
13 name?

14 A. Christopher Ereg, Badge 767.

15 Q. Spell your last name.

16 A. E-r-e-g.

17 Q. What was your badge number again?

18 A. 767.

19 Q. 767. What's -- do you mind if I call
20 you Chris?

21 A. Chris.

22 Q. Chris? Chris, what's -- what's your
23 cell-phone number?

24 A. [REDACTED].

1 Q. Your date of birth?

2 A. [REDACTED].

3 Q. Home address?

4 A. [REDACTED]

5 [REDACTED].

6 Q. That, obviously, would be redacted from
7 the public.

8 A. [REDACTED].

9 Q. All right. Let's -- let's start off
10 with, how you're holding up?

11 A. Fine.

12 Q. What's your current assignment or what
13 was your assignment with CPD?

14 A. Third District Vice.

15 Q. How long have you been on the CPD?

16 A. Thirteen and a half years.

17 Q. You ever worked in any other agencies
18 before?

19 A. No.

20 Q. And what's -- what's your shift?

21 A. I usually work six p.m. to two in the
22 morning.

23 Q. Is that what you were working on
24 Thursday?

1 A. Yeah.

2 Q. Your supervisor?

3 A. Sergeant Matt Putnam is my immediate
4 supervisor, and then Lieutenant Jerome Barrow is
5 our lieutenant.

6 Q. What were your days off or what were
7 they in November?

8 A. In November they were Saturday,
9 Sunday.

10 Q. Work any extra -- extra details,
11 overtime details?

12 A. Sometimes I work part-time at the bars
13 on West 6th.

14 MR. SARAYA: Anything this past week?

15 THE WITNESS: No.

16 BY MR. GARDNER:

17 Q. Talking about Thursday, how were you
18 feeling that day? Rested, had the flu, sneezy?

19 A. No. I was fine.

20 Q. Take any medications, whether it be
21 prescribed or over-the-counter?

22 A. [REDACTED]

23 [REDACTED]

24 [REDACTED]

1 MR. SARAYA: [REDACTED]

2 THE WITNESS: [REDACTED]

3 MR. SARAYA: [REDACTED]

4 BY MR. GARDNER:

5 Q. [REDACTED]

6 A. [REDACTED]

7 Q. Do you wear glasses or contacts?

8 A. I wear contact lenses.

9 Q. I'm just going to ask, because I don't
10 know how good the mic is, can you --

11 A. Yeah, contacts, I wear contacts
12 lenses.

13 MR. GARDNER: How good is the mic here?

14 MR. SARAYA: Real good.

15 MR. GARDNER: All right.

16 BY MR. GARDNER:

17 Q. What -- let's talk about what you were
18 wearing. What were you wearing that night?

19 A. I was wearing jeans, a t-shirt, a
20 zipped-up hooded sweatshirt, and my vest which I
21 had over my clothes.

22 Q. Was it a -- like an exterior vest --

23 A. No. It's actually just a regular vest,
24 but I usually put it on over.

1 MR. SARAYA: Not a tac vest with all the
2 pockets?

3 THE WITNESS: No.

4 BY MR. GARDNER:

5 Q. Did you have your badge on or anything
6 saying "Police" or anything like that?

7 A. I think I had my badge on, but I'm not
8 100 percent. I was working undercover that
9 day.

10 Q. What kind of tools of the trade do you
11 carry?

12 A. That day, because I was working
13 undercover, I just had my gun, handcuffs, and an
14 extra magazine.

15 Q. One extra?

16 A. I think I had two extra magazines.

17 Q. Carry a backup weapon?

18 A. No, not that day I didn't. I had one,
19 but I don't carry it regularly.

20 Q. The two extra magazines that you had,
21 what -- how were they filled?

22 A. They were full to capacity.

23 Q. Do you know what the total rounds were

24 --

1 A. It's a Glock 17, so I think there's 17
2 rounds in each magazine.

3 Q. 17, plus 17, plus 18?

4 A. Yes.

5 Q. Do you carry any recording devices,
6 wherever it be audio or video?

7 A. No.

8 Q. Let's talk about the car you were in.
9 What kind of car were you in?

10 A. It was a Crown Vic. It was unmarked.
11 It did have take-down lights, red and blue lights
12 and so forth. Just not on top. It was in the
13 visor. And flashing lights in the headlights and
14 back lights, I believe.

15 Q. Have a siren?

16 A. Yes.

17 Q. It was functional?

18 A. Yes.

19 Q. Any spotlights, anything like that?

20 A. No.

21 Q. Did it have a dash cam inside or a
22 personal dash cam or anything like that?

23 A. (Negative shaking of head.)

24 Q. What radio channel were you operating

1 on?

2 A. We usually operate on Tac 3 with one --
3 we can -- we sometimes are an Tac 3, but we were
4 on Channel 3 just so we could monitor what's
5 going on radio-to-radio.

6 So that day we were on Tac 3 and we were
7 on Channel 3, and that's when we heard the chase
8 go over; and we switched over to Channel 2 at
9 some point.

10 Q. Okay. So it started on Tac 3 and then
11 switched to Channel 2?

12 A. Yes.

13 MR. SARAYA: Do you know what the car
14 number is that you were in?

15 THE WITNESS: 382.

16 BY MR. GARDNER:

17 Q. Your call sign?

18 A. I think that night I was 3 Victor 85.

19 Q. Okay.

20 A. 3 Victor 85, yeah.

21 Q. So there was nobody else in the car with
22 you?

23 A. Yeah, there was someone in the car with
24 me during that day.

1 Are you talking about during the chase
2 or during the shift?

3 Q. Yes, let's start with, you were solo for
4 the shift?

5 A. Right.

6 Q. But when this happens, who jumps in with
7 you?

8 A. Sergeant Matt Putnam.

9 Well, actually I wasn't working in that
10 car during the day. I was in an undercover
11 vehicle, because we were doing an undercover
12 operation.

13 When we went with the chase, we jumped
14 into 382.

15 MR. SARAYA: Okay.

16 Q. And that's the vehicle you described,
17 right?

18 A. Yes.

19 Q. The unmarked Crown Vic, okay.

20 So Sergeant Matt Putnam?

21 A. Yeah.

22 Q. Who was driving?

23 A. I was.

24 Q. Specialized training, do you have any

1 SWAT training, instructor training?

2 A. I've got criminal gang training and
3 narcotics training. I was in the narcotics unit
4 for a couple of years.

5 Q. Prior service?

6 A. Military service, no.

7 Q. Did you qualify with your weapons this
8 year?

9 A. Yes.

10 MR. SARAYA: Which ones?

11 THE WITNESS: My duty weapon.

12 MR. SARAYA: Handgun? Shotgun? Rifle?

13 THE WITNESS: Handgun, shotgun.

14 BY MR. GARDNER:

15 Q. Did you receive use of force training
16 when you qualified?

17 A. Yes.

18 Q. Part of the block.

19 Your OPOTA up-to-date?

20 A. Yes.

21 Q. Have you had any prior shooting
22 incidents?

23 A. Yes.

24 Q. And when was that -- or how many, first

1 off?

2 A. Just one. April 2007.

3 Q. All right. So you started your -- I'm
4 sorry.

5 MR. SARAYA: April 2007 did you fire a
6 gun?

7 THE WITNESS: Yes.

8 BY MR. GARDNER:

9 Q. Okay. You started your shift at six
10 p.m. You said you were conducting a buy bust
11 operation, is that what you said?

12 A. Yeah.

13 Q. Was that earlier in the shift?

14 A. Yeah, that was earlier in the shift.

15 We were in the office when this incident
16 happened.

17 Q. All right. You had just come back to
18 the office to do paperwork or what?

19 A. Yeah, we came back to the office to do
20 paperwork, enter evidence. We had an arrest, so
21 we had to do charging paperwork.

22 Q. Okay. So take me -- you're back there
23 doing the paper on your arrest. What happens?

24 MR. SARAYA: You're at -- what office

1 are you at?

2 THE WITNESS: We're at the Third
3 District Vice office.

4 I'm sorry.

5 BY MR. GARDNER:

6 Q. No. That's okay. So you're doing the
7 paper on your arrest. Take me from that point.

8 A. I think someone had heard there was a
9 chase going on on Channel 3 and it went into
10 Channel 2, so we turned to Channel 2 to
11 monitor.

12 Q. Keep going.

13 A. At that point we weren't involved in the
14 chase or anything. We were just sitting in the
15 office monitoring it.

16 It went through the Second District.
17 This is when multiple times we heard that they
18 had fired on officers, the suspect had fired on
19 officers, and that they were pointing a gun out
20 the window at officers.

21 We still didn't get involved. This is
22 still on the west side at this point.

23 My sergeant, Sergeant Putnam, is one of
24 the few guys in the department right now who has

1 a patrol rifle, so after hearing numerous times
2 that these people were firing on officers and
3 pointing guns at officers, at some point we made
4 a decision to get in the car and see if we could
5 assist in any way. I think that was around
6 Deadman's Curve.

7 Q. He -- he grabbed his rifle, is that what
8 you mean?

9 A. Yeah, he grabbed his rifle and he said
10 -- he said, "Let's drive over there and see if we
11 can help them out."

12 Q. The pursuit was at Deadman's you said?

13 A. At that time I think it was at about
14 Deadman's Curve.

15 Q. All right. Go ahead.

16 A. We went up MLK to Ansel, and kind of got
17 into the tail end of it when they got off at 72nd
18 and St. Clair.

19 Q. You guys got off at that point, you
20 mean?

21 A. Yeah.

22 Q. All right.

23 MR. SARAYA: How many cruisers are in
24 the chase at that point?

1 THE WITNESS: Multiple. I couldn't say.
2 At least ten.

3 MR. SARAYA: Okay.

4 BY MR. GARDNER:

5 Q. What happened next?

6 A. The chase went through the neighborhood
7 at the 78th and Donald area. It went south into
8 the neighborhood just south of Superior, Star,
9 Decker, and Addison, and ended up going eastbound
10 on Wade Park.

11 Q. Okay.

12 A. I think it was on Wade Park right around
13 Case Western where someone said, "It looks like
14 they're reloading. It looks like the passenger
15 is reloading."

16 Q. Okay.

17 A. It went south. We went south on, I
18 think, 111th and ended up on Euclid Avenue and
19 continued eastbound.

20 Q. How far back are you? Can you see the
21 suspect vehicle?

22 A. I didn't see the suspect vehicle at all
23 until the end. That's how far back we were.

24 Q. Okay. So you get onto Euclid?

1 A. Yes. We were going eastbound on Euclid.
2 I guess the car turned south on a side street. I
3 don't know the name of the street by where the
4 middle school is.

5 And this was a bunch of police cars
6 going up there, so I couldn't make that turn,
7 that right turn, so I continued eastbound and
8 then turned southbound onto Lee.

9 Q. Okay.

10 A. And, as it turned out, the suspect
11 vehicle turned east into that school parking lot
12 and we turned west, so, as it turned out, we were
13 -- he was coming right towards us.

14 Q. Okay. Hang on. You're -- you're on
15 Lee. Let's get that.

16 MR. SARAYA: Okay. Let's go with this
17 one.

18 A. I think it was Lee.

19 MR. SARAYA: Let's get your orientation
20 here. This is the top. Here's Lee Road.

21 A. Okay, yeah. It was --

22 Q. This is the parking lot here.

23 A. So --

24 Q. This is Wymore.

1 A. Where's the parking lot?

2 Q. Right here.

3 MR. SARAYA: Right here.

4 Q. Up in here.

5 MR. SARAYA: Here's Lee Road. Here's
6 Wymore.

7 A. Okay. I don't know which -- how the
8 suspect vehicle went from here. We went north.
9 I thought this was actually over here when he
10 turned in here.

11 Somehow he was coming towards us this
12 way, and we went over the curb and went this
13 way.

14 Q. Okay.

15 A. I think I said the directions wrong.

16 Q. That's fine.

17 So you guys -- you were on Lee, you
18 jumped the curb?

19 A. Yeah. There's a road actually up here
20 you can't see in this picture.

21 Q. Yeah. Let's see if I have it on here.

22 MR. SARAYA: On the other one it's not
23 going to show you because the trees are
24 overgrown.

1 Q. Well, you can sort of see it.

2 A. Anyways, what I saw, because I was
3 driving, what I saw -- there was a couple zone
4 cars that were down over here.

5 Q. This is the road that's going up.

6 A. Okay, yeah. So there was police cars
7 that went this way. Since I saw them coming
8 towards us, I -- I went over here. Right here is
9 where I parked.

10 Q. So you're on the road?

11 A. Yes.

12 Q. Okay. Do me a favor. Can you draw a
13 little -- a little car where you -- just
14 approximately where you are?

15 A. (Complies with request.)

16 Q. Okay. So then what happens?

17 Or where -- where is the suspect vehicle
18 at this point, just approximately?

19 A. The suspect vehicle is where you have it
20 marked.

21 Q. So it had already -- it had already
22 crashed into this?

23 A. No, no, no.

24 When we were coming over here, it was

1 prior to the crash, he was coming this way.

2 Q. Okay. But you're over here where I
3 was --

4 A. I was over here.

5 Q. So do you see the suspect vehicle coming
6 up and hitting this unit?

7 A. I -- I heard the crash -- I heard a
8 crash. I did not actually witness the crash, but
9 I knew that car was crashing into another car.

10 MR. GARDNER: Okay.

11 MR. SARAYA: So you start off here on
12 Lee Road, off the bottom of the picture, you baha
13 up here. You start coming up here and then
14 swerve over or you just came straight up here?

15 THE WITNESS: Well, I came this way. I
16 saw the headlights coming this way with the
17 police lights behind it, so I felt that the
18 vehicle was coming right towards us. And
19 believing they were armed, I went this way.

20 BY MR. GARDNER:

21 Q. Were you hearing any radio traffic when
22 you're entering the parking lot?

23 A. Yeah.

24 Q. What kind of radio traffic?

1 A. When I'm entering -- well, there's radio
2 traffic saying what direction. I think someone
3 said, "Block them in."

4 When we reached here, I -- this is about
5 where I heard the crash. We were about right
6 here.

7 Q. Okay.

8 A. So I did hear and I started hearing
9 rounds being fired.

10 Q. Keep going.

11 A. I exited my vehicle, because I didn't
12 want to be hit by cross fire.

13 I -- someone -- over the radio I heard
14 someone say, "They're shooting at us. They're
15 shooting at officers."

16 I heard someone else yell that too,
17 "They're shooting."

18 Q. Okay.

19 A. So I went down the hill. I saw a couple
20 of police officers on the ground. I thought that
21 they had been hit.

22 As I approached the vehicle, at this
23 time there's rounds being fired. I thought that
24 we were taking fire.

1 I saw glass from the suspect vehicle
2 exploding. I thought that they were shooting
3 through the window, and I saw bullet holes in
4 this -- in the police car here. I thought these
5 officers were taking fire.

6 Q. The one on the right?

7 A. Yes. Like in the windshield.

8 Q. Just for your video sake here, when
9 you're pointing, it's CPD 217 that you're
10 pointing to?

11 A. Yeah, that was the Charger.

12 Because there was -- this one -- I think
13 CPD 238 is a Crown Vic.

14 Q. Go ahead.

15 A. So that's when I -- I saw the passenger
16 in the vehicle. He appeared to be moving
17 forward. I thought he was loading his gun.

18 I was actually -- I couldn't believe
19 we're in the middle of a shootout right now, and
20 that's when I took aim at the passenger and
21 discharged my firearm.

22 Q. Do you know how many times you shot?

23 A. I know now. I thought I fired about
24 four times. As it turns out, it was six.

1 Q. How many times did you actually fire?

2 A. I fired six times.

3 Q. Oh, okay.

4 A. I thought it was four times, but I found
5 out subsequently it was actually six.

6 Q. Do you know who told you that you fired
7 six?

8 A. Lieutenant Stacho.

9 MR. KINAS: Sergeant.

10 A. He's a sergeant.

11 Q. So at some point later Sergeant Stacho
12 took your weapon --

13 A. Took my weapon and my extra magazines,
14 which I had two extra magazines plus the one that
15 was in the gun, and he inventoried how many
16 rounds were gone.

17 MR. GARDNER: Okay.

18 MR. SARAYA: So you start up here.
19 You're the driver. Went around the front, back
20 of the car?

21 THE WITNESS: Front.

22 MR. SARAYA: Went around the front of
23 the car?

24 THE WITNESS: I was trying to take cover

1 behind the Crown Vic.

2 MR. SARAYA: Okay. So you were trying
3 to keep that crown Vic between you and the
4 suspects?

5 THE WITNESS: Exactly.

6 MR. SARAYA: Okay. So you run around
7 here and you get over to the Crown Vic. Where
8 are you at? You're on the hood, you're over the
9 deck?

10 Where are you shooting? Yeah, just draw
11 it on there.

12 THE WITNESS: It was about right here.

13 MR. SARAYA: Okay. So you're actually
14 almost in front of the Crown Vic?

15 THE WITNESS: Yeah.

16 MR. SARAYA: Are you at the bumper?

17 THE WITNESS: I was in front a bit.

18 BY MR. GARDNER:

19 Q. If you remember, there's like a
20 breakwall here.

21 A. Right.

22 Q. Are you on the breakwall, below the
23 breakwall, beside the breakwall? Where are you
24 at?

1 A. I think I jumped down on -- from the
2 breakwall.

3 Q. So you're on the sidewalk there?

4 A. Yeah.

5 Q. So you're on the driver's side of CPD
6 238?

7 A. That's correct.

8 Q. Okay. Keep going.

9 A. At some time about that time the firing
10 stopped, and I actually walked up to see if --
11 see if the suspects were dead.

12 Q. Then what happens?

13 A. I think someone called for EMS and
14 someone calls for a boss.

15 I asked my -- Erin O'Donnell, she wasn't
16 my partner, she was standing near me, if she was
17 okay. Then I talked to Mike Demchak, who is also
18 in my unit, and he was involved. I asked him if
19 he was okay. They said yeah.

20 Sergeant Putnam asked us if we fired our
21 weapons. We told him we did, so he said, "All
22 right, stick around."

23 Q. Did Sergeant Putnam fire his weapon?

24 A. No.

1 Q. Did you see -- when you were down in his
2 position, did you see anybody on the suspect's
3 vehicle firing?

4 A. No.

5 Q. Did you -- just the orientation around
6 you, did you see any of the -- any other officers
7 around you?

8 A. Yeah. I mean, there was officers around
9 here kind of coming in and out of my site
10 picture. I was -- I was more concerned about
11 crossfire. I think I yelled out, "Crossfire,
12 crossfire," a couple times.

13 Q. You pretty much -- just so I'm
14 understanding, when you came out -- I'm going to
15 draw on this for you.

16 A. Sure.

17 Q. You came out your driver's side,
18 correct?

19 A. Right.

20 Q. Then you came down this way?

21 A. That's correct.

22 Q. You stayed in that position primarily
23 the entire time?

24 A. Yes, throughout the entire shootout.

1 Q. Is that pretty accurate what I drew?

2 A. It's very accurate.

3 Q. Okay. Sort of go back and then come
4 back forward --

5 A. All right.

6 Q. -- with my questions here.

7 I know you were driving, so did you have
8 any radio traffic? Hear Sergeant Putnam have any
9 radio traffic?

10 A. I didn't have any radio traffic at all.
11 I'm 99 percent sure he didn't get on the radio.

12 Q. Lights and siren the whole time?

13 A. Yes, we had lights and siren.

14 Q. The -- I sort of already asked you this.
15 The closest you came to the vehicle would have
16 been in this parking lot?

17 A. Yeah. I mean, I didn't even see the
18 vehicle throughout the whole part of the pursuit
19 that we were involved in until the end.

20 Q. Tell me about, like, the speeds in the
21 pursuit.

22 A. I don't remember exactly. I think the
23 -- it wasn't that fast. I think the fastest we
24 ever went, we were on Euclid, maybe 50

1 miles-an-hour, between 50 and 60, and that was
2 only to catch up. Because when we hit the group
3 of police cars, it was going rather slow.

4 Q. Did you -- when did you become aware of
5 the -- or did you become aware at some point of
6 the sex and race?

7 A. I became aware of the race when I walked
8 up to the vehicle, and I didn't -- I was aware of
9 the sex the next day when it was on the news. I
10 mean, I thought they were both males at the time;
11 and then the next day I actually learned
12 otherwise.

13 MR. SARAYA: Did you hear the original
14 broadcast of the "shots fired" description?

15 THE WITNESS: No.

16 BY MR. GARDNER:

17 Q. You were still on Channel 3 at that
18 point?

19 A. Right, that's correct. I think I was
20 actually on Tac 3, but someone in the office had
21 it on Channel 3.

22 Q. Do you know the names of the suspects at
23 this point?

24 A. Yes, I think I do.

1 Q. Hearing those names, did you recognize
2 the names from anybody that you've had dealings
3 with?

4 A. I think I arrested Malissa Williams.
5 I'm not 100 percent sure. I know I had dealings
6 with her, because I was in the downtown unit for
7 a period.

8 Q. Just showing the photos here. Does that
9 refresh your memory at all? Do you know any of
10 the -- either of the two?

11 A. I know her. And I -- he looks very
12 familiar, but I don't know specifically if I know
13 him.

14 Q. Okay. You know her because you were
15 assigned to the downtown?

16 A. At one point I was assigned to the
17 downtown a couple few years ago. I know I've had
18 dealings with her.

19 Q. And Russell looks familiar?

20 A. He looks very familiar.

21 Q. Okay. What -- what kind of lighting
22 conditions were in the parking lot?

23 MR. SARAYA: It's a subjective question.
24 Your opinion.

1 A. It was dark. This was nighttime, but
2 there was -- there was light and I could clearly
3 see the vehicle and all police vehicles.

4 Q. Could you see inside the vehicle?

5 A. Yes.

6 Q. When you were on scene, I know you said
7 that you issued some commands as far as
8 crossfire. Did you hear anybody else issuing
9 verbal commands?

10 A. I heard someone else say "crossfire"
11 Someone might have said "Cease fire" toward the
12 end, but I don't remember specifically who.

13 Q. You said you saw some movements on the
14 passenger side?

15 A. Yeah.

16 Q. Can you sort of describe a little bit
17 more?

18 A. Yeah. He was sitting up at first. Then
19 I saw him kind of bend down, and that's why I
20 felt he was maybe reloading his weapon; that and
21 he sat back up.

22 Q. Do you believe that your rounds hit?

23 A. Yes.

24 Q. This is one of those questions I was

1 telling you about. All right?

2 A. All right.

3 Q. Do you think there was any other type of
4 options that could have been used to avoid
5 this?

6 A. Absolutely not.

7 Q. You said you heard somebody called for
8 EMS?

9 A. Yes.

10 Q. Was that radio? Did you hear it aloud?

11 A. I think I heard it over the radio.

12 Q. Do you know who it was?

13 A. No.

14 Q. After everything -- the shooting had
15 subsided, what did you do? Did you reload?

16 A. No, I didn't reload.

17 MR. SARAYA: You said you walked up to
18 the car. Did you reach inside and check anybody,
19 move anything?

20 THE WITNESS: No, I didn't move or touch
21 anyone. I did take a couple pictures.

22 MR. SARAYA: Okay. We're going to come
23 back to that, then.

24 BY MR. GARDNER:

1 Q. Did you check yourself for injury?

2 A. No. I -- I didn't think I was hit.

3 Q. Have you checked your vest since?

4 A. Yeah.

5 Q. Anything?

6 A. No.

7 Q. Do you recall any type of statements
8 afterwards from other people?

9 What was the atmosphere afterwards?
10 What were the guys saying?

11 A. It was -- everyone was kind of in shock.
12 Mostly people were saying, "Are you okay,"
13 checking everyone else's well-being.

14 I kind of stayed with my unit, just
15 those three people were there, until I got called
16 in to go into the building.

17 We were just amazed that it went on,
18 just amazed that they just wouldn't stop.

19 You know what I mean?

20 Kept saying, "Why wouldn't they just
21 stop?"

22 Q. You don't have to get defensive to this
23 question. All right? It's okay if you did. We
24 just need to know if you did. All right?

1 Have you spoken to anyone besides your
2 union representatives and the attorney in
3 reference to this matter?

4 A. Uh-huh.

5 Q. Who was that?

6 A. My wife, numerous people on the police
7 department, my father, two of my brothers.

8 Q. What kind of conversations did you have
9 with people on the police department in
10 reference?

11 A. Just most people were checking my
12 well-being, "Are you okay?"

13 They see my name -- they saw my name on
14 the news and they just wanted to see if I was
15 okay.

16 MR. SARAYA: About how many officers?

17 THE WITNESS: Probably 20, 25.

18 MR. SARAYA: Okay.

19 BY MR. GARDNER:

20 Q. Do you believe your actions to be
21 consistent with your training?

22 A. Yes.

23 Q. Do you believe others' actions to be
24 consistent with their training?

1 A. Yes.

2 Q. Did you use your cell-phone while you
3 were on scene?

4 A. I called my wife right after and then I
5 used my cell-phone to take a couple pictures.

6 Q. Let's talk about the photographs.

7 What -- what was your purpose in taking
8 the photographs?

9 A. The first photograph I took to kind of
10 remind me of where I was standing in regards to
11 where I was by the suspect vehicle.

12 And then when I walked up to the car, I
13 recognized -- I thought I recognized the driver,
14 so I took a picture of him. And I sent them to
15 my partner to see if it was someone that we knew,
16 my ex-partner.

17 Q. And who is that?

18 A. Chuck Schultz.

19 MR. SARAYA: Okay. So you just took two
20 pictures, or did you take more?

21 THE WITNESS: No, I just took two.

22 MR. SARAYA: Okay. That's the only
23 person you sent them to?

24 THE WITNESS: No. I sent them to my

1 father in Michigan.

2 MR. GARDNER: The pictures you said?

3 THE WITNESS: Yeah.

4 MR. GARDNER: Anyone else?

5 THE WITNESS: Not that I can remember,
6 no.

7 MR. D'ANGELO: How did they get to
8 O'Donnell? Can you cover that.

9 She talked about pictures. You can
10 cover that.

11 THE WITNESS: When we were sitting in
12 the -- waiting in the school, she asked me if I
13 took a picture and I said, "Yeah."

14 She said, "Can I see it?"

15 I showed her and she said -- I think she
16 took a picture of my phone with her phone.

17 MR. D'ANGELO: Okay.

18 BY MR. GARDNER:

19 Q. What kind of phone do you have,
20 curiously?

21 A. An iPhone.

22 Q. May I see the pictures?

23 MR. SARAYA: We're going to get to that
24 in a minute. You said she took a picture off of

1 your screen?

2 THE WITNESS: Yeah.

3 MR. SARAYA: That clarifies that issue.

4 MR. SARAYA: I want to go back over a
5 couple of things here.

6 THE WITNESS: Sure.

7 MR. SARAYA: You roll up there.

8 THE WITNESS: Right.

9 MR. SARAYA: Shootings already starting
10 as you're rolling up?

11 THE WITNESS: No, no, no. As we're
12 rolling up, he's coming towards us.

13 MR. SARAYA: Okay.

14 THE WITNESS: These police cars were
15 kind of going this way. Reached about here. I
16 heard -- I heard a crash like a car was crashing
17 into another car, and that's when the shooting
18 started.

19 MR. SARAYA: Okay.

20 THE WITNESS: About right when I parked.

21 MR. SARAYA: Okay. You get out, you
22 move up here.

23 And this is a question that I need to
24 ask you. Why did you start shooting?

1 THE WITNESS: Because -- well, it was a
2 combination of things.

3 As I'm running up, I'm hearing shots
4 being fired. Someone yells out, "They're
5 shooting at us."

6 Over the radio I heard, "They're
7 shooting at officers."

8 As I'm running up, I'm seeing police
9 officers on the ground. I thought that they were
10 hit.

11 I'm seeing the windshield of the suspect
12 vehicle exploding. In my mind I thought that
13 they were shooting through the window.

14 And as I reached the front of the car, I
15 see bullet holes in the Dodge Charger CPD 217. I
16 thought the officers in that car were taking
17 fire.

18 MR. SARAYA: Okay. You're firing
19 through the side window, then, the passenger
20 window?

21 THE WITNESS: Yes, I was firing through
22 the passenger.

23 MR. SARAYA: This is a subjective
24 question.

1 How long did this shootout, fire fight
2 last, in your opinion?

3 THE WITNESS: Thirty seconds.

4 MR. SARAYA: About thirty seconds?

5 THE WITNESS: (Affirmative nodding of
6 head.)

7 MR. SARAYA: How long did it feel like?

8 THE WITNESS: It felt like it was a full
9 minute. This is going on, you've got gunfire
10 going on.

11 MR. SARAYA: Are sirens still on on
12 cruisers?

13 THE WITNESS: Yes.

14 MR. SARAYA: Has anyone asked you to lie
15 or otherwise try to influence your statement to
16 us?

17 THE WITNESS: No.

18 MR. SARAYA: We're asking everyone that.
19 Don't take that personal.

20 I understand tunnel vision sets in. Did
21 you see any other officers engaging in the car?

22 THE WITNESS: Yes.

23 MR. SARAYA: Do you know who they were?

24 THE WITNESS: No.

1 MR. SARAYA: Male, female?

2 THE WITNESS: I mean, there was a line
3 -- there was not a line, but there was officers
4 kind of around the vehicle, so I couldn't tell at
5 the time.

6 MR. SARAYA: Okay. You're out of your
7 car, you're running up here, you say you see
8 officers down.

9 THE WITNESS: Yes.

10 MR. SARAYA: How many do you see down?

11 THE WITNESS: I see at least two on the
12 ground.

13 MR. SARAYA: Where were they at?

14 THE WITNESS: Over behind the car over
15 here, behind the Crown Vic CPD 238.

16 MR. SARAYA: Okay. The Crown Vic here?

17 THE WITNESS: Yes.

18 MR. SARAYA: Okay. And you thought they
19 were shot?

20 THE WITNESS: Yes.

21 MR. SARAYA: Things are calming down.

22 Guys are putting their guns away. Anybody
23 cussing out the suspects, making any comments
24 about it?

1 THE WITNESS: I mean, there's general
2 chatter. I didn't hear anything like that. I --

3 MR. SARAYA: No racial comments?

4 THE WITNESS: No, no, no.

5 MR. SARAYA: Okay.

6 MR. GARDNER: Do you feel that this was
7 racially motivated?

8 THE WITNESS: Absolutely not.

9 MR. SARAYA: Kind of far back in the
10 pursuit, do you see any cruisers from any other
11 agencies in there?

12 THE WITNESS: No. I saw a couple
13 unmarked cars.

14 MR. GARDNER: Do you know who was behind
15 you?

16 THE WITNESS: No.

17 MR. SARAYA: Just for the sake of
18 clarification, did you fire from your car in this
19 position up here?

20 THE WITNESS: No.

21 MR. SARAYA: Okay. About how far do you
22 think you were away from the car when you fired?

23 THE WITNESS: Maybe 15, 20 feet.

24 Probably closer to 15.

1 MR. SARAYA: Okay. Anything else you
2 can think of right now?

3 MR. D'ANGELO: I have a question.

4 When -- Officer, when you gave the
5 combination of reasons --

6 THE WITNESS: Yes.

7 MR. D'ANGELO: -- that you had for the
8 reasons why you fired your weapon, can you give
9 us your best estimate as to the amount of time
10 that went by when you formulated those reasons to
11 justify your shooting?

12 THE WITNESS: Like a split second.

13 MR. D'ANGELO: And during that split
14 second you made those observations in the context
15 of, was there also gunfire going on at the time?

16 THE WITNESS: Yes.

17 MR. D'ANGELO: The sirens were going on?

18 THE WITNESS: Yes.

19 MR. D'ANGELO: The lights were flashing?

20 THE WITNESS: Yes.

21 MR. D'ANGELO: And that was the
22 atmosphere that you were operating in?

23 THE WITNESS: Yes.

24 MR. D'ANGELO: Did any bullets pass your

1 general direction? Did you hear any bullets
2 whizzing by?

3 THE WITNESS: No, I couldn't. I can't
4 tell if they had, but I didn't hear any.

5 MR. KINAS: Did you have a portable with
6 you?

7 THE WITNESS: I don't think I did at
8 that time. I had one in the office, and then we
9 ran out of the office.

10 MR. KINAS: You had the (inaudible) the
11 whole time?

12 THE WITNESS: Yeah.

13 MR. D'ANGELO: You seem to have had some
14 significant assignments in terms of narcotics and
15 now the Third District Vice. You appear to be
16 relatively young, athletic, and composed. What
17 was your state of mind as you were on scene?

18 THE WITNESS: I was scared shitless.

19 MR. KINAS: When did the sirens get
20 turned off?

21 THE WITNESS: After the shooting
22 stopped. They were going on the whole time. You
23 know, a few seconds after.

24 MR. KINAS: Multiple cars?

1 THE WITNESS: Yeah.

2 MR. D'ANGELO: Did you have the
3 opportunity to observe the other officers during
4 the course of the shooting and then in the
5 instant aftermath?

6 THE WITNESS: Yes.

7 MR. D'ANGELO: Did you observe them to
8 be as you described yourself?

9 THE WITNESS: Yeah. Everyone was
10 concerned for each other's well-being.

11 MR. KINAS: Great sense of relief that
12 it was all over?

13 THE WITNESS: Yeah.

14 MR. D'ANGELO: Did you genuinely believe
15 that the occupants in the suspect vehicle were
16 firing their weapons at police officers?

17 THE WITNESS: Yes.

18 MR. D'ANGELO: Do you think you had any
19 opportunity to reflect any further on scene
20 before you took any action?

21 THE WITNESS: On scene?

22 MR. D'ANGELO: Yes.

23 THE WITNESS: No. I reacted to what was
24 going on around me. There was really no time to

1 reflect.

2 You're talking about on scene?

3 MR. D'ANGELO: Yes, on scene. Okay.

4 MR. GARDNER: Did you have anything?

5 MR. FOLLMER: No, I'm good.

6 MR. SARAYA: I'm going to ask you to put
7 your initials and badge number on that for me,
8 please.

9 THE WITNESS: (Complies with request.)

10 MR. GARDNER: Did you have any questions
11 that you would have liked us to answer -- or ask?

12 Anything that you think is relevant that
13 we didn't go over?

14 THE WITNESS: I mean, I thought you were
15 going to ask me how I saw this shooting compared
16 to my first one in '07.

17 MR. GARDNER: Go ahead.

18 THE WITNESS: In that instance it was an
19 armed suspect. I was in the vehicle. He
20 actually had a gun in his waistband. He pulled
21 it out and pointed it toward me.

22 Even then before I was firing I was
23 thinking to myself, "Should I shoot? Should I
24 shoot," so I was evening questioning myself at

1 that point.

2 In this I didn't question myself at all.
3 I thought that we were taking fire and that we
4 were in a full-on fire fight.

5 So, I mean, compare the two instances, I
6 -- enduring the first incident I was even to the
7 point before I shot I was thinking to myself,
8 "Should I shoot, should I shoot," and that never
9 crossed my mind here.

10 MR. D'ANGELO: Because you were reckless
11 or what you see of what was unfolding?

12 THE WITNESS: Because of what was
13 unfolding.

14 MR. GARDNER: Just as you said, you felt
15 like you were on a full-on fire fight?

16 THE WITNESS: Absolutely.

17 MR. SARAYA: Anything else that we
18 didn't ask you that you think we need to know
19 about?

20 THE WITNESS: No.

21 MR. D'ANGELO: The question was asked
22 about whether Sergeant Putnam fired. Do you know
23 why he -- he didn't fire?

24 THE WITNESS: Well, the reason we got in

1 the chase in the first place is because he has a
2 patrol rifle and it was still in the bag by the
3 time we arrived. It's not like he had it out and
4 he was loading it and deployed it, so I don't
5 think he had an opportunity to deploy it.

6 Also, he was behind us, so there would
7 have been crossfire. I mean, that's my opinion.

8 MR. SARAYA: Okay. The phone photo, did
9 counsel talk to you about the cell-phone --

10 THE WITNESS: Yeah.

11 MR. SARAYA: -- beforehand?

12 MR. D'ANGELO: He's got passwords and
13 financial stuff on there. Is that protected?

14 MR. SARAYA: Yeah, absolutely.

15 MR. GARDNER: Is it a program, or how is
16 it stored; you're like password and stuff?

17 THE WITNESS: It's an iPhone. It has
18 apps.

19 MR. GARDNER: The applications are
20 passworded?

21 THE WITNESS: Yes.

22 MR. SARAYA: Okay.

23 MR. GARDNER: So, I mean, transferring
24 something isn't going to give passwords out.

1 It's in an actual application?

2 THE WITNESS: Yeah.

3 MR. KINAS: Which one is that?

4 THE WITNESS: It's the iPhone 4.

5 MR. KINAS: (Inaudible) this one?

6 THE WITNESS: Yeah.

7 MR. KINAS: It will dump the video
8 pictures on its own. Just (inaudible) without
9 checking iTunes. So no other information should
10 transfer besides the photos and the video.

11 MR. GARDNER: I was -- like, for
12 instance, I use a password program, but you would
13 have to have a password to get into the program
14 where everything is stored; self-contained.

15 MR. KINAS: (Inaudible) if I plug yours
16 into my computer, I can -- I can take your --
17 your audio, video, and JPEGs.

18 MR. SARAYA: iPhone 4?

19 THE WITNESS: Yeah.

20 MR. SARAYA: This is [REDACTED].

21 THE WITNESS: [REDACTED].

22 MR. SARAYA: We're going to go walk over
23 to Cyber Crimes, they're going to dump, you're
24 going to get it back. It's probably going to

1 take 20 minutes, a half hour. Okay?

2 Do you have any questions on this before

3 --

4 MR. FOLLMER: Do you have the

5 (inaudible)?

6 MR. D'ANGELO: Yeah, it's the last one.

7 MR. SARAYA: It's either that or you're

8 going to force us to seize it and have a search

9 warrant.

10 MR. FOLLMER: I guess what (inaudible)

11 Chris -- or Pat read the last one, so --

12 MR. D'ANGELO: I'm good with it.

13 MR. GARDNER: Do you want to talk to --

14 THE WITNESS: We spoke.

15 MR. GARDNER: Okay.

16 MR. SARAYA: Okay. Print, signature,

17 and if you would witness that.

18 THE WITNESS: I mean, the scope of what

19 you're looking for?

20 MR. SARAYA: We're looking for the

21 pictures and --

22 MR. D'ANGELO: Why don't you cover, why

23 did you send that to your father?

24 THE WITNESS: Well, I asked him about it

1 and I wanted to kind of show him what happened.

2 He was, obviously, concerned.

3 MR. SARAYA: (Inaudible), please. I'm
4 going to turn this off. I'll go shut off the
5 video.

6 (End of videotaped interview.)

7 (End of videotaped interview.)

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