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VIDEOTAPED INTERVIEW

MICHAEL DEMCHAK

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APPEARANCES:

Scott Gardner  
John Saraya  
Patrick D'Angelo  
Steve Kinas

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1 MR. SARAYA: How are you doing?

2 THE WITNESS: Good. How are you doing?

3 MR. SARAYA: Not too bad. I'm John  
4 Saraya. I'm with BCI. We've been tasked with  
5 this investigation. You heard the conversation  
6 outside here.

7 So you know, I've been here at BCI 15  
8 years. I've been doing officer-involved  
9 shootings for 15 years. All right?

10 Part of this, our protocol, this is the  
11 criminal investigative side of it. This is not  
12 an internal. All right? So based on that, you  
13 are going to be given Miranda warnings. It's not  
14 because you did anything wrong. For one, it's  
15 one of our rules. No. 2, it's criminal you heard  
16 me tell. All rights and privileges the same as  
17 everybody else.

18 THE WITNESS: Okay.

19 MR. SARAYA: Okay? If you have a  
20 problems or any questions, feel free to ask. If  
21 you want to have a moment with your attorney and  
22 representation, you guys can step out in the  
23 hallway. That's not a big deal.

24 THE WITNESS: Okay.

1 MR. GARDNER: My name is Scott Gardner.

2 I'm a detective/sergeant with East Cleveland.

3 MR. SARAYA: We've been put together --  
4 we're working together to go through all of this.  
5 All right?

6 A list of formal -- we're pretty much  
7 asking everybody the same set of questions.  
8 While there are a couple that you may feel are an  
9 eye-roller or anything else, it's just questions  
10 we need to ask because we need the answer.

11 I'm not here -- please don't take any of  
12 the questions to be demeaning or ridiculous. I  
13 might be looking for you just to articulate a  
14 little bit more so we can get the details that we  
15 need for it.

16 THE WITNESS: Fine.

17 MR. SARAYA: Okay? So that being said,  
18 I'm going to start off with the Miranda warnings.  
19 And it goes, you have the right to remain silent.  
20 Anything you say can and will be used against you  
21 in court. You have the right to consult with an  
22 attorney and have an attorney present during  
23 questioning. If you cannot afford an attorney,  
24 one can be provided to you for questioning at no

1 cost.

2 Do you understand these rights?

3 THE WITNESS: Yes, I do.

4 MR. SARAYA: Very good.

5 EXAMINATION

6 BY MR. SARAYA:

7 Q. Your name, sir?

8 A. Michael Demchak. D, as in Dan,  
9 E-M-C-H-A-K.

10 Q. Your home address?

11 A. [REDACTED]  
12 [REDACTED] [REDACTED]  
13 [REDACTED].

14 Q. Okay. Cell phone number I can reach you  
15 at?

16 A. [REDACTED].

17 Q. Okay. Date of birth?

18 A. [REDACTED].

19 Q. Okay. I'm sure these guys have told you  
20 be honest, answer honestly. If you have  
21 something you don't know, it's okay to say, "I  
22 don't know." A lot of cops try to -- "I don't  
23 recall" or anything is fine if you don't know.

24 A. All right.

1 Q. We don't expect your story to match up  
2 to everybody else's, because it's your unique  
3 point of view and everything else. All right?

4 How are you holding up with everything  
5 thus far with all of this?

6 A. It's pretty stressful. Pretty  
7 stressful.

8 Q. Doing okay right now?

9 A. Yeah. I mean, it is what it is. Yeah,  
10 I'm doing okay.

11 Q. Okay. Good.

12 What is your assignment at -- currently?  
13 What do you do?

14 A. I work in the Third District Vice Unit  
15 as a detective.

16 Q. Okay. How long have you been at  
17 Cleveland PD?

18 A. Thirty years.

19 Q. Work at any other PDs prior to?

20 A. No.

21 Q. Okay. What is your shift and your days  
22 off?

23 A. Days off tend -- they'll change by the a  
24 month.

1 Q. Okay. The month of November.

2 A. November the days off -- I worked Fourth  
3 Platoon. It's six at night till two in the  
4 morning. And the days off were Saturday, Sunday.

5 I could check my calendar.

6 Q. Okay.

7 A. Because they don't change. It's a  
8 normal set pattern sometimes. (Checks calendar.)  
9 Yes, it is.

10 Q. 6 p.m. to 2 a.m.?

11 A. Yes.

12 Q. Okay. Good.

13 Who was your supervisor?

14 A. Sergeant Matthew Putnam, and also I have  
15 Lieutenant Jerome Barrow.

16 Q. Barrow?

17 A. Yeah. B-A-R-R-O-W.

18 Q. Okay. Work any side jobs, extra  
19 details, anything like that?

20 A. No, no part-time.

21 Q. Last Thursday how were you feeling?  
22 Tired? Sleepy? Sneezy? Cold?

23 A. Average. Okay.

24 Q. Okay. Any medications, prescription,

1 over-the-counter, anything you were taking that  
2 day?

3 A. [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]

7 Q. [REDACTED]

8 A. [REDACTED]  
9 [REDACTED]

10 Q. Any corrective lenses, glasses,  
11 contacts?

12 A. No.

13 MR. D'ANGELO: Your hearing, though,  
14 you've got a slight issue or what?

15 THE WITNESS: Yeah. I -- yeah. You  
16 know, it's nothing that's been documented; but I  
17 have a hard time hearing.

18 BY MR. SARAYA:

19 Q. Okay. If you can't hear me, let me  
20 know.

21 A. No, it's not that bad.

22 Q. I don't know. It could be tinnitus or  
23 something, the ringing in the ears, and I've got  
24 to talk over that for you. It's not a problem.

1 Easy to get along with here.

2 How were you normally dressed for shift?

3 A. Plainclothes.

4 Q. Okay. What were you wearing that night,  
5 do you remember?

6 A. I believe I had my jean jacket on. I  
7 had my bulletproof vest on. I had the badge  
8 chain. Blue jeans. I believe my black work  
9 boots.

10 They took a formal list that day.

11 Q. Okay. Was your vest under your jean  
12 jacket? Over the jean jacket?

13 A. It was under the jean jacket, but my  
14 jean jacket was open and the badge was hanging in  
15 front of it.

16 Q. Okay. This is one of those tac vests,  
17 then, tactical vests with all the pockets?

18 A. No, no. Just the regular vest.

19 Q. Just the regular?

20 A. Yeah.

21 Q. Okay. What kind of gear are you  
22 carrying? What -- what's your -- your gun belt,  
23 what are you carrying on your vest, your belt,  
24 whatever?



1           A. Well, I carry -- I've got a fanny pack.  
2           That's what I keep my gun in, because I never  
3           know sometimes we get a spur-of-the-moment  
4           something undercover. So it's just more  
5           convenient that way.

6                    I usually carry one extra clip. And  
7           then I -- as long as I've got the pockets for it,  
8           depends on what jacket I'm wearing, I'll have an  
9           ASP. I try to have pepper spray with me. I  
10          don't recall if I had it that night, but I  
11          usually try to have pepper spray with me. What  
12          else. Flashlight. I have a loop on my belt to  
13          keep the flashlight on.

14                   That's about it.

15                   MR. GARDNER: Okay. You said -- you  
16          said normally you carry an extra clip. Did you  
17          have an extra clip?

18                   THE WITNESS: Yes, I did. I try to make  
19          sure I did.

20                   BY MR. SARAYA:

21                   Q. Which -- which Glock are you carrying?  
22          How many rounds are you normally carrying with  
23          it?

24                   A. It's 15 rounds.

1 Q. It's 15? So between the two you're  
2 carrying 30 rounds, or did you have to carry 31?

3 A. It's 31 total.

4 Q. Thirty-one total?

5 A. Yeah. I think it's the Model 19.

6 Q. Okay. Do you carry a pocket recorder --

7 A. I think it's 19.

8 Q. Nineteen is the mid-size one. 17 is the  
9 full-size.

10 A. I have one, but I very seldom use it.

11 Q. Okay.

12 A. I can't get -- I can't say I didn't have  
13 it. I just don't....

14 Q. What kind of car were you in that night?

15 A. It was a black Taurus.

16 Q. Okay. Unmarked? Marked?

17 A. It's unmarked, but it has the -- they  
18 installed lights on the front and on the back.  
19 Windshield up by the mirror.

20 Q. Okay. By yourself or with a partner?

21 A. I was with my partner, Erin O'Donnell.

22 Q. Okay. Who was driving?

23 A. I was driving.

24 Q. Okay. Any in-car video?

1 A. No.

2 Q. I know some guys carry their own, so we  
3 just ask.

4 A. No.

5 Q. The lights and siren were working okay  
6 in the car?

7 A. Yes.

8 Q. Radio is working okay?

9 A. Yes.

10 Q. What channel are you on?

11 A. Initially we are on Channel 3 until we  
12 were informed about the chase. Then we switched  
13 to Channel 2. Our normal operation is on Tac 3.  
14 So when we came out of the Justice Center, we may  
15 have been on Tac 3. That's probably where we  
16 were, on Tac 3. So when we came out of the  
17 Justice Center, we may have been on the Tac 3.  
18 That's probably where we were.

19 Q. Okay. What was your call sign that  
20 night?

21 A. 3 Victor 83.

22 MR. GARDNER: Did you have a car number  
23 also?

24 THE WITNESS: I'm sorry?

1 MR. GARDNER: Did you have a car number?

2 THE WITNESS: It's 3 V 83. The car  
3 itself is 3 Victor 81. It's not marked anywhere.  
4 It's just the sign-in.

5 BY MR. SARAYA:

6 Q. Any type of specialized training, SWATs,  
7 anything? Instructor?

8 A. No instructor training. Just what they  
9 offer through the Academy and through the  
10 departments. I have done for like search  
11 warrants, stuff like that, drug training.

12 Q. Okay. Military experience?

13 A. No.

14 Q. Okay. Fire qualif- -- firearms  
15 qualification this year?

16 A. Yes.

17 Q. Which guns? Handgun, shotguns,  
18 submachine gun?

19 A. We did both handgun and shotgun.

20 Q. Okay. Did you have any use of force  
21 training this past year?

22 A. Yes. We had that with our firearms  
23 training. It's like a segment, a block segment,  
24 that we do.

1 Q. Okay. Have you ever been involved in  
2 any prior shootings?

3 A. Yes.

4 Q. Okay. How many?

5 A. One.

6 Q. One?

7 A. Where I actually shot was back in 1984.  
8 I thought that would be the end of it. I didn't  
9 want to go through this again.

10 Q. That's understandable. Okay. All  
11 right. Let's start with -- this is where you get  
12 to carry on.

13 What happened Thursday night? Start  
14 with the beginning of the shift. How did the  
15 shift go?

16 A. Well, we -- at the beginning of the  
17 shift we set up a buy/pay situation where an  
18 undercover officer purchased some drugs. The  
19 guy, he was already under arrest; and my partner,  
20 Erin O'Donnell, and I took the subject down to  
21 the Justice Center. We booked him.

22 We were returning back to the Third  
23 District, going back to our office. We came  
24 around the back way; and as we're coming in -- as

1 I'm pulling into the driveway, I see our sergeant  
2 running, he has his rifle bag, and Ereg --  
3 Detective Ereg, running to the car.

4 I yelled out, "What's going on?" And I  
5 don't think he heard me right away. So I pulled  
6 up on him. I said, "What's going on?" He said,  
7 "Change to Channel 2. There's a chase.  
8 Policemen have been shot at."

9 So we changed the channel to two, and we  
10 could hear -- as soon as we hit Channel 2 they're  
11 broadcasting and they're saying that they're on  
12 the freeway and they're -- it's right around  
13 Chester. I think they -- I believe they were  
14 saying they were passing Chester. They were like  
15 anticipating the car to get off.

16 And I'm trying to figure out the best  
17 route to take to get to where they're at, because  
18 being at -- because we were at 105 and Chester.  
19 Since they already went past Chester, I was  
20 trying to figure out -- and he says, "Well, I  
21 believe the next thing I heard was they were  
22 coming up on 55th," which is quite a ways from  
23 where we're at.

24 So I start making my way down 105, and

1 they passed 55th. They weren't going to get off  
2 there. They're coming down. And so we're  
3 thinking the next place that they may to try to  
4 get off is 72nd.

5 I hit Superior, I'm going down Superior,  
6 and I end up -- as this is happening, they did  
7 get off and they were coming south. And as -- as  
8 they came to St. Clair, we're coming up I think  
9 it was -- I think it might be 71st or 69th, I'm  
10 not sure. We came up and we saw them coming to  
11 that intersection there at St. Clair, at 72nd and  
12 St. Clair; and they went by us and several cars  
13 went by us. I did a flip and I turned around,  
14 and we joined in on the chase.

15 They ended up going south down 71st. I  
16 think we were around Decker, so (inaudible)  
17 mentioned something like Decker and Addison.  
18 They made their way to Wade Park. I'm trying to  
19 remember the streets. Ended up making our way to  
20 Wade Park. Went east on Wade Park and then to,  
21 what is it, I would guess like 118th; and then he  
22 went south on 118th to Euclid, and then he went  
23 east on Euclid. And I don't know -- this area  
24 I'm really not that familiar with. I can't -- I

1       couldn't tell you -- we started -- he cut south  
2       again, and then you're -- I think we made a few  
3       turns in there.

4               I really couldn't tell you what the  
5       streets were.

6               Q.   Okay.

7               A.   At one point they said -- I remember  
8       they brought up that they thought they were  
9       pulling in towards the water treatment plant, and  
10      we were just like -- we were on the street just  
11      east of that; and I think there's like a driveway  
12      exit or something, driveway exits or something --

13              MR. GARDNER:  Does this help refresh  
14      your memory?  This is Terrace.  You have Wymore  
15      and Lee.  This is the parking lot here.

16              MR. SARAYA:  You're not even up to this  
17      point then.

18              THE WITNESS:  Well, we're -- they're  
19      here.  I mean, this is -- is this the incident  
20      here?

21              MR. GARDNER:  Yes, yes.  You think you  
22      hear something about them going into the water  
23      treatment plant?

24              THE WITNESS:  Yeah.  They thought they



1 were at the water treatment. It turned out -- it  
2 turned out to be the school.

3 MR. GARDNER: Oh, okay.

4 THE WITNESS: But they referred to it as  
5 the water treatment plant. I didn't know one  
6 thing from another, really.

7 MR. GARDNER: It's somewhat hard to see  
8 because these trees are blocking, but the drive  
9 comes to Terrace.

10 THE WITNESS: I guess what we did was --  
11 is this -- is this a walkway?

12 MR. GARDNER: That's a sidewalk.

13 MR. SARAYA: So there's a sidewalk here.  
14 This is the driveway. The driveway comes up,  
15 straight up Wymore.

16 THE WITNESS: So I must have been on Lee  
17 here.

18 MR. SARAYA: Okay.

19 THE WITNESS: And as I come up on Lee  
20 here, we're waiting to see, because I believe  
21 they made reference to it being a deadened or  
22 something; and we were thinking, well, if they  
23 came back out, we didn't know which way they were  
24 going to go.

1           And as I'm sitting here waiting, you  
2   hear, pop, pop; and I was like, "Shit." And I --  
3   I don't know if O'Donnell heard it or not. I  
4   mentioned it. I don't know if she heard me. She  
5   was -- you know, we were listening to the radio;  
6   but I heard a distinct pop, pop. I was like,  
7   "Fuck, they're shooting."

8           So I started coming across -- I cut  
9   across here. I'm trying to think how -- I cut  
10  across here.

11           MR. SARAYA: How about this?

12           MR. GARDNER: Now you're down here.

13           MR. SARAYA: This will zoom in a little.  
14  I think we can get into this more. I have a  
15  bunch of these.

16           So here's Lee road. Here's our  
17  driveway.

18           THE WITNESS: Where does the car --  
19  where did the car end up?

20           MR. SARAYA: It ends up --

21           MR. GARDNER: Do you want to use this  
22  one?

23           THE WITNESS: I need some type of  
24  reference here.

1 MR. GARDNER: This is where it ends up  
2 at.

3 THE WITNESS: So I cut across -- I came  
4 across through here somehow.

5 MR. SARAYA: So you jumped the sidewalk?

6 THE WITNESS: Jumped the sidewalk.

7 MR. D'ANGELO: (Inaudible) the car?

8 THE WITNESS: I was driving the car.  
9 And I came up to the top here and I pulled off  
10 onto the grass; and we were still hearing, pop,  
11 pop, pop, pop. I'm hearing the pop and shots  
12 being fired.

13 As we pull up onto the grass, they're --  
14 they're broadcasting it. And we're starting to  
15 get out of the car, because you're hearing them  
16 broadcasting, they're saying, "Shots fired.  
17 Shots fired. They're shooting at us." They're  
18 saying -- they're indicating that these guys are  
19 shooting at them.

20 I remember I'm thinking, man, these are  
21 fuck- -- bad motherfuckers, because they fucking  
22 -- you know, usually normal -- from my experience  
23 of watching videos, police shootings don't last  
24 like this. You know, it's usually over with

1 pretty quick. And I'm thinking in my mind, well,  
2 these guys are forced -- I'm thinking that  
3 they're probably vested or something.

4 My thought was, a while back I don't  
5 know if you recall the LA shooting, the bank  
6 robbers. Those guys are taking round after  
7 round. They were never going down.

8 And I came up, we get out of the car;  
9 and I'm thinking this has got to be -- these  
10 guys, these are bad people. They've got to be  
11 stopped. And I came down and I came -- is this  
12 -- there's no other cars here?

13 MR. SARAYA: That's where everything  
14 ended up at.

15 THE WITNESS: Because I wasn't sure if  
16 the other car was here. So I would have been --  
17 this part of the car, this is -- I don't know  
18 which way this is facing.

19 MR. GARDNER: It's facing this way.

20 MR. D'ANGELO: Yes.

21 THE WITNESS: (Inaudible) the zone car.

22 MR. SARAYA: These two zone cars are  
23 facing in. This is our suspect car facing out.

24 THE WITNESS: Okay.

1 MR. SARAYA: Okay?

2 THE WITNESS: So I was at the rear of  
3 the zone car.

4 MR. SARAYA: Okay.

5 THE WITNESS: Is that 238?

6 MR. SARAYA: Yeah.

7 THE WITNESS: I was at the rear of 238.  
8 I came around and I see that there's one or two  
9 officers on the driver's side that are firing  
10 into the driver's side of the car. And I can see  
11 that -- and I notice that the windshield's blown  
12 out. Not blown out. The windshields attached.  
13 It's got holes in it. It's shattered, and  
14 there's glass coming off it. I didn't have the  
15 time to determine if shots were coming out or  
16 going in.

17 So I thought, you know what, their focus  
18 appears to be at the drivers, so I put four  
19 rounds in right at the driver's side through the  
20 windshield. And then -- this had to stop, these  
21 guys were taking fire; and I didn't want to end  
22 up getting hurt or getting killed, getting shot.  
23 They had to be stopped, that was the ultimate  
24 thing. The situation had to be neutralized here.

1           MR. GARDNER: So at this point are you  
2 still behind the suspect car?

3           THE WITNESS: I don't think I was -- I  
4 wasn't right -- right on the back of it. I was  
5 like away from it. I don't think --

6           MR. SARAYA: Feel free to draw on that  
7 all you want.

8           THE WITNESS: I mean, I don't recall  
9 exactly how close I was to the car itself. I  
10 wasn't up against the car, I know that, because I  
11 came around -- because as I was coming up, there  
12 was an officer here already; and he was like  
13 scrambling. And that's why I thought he was  
14 taking -- the firing was coming this way too.  
15 And he was scrambling around. He was coming from  
16 this direction going around this way.

17          MR. SARAYA: Okay.

18          THE WITNESS: And he was like ducked  
19 down, already gotten as low as the trunk was  
20 going around the car. And, you know, I'm like,  
21 "Shit." I had the same impression he was taking  
22 fire too, but he was like trying to get away from  
23 it.

24                 So I came around. When I came around,

1 it was -- the battle was on. There were -- these  
2 guys were shooting it out. And it's got to come  
3 to an end. That's all I can say.

4 MR. GARDNER: How do you know that you  
5 fired four rounds there?

6 THE WITNESS: Well, I first -- I'll tell  
7 you what, I thought it was like two or three; and  
8 then at the end they counted -- they counted, and  
9 they told me it was four rounds.

10 MR. GARDNER: Who -- who did that  
11 counting?

12 THE WITNESS: Who did it? Our  
13 inspection -- I guess homicide.

14 MR. GARDNER: Do you remember -- I mean,  
15 someone -- do you remember who took it from you?

16 THE WITNESS: Yeah. No, I don't  
17 remember who specifically took it. They took our  
18 clips -- they took my clip and they counted our  
19 rounds; and they said how many were missing from  
20 my clip.

21 MR. GARDNER: Okay.

22 BY MR. SARAYA:

23 Q. All right. Whereabouts did your car end  
24 up here again? Go ahead and draw that --

1 A. I'm trying to remember. Guesstimate.

2 Q. That's not going to print out, that ink,  
3 so use the marker. It's a little bit easier.

4 A. (Complies with request.)

5 Q. Did you angle it so headlights were  
6 aimed at them?

7 A. No, no, because I didn't know -- I  
8 didn't know -- I didn't know where the suspect  
9 car was going to be. I had no idea where that  
10 suspect car was going to be.

11 Q. Okay.

12 A. And I just -- we went towards the area  
13 -- towards the shots.

14 My partner got out first, she got out  
15 and she took off; and I wasn't quite sure where  
16 she went, you know. And I ran. Because I came  
17 around and I ran down as I came up around the  
18 back of the car then. So I'm guessing it was  
19 right about in here.

20 Q. Okay. And you ended up -- can you mark  
21 down there about where you think you were?

22 A. (Complies with request.)

23 Q. I mean -- yeah, this is kind of small,  
24 so it's okay. We're just looking for a relative



1 position.

2 A. To the best of my recollection, here. I  
3 mean, I'm trying to -- because I know I wasn't  
4 right next to it.

5 Q. Okay.

6 A. Especially since that cop had ran in  
7 front of me like that. You know what I'm saying?

8 MR. GARDNER: So this cop is sort of  
9 coming from this direction, he's ducking --

10 THE WITNESS: He was at the car. I  
11 mean, he was -- I mean, when I came up, I came  
12 up, he was at the -- he was at --

13 MR. D'ANGELO: At what car?

14 THE WITNESS: The zone car.

15 MR. GARDNER: The 238?

16 THE WITNESS: Yeah. He was already --  
17 he was there. He was coming around. He was just  
18 scooting around. He came around this way here,  
19 you know.

20 MR. GARDNER: Did you see him go down at  
21 any point?

22 THE WITNESS: I just -- you know what,  
23 if he did go down, it was afterwards; but I  
24 didn't see that.

1 MR. GARDNER: Okay.

2 THE WITNESS: I can't say he didn't go  
3 down.

4 MR. GARDNER: Okay. What happened then?  
5 You fire off your four rounds.

6 THE WITNESS: I fire off the four  
7 rounds. There was another volley of -- of shots  
8 fired. And it all came to an end. It stopped.

9 BY MR. SARAYA:

10 Q. Did you hear anybody yelling verbal  
11 directions or anything at the driver or the  
12 passenger?

13 A. No, I didn't hear that. I did not hear  
14 that. I don't even -- I mean, I don't know  
15 (inaudible); but when I got up there, there  
16 wasn't time for any of that because these guys  
17 were engaged. And it was my understanding from  
18 the broadcast that that was the gun battle going  
19 on.

20 Q. Okay.

21 A. It had to be done. He had to be  
22 stopped.

23 MR. GARDNER: Did you hear anybody yell  
24 "Cease fire" or anything?

1           THE WITNESS: Really, no. No, I didn't  
2 hear it.

3           MR. GARDNER: Okay. All right. Well,  
4 what do you see happening next?

5           THE WITNESS: Well, I end up -- the next  
6 thing I can clearly recall is I walked back up  
7 towards our car and our supervisor came up there.  
8 Officer Ereg and O'Donnell were there. And I  
9 didn't even know until then that Ereg had been  
10 involved, because we got out of the car. If they  
11 were still with -- I knew they were involved with  
12 the chase, but I didn't know where they were at  
13 this time when we got out there.

14           It wasn't until it was over with that I  
15 saw Ereg at the -- up at the top of the hill.

16           MR. GARDNER: Did you -- where was  
17 O'Donnell when you were over here?

18           THE WITNESS: When I was over here, at  
19 that time I didn't know; but I later learned that  
20 she was towards the front of the car, the police  
21 car. She was positioned where -- she's on the  
22 side, positioned towards the front of the car.

23           MR. GARDNER: Okay.

24 BY MR. SARAYA:

1           Q. Now, were you guys broadcasting anything  
2 during the pursuit? Were you calling anything  
3 out?

4           A. There was a point I remember when -- at  
5 Addison and Decker there there was some confusion  
6 about where they were; and I believe she  
7 broadcasted what street she thought they were or  
8 something. Because nobody -- I think they were  
9 trying to see which direction they were going.  
10 And she tried to clarify where -- where they  
11 were at.

12          Q. Okay. Do you see the pursuit go by?  
13 About how many cars are in the pursuit when you  
14 see that?

15          A. I want to say not enough.

16          Q. That's fine.

17          A. It's just that -- a dozen or so. I  
18 mean, I don't know how many were behind. Because  
19 when we got into it -- what was great about this  
20 was, the way it was set up, because not everybody  
21 was involved in the pursuit itself. What they  
22 were doing was, there were cars that were taking  
23 the initiative to block off the streets. They  
24 were blocking so there was no cross traffic. And

1 it was like they were doing -- you were, they  
2 were protecting. They were keeping the public  
3 out of harm's way.

4 I guess I -- amazingly I was happy.  
5 Usually everybody wants to get involved in the  
6 chase --

7 Q. Right.

8 A. -- but they never actually take the time  
9 to block the streets off. I was like, that's  
10 great. I thought that was great. Because, you  
11 know, as we're coming down the street, it was  
12 like a clear -- especially Euclid. You go down  
13 Euclid Avenue, it was wide open because God knows  
14 there's no traffic because they were taking the  
15 time to clear the streets.

16 Q. About how fast do you think you were  
17 going?

18 A. Fifty-ish, forty-five to fifty. And  
19 that was the peak, because it's -- things are  
20 slowing down at turns and everything. And  
21 there's a point where they pull into a gas  
22 station or something -- I think he was trying to  
23 do a U-turn or something -- and that was on  
24 Euclid, and things kind of got bottled up there.

1 Almost came to a stop.

2 I was really hoping that that --  
3 (inaudible) that they were going to stop, but  
4 that wasn't the case. He just kept on going.

5 Q. Okay. Did you see any cruisers from  
6 other agencies involved?

7 A. No. Well, I mean, in fact, I think on  
8 the news I heard something -- I saw that the  
9 state -- there was this trooper car there. I  
10 don't remember seeing one at all there. Guy  
11 named Rick. I'm not doubting he was involved,  
12 but I don't remember seeing him.

13 Q. You heard the radio traffic being  
14 broadcast of what was going on. Did you ever see  
15 the suspect vehicle during the pursuit?

16 A. Initially we saw it when -- at 72nd and  
17 St. Clair. And we were getting glimpses of it as  
18 we're behind in the chase. And then --  
19 especially -- I was trying to see -- he was doing  
20 that whatever he was doing in the parking lot,  
21 the gas station, I think it was a gas station or  
22 something -- anyway, on Euclid. But I don't  
23 recall exactly -- I don't think I actually saw it  
24 there, though. Because I couldn't tell what was

1 going on.

2 I knew we were getting bottled --  
3 everything was backing up. And then it was on  
4 again, the chase was on again.

5 Then the next time I saw it is when we  
6 were down there.

7 Q. Okay.

8 A. It was down the hill there. Because  
9 this is like a hill in here.

10 Q. Okay. What are you hearing on the radio  
11 traffic?

12 A. They're repeating it and they're saying,  
13 "It looks like they have a gun. It looks like  
14 they're pointing a gun out the window. It looks  
15 like they're -- " you know, at one point I think  
16 they said it looked like -- I think a couple  
17 times, I'm not positive -- this is like a week  
18 ago -- they're talking about it looks like  
19 they're reloading their guns. They were trying  
20 to reload a gun or something.

21 And then somebody -- I heard somebody  
22 mention something about something -- I don't  
23 remember what it was about -- something about  
24 being under the car, something's under the car.

1           At one point somebody said that they had  
2 a pop can or something, that they were holding a  
3 pop can; and I just kind of -- I kind of -- I  
4 thought it was peculiar to me.

5           I'm thinking at that point during the  
6 chase -- I was pushing what the agenda is here.  
7 Because if they're taking the time to drink a  
8 pop, I just didn't know.

9           Q. A relaxing pursuit, right?

10          A. Well, they're -- yeah. It's like it  
11 kind of crossed my mind, but it was only for a  
12 moment. I was like, what is this? They're  
13 drinking a pop?

14          Q. Okay.

15          A. I don't think I'd be drinking a pop if I  
16 was.... (laughter.) I was wondering if that was  
17 really a pop can. I don't know if they found one  
18 in there or not, but --

19          Q. Okay. When did you become aware that it  
20 was a male and a female in the car?

21          A. It was the next day.

22          Q. How did you -- how did you find out  
23 about it?

24          A. It was on the news.



1 Q. What did you think at the time?

2 A. I never got close enough to -- for  
3 identity purposes. I never -- when I looked into  
4 the car, I saw from the driver -- I looked in  
5 from the driver's side. I was a ways away. I  
6 didn't get anywhere near the car.

7 At one point I did try -- because  
8 somebody asked if there was a gun in the car.  
9 "Is there a gun in the car? Is there a gun in  
10 the car?" (Inaudible.)

11 As I walked up to the passenger -- I  
12 walked towards the passenger side. I never got  
13 close enough -- I think when your sergeants told  
14 me to "Step away, step away," And that was it.

15 MR. GARDNER: Okay. You heard the names  
16 of the suspects, right?

17 THE WITNESS: I heard the names, but I  
18 couldn't tell you.

19 MR. GARDNER: Okay. They don't ring a  
20 bell with you, not familiar to you from anything  
21 you dealt with before?

22 THE WITNESS: Not that I recall.

23 MR. GARDNER: Okay. Do they look  
24 familiar to you from anything?

1 THE WITNESS: No. I mean, I understand  
2 she's -- this -- this is in our district. She is  
3 staying in a homeless shelter in our district. I  
4 mean, I may have seen her. I just don't recall.

5 MR. GARDNER: Okay.

6 THE WITNESS: And him I just don't  
7 recall.

8 MR. GARDNER: Okay.

9 BY MR. SARAYA:

10 Q. All right. Your interpretation of the  
11 parking lot, well lit, dark, cold night at  
12 midnight? What -- what can you see? Is there a  
13 lot of light there that you could see what's  
14 going on with overheads on and parking lot  
15 lights?

16 A. I know there were lights there. I want  
17 to say there was -- it was -- to me it was like  
18 semi -- semi-lit I'd say, that area there, that  
19 immediate area that we were in.

20 Q. Okay.

21 A. I don't recall -- it wasn't too bright.  
22 I couldn't -- I know the window was shattered,  
23 but I couldn't really see pretty much into the  
24 car or not.

1 Q. Okay. And you didn't hear anybody  
2 trying to yell any verbal commands or anything at  
3 any time?

4 A. I didn't hear. I honestly didn't hear.  
5 I'm not going to say it didn't happen.

6 Q. So when you're walking up there, rounds  
7 are already firing.

8 A. Yeah.

9 Q. You're seeing rounds --

10 A. When we got out -- when we got out of  
11 the car, just they're calling, they're saying  
12 that they're being shot up. And I got up there  
13 and I still think there's a dead cop. There's  
14 one or two here on the driver's side, and they  
15 were exchanging -- my impression was that they  
16 were exchanging gunfire. They were in the  
17 process of -- this is a gun battle going on.

18 I even saw glass coming off the  
19 windshield. But I didn't -- you know, whether it  
20 was -- rounds are coming out or going in, I  
21 didn't -- I wasn't going to sit there and, you  
22 know, wait for one of the coppers to fall. I  
23 just had to take action.

24 Q. Can you see any movement of the suspects

1 in the car?

2 A. Well, you know, I thought about that a  
3 lot. You know, I don't think I did. Because  
4 it's hard to see because the windshield was all  
5 shattered out. It was -- it was intact, but it  
6 was spider-webbed out.

7 Q. Okay. Do you remember the other  
8 officers' names that were around you on your left  
9 or right or anything?

10 A. In the immediate area, I really don't.  
11 I don't even know who cut me off. It's not like  
12 they cut me off, but they ran in front of me.

13 Q. Cut in front of you.

14 A. Yeah. I don't know who that was.

15 Q. Okay.

16 A. I never learned either. I never learned  
17 later.

18 Q. Do you think your rounds hit anything?

19 A. Well, I'm hoping it hit the windshield.  
20 I was like --

21 Q. That's what happens.

22 A. I'm aiming for the driver's side and I'm  
23 hoping to -- you know, that was the -- the whole  
24 idea is to neutralize the situation, and I wanted

1 it to get to an end is my objective here.

2 I didn't -- these guys are out here, and  
3 I didn't want them getting shot. Even then I  
4 didn't know if -- because there were holes in the  
5 window, the way that cop was reacting in front of  
6 me, they could have been shooting our way.

7 Q. Okay. All right. You get there. Is  
8 there any other options that are available to you  
9 that you think are practical to resolve this  
10 besides gunfire?

11 A. No. I had to -- it had to be stopped.  
12 The information I had, the totality of  
13 everything. And these are -- they shot at the  
14 police, they're running from the police.  
15 Especially being casually drinking, that stuff  
16 sticks in my head. I don't know why. They're  
17 drinking a pop. What the hell is that? Are they  
18 taking us on an agenda? And then we get here,  
19 they're battling it out with the police,  
20 shooting.

21 You know, that's -- it's got to be  
22 stopped.

23 Q. Okay.

24 A. We've got to bring it to an end.

1 Q. Okay. What about after everything  
2 starts calming down, what are the other officers'  
3 reactions -- actions and reactions?

4 A. Well, it was pretty solemn. I mean,  
5 everyone is -- it got pretty quiet. I mean, I  
6 know I wasn't too happy. I didn't want to be  
7 there. I didn't want to be involved in it.

8 It pretty much -- you know. You know,  
9 we were talking; but there's no -- I don't think  
10 anybody really wanted to be in that situation.

11 Q. Okay.

12 A. Because it was a bad situation.

13 Q. Anybody try to do any medical treatment  
14 on the suspects?

15 A. I didn't witness it. I believe my  
16 partner told me later on that she was going to  
17 try to take their pulse -- that she had tried to  
18 take their pulses or something like that, which I  
19 -- to me personally, there's probably blood. I  
20 was like....

21 Q. Did you hear anybody call for EMS?

22 A. I know they did call for EMS.

23 MR. GARDNER: You didn't hear them call?

24 THE WITNESS: I was -- they -- I learned

1 that they did call for EMS, because EMS did come.

2 MR. GARDNER: But you didn't hear it at  
3 the time?

4 THE WITNESS: I didn't hear it come  
5 over, no.

6 BY MR. SARAYA:

7 Q. Okay. Everything is quieting down,  
8 settling down. What are you doing?

9 A. Well, we're talking to people. I don't  
10 know his last name. There was a pastor there or  
11 something, religious person. I can't remember  
12 his name, though. He came up and started talking  
13 with us. He had us say a prayer. It was just  
14 (inaudible).

15 Q. Okay.

16 A. He was just there for support. He was  
17 there -- you know, I (inaudible) kind of quick.  
18 It's hard to tell because time is kind of  
19 distorted.

20 Q. Okay. From the time you drive up here,  
21 you're hearing gunfire --

22 A. I heard the gunfire back --

23 Q. Back here?

24 A. -- back here.

1 Q. How long is -- how long is this gunfire  
2 lasting, your impression?

3 A. And it's hard, because even like from my  
4 first shooting I learned -- I don't know if it  
5 happens for everybody, but it just dragged. It  
6 seemed like it was -- probably realistically I'd  
7 have to say it was --

8 Q. Your impression. Like I said, it's your  
9 impression.

10 What did you -- you're saying -- you're  
11 saying you're going one way, but you're trying to  
12 correct yourself. What's your impression?

13 A. It seemed to be a while. It seemed a  
14 couple minutes. May not have been a couple  
15 minutes, because time is distorted. I learned  
16 that through my experience.

17 Q. So what you're saying is that it was  
18 going on for a long time or a short time?

19 A. Well, to me it was longer than what  
20 would have been -- I would have -- from watching  
21 training films and all that, most police  
22 shootings are over pretty quick. And this was  
23 going beyond the scope of a normal police  
24 shooting.



1           These guys -- I guess that's what  
2           convinced me these were guys that were probably  
3           fortified with some type of body armor on or  
4           something.

5           MR. GARDNER: I know you've briefly  
6           touched on it before, but did you -- did you go  
7           up to the car? I mean, you said one of our  
8           uniformed sergeants said, "Hey -- "

9           THE WITNESS: Well, yeah. Because what  
10          happens, people are talking and someone says,  
11          "Hey, is there a gun in the car?" I thought,  
12          well, you know what, (inaudible) in the floor  
13          board or something.

14          I started to walk up there and the  
15          sergeant said, "Hey, step back, because this is a  
16          crime scene. I'm securing the crime scene." He  
17          actually said it to me a couple times.

18          BY MR. SARAYA:

19          Q. Okay. Did you call anybody while you  
20          were at the scene?

21          A. I called the union -- Follmer, Jeff  
22          Follmer, and that was it. I guess it's the only  
23          phone call I made was to Follmer.

24          Q. Okay. Were you injured at all during

1 all this at all?

2 A. No.

3 Q. Check your vest to make sure a round  
4 didn't hit your vest and you didn't know it?

5 A. You know what, you mentioned that,  
6 because I remember that they were talking -- one  
7 guy was talking, and he said, "Did you see me? I  
8 took my vest off to check it." Because everybody  
9 was talking about he had -- he was taking his  
10 vest off to check it to see if he had been hit.

11 I didn't think -- I didn't see anybody  
12 get hit, fortunately. I didn't get hit.

13 Q. What's pretty much the com- -- the  
14 comments by other officers at the scene? What's  
15 being said?

16 A. There was a sense of relief that it's  
17 over. I mean, I don't think anybody even wanted  
18 to be there. I can't -- nothing really -- it's  
19 more or less nobody -- everyone's like, "Well,  
20 what now?" "What next?"

21 The bosses are instructing us what to  
22 do, because they're saying that, "We're in East  
23 Cleveland." It didn't even dawn on me that we're  
24 in East Cleveland. I know we were. But, I mean,

1 it's -- I'm realizing now, yeah, we are in East  
2 Cleveland. This is another jurisdiction here,  
3 you know. We have to wait and see what's going  
4 to happen here.

5 Q. Who did you talk to about this incident  
6 besides attorney --

7 A. Attorneys, union, my partner, Detective  
8 Ereg, my family.

9 Q. What's your conversation with your  
10 partner and Ereg? Details about what's going on  
11 or --

12 A. Just like I asked Ereg, I says, you  
13 know, "Do you think you hit him?" He says,  
14 "Yeah." He says he believed he hit him. And my  
15 partner believed she hit him -- hit the people  
16 inside the car, shoot -- shot them. I told her,  
17 I says, "Well, I shot through the windshield. I  
18 (inaudible) anybody."

19 I don't know if they were still in the  
20 driver's seat or not. They appeared to be where  
21 the threat was. If there was somebody in there,  
22 I was thinking I probably would have hit them.

23 Q. Okay. You think your actions were  
24 consistent with your training?

1           A. I did what I thought I had to do. I  
2 mean, there was no -- I don't think I had too  
3 many options there.

4           The idea to me was to keep officers from  
5 being killed. I mean, this had to be stopped.  
6 These guys -- when I got out of that car with  
7 everything that was going on, I thought there was  
8 a major gun battle on and it had to be stopped.

9           Q. Okay.

10          A. It's just something that had to be done.

11          Q. You think everyone else reacted the way  
12 they were trained to?

13          A. I -- I believe so. I mean, I didn't see  
14 -- I didn't see anything contrary to that.

15          Q. Did you use your cell phone to take any  
16 pictures up at the scene?

17          A. My phone doesn't have a camera. I have  
18 a Tracfone. It's a flip phone.

19          Q. Okay. Bear with me on this.

20                 Has anybody asked you to lie or  
21 otherwise try to influence your statement to us?

22          A. No, not at all, not at all.

23          Q. Okay. During the pursuit have you guys  
24 got your lights and siren on?

1           A.    Yeah.  Yes, yes.

2           MR. SARAYA:  All right.  Anything you've  
3 got, Scott?

4           MR. GARDNER:  When you were out there  
5 when this occurred, CPD 238, did you see anybody  
6 get on top of that car?

7           THE WITNESS:  No, I didn't see it.

8           MR. KINAS:  Did you have a portable  
9 radio on you?

10          THE WITNESS:  Yeah, I had a portable  
11 radio.

12          MR. KINAS:  You did?

13          THE WITNESS:  Yeah.  It was in my inside  
14 pocket.

15          MR. KINAS:  When you got out of the car,  
16 was it on Channel 2 or 3?

17          THE WITNESS:  You know, I couldn't be  
18 sure.  I believe I -- I believe I changed it to  
19 two, but I could --

20          MR. KINAS:  The car radio was on  
21 Channel 2?

22          THE WITNESS:  Yeah, it was on Channel 2.  
23 The portable radio, I may have changed it; but I  
24 just can't be 100 percent sure about that.

1 MR. D'ANGELO: You said you followed  
2 your sergeant, Sergeant Putnam, from the Third  
3 District?

4 THE WITNESS: We -- we -- I don't know  
5 -- we ended up -- I believe we ended up -- when  
6 we left the parking lot, I believe I was in front  
7 of -- I wasn't following him.

8 MR. D'ANGELO: Ereg was with Sergeant  
9 Putnam?

10 THE WITNESS: Yes.

11 MR. D'ANGELO: At any time did your  
12 sergeant call you off and -- or tell your crew to  
13 stop?

14 THE WITNESS: No. No, he did not.

15 MR. D'ANGELO: And you knew that Ereg  
16 was -- Patrol Officer Ereg was with Sergeant  
17 Putnam?

18 THE WITNESS: Ereg was with Putnam.

19 MR. D'ANGELO: Did you ever see Sergeant  
20 Putnam anywhere in the acts that you've described  
21 here? Do you know where he was located?

22 THE WITNESS: I -- I didn't know where  
23 he was. But afterwards when we talked, it  
24 sounded like he was somewhere in my vicinity.

1 But I don't know where he would have been.

2 Honestly, I didn't see him.

3 MR. D'ANGELO: Did you ever see -- you  
4 mentioned that he had the black rifle case with  
5 him as he was leaving the district.

6 THE WITNESS: Yes.

7 MR. D'ANGELO: Did you -- did you ever  
8 see him at the scene at some point?

9 THE WITNESS: Yes. Afterwards I saw  
10 him.

11 MR. D'ANGELO: Did you see that weapon  
12 or that case again? Did he have the rifle out?

13 THE WITNESS: I'm trying to think if he  
14 had it with him. He may have put it back  
15 already. I don't -- I don't recall seeing one  
16 with him. If I -- if I did, I don't remember  
17 seeing it with him.

18 MR. GARDNER: Is there anything that we  
19 haven't asked you that you think is important?

20 THE WITNESS: Honestly, back in '84 I  
21 never wanted to go through this again. It's  
22 just, you know, I really didn't want to -- I'm  
23 getting close to retirement. I thought I was  
24 done with this stuff, shootings like this.

1 (Inaudible) anyway.

2 BY MR. SARAYA:

3 Q. Okay. When you were coming down the  
4 hill, did you fire any shots from up here from  
5 the car?

6 A. No. It all took place by the car.

7 Q. Do you remember if your partner fired  
8 any rounds when she got out? You said she got  
9 out before you did. Did she fire any rounds from  
10 the car?

11 A. If she did, I'm not aware of it. I  
12 don't think. Because she -- she -- I had -- I  
13 guess tunnel vision took place pretty quick for  
14 me. Because I didn't realize she went to the  
15 front of the car until after she had told me  
16 that. Because I got down there and I didn't know  
17 where she was.

18 But, again, my objective was to get to  
19 that -- (inaudible) stop the shooting.

20 (Inaudible.)

21 MR. SARAYA: Do me a favor, if you would  
22 be so kind, and just initial that for me, please.

23 THE WITNESS: (Complies with request.)

24 MR. SARAYA: Anything else you guys can



1 think of?

2 MR. GARDNER: No.

3 MR. SARAYA: All right. Thank you, sir.

4 MR. D'ANGELO: If I may, there's been  
5 some media coverage about the racial composition  
6 of the police officers that responded.

7 Did you hear any racial epithets at the  
8 scene or --

9 THE WITNESS: Not at all.

10 MR. D'ANGELO: -- did you see --

11 THE WITNESS: I didn't know their race  
12 until after it was over. I mean, you know, we  
13 didn't know. I mean, if they talked about it on  
14 the air, I didn't catch it.

15 MR. KINAS: They were identified as two  
16 black males in the car, but that was before you  
17 would have been onto the channel.

18 THE WITNESS: I didn't hear you.

19 MR. KINAS: Initially they had broadcast  
20 it as two black males in the car, but that was  
21 well before you were on Channel 2.

22 THE WITNESS: Oh. I didn't catch up on  
23 that.

24 MR. D'ANGELO: Did you observe any

1 officers acting inappropriately or  
2 unprofessionally?

3 THE WITNESS: No, no.

4 MR. SARAYA: Okay. Very good. We're  
5 done here.

6 (End of videotaped interview.)

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