



Ohio Bureau of Criminal Identification & Investigation
INVESTIGATIVE REPORT



01/25/13

SGT. DAILEY FOLLOW-UP INTERVIEW

Summary


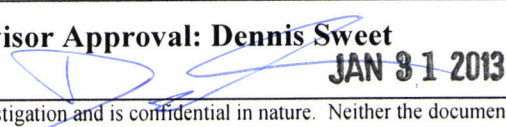
On January 25, 2013, Sgt. Randolph Dailey, along with Atty. Robert Phillips, and FOP representatives Brian Betley and Jerry Zarlenga returned to the BCI Richfield Offices for a follow-up interview in regard to the shooting that occurred on November 29, 2012. Dailey, a 2nd District supervisor, was first interviewed on December 26, 2012. Prior to the interview beginning, Phillips asked if this was a new interview or a continuation from the first, thereby continuing the interview under *Miranda*. He was advised that this was a continuation.

The interview was video recorded and submitted to the case file as Exhibit #139.

Details

It was explained that this interview was based upon questions from the prosecutor's office. It was discussed that this interview would discuss the pursuit in relation to Cleveland Police Policy, as well as Dailey's interpretation of events and how it impacted his decisions as the supervisor over the pursuit.

Dailey was asked if he knew the policy and if he had reviewed it since the shooting. He replied that he had and was comfortable with his actions. In reviewing the events, Dailey was at the District office when Ptl. Nan broadcasts that he had been shot at. When Nan initiated the pursuit, Dailey asks Nan what the purpose of the pursuit was and begins to monitor the situation. Dailey said that he recalled that Siefer and Hummel had identified the car and initiated the pursuit. Dailey said that he hears Siefer and Hummel see the subject car and begin pursuing it. Dailey believes he inquires as to the speeds. Dailey said that he is listening to the pursuit. He hears Siefer broadcast the license plate on the car. Dailey said he did not order the pursuit terminated based on the tone of voice and how Ptl. Nan had made the initial broadcast. Dailey said that the seriousness of the situation, shooting at an officer, warranted the continuation of the pursuit. Dailey said that there was, "a duty and an obligation to at least stop these people and investigate what's going on."

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: 1/25/13	Exhibit #: 139
Investigative Activity: Dailey Follow-up Interview	Supervisor Approval: Dennis Sweet  JAN 31 2013

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While the policy states that any other car that wants to join the pursuit must ask the supervisor for permission, there was no radio traffic about it. Dailey said that no other car asked to join. Dailey said it was not unusual for cars to join in and that it was, "an accepted viewpoint" that if an officer is asking for help, officers are going to head that way. Dailey said that this was why he limited his radio traffic. Officer Siefer had asked to clear the radio for traffic. Dailey said that he kept his traffic limited to "short bursts" to ask questions. He felt it was an officer safety issue, that the patrol car with eyes on the subjects is able to communicate with others. Dailey admitted that it was not a policy, but was a common practice.

As Dailey was listening, he only knows of the initial cars involved, Nan and Siefer and Hummel and Sgt. Coleman. These he knows from radio broadcasts. Dailey said that he was not surprised when he heard Coleman on the air, describing her as a "very proactive" officer and very concerned about other officers. Dailey further describes Coleman as a 23-year veteran whom he trusts. As such, Dailey said that he felt the pursuit was in control. Dailey is relying on what is being conveyed via radio and what Coleman is describing. Dailey also said that he knew Coleman was in an unmarked car. It was Dailey's determination to continue the pursuit.

Dailey was never advised by any other supervisors that they had cars in the pursuit, or they themselves were involved in it.

Dailey had left the office to see what was occurring; however, he never saw the pursuit or the subject vehicle until he arrived at the Heritage Middle School.

As Dailey was monitoring the pursuit, he hears Coleman broadcast that a car had been rammed. Dailey did not know what or whose car it was. Dailey knew that policy was for a marked unit to lead the pursuit, but did not know where Coleman was in the pursuit. When asked about the duration of the pursuit, Dailey said there were no stipulations in the policy as to how long a pursuit could last. Dailey said that his interpretation of the policy was that, as a supervisor, he is to take in the "totality of the whole circumstance" to make determinations. Dailey said that he felt he was doing so. Dailey articulated his knowledge that night included knowing that there were 3 cars in the pursuit, the seriousness of the crime of officers being shot at that initiated the pursuit, multiple officers reporting seeing weapons being pointed out windows and at officers, the vehicles being struck, and when at the school when the subjects were reported to have tried to run over officers. These circumstances, according to Dailey, begged to continue the pursuit. Dailey said that they had asked for Aviation Unit support but it was unavailable, as were road spikes. Dailey said that the PIT maneuver could not be done because no one had been taught it. Dailey took all of this into consideration, along with the time of day, weather conditions (dry), light traffic, and no school zones. Dailey concluded that he was "trying to look at the big picture".

Dailey knew of the 3 cars involved based on radio traffic. He did not know how many other cars had joined in. When asked to give an opinion on the fact that there were 62 cars involved towards the end of the pursuit, Dailey said he would have limited the pursuit. However, he did say that he does not know what the right number could have been. Based on the information he

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had, Dailey believed that they had a “mobile active shooter,” armed suspects. As such, in an active shooter response he would not send just 2-3 cars. Dailey did say that under these circumstances, he could not opine on whether 10 or 20 cars would be enough. He did think that 60 was too much, but in this instance, 10-20 might not be.

Dailey said that Nan, Siefer, Hummel, and Coleman are all experienced officers with years on the job. Dailey also said that during the pursuit, he is trusting the discretion and judgment of these involved officers.

Dailey has been a sergeant for about 5 years. During his time he has overseen other pursuits and has terminated at least 2 pursuits. Dailey also said that there have been times that officers have initiated and terminated pursuits themselves. Dailey said that if, at any time, he thought this was out of control, he would have terminated the pursuit. But, “it’s the gravity and seriousness, I thought we owed it to the public, we have to at least stop this car and investigate what’s going on.”

Dailey said that he felt comfortable with what Coleman and Siefer were broadcasting. Based on what Dailey was hearing, he permitted the pursuit to continue. If he felt people were getting too emotional, or that events were getting out of control, he would terminate it. However, Dailey said he never got that sense from what he heard.

Dailey explained that the circumstances warrant whether to continue or terminate a pursuit. Dailey said that there are times that the offense cannot justify the danger to the public or officers. In this case, Dailey said it was “unusual and exigent circumstances that begs for further investigation.”

In closing the interview, Sgt. Dailey was prompted by Jerry Zarlenga to explain how he became the supervisor in this case. In this case, Ofc. Nan was assigned to the 2nd District Community Services Unit and had received permission from Dailey, his supervisor, to go to the Justice Center, which is in the 3rd District. When Nan makes the initial call of being shot at, Dailey responds. As such, even though the incident began in the 3rd District, Nan initiates the pursuit, calling it out on channel 2, and Dailey responds that he is monitoring it. Thus, Dailey oversees it. The policy states that the supervisor that takes control of it is in control until the pursuit is over, regardless of District or jurisdiction. Thus, Dailey oversees this pursuit until its conclusion.

The interview was concluded at this time.