

# Ohio Bureau of Criminal Identification & Investigation INVESTIGATIVE REPORT



#### 01/10/2013 REPORT RECEIVED FROM CUYAHOGA COUNTY SHERIFF'S OFFICE

### **Summary**

On January 10, 2013 Special Agent (SA) Mark Kollar received reports from the Cuyahoga County Sheriff's Office detectives regarding the ongoing investigation into the officer involved shooting in East Cleveland, Ohio.

### **Details**

On January 10, 2013 Special Agent (SA) Mark Kollar received reports from the Cuyahoga County Sheriff's Office detectives regarding the ongoing investigation into the officer involved shooting in East Cleveland, Ohio. The reports received were as follows:

01/04/13 – Telephone interview of RTAPD Ofc. Pat Corrigan – N/A

01/04/13 – Telephone interview of RTAPD Ofc. Mark Belica – N/A

01/04/13 - Interview of ECPD Sgt. John Donitzen - Exhibit #133

01/09/13 - Items picked up from Cuyahoga County Medical Examiner's Office - Exhibit #134

01/10/13 – Review of Cyber Crimes cell phone information of Erin O'Donnell – Exhibit #93

01/10/13 – Review of Cyber Crimes cell phone information of Christopher Ereg – Exhibit #93

01/10/13 – Review of Cyber Crimes cell phone information of James Hummel – Exhibit #93

Various dates – Updated Personnel File reviews after information received from Human Resources – on Diaz, Ereg, Farley, Moore, O'Donnell, Brelo, Box, and Demchak – Exhibit #135

File Number: SI-18-12-82-1493	File Title: Timothy R. Russell (S) Malissa A. Williams (S)
Case Agent: Mark Kollar	Authoring Agent: Mark E. Kollar Max
<b>Date of Report: 01/10/2013</b>	Exhibit #: 93, 133, 134, 135
Investigative Activity: Report Received from CCSO	Supervisor Approval: Dennis Sweet

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### **SUMMARY REPORT**

## INCIDENT CLEVELAND POLICE DEPARTMENT PURSUIT/SHOOTING 11/29/2012

On January 4, 2013, at approximately 11:15pm while assigned to Special Investigation in cooperation with the Ohio Bureau of Criminal Investigation and Identification (BCII) and the East Cleveland Police Department (ECPD). I Detective Sergeant Clifford Pinkney received a telephone call from RTA Officer Pat Corrigan

Address: 1240 West Sixth Street Cleveland, Ohio 44113

Phone:

Experience: Started January 2012

### Synopsis:

Officer Corrigan stated that on November 29, 2012 he was working second (2<sup>nd</sup>) shift 1:00pm to 11:00pm. Officer Corrigan said he was sitting inside the Windermere Rapid Station on Euclid Avenue when he saw approximately twenty (20) to twenty-five (25) police vehicles traveling eastbound on Euclid in pursuit of a vehicle. Officer Corrigan said he along with Officer Belica went outside the station to see what was going on. Officer Corrigan said the convoy of police vehicles lasted approximately four (4) minutes and after they passed by the station he heard gun shots. Officer Corrigan said the gun shots sounded like they were coming from the south of the rapid station. Officer Corrigan said the gun shots lasted approximately ten (10) to fifteen (15) seconds. Officer Corrigan said he never went to see what was going on, it was his shift change so he punched out and reported back to headquarters.

Detective Sergeant Clifford E. Pinkney

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### **SUMMARY REPORT**

## INCIDENT CLEVELAND POLICE DEPARTMENT PURSUIT/SHOOTING 11/29/2012

On January 4, 2013, at approximately 10:55pm while assigned to Special Investigation in cooperation with the Ohio Bureau of Criminal Investigation and Identification (BCII) and the East Cleveland Police Department (ECPD). I Detective Sergeant Clifford Pinkney received a telephone call from RTA Officer Mark Belica.

Address: 1240 West Sixth Street Cleveland, Ohio 44113

Phone:

Experience: Started January 2012

#### Synopsis:

Officer Belica stated that he was working third (3<sup>rd</sup>) shift 10:00pm to 6:00am on November 29, 2012 at the Windermere Rapid Station. Officer Belica said that around 10:30pm he along with RTA Officer Pat Corrigan was outside of the Windermere Station and they heard police sirens coming down Euclid Avenue. Officer Belica said he looked southbound towards Euclid from the station and he saw six (6) to eight (8) police vehicles in pursuit of another vehicle traveling eastbound on Euclid. Officer Belica went on to say that there was a stream of police vehicles continuing to come eastbound on Euclid behind the original vehicles. Officer Belica said that the convoy of vehicles lasted approximately three (3) minutes. According to Officer Belica after the convoy of vehicles went past, he along with Officer Corrigan heard a volley of gun shots that lasted approximately fifteen (15) seconds to him. Officer Belica said the gun shots sounded like they came south from the Windermere Station. Officer Belica said he did not go towards the gun shots or go to assist the convoy of police that were in the vehicle pursuit. He stayed at the Windermere Station at his post.

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Detective Sergeant Clifford E. Pinkney

### **SUMMARY REPORT**

## INCIDENT CLEVELAND POLICE DEPARTMENT PURSUIT/SHOOTING 11/29/2012

On January 4, 2013, while assigned to Special Investigation in cooperation with the Ohio Bureau of Criminal Investigation and Identification (BCII) and the East Cleveland Police Department (ECPD). I Detective Sergeant Clifford Pinkney and Detective David Jacobs, Cuyahoga County Sheriff's Office (CCSO) were assigned to interview East Cleveland Police Department (ECPD) Acting Sergeant John Donitzen. The Interview took place at 4055 Highlander Parkway, Richfield, Ohio 44286.

Address:	Richmond Heights, Ohio
Phone:	

### Synopsis:

Sgt. Donitzen said he was working a part-time job from 10:00pm to 2:30am. While he was working the front door of the bar of his part-time job he noticed several police vehicles with their lights and sirens. Sgt. Donitzen said he knew that his agency (ECPD) did not have that many vehicles and he describes it as something off of a movie. So he went outside of the bar to see what was going on. Sgt. Donitzen said he was looking westbound down Euclid Avenue and Superior Avenue and it was vehicles as far as the eye could see. Sgt. Donitzen said he saw approximately twenty-five (25) to thirty (30) vehicles with several of the vehicles turning down side streets. Sgt. Donitzen said he knew it was a pursuit going on so he called Sgt. Bill Mitchell (ECPD) who was also working a part-time job to see if he saw the vehicles. Sgt. Donitzen said neither one of them knew what was going on and he didn't find out until twenty (20) minutes later. Sgt. Donitzen said he found out because Sgt. Mitchell had his work radio and after Sgt. Mitchell found out what happened he called Sgt. Donitzen. Sgt. Mitchell told Sgt. Donitzen that Cleveland Police Department (CPD) was involved in a shooting at Heritage Middle School. Sgt. Donitzen said he did not see the suspect vehicle or hear any shooting because he went back into the bar and continued to work his part-time job. Sgt. Donitzen did not go to the crime scene and did not see any activity at Heritage Middle School. Sgt. Donitzen did say that the first couple of vehicles he saw were driving very fast, faster than how he would drive. Sgt. Donitzen said that the convoy of vehicles took approximately five (5) minutes to go past and he did not see the crime scene until the next day at work when he went to assist with traffic after he completed roll call.

Detective Dave Jacobs

Detective Sergeant Clifford E. Pinkney

### Summary Report

Incident: Cleveland Police Department (CPD) pursuit and officer involved shooting, November 29, 2012.

The following was conducted on January 9<sup>th</sup>, 2013 at approximately 10:45am in conjunction with the captioned investigation. The following items were picked up by Detective David A. Jacobs, Cuyahoga County Sheriff's Office (CCSO) from the Cuyahoga County Medical Examiners Office, 11001 Cedar Avenue, Cleveland, Ohio, (216)721-5610;

- (2) Compact Disks containing photos of Timothy Russell and Malissa Williams.
- (1) Medical Examiner report for Timothy Russell.
- (1) Medical Examiner report for Malissa Williams.

Detective David Jacobs #211 Cuyahoga County Sheriff's Office

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## Cuyahoga County Sheriff's Office Summary Report Incident Cleveland Police Department Pursuit/Shooting 11/29/2012

On January 10th, 2013, Detective	e David Jacobs reviewed a compact d	isk labeled
#93, containing cellular phone data down	nloaded from Officer Erin O'Donnell	's personal
cell phone after she consented to such. T	The cellular phone number is	and
the review of data did not reveal any pro	bative information other than the two	photos of
the captioned crime scene.		

Detective David A. Jacobs #211 (author)
Cuyahoga County Sheriff's Office

CW l. R. sat.

## **CUYAHOGA COUNTY SHERIFF'S OFFICE** SUMMARY REPORT

Case: SI-18-12-82-1493 Subject: Wilfredo Diaz #350

From: City of Cleveland Human Resources Personnel File

Review Date: 01/07/2013

## Appointment:

Wilfredo Diaz was appointed to the Cleveland Police Department on November 3. 2008 and completed the City of Cleveland Basic Police Academy on April 17, 2009. A review of Ohio Peace Officer Training Council records confirm that Diaz holds a fulltime commission with the Cleveland Police.

### Commendations:

No commendations are present in Officer Diaz personnel file.

### Discipline:

A letter of reprimand was issued to Diaz for failing to chain of command regarding a uniform issue by Chief McGrath, (04/17/2009). Motor vehicle accident deemed preventable, (01/19/2010). Motor vehicle accident deemed preventable, (02/22/2011). A letter of re-instruction sent to Diaz, (05/02/2011). Citizen's complaint for improper citation issued, (12/09/2011), complainant advised "proper remedy is to contest traffic citation in Cleveland Municipal Court. Complaint for "no probable cause" for a stop, (09/22/2011), complaint voluntarily withdrawn. Missing property from an arrestee, cell phone and state identification, (10/11/2011), property found complaint dismissed.

#### **Evaluations:**

All evaluations show satisfactory performance. Note last evaluation in file is March of 2010.

## Firearms Qualifications:

Cleveland Police range records indicate Diaz is current on his qualification that occurred in May of 2012 and he has successfully qualified every year since 2009.

Training:

Last training noted is from April 2012 (Mental Health Training).

Detective David Jacobs #211 Old a Plasort

Case: SI-18-12-82-1493

Subject: Christopher Ereg (Badge# 767)

From: City of Cleveland Human Resources Personnel File

Review Date: 01/07/13

### Appointment:

Christopher Ereg was appointed to Cleveland Police Department on August 30, 1999 and completed the City of Cleveland Basic Police Academy on January 20, 2000 (OPOTC certificate # 99-084-000366). A review of Ohio Peace Officer Training Council records confirm that Officer Erg holds a full time commission with Cleveland Police.

### Commendations:

Letters of commendations are present in Officer Ereg's personnel file from Rochester Police Department Captain Coriddi, Cleveland Police Chief Martin Flask, and Dr. Edwin Eigner. His file also reflects that he is the recipient of the Cleveland Police Medal of Heroism for apprehension of an armed suspect.

## Discipline:

Verbal abuse complaint, unfounded, (04/12/2008). Complaint (property taken during citation) 11/21/2011. Complaint of unlawful entry to residence, deemed civil matter, 06/14/2011. Complaint of vehicle towed, no outcome listed (02/252012).

#### Evaluations:

The last evaluation from January 2009 reflects Officer Ereg has superior performance. All prior evaluations show acceptable or superior performance.

### Firearms Qualification:

Cleveland Police Range Records indicate Officer Ereg is current with his firearms qualification that occurred in September 2012 and range records provided show successful qualification every year since 2001

### Training:

Last training noted is from September 2012 (In-service Training).

Detective David A. Jacobs #211

OK

Case: SI-18-12-82-1493 Subject: Michael Farley #409

From: City of Cleveland Human Resources Personnel File

Review Date: 01/07/2013

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### Appointment:

Michael Farley was appointed to Cleveland Police Department on April 8, 1996 and completed the City of Cleveland Basic Police Academy on August 16, 1996. A review of Ohio Peace Officer Training Council records confirm that Officer Farley holds a full time commission with Cleveland Police.

### Commendations:

Officer Farley's personnel file reflects several commendations to include the City of Cleveland, Division of Police Medal of Honor that was awarded to him after a foot pursuit of a male with a gun, fire was returned after the suspect shot his partner in the hip. The suspect was later apprehended. Officer Farley also had commendations from Deputy Police Chief Mielke of Brooklyn Ohio, Cleveland Police Chief McGrath, Acting Police Chief Martin Flask, and a Cleveland Citizen (Jean Sisley) commending him on the apprehension of a purse snatcher.

## Discipline:

Letter of re-instruction following a motor vehicle accident it was deemed preventable, (03/06/2003).

#### **Evaluations:**

All evaluations show acceptable or superior performance. Note last evaluation in file is March 2010.

### Firearms Qualification:

Cleveland Police Range Records indicate Officer Farley is current on his qualification that occurred in September 2012 and he has successfully qualified every year since 1996.

Training:

Last training noted is from September 2012.

Detective David Jacobs #211

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Case: SI-18-12-82-1493

Subject: Cynthia D. Moore #1277 Personnel File Review

City of Cleveland Human Resources Personnel File

Review Date: January 7, 2013

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### Appointment:

Cynthia Moore was appointed to the Cleveland Police Department and graduated the Cleveland Police Academy on April 18, 2008. A review of Ohio Peace Officer Training Council records confirm that Officer Moore holds a full time commission with Cleveland Police.

#### Commendations:

Letters of commendation are present from Cleveland Chief of Police McGrath and FBL

## Discipline:

Complaint Improper Procedure Office of Professional Standards (OPS) 08-267 Complaint Improper Procedure Office of Professional Standards (OPS) 09-252

### Evaluations:

No performance evaluations are present in Officer Moore's file besides her probationary monthly evaluations from 2008.

### Firearms Qualification:

Cleveland Police Range Records indicate Officer Moore is current on her qualification that occurred in October 2012 and she has successfully qualified every year since 2008.

### Training:

Cleveland Central Catholic High School 10<sup>th</sup> grade (GED) Last training noted is from September 2012 (In-service training).

Detective Sergeant Clifford E. Pinkney

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Case: SI-18-12-82-1493

Subject: Erin L. O'Donnell #1027 Personnel File Review City of Cleveland Human Resources Personnel File

Review Date: January 7, 2013

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## Appointment:

Erin O'Donnell was appointed to Cleveland Police Department on September 28, 1998 and completed the City of Cleveland Basic Police Academy on January 9, 1999 (certificate # 98-099-990446). A review of Ohio Peace Officer Training Council records confirm that Officer O'Donnell holds a full time commission with Cleveland Police.

### Commendations:

Certificate of Appreciation Chief's Commendation (x2)

## Discipline:

Letter of Re-instruction August 2009. Complaint of Harassment Office of Professional Standards (OPS) 11-002

#### Evaluations:

All evaluations show acceptable or superior performance. Note last evaluation in file is June 2005.

#### Firearms Qualification:

Cleveland Police Range Records indicate Officer O'Donnell is current on her qualification that occurred in September 2012 and she has successfully qualified every year since 2000.

## Training:

Lakewood High School Grad/Defiance College/Cleveland State University Use of Force Training March 2002

Last training noted is from September 2012 (in-service training).

Detective Sergeant Clifford E. Pinkney

Case: SI-18-12-82-1493

Subject: Michael Brelo #416 City of Cleveland Human Resources Personnel File

Review

Report Date: 1/8/13

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The following is a review of Officer Michael Brelo's Human Resource personnel file. This file is separate from the personnel file kept by the Cleveland Police Department. While a majority of the information is concurrent between the two separately kept personnel files, this file appears to have discipline items that were purged from his CPD file (per collective bargaining agreement). The City of Cleveland provided these additional files on January 7, 2013.

### Appointment:

Michael Brelo was appointed to Cleveland Police Department on October 15, 2007 and completed the City of Cleveland Basic Police Academy on April 18, 2008. A review of Ohio Peace Officer Training Council records confirm that Officer Brelo holds a full time commission with Cleveland Police. His employment history also shows previous employment with Bedford Heights as a Corrections Officer from November 2005 till his appointment with Cleveland Police Department.

### Commendations:

Letters of commendation are present from Cleveland Police Chief McGrath as well as Parma Police Chief Miller.

### Discipline:

A letter of Instruction and Counseling was issued to Officer Brelo for preventable damage to a police car dated November 18, 2010. On June 12, 2010 Officer Brelo and his partner Officer Galarza (driver) escorted an off duty police officer to Metro Hospital when the patrol car was struck on the driver's side door at an intersection.

Additional records received from the City of Cleveland on 1/7/13 reveal the following. Officer Brelo was required to attend eight hours of re-instruction with the Ordnance Unit on July 13, 2012 after a review of CPD Internal Affairs Unit case# 2011-045. In that case it is reported that Officer Brelo and his partner Officer Galarza responded on July 9, 2011 to a call of a man in a vehicle with a gun. Upon arrival the two officers approached the vehicle and ordered the male to shut the vehicle off as well as to show his hands. The suspect did not reply to either order. Officer Galarza then opened the passenger side door with her service weapon drawn while Officer Brelo opened the driver's side door and reached in to put the car into park. As this occurred both Officer Brelo and the suspect struggled with the gear shift and the car was placed in reverse. The

suspect's car began to reverse causing the passenger door to strike Officer Galarza. As Officer Galarza attempted to move out of the way of the reversing auto she stated her arm was struck by the passenger door and her weapon discharged one round that struck the front passengers's seat. The suspect vehicle also struck the responding patrol car and the suspect was subsequently taken into custody without further incident.

Cleveland Chief City Prosecutor Victor Perez reviewed the case and ruled no papers issued and no criminal conduct of Officer Galarza. Sgt. Rybarczyk (Internal Affairs Investigator) recommended the re-training of the two officers as well as recommendation that the dash cam video be used as a training aid in conducting traffic stops.

Also noted was a citizen complaint on 8/17/11 about damage to a vehicle that was subsequently towed. The Office of Professional Standards requested administrative withdrawal after numerous attempts to contact the complainant were met with negative results.

No other discipline was noted in Officer Brelo's HR personnel file.

### Evaluations:

The last evaluation present in his file, dated March 10, 2010 shows his cumulative rated performance exceeded performance expectations.

### Firearms Qualification:

No qualification records are present.

### Training:

The only training noted in the HR file is a mandatory re-instruction covering weapons safety and handling. This training was as a result of IAU case #2011-045 (as noted above).

Respectfully Submitted,

James Mackey, Detective

Cuyahoga County Sheriff's Office

Case: SI-18-12-82-1493

Subject: Paul D. Box #2526 City of Cleveland Human Resources Personnel File

Review

Report Date: 1/12/13

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The following is a review of Officer Paul Box's Human Resource personnel file. This file is separate from the personnel file kept by the Cleveland Police Department. While a majority of the information is concurrent between the two separately kept personnel files this file appears to have discipline items that were purged from his CPD file (per collective bargaining agreement). The City of Cleveland provided these additional files on January 7, 2013.

### Appointment:

Paul Box was appointed to Cleveland Police Department on August 19, 1996 and completed the City of Cleveland Basic Police Academy on December 20, 1999 (OPOTC certificate # 96-089-970155). A review of Ohio Peace Officer Training Council records confirm that Officer Box holds a full time commission with Cleveland Police. OPOTC records also show a commission with Cuyahoga Metropolitan Housing Authority Police Department from August 18, 1992 through February 20, 2002. His CPD personal history statement also reveled employment with Munroe Falls Police Department from April 24, 1995 till his appointment with CPD.

### Commendations:

Letters of commendations are present in Officer Box's HR personnel file from Cleveland Chief of Police McGrath, Brecksville Chief of Police Kancler, Cleveland Chief of Police Flask, Cuyahoga County Children and Family Services, and the United States Secret Service.

### Discipline:

A letter of re-instruction from Cleveland Chief of Police Martin Flask is present in Officer Box's personnel file for violation of Cleveland Police Department's General Police Order 5-98 (Pursuit Policy)resulting from an incident on Oct 16, 1998. Officer Box was reprimanded for joining in an ongoing pursuit, without permission from a sector supervisor. Furthermore during the pursuit he failed to notify Communications Control Section (dispatch) of his status, nor did he terminate from the pursuit. The pursuit that was initiated by two other officers as a result of squealing tires lasted 13 minutes and covered a distance of 9.3 miles. The pursuit ended in the use of deadly force by 5 officers of which another officer (Officer Duke) was shot by another Cleveland Police Officer (unspecified). It appears from the file that Officer Box was not involved in the shooting and only was reprimanded for the violation of pursuit policy.

A second letter of re-instruction regarding secondary employment is present from Commander McGrath dated April 10, 2000. This administrative violation is in regards to Officer Box not obtaining permission for secondary employment at a construction location.

No other discipline is noted in Officer Box's City of Cleveland HR personnel file.

### Evaluations:

The last evaluation from March 25, 2010 shows that Officer Box Exceeds performance. All prior evaluations show acceptable or superior performance.

### Firearms Qualification:

No qualification records are present.

## Training:

No training was noted in the Cleveland HR personnel file.

Respectfully Submitted.

James Mackey, Detective

Cuyahoga County Sheriff's Office

Case: SI-18-12-82-1493

Subject: Michael P. Demchak (Badge #1621) City of Cleveland Human Resources

Personnel File Review Report Date: 1/12/13

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The following is a review of Detective Michael Demchak's Human Resource personnel file. This file is separate from the personnel file kept by the Cleveland Police Department. While a majority of the information is concurrent between the two separately kept personnel files, this file appears to have discipline items that were purged from his CPD file (per collective bargaining agreement). The City of Cleveland provided these additional files on January 7, 2013.

### Appointment:

Michael Demchak was effective date of appointment to the Cleveland Police Department was on October 23, 1982. He was sworn in on February 4, 1983 after completion of the City of Cleveland Police Academy.

#### Commendations:

Letters of commendation are noted in Detective Demchak's personnel file from Cleveland Police Chief Martin Flask, Chief Howard Rudolph, Cleveland Councilman Rybka, Lakewood Police Capt. Bielozer, Cleveland Police Chief Rudolph, Payne-Sterling Neighborhood Association Block Watch, Ohio Savings Bank, Attorney Ann Snyder, Attorney Susan Hanley. Also in his file was a special Commendation Award for the arrest of a male who killed a 10 month old child. As well as a letter of commendation for exemplary performance of duty while under fire on December 20, 1984 where the suspect was shot twice and subsequently taken into custody.

### Discipline:

Detective Demchak was issued a letter of re-instruction for an on-duty motor vehicle accident that occurred on July 18, 2008.

Detective Demchak was the subject of a citizen complaint on 1/4/11 from a citizen who did not have a permit to occupy a building, stating he has been harassed for years by Det. Demchak and his partner Det. O'Donnell who were also the reason building and housing inspectors have been called to his business resulting in minor violations. The complaint was subsequently closed with the Office of Professional Standards.

No other discipline or complaints were discovered in Det. Demchak's HR personnel file.

### Evaluations:

All evaluations present in Detective Demchak's personnel file have ratings of acceptable to superior performance. No negative comments were noted.

### Firearms Qualification:

No qualification records are present.

## Training:

Inservice training certificates from 1995 though 2001 were noted along with LEADS certification from 1993 and Human Diversity training from November 1993.

Respectfully Submitted,

James Mackey, Detective

Cuyahoga County Sheriff's Office

### **SUMMARY REPORT**

## INCIDENT CLEVELAND POLICE DEPARTMENT PURSUIT/SHOOTING 11/29/2012

On January 10, 2013 I Detective Sergeant Clifford E. Pinkney reviewed a compact disk containing cellular phone data downloaded from Cleveland Police Department Officer Christopher Ereg's personal cell phone. The review of the data did not reveal any pertinent information to the investigation other than several crime scene photos taken on November 29, 2012. Officer Ereg did in fact give consent to the review.

Detective Sergeant Clifford E. Pinkney

### **SUMMARY REPORT**

## INCIDENT CLEVELAND POLICE DEPARTMENT PURSUIT/SHOOTING 11/29/2012

On January 10, 2013 I Detective Sergeant Clifford E. Pinkney reviewed a compact disk containing cellular phone data downloaded from Cleveland Police Department Officer James Hummel's personal cell phone. The review of the data did not reveal any pertinent information to the investigation other than several crime scene photos taken on November 29, 2012. Officer Hummel did in fact give consent to the review.

Detective Sergeant Clifford E. Pinkney

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