

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 3/03/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT WKSU Audio Files Summary

COPIES TO File

On March 3, 2015 Nicole DeCaprio, Office of General Counsel for Kent State University, had responded and satisfied the subpoena for WKSU (GJS-1017613). I received an email with two mp3 files attached. The two files are from an interview of [REDACTED] conducted by WKSU Reporter Kabir Bhatia. Although WKSU identified the juvenile male as [REDACTED] through our investigation it was learned that the real identity is [REDACTED]

- [REDACTED] pt1[1].mp3 (3 minutes and 7 seconds in length)
- [REDACTED] pt2[1].mp3 (48 seconds in length)

Below are some excerpts from [REDACTED] pt[1].mp3:

- At 23 seconds [REDACTED] said *"I was with him here when he had it and I know I shouldn't have left because I told him he had to be careful with it, and it looked real when he had it"*.
- At one minute [REDACTED] asked [REDACTED] if he knew where he got the BB gun, [REDACTED] said "he got it from me".

Excerpt from [REDACTED] pt2[1].mp3:

- At 21 seconds [REDACTED] asked [REDACTED] if he knew how the orange piece came off the end and [REDACTED] said *"When I gave it to him the orange piece was removed by me"*.

For further please refer to the audio files that have been loaded into the case file.

//////S/////

James Mackey, Detective

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 3/4/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Cleveland Dispatcher Interview Request

COPIES TO File

On February 24, 2015 I was given an assignment by Sergeant Eugene Sharpe to schedule an interview for Dispatchers Renee Foley, Beth Mandl and Constance Hollinger in relation to their knowledge and recollections of 911 calls received and dispatched regarding the Tamir Rice that occurred on November 22, 2015.

On March 4, 2015 I received an email from Chief Dispatcher Renee Foley () declining an interview with our agency. The email stated "*I spoke with my union and we have decided to decline on the interview at this time*". I sent a follow up email to her thanking her for her response. I also requested that she provide me with her union attorney name and contact information.

//////S//////

James Mackey, Detective

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 3/5/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Cleveland Dispatcher Interview Request Follow Up (Mandl and Hollinger)

COPIES TO File

On March 5, 2015 I contacted CPPA Dispatchers Union Attorney Keith Wolgumuth at [REDACTED] to follow up with him regarding an interview with his two clients, Dispatcher Beth Mandl and Dispatcher Constance Hollinger. Mr. Wolgumuth declined an interview on behalf of his clients citing the current climate and complexity of the dispatcher's job; they are unable to accommodate an unprotected statement at this time.

Mr. Wolgumuth was advised of the possibility that his two clients may be summonsed to testify before the Cuyahoga County Grand Jury in this matter. He informed me he would speak with his clients and advise me if they change their stance.

//////S//////

James Mackey, Detective

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 03-08-2015

FROM Detective John Morgan #241

TO Sergeant Sharpe

SUBJECT Synopsis of interview with [REDACTED]

COPIES TO Lt. Smith, File

On this date, March 5, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau, and in company with Detective David Jacobs we were assigned by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force Incident which occurred at the Cudell Recreation Center on November 22, 2014. The following is a result of that follow up investigation.

On this date investigators had the occasion to interview [REDACTED] at the offices of The Alcohol Tobacco and Firearms Agency (ATF) located at 5055 Rockside Road, Suite 700, Independence, Ohio. The following is a synopsis of that recorded interview:

[REDACTED] W/M/52, DOB [REDACTED] SSN: [REDACTED]

[REDACTED] TX: [REDACTED]

[REDACTED] stated that he is currently unemployed due to a physical disability which he has had for a number of years and that he receives Social Security Disability for his physical ailments. [REDACTED] stated that he grew up here in the Parma/Seven Hills area and has been a resident of Cleveland area for most of his adult life.

[REDACTED] confirmed that he was the 911 caller on November 22, 2014. He stated that on the evening of November 21, 2014 he slept at a friend's house located on West 99th Street just south of Madison Avenue. [REDACTED] continued, stating that on Saturday November 22, 2014 he woke up late in the morning and remembered his friend leaving to go out. His friend told him that he didn't have to leave but to lock the door when he left the residence. He stated that when he did finally leave the house he was dressed in jeans a hooded sweatshirt and a jacket, he went to a local store located on Madison Avenue and purchased a 24 ounce can of beer prior to going to Cudell Park.

[REDACTED] stated that he knew the exact time that the Regional Transit Authority (RTA) bus would depart the West Boulevard transit station (2:30pm) so he had a some time to waste. During this time he planned to consume his beer which he had purchased in the Cudell Recreation Center gazebo until it was time to walk across the street to catch the bus.

[REDACTED] stated that shortly after he had arrived at the park, he sat down in the gazebo and noticed an "older looking" black male who was walking from the recreation center. This male, later identified as Tamir RICE, walked on the sidewalk in front of him but closer to the parking lot. He stated that the male was acting "Gangster" by pulling a gun in and out of his waistband and pointing it straight out in front of him then returning the gun back to his waistband. He stated that this male repeated this same motion at least six to seven times.

CUYAHOGA COUNTY SHERIFF'S OFFICE

██████████ stated that he had been a victim of a previous assault in 2012, because of this he became frightened by these actions and refused to make eye contact with this male fearing that he would approach him. ██████████ recalled that at one point this male had even pulled out the gun on a passerby, pointing the gun directly in the woman's face as she walked by him on the sidewalk.

He stated that the male also appeared to be saying something on occasion when he pulled out the gun, but ██████████ informed investigators that he did not have his hearing aid and could not clearly determine what the male was saying.

██████████ stated that when the male walked back toward the recreation center and away from him, he took out his cellular telephone to place a call to the 911 dispatcher. Either during or just before the 911 call, ██████████ stated that male walked back towards him, walked past him on the sidewalk and sat on the swing located in the park. He stated that because he had his "Hoodie" up over his head, he was trying to conceal the fact that he was on the telephone from the male. He stated that at one point he was afraid that he may be shot in the back if had gotten up and walked toward the transit station.

██████████ stated that he kept peeking at the male on the swings, and when he saw that the male had his back to him, he got up from the bench and calmly walked toward the transit station. He stated that he got on the bus and headed downtown. ██████████ stated that he did not know what had happened after he placed the 911 call until either later during that evening's late local news or the next day. ██████████ reiterated that he was not threatened by this male and that he did not come into direct contact with this person.

At this point investigators played a copy of the original 911 call which ██████████ had placed to Cleveland Police Dispatch. During this call ██████████ clearly stated to the dispatcher that the gun was "probably fake" and that the male was probably a juvenile. When asked why he mentioned this to the dispatcher; he stated that he didn't know if the gun was fake or not, nor did he know if the male was a juvenile. When asked why earlier in the interview he mentioned that he believed that the male was 20 years of age; he stated that the male was a big boy and didn't know that he was only 12 years of age, but because of his size he looked much older.

This matter to be further investigated.

Detective John Morgan #241

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 03/09/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Interview of Ronald E. Fields- 03/05/2015

COPIES TO File

Ronald E. FIELDS, City of Cleveland, Recreation Center Manager, [REDACTED], date of birth [REDACTED] cell phone number [REDACTED] was advised of the identities of the interviewing Detectives and the purpose of the interview. FIELDS thereafter provided the following information regarding the Use of Deadly Force by Cleveland Police Department (CPD) on November 22, 2014 at the Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio:

FIELDS began his employment with the City of Cleveland Recreation Department in 2006 and was promoted to Recreation Center Manager at the CRC in 2007. FIELDS typically works Monday thru Friday, 11am to 7:30pm. Business hours for the CRC are Mondays thru Fridays 11:30am to 8pm and Saturdays 9:30am to 6pm. CRC is closed on Sundays.

There are approximately 178,000 members for City of Cleveland Recreation Centers throughout the entire city. Anyone can be a member as long as they fill out an application and it is free to join. Once a member, you can use any recreation center throughout the city. As a member you are given a six digit code (present day), you must enter the code upon entering a recreation center. After entering the code an employee for the recreation center will ask a destination and enter a program as the member would indicate.

CRC has a gym, game room, three weight rooms, indoor/outdoor pool, sauna, two Judo rooms, one boxing room, Girl Scout room, computer room, outdoor playground, and football/soccer field. Some of the areas mentioned have restrictions regarding usage. No one under the age of eight (8) can enter a recreation center without a parent/guardian. There are currently twenty-two (22) recreation centers throughout the City of Cleveland.

On November 22nd, 2014 the following were employed at the CRC; Archie Kellom, custodian (off), Joe Munoz, Recreation Instructor (off), Joyce Almeida (off) and Rhonda Butler (on), Physical Directors/Lifeguards, Milton Smith and Jessica Ortiz (both on), Part-time Recreation Instructors. The City of Cleveland also contracts with SafeChoice Company to employ off-duty Police Officers for a security positions at the CRC. The shifts for the security positions are Monday thru Fridays are from 4pm to 8pm and Saturdays 2pm to 6pm. SafeChoice Company Supervisor is Anthony Spencer. On Saturday, November 22, 2014, CPD Officer William Cunningham was working in an off-duty capacity at the CRC wearing his CPD uniform. FIELDS also indicated that when he arrived he noticed Anthony Spencer, Safechoice was on scene and may have been wearing a body camera.

On November 22nd, 2014 FIELDS was not working at the CRC, but did receive a phone call at approximately 3:35pm from Milton Smith, CRC employee. Smith told FIELDS that "Tamir" was killed by cops; they (cops) shot him. FIELDS told Smith he was on his way and called his supervisor, Jen Ryba, Regional manager and Commissioner Scott Gissentaner. FIELDS arrived at CRC at approximately 4:00pm where he was met by Commissioner Gissentaner. FIELDS parked on the west end of the lot facing north. FIELDS described the CRC lot as chaotic. FIELDS noticed media trucks, emergency vehicles and police cars. As FIELDS was walking toward CRC he noticed Tamir's sister in the back of a police car. Tamir's sister was in the backseat of the police car parked near the gazebo. The window was down and Tamir's sister was reaching her arms and hands out of the window for FIELDS.

CUYAHOGA COUNTY SHERIFF'S OFFICE

013-35

As FIELDS arrived he was tasked by his supervisor to assist Police Detectives getting video footage and information regarding members of CRC. FIELDS did witness Tamir's sister get released from the back of the police car whereas she walked calmly into the CRC.

FIELDS was very familiar with Tamir; he has known Tamir for approximately one and one half years. FIELDS was familiar with Tamir because he was at the CRC almost every day, whether it was with his school (Marion Seltzer) or after school. FIELDS was also familiar with his sister who was usually with Tamir. FIELDS has never had any issues with Tamir or his sister, citing, he never "blocked" their memberships. FIELDS went on to say if members were "blocked" it was because they broke some type of recreation rule or policy. The last time FIELDS saw Tamir was the Friday, November 21st, 2014. Tamir (at the CRC) was playing on his phone and FIELDS playfully pretended to knock the cell phone from his hands. Tamir responded to FIELDS by saying "c'mon, it's all I do; I come to the rec and play games."

FIELDS provided the following names of some of Tamir's known associates. The names listed below are people that FIELDS would see Tamir with while at the CRC. [REDACTED] and [REDACTED]'s sister who is two years older. All the names listed above are juveniles. FIELDS was shown CRC video surveillance depicting different individuals interacting with Tamir prior to him being shot on November 22nd, 2014. In the surveillance footage FIELDS identified Tamir, [REDACTED] (black backpack), [REDACTED] "last name unknown" (LNU) (fur coat), [REDACTED] (plaid jacket), [REDACTED] (black clothing, white male) and possibly [REDACTED] (small child, red hat.)

FIELDS stayed at the CRC that night until 10:30pm assisting CPD Detectives with obtaining video surveillance footage, this took several hours. FIELDS indicated that CPD copied surveillance footage to CD's and thumb drives. FIELDS stated there are ten (10) video cameras located at the CRC, some of which were working and some of which were frozen with ice.

Respectfully Submitted,

Detective David Jacobs

CUYAHOGA COUNTY SHERIFF'S OFFICE

013-33

FILE NO. 15-00004

DATE 03/09/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Interview of [REDACTED] telephonically

COPIES TO File

[REDACTED], date of birth [REDACTED] cell phone number [REDACTED] was advised of the identity of the interviewing Detective and the purpose of the interview. [REDACTED] thereafter provided the following information regarding the Use of Deadly Force at the Cudell Recreation Center (CRC) on November 22nd, 2014.

[REDACTED] was contacted via her cell phone and the writer requested an opportunity to speak with her regarding any information she could provide as it pertains to the captioned case. [REDACTED] indicated she was contacted by Cleveland Police Department (CPD) Detectives at an earlier date. [REDACTED] stated she did not witness the incident but did hear screaming after the fact. [REDACTED] remained in her residence and did not go across the street to the scene of the incident. [REDACTED] recently moved to the area but did state that her son was familiar with Tamir, but she did not really know Tamir. There is no need for further interview of [REDACTED] unless new information is obtained.

Respectfully Submitted,

Detective David Jacobs #211

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 03/09/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Phone message for [REDACTED] [REDACTED]

COPIES TO File

[REDACTED] [REDACTED] [REDACTED] Street, Cleveland, Ohio 44102, date of birth [REDACTED] cell phone [REDACTED] was listed as a witness on the Cleveland Police Department (CPD) report. A phone message was left for [REDACTED] on 03/09/2015 at approximately 3:00pm. Further investigation to follow.

Respectfully Submitted,

Detective David Jacobs #211

[REDACTED] message

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COPIES TO **File**

Tiffany DAVIS, [REDACTED], date of birth [REDACTED] cell phone number [REDACTED] was interviewed telephonically by the writer. [REDACTED] thereafter provided the following information regarding the use of deadly force at Cudell Recreation Center (CRC) on November 22nd, 2014.

█████ advised she was at work during the captioned event and after arriving home from work she noticed a business card from a female Detective with the Cleveland Police Department (CPD). DAVIS contacted the female CPD Detective she thought her name was "Kathy." █████ advised CPD she was at work at the time of incident and did not witness anything. DAVIS will not be interviewed further unless new information arises.

Respectfully Submitted,

Detective David Jacobs

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 03/09/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT List Cleveland Police Officers on scene

COPIES TO File

The following list of Cleveland Police Department Officers arrived on the scene at Cudell recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio 44102 on November 22nd, 2014, approximately zero to ten minutes after the use of deadly force took place:

1A25-Frank Garmback #1582-assigned unit
1A25-Tim Loehmann #1231-assigned unit
1A26-Ken Zverina #2437-secure scene
1A26-Ricardo Roman #980-secure scene
1S23-Janell Rutherford #9087-scene supervisor
1C21-Lou Kitko #553-secure scene
1C24-Tom Griffin #684-scene log
176-Dan Lentz/SA [REDACTED] (FBI)

Please refer to the complete list of Officers on the CPD crime scene log. The aforementioned Officers were the initial responders.

Respectfully Submitted,

Detective David Jacobs #211

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 03-10-2015

FROM Det. Homer Allen

TO Sgt. Eugene Sharpe

SUBJECT Interview Summary for Milton Smith

COPIES TO File

Sir,

On March 5th, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau I was given an assignment by Sergeant Eugene Sharpe to conduct an interview on Milton Smith into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is result of that interview.

WITNESS: Milton Smith

DOB: [REDACTED]

Address: [REDACTED]

Cellular Number: (440) [REDACTED]

SUMMARY:

Milton Smith was employed in a part-time capacity at the Cudell Recreation Center on November 22, 2014 as a Recreation Instructor. He has been employed there approximately 2 years. He was working with another Cudell employee "Jessica" and CPD Officer Cunningham. While conducting his regular duties, he heard what sounded like gun shots, but did not think anything about it until several kids exited the building at which time he and Officer Cunningham exited. He overheard one of the kids state "*Its Tamir*" as a girl (Tamir's Sister) began yelling and started running over to location of shooting, she was immediately taken into custody.

Milton called his supervisor Ron Fields and informed him of the incident, while observing Officer Cunningham waving him away from coming any further. Milton observed that Tamir was laying on his back with his legs bent, facing him (North) and his head facing (South). Two additional Officers and One Police car was observed. He did not see any weapons from his location.

Upon having Milton review the camera surveillance of incident he was able to ID the following individuals:

Tamir Sister

[REDACTED]

Co-Worker Jessica

Submitted for your review,

Homer Allen

CUYAHOGA COUNTY SHERIFF'S OFFICE

03-10

FILE NO. 15-00004

DATE 03/10/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Meeting with Dr. Thomas P. Gilson, Medical Examiner

COPIES TO File

The following meeting was in conjunction with the investigation of use of deadly force by Cleveland Police Department (CPD) on November 22nd, 2014 at Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio, 44102. Cuyahoga County Sheriff's personnel at the meeting were as follows; Captain Richard Peters, Lieutenant Bryan Smith, Sergeant David Lisy and the writer. The meeting took place at the Cuyahoga County Medical Examiner's Office (CCMEO) on March 10, 2015, representing the CCMEO was the Medical Examiner, Dr. Thomas P. Gilson and Forensic Scientist (FS) Curtiss L. Jones, MS, Supervisor, Trace Evidence Department, CCMEO.

A meeting was requested in order to clarify and explain in detail the findings as it pertains to the autopsy, toxicology, and trace evidence for Tamir RICE. The post mortem report was obtained at an earlier date to include trace evidence and toxicology reports.

Dr. Gilson reviewed the entire autopsy report to include sharing conversations he had with Dr. Patel, MetroHealth Hospital, surgeon who operated on RICE before pronouncing him dead. Dr. Gilson discussed at length the findings in the autopsy report. FS Jones also explained in detail the post-mortem photos and all trace evidence collected and examined. It was determined CPD submitted evidence for DNA analysis which is not included in our initial packet from CCMEO. Further investigation will be conducted to obtain any and all reports pertaining to DNA evidence. FS Jones indicated the CCMEO was in possession of the items submitted for trace evidence examination and will maintain said items until further notice.

Respectfully Submitted,

Detective David Jacobs #211

CUYAHOGA COUNTY SHERIFF'S OFFICE

03-33

FILE NO. 15-00004

DATE 03/10/2015

FROM Detective David Jacobs
SUBJECT DNA report from Cuyahoga County Medical
Examiners Office (CCMEO) Tamir RICE
COPIES TO File

TO Sergeant Eugene Sharpe

The following investigation is in conjunction with the Use of Deadly Force incident involving the Cleveland Police Department (CPD), on November 22nd, 2014 at Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio, 44102. It was learned by the writer that the CCMEO report was incomplete, lacking the DNA report as it pertains to items submitted by CPD for the captioned case. This was learned after meeting with Dr. Thomas Gilson, Cuyahoga County Medical Examiner (CCME) on March 10, 2015.

A request was made on March 10th, 2015 by Detective John Morgan, Cuyahoga County Sheriff's Office (CCSO) to the CCMEO, Dr. Nasir Butt. Dr. Butt indicated he initially sent the DNA report to Detective Ray Diaz, CPD in December of 2014. Dr. Butt emailed Detective Morgan a copy of the DNA report, which was examined by Detective Morgan and the writer. Several items were examined, item #8 (placard #3) described as "two swabs from cell phone found on the scene" returned a mixture with major and minor components. The major DNA component in this mixture matches the DNA profile of Tamir Rice.

The other item, 9.2 is described as "two swabs suspected DNA, Colt 1911 semi-auto pellet gun and magazine." The DNA profile obtained from item 9.2 is a mixture with major and minor components. The major DNA component in this mixture is unknown. Tamir Rice cannot be excluded as a possible contributor to the minor DNA component in this mixture. The report goes into probabilities; these probabilities are based on race. The DNA report was scanned to the file and a working copy was made.

Respectfully Submitted,

Detective David Jacobs #211

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 3/10/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT CPD Range Officer Urbania Conversation

COPIES TO File

In relation to the above titled investigation I was assigned by Sargent Eugene Sharpe to arrange an interview with Officer William Cunningham. Officer Cunningham was working a part time detail at the Cudell Recreation Center (1910 West Blvd., Cleveland OH) on November 22, 2015 and was the first officer to arrive on scene to assist Officer Loehmann and Officer Garmback.

On March 10, 2015 at 3:03pm I spoke with Officer William Cunningham via phone [REDACTED] [REDACTED]. I informed him that we are conducting the Tamir Rice, Use of Deadly Force Investigation and that we would like to speak with him regarding the events of November 22, 2015. He informed me that he would have to consult with his Union prior to setting up a meeting with me and he would get back with me.

At 5:38pm Officer Cunningham called me back. He clarified with me that I was not seeking a Garrity Statement from him. After the clarification he politely declined an interview or making any statements to our office, informing me, that after consultation with his Union and per their advice, he will not be providing me with any statements. He advised me that if I have any further questions I could contact his Union President Steve Loomis or the CPPA Attorney Henry Hilow (numbers that he did not have readily available) and they would be more than happy to help me.

//////S/////

James Mackey, Detective

FROM James Mackey, Detective
SUBJECT Interviews for Friday March 20, 2015
COPIES TO File

TO Sgt. Sharpe

Regarding the above captioned case on Friday March 13, 2015 I contacted the following to schedule interviews regarding this case:

-Joe Wise at [REDACTED] indicated he would meet with us but advised me to call back on Monday March 16, 2015 after he is able to check his availability.
[REDACTED] spoke with Grandmother [REDACTED] who will meet with investigators on Friday March 20, 2015 and requested a ride at 4:30pm from their residence at [REDACTED]
[REDACTED] who will meet with investigators at 5:30pm on Friday March 20, 2015.

An attempt was also made for [REDACTED] (Dad) at [REDACTED] but a female called back and informed me I have the wrong number.

A message was also left for [REDACTED] on his voicemail [REDACTED]

//////S//////

James Mackey, Detective

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 3/16/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT [REDACTED] Follow Up

COPIES TO File

On Monday March 16, 2015 while conducting follow up investigation on 15-0004, Detective Allen and I, spoke with [REDACTED], Cleveland, Ohio. Her name appeared in the original Cleveland Police Report as having possible information on Tamir Rice.

When we spoke with her at her residence she informed us that she had mistakenly through another male juvenile in her neighborhood was Tamir Rice. She said she had seen this juvenile playing with and shooting BB guns near her house at a prior time and thought it was Tamir Rice. She realized it was not Tamir Rice because she saw the male juvenile after Tamir Rice's death.

I asked if she knew where the juvenile lived so we could speak with the parents but she could not identify the specific house.

No further follow up needed.

//////S/////

James Mackey, Detective



THE CUYAHOGA COUNTY SHERIFF'S DEPARTMENT, SHERIFF FRANK BOVA

THE JUSTICE CENTER 1215 West 3rd Street, Cleveland, Ohio 44113 [REDACTED]

To whom it may concern;

Please be advised that on 03/18/2015 Cuyahoga County Sheriff's Department Sgt. Eugene Sharpe requested the appearance of EMS Technician Ryan Bittel to answer questions regarding Incident #2014-368418 involving Cleveland Police Department and Subject Tamir Rice.

Please be advised that on this date at 1100hrs in the company of Union Representation, Bittel appeared and satisfied said request. If any additional information is required please contact Sgt. Sharpe or Det. Homer Allen at [REDACTED]

Respectfully submitted for your review,

Det. Homer Allen

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 3/15/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Grand Jury Subponas of Officer Cunningham, Dispatchers Foley, Mandl and Hollinger

COPIES TO File

Regarding the above captioned case on Friday March 13, 2015 I received, from the Cuyahoga County Prosecutors Office, four Grand Jury Subpoenas for the following 4 witnesses:

Chief Dispatcher Renee Foley (GJS-1021038)
Dispatcher Beth Mandl (GJS-1021036)
Dispatcher Constance Hollinger (GJS-1021037)
Officer William Cunningham (GJS-1021039)

I was advised by APA Meyer that if a statement is secured from the above listed individuals prior Grand Jury date/time it would satisfy the Grand Jury Subpoena.

As I had had previous contact with the respective attorneys or unions for the above listed. I contacted Cleveland Police Patrolmen's Association (CPPA) President Steve Loomis (representing P.O. Cunningham and Dispatchers Mandl and Hollinger), and left a message for OPBA Attorney Dan Leffler (representing Chief Dispatcher Foley) advising them that subpoenas have been issued. In speaking with CPPA President Loomis, he reiterated the concerns for his members in the current climate, which were originally relayed to me by CPPA Attorney Keith Wolgumuth.

On March 15, 2015 at 10:21pm I served Chief Dispatcher Renee Foley with her subpoena and informed her of her option to speak with me prior to Grand Jury. I further advised her of the date, time and location to appear before the Grand Jury should the subpoena not be satisfied prior to her required appearance.

I also had the occasion to speak with Officer Cunningham on the phone and advised him of the issuance of his subpoena. An attempt will be made to serve him on Monday March 16, 2015 while on duty.

Dispatchers Mandl and Hollinger were served the Grand Jury Subpoenas on March 17, 2015.

On Friday March 20, 2015 I was advised by APA Meyer that the above listed individuals will be satisfying the subpoenas by meeting with Sheriff Detectives for an interview. Contact will be made with the interested parties to schedule interviews.

//////S//////

James Mackey, Detective

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-04 (Tamir Rice)

DATE 3/29/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Interview of FBI Special Agent [REDACTED]

COPIES TO File

Summary

On Friday February 27, 2015 at 11:00am, Detective Allen and I (Detective Mackey) interviewed Federal Bureau of Investigation (FBI), Special Agent (SA) [REDACTED]. The interview centered around his involvement and observations after responding to "shots fired broadcasted over the radio" on Saturday November 22, 2014 at 1910 West Boulevard (Cudell Recreation Center), Cleveland OH 44102.

Details

On Friday February 27, 2015 at 11:00am, Detective Allen and I met with FBI Special Agent [REDACTED] FBI Chief Division Counsel [REDACTED] and FBI Associate Division Counsel [REDACTED] in a conference room at the FBI Cleveland Field Office in Cleveland Ohio. Also present in the conference room as observers, Sergeant Eugene Sharpe and Detective Dave Jacobs. SA [REDACTED] was meeting with us to give a voluntary statement with regard to a three (3) page report he had provided our agency regarding his involvement and observations on November 22, 2014 while responding to 1910 West Boulevard, Cleveland, OH.

Special Agent [REDACTED] has been with the FBI since 2012 assigned to the Cleveland Field Office since the beginning of his career. Currently he is assigned to the Violent Crime Task Force with a focus in Bank Robberies and serves as the Division Bank Robbery Coordinator. Prior to joining the FBI, [REDACTED] was a [REDACTED] Police Officer from January 2010 to September 2012. He has four and a half (4 ½) years of service in the United States Marine Corps as an Infantryman as well as Reconnaissance. [REDACTED] is also currently serving in the United States Air Force National Guard (New York) Para-Rescue. Through his duties in the Air Force he is involved in civilian and combat search and rescue and is a National Registered Paramedic. [REDACTED] has a deployment to Afghanistan while serving in the Air Force.

On Saturday November 22, 2014 SA [REDACTED] was with Cleveland Police Detective Daniel Lentz concluding a day of follow up investigation on an unrelated bank robbery investigation. SA [REDACTED] Said,

"At approximately 3:30pm we heard a broadcast over the CPD Emergency dispatch for a shooting. We initially thought that a subject was shot and he was fleeing, that quickly changed when they qualified it and said the individual was shot and they were requesting fire and EMS respond. We made it there in like three (3) minutes after the shooting happened... as I approached the officers I asked for any first aid equipment, medical gear, anybody that has any of that to bring it over here. They didn't have any of that so I said ok give me a pair of rubber gloves and I walked over to Tamir Rice and began to assess him and do the medical treatment I could".

CUYAHOGA COUNTY SHERIFF'S OFFICE

I asked SA [REDACTED] to describe Tamir when he arrived on scene. He said that when he arrived on scene his main concern was Tamir. From a distance he could see that part of his small intestines were eviscerated (coming out of his abdomen). He described it as a particularly disturbing looking injury with no visible blood. His first impression from afar was that he was dead because he was not moving. Tamir was laying on his back motionless, on the concrete with his coat was open and his shirt partially pulled up allowing him to see his abdomen. He said he immediately went up to him and assessed him for massive hemorrhage in which he found none. He performed a MARCH protocol (M=Massive Bleeding, A=Airway, R=Respirations, C=Circulation, H=Head) to identify life threats and addressed his airway that eventually Tamir eventually had difficulties maintain his own airway. When SA [REDACTED] was assessing Tamir he informed him that he was a paramedic and he was there to help him. Tamir responded with a nod of his head and reached for SA [REDACTED] hand.

I asked SA [REDACTED] what his impressions were of the injury and he said;

"the reality of an injury like that is that he needed bright lights and cold surgical steel, he needs a surgeon to repair that... he needs to go to surgery, that's the end all result, that's the only thing that's going to repair the damage. The only thing we were doing on scene was just to keep him alive long enough to get to the hospital. He needed blood products and he needed surgery".

I asked SA [REDACTED] if Tamir spoke at all and he said he did. He said;

"He told me his name was Tamir and that he was shot, he made a reference to his gun like a question where is my gun. I don't remember exactly what it was but that he made reference to a firearm".

I asked, at any time did any Cleveland Officers render assistance. He said, yes, when Tamir's airway became an issue he needed both hands and asked another officer to help. He didn't know for sure but he thinks it was the training officer who helped. He described him as a while male shorter than 5'10" with brown hair in his forties. He directed the officer to put direct pressure on the wound while he addressed his airway.

I asked while giving first aid to Tamir was there any instances where he became alerted to activity going on around him. He said yes, the female that was screaming in the car (that he later learned was his sister). He overheard her scream that he was only twelve (12) years old. He said he never would have guessed with how big he was that he was only 12. He also said that "at one point his brother appeared on scene threatening officers and storming up to us like he was going to fight and I had to stop and say is someone going to deal with this... I mean I felt threatened".

SA [REDACTED] said he was assisted by Cleveland Fire upon their arrival and again noted that Tamir was having trouble with maintaining his airway and that his pulse was becoming weak. Tamir's airway was addressed and that a pulse was discovered. He continued primary first aid care until Cleveland Paramedics arrived and Tamir was loaded into the EMS vehicle. After Tamir was loaded in a Cleveland Fireman told him he was not cleared to work with the City of Cleveland and you need to get off the ambulance. SA [REDACTED] said, he was relieved by someone of the equal

CUYAHOGA COUNTY SHERIFF'S OFFICE

medical status as him (paramedic) and he was not going to get into an argument with the Fireman. His main concern was for Tamir and getting him to the hospital. At that point he said he exited the ambulance.

Det. Allen asked if anyone had suggested transporting him in a police car. SA [REDACTED] said no and

"I wouldn't have done that, I think that would have resulted in a poor outcome. Based on what I was dealing with on the ground, he couldn't maintain his own airway. If you threw him in the back of a vehicle crunched up I absolutely don't think he would be maintaining his own airway when they get to the hospital five to ten (5-10) minutes later he would not have been breathing. I have never favored a load and go approach in a city; I think that leads to poor patient outcomes".

Once he exited the vehicle he said Tamir's mother arrived shortly after and got into the front passenger seat of the ambulance. He said the mother was very nonchalant but clarified that people react differently even though he thought she may act a little more concerned than she did. He said that after he left the ambulance he then went over to Det. Lentz and then went to Officer Loehmann.

SA [REDACTED] was asked to recount his interaction with Officer Loehmann. SA [REDACTED] said Officer Loehmann was distraught and looked like he was in a significant amount of pain holding his leg up and his ankle but declined any assistance and said he would be ok till EMS arrived. SA [REDACTED] said he seemed pretty distraught over the whole situation "he seemed like a guy that was put in a very difficult situation and had to make a very quick decision based upon what he believed was an imminent fear of death or serious physical injury to himself and reacted to it. Either way I don't believe it was a situation he wanted to be in". Loehmann told SA [REDACTED] in what he thought was a "spontaneous utterance...he had a gun and he reached for it after he told him to show him his hands". SA [REDACTED] told him he was just there to see if he needed any medical attention.

SA [REDACTED] was shown the Cudell Recreation Center surveillance footage from camera 11000100.exe.

For a more detailed account of the interview refer to the transcribed interview.

//////S/////

James Mackey, Detective

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 3-30-2015

FROM Detective John Morgan #241

TO Sgt. Sharpe

SUBJECT Synopsis of the Automated Vehicle Location
information

COPIES TO Lt. Smith, File

On this date, while assigned to the Cuyahoga County Sheriff's Detective Bureau, writer was assigned to conduct further investigation into the Cleveland Use of Deadly Force Incident that occurred at the Cudell Recreation Center (CRC) on November 22, 2014.

On March 11, 2015, writer received a compact disk containing the Cleveland Police Automated Vehicle Location (AVL) information for CPD Zone Car 115A, the car involved in the Use of Deadly Force Incident at the CRC. The AVL system does not provide precise Latitude and Longitude coordinates, however it does provide a visual area map and direction of travel of the vehicle. The vehicle in this case is represented by a small police car icon on a map of the City of Cleveland.

Below is a synopsis of the location and direction of travel of Zone Car 115A on November 22, 2014 between 14:29:00 Hours and ending at 00:30:00 Hours on November 23, 2014.

- 14:29 Begin tour of duty.
- 15:10 Vehicle leaves 1st District Police Station.
- 15:15 Vehicle stops in the area of W. 145th and Lorain Road.
- 15:18 Vehicle begins traveling Eastbound on Lorain.
- 15:24 Vehicle arrives near the intersection of Lorain Road near West Boulevard.
- 15:27 Vehicle travels Westbound on Lorain Road, turns Northbound onto West Boulevard, turns Eastbound onto Madison Avenue, turns Northbound onto West 99th Street towards CRC.
- 15:29 Arrive at CRC.
- 18:55 Vehicle leaves CRC.
- 19:08 Vehicle arrives at intersection of Lorain Road and Grovewood Avenue (Fairview Hospital).
- 20:56 Vehicle leaves intersection of Lorain Road and Grovewood Avenue.
- 21:02 Vehicle arrives at 1st District Police Station.
- 23:30 End tour of duty.
- 00:30 End of shift.

This Matter to be further investigated.

Detective John Morgan #241

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 03/30/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Phone conversation w/ [REDACTED]

COPIES TO File

The following investigation is in conjunction with the Cleveland Police Use of Force Deadly Force, Cudell Recreation Center, 1910 West Boulevard, Cleveland, Ohio on November 22nd, 2014. The writer received a call back from [REDACTED] Cleveland, Ohio.

[REDACTED] reported that she was outside her house when the aforementioned incident took place. [REDACTED] indicated she was interviewed by Cleveland Police concerning the incident. [REDACTED] requested we interview her at her residence on March 30th, 2015 at 5:30pm. [REDACTED] has four children and works full time and asked if we could accommodate her by doing the interview at her residence. Detective John Morgan and Detective David Jacobs will conduct the interview using a voice recorder at the aforementioned location, date and time.

Respectfully Submitted,

Detective David Jacobs

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 03/30/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Second attempt to interview [REDACTED] [REDACTED]

COPIES TO File

The following investigation is in conjunction with the Cleveland Police Department, use of deadly force incident which took place November 22, 2014, Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio. [REDACTED] (juvenile) legal guardian was contacted to reschedule an interview for March 27th, 2015 at 3:00pm. [REDACTED] legal guardian previously agreed and subsequently canceled the day of the interview. We agreed to reschedule but did not determine the location and time.

Respectfully Submitted,

Detective David Jacobs

CUYAHOGA COUNTY SHERIFF'S OFFICE

03-30

FILE NO. 15-00004

DATE 03/30/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Attempt to interview [REDACTED] [REDACTED]

COPIES TO File

The following investigation is in conjunction with the Cleveland Police Department, use of deadly force incident which took place November 22, 2014, Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio. [REDACTED] (juvenile) legal guardian was contacted and we scheduled an interview for March 20th, 2015 at 2:00pm. [REDACTED] legal guardian previously agreed and subsequently canceled the day of the interview. We agreed to reschedule for March 27th, 2015 at 3:00pm.

Respectfully Submitted,

Detective David Jacobs