

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 4/22/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Witness [REDACTED] [REDACTED] Attempt to Contact

COPIES TO File

In relation to the above investigation, Det. Allen and I attempted to make contact with [REDACTED] [REDACTED] was previously scheduled to be interviewed on March 27, 2015 with his mother [REDACTED] and was a no show. The interview would be center around his observations and interactions with Tamir Rice that he had on November 22, 2015 at the Cudell Recreation Center (1910 West Boulevard, Cleveland OH). [REDACTED] was identified by other witnesses and identified on Cudell Recreation Center video as being with Tamir Rice earlier in the day on November 22, 2014.

Today we attempted to make contact with [REDACTED] to schedule another interview at his residence at [REDACTED] OH. His mother [REDACTED] ([REDACTED]) said he had run away and is interested in filing unruly charges through juvenile. Det. Allen and I attempted to locate him at two addresses that his mother supplied us with as well as checking at Max Hayes High School where he is enrolled.

At [REDACTED] we spoke with School Security Supervisor Officer [REDACTED] who indicated [REDACTED] was not in attendance at school today. School attendance records have him absent from school since April 14, 2015 with the exception of attendance at two classes in April 20, 2015. Our contact information was left and asked that a call be made to us when he is in attendance at school. We reiterated to Officer Malone that [REDACTED] was not in trouble, he was a witness in a case we are investigating and we would like to speak with him.

We also checked at [REDACTED] [REDACTED] OH, one of the addresses that his mother gave us as a possible location (3 houses down from his residence). We were unable to make contact with any occupants at this address.

The second address given to us by [REDACTED] was [REDACTED] [REDACTED] OH (one street West). Contact was made with [REDACTED] ([REDACTED]). She said [REDACTED] was a friend of her son, [REDACTED]. She said [REDACTED] had frequently stayed at her house when his mother kicked him out but she was unaware of his current location. We also spoke with her son [REDACTED] who said he did not know Tamir Rice and did not have any interactions with him on November 22, 2014. He also was unaware of the whereabouts of [REDACTED]. Our contact information was left with [REDACTED] and asked her to call or pass our information along to [REDACTED] if she saw him.

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James Mackey, Detective

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 4/23/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Detective Lentz and Dispatcher Hollinger Interview Date/Time Set

COPIES TO File

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In relation to this investigation on Tuesday April 21, 2015 I spoke with CPPA President Steve Loomis via phone confirming interview with Detective Lentz and Dispatcher Hollinger on Wednesday April 22, 2015 at the Cuyahoga County Sheriff Detective Bureau. Loomis requested that if all possible the interviews be conducted either Thursday April 23 or Friday April 24, 2015 to accommodate schedules of all interested parties.

Friday April 24, 2015 at 9:00am at the Cuyahoga County Sheriff Detective Bureau was confirmed for Det. Lentz as well as Dispatcher Hollinger and respective Union representation would be in attendance.

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James Mackey, Detective

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 04-23-2015

FROM Det. Homer Allen

TO Sgt. Eugene Sharpe

SUBJECT EMS Paramedic Aaron Nicholson

COPIES TO Lt. Smith, File

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Sir,

Message was left for EMS Paramedic Aaron Nicholson on Wednesday April 22, 2015 at 4:34pm via cellular phone number [REDACTED] to please contact this officer to set up an interview, but as of Thursday night have not received a call back.

Submitted for your review,

Homer Allen

CUYAHOGA COUNTY SHERIFF'S OFFICE

015-00

FILE NO. 15-00004

DATE 04-27-2015

FROM Det. Homer Allen

TO Sgt. Sharpe

SUBJECT [REDACTED] Interview Attempts

COPIES TO Lt. Smith, File

Sir,

While on duty and assigned to the Cuyahoga County Sheriff's Department Detective Bureau, Sgt. Sharpe requested that an interview be established with possible witness Terrell Stanley. In reference to, his possible knowledge of Cleveland Police Shooting at Cudell Recreation Center on November 22, 2014.

The following shows all attempts made to establish an interview with [REDACTED]:

1. Tuesday April 14<sup>th</sup> arrived at [REDACTED] Residence at [REDACTED] Spoke with brother of [REDACTED] left business card.
2. Wednesday April 15<sup>th</sup> [REDACTED] mother of [REDACTED] called to inquire about interview, informed me that [REDACTED] works 4p-12a and told me to call him in mornings at [REDACTED]
3. Monday April 20<sup>th</sup> contacted [REDACTED] at home and interview set up for Friday April 24<sup>th</sup> at 2pm Ms. [REDACTED] called very upset about interview, she was informed again about reason for the interview and was told that she was free to join us on Fridays interview. She agreed and states she would be there on Friday. [REDACTED] gave me his cell phone number [REDACTED] for another contact
4. Friday April 24<sup>th</sup> while waiting at Independence, I attempted to contact [REDACTED] on his home number 2 times I got no response. I contacted his cell phone and it does not except incoming calls, thus a additional call was placed to the home phone, and a male answered and acted like he could not hear me. I called back and this time no one answered. [REDACTED] never showed up for 2pm interview nor did he contact me on my office or cellular phone.

Respectfully submitted for your review,

Homer Allen

Case # 15-00004

Interview of Firefighter Patrick Hough

April 29, 2015

Time: 1:18 PM

Place: Fire Station #1

Present: Frank M. Szabo, President of the Association of Cleveland Firefighters

Patrick Hough, Firefighter Station 23

Francis Shantos, Acting Chief of Division

Sgt. Eugene Sharpe, Cuyahoga County Sheriff's Department

Wayne Nader, Battalion Chief

Sgt. Dave Lisy, Cuyahoga County Sheriff's Department

Det. Homer Allen, Cuyahoga County Sheriff's Department

Det. John Morgan, Cuyahoga County Sheriff's Department

Morgan: Again, prior to us beginning this interview, we do understand that this is something that Patrick Hough, Firefighter 1?

Hough: First grade.

Morgan: First grade, um is doing voluntarily, um, um, and we appreciate him coming forward, um, at the request of the Sheriff's Office and the, the Cleveland Fire Department along with the Chiefs for allowing it to occur. We're going to talk about the events that occurred on November 22<sup>nd</sup>, 2014, but prior to us gettin' to that, I'd like to get a little background information on you.

Hough: OK.

Morgan: What's your full name?

Hough: Patrick James Hough

Morgan: Um, what's your date of birth, Patrick?

Hough: [REDACTED].

Morgan: OK; and when did you uh, join the Cleveland Fire Department?

Hough: 3/9/98

Morgan: Is that when you joined, or is that when you got out of the...

Hough: That's my first day...

Morgan: ...Fire Academy.

Hough: That's when I joined.

Morgan: OK.

Hough: Yeah.

Morgan: Now, I don't know how, how it works, um, (inaudible) when you graduate or; or

Hough: Yeah, the start date is 3/9/98

Morgan: The start date is 3/9/98? OK; OK, and um, what is your current assignment?

Hough: My current assignment is Engine 23.

Morgan: Which is located...

Hough: 9826 Madison.

Morgan: Now, explain to us about what a First Grade Fire Fighter is for all those of us who don't have that knowledge.

Hough: Your start date – my start date, 3/9/98

Morgan: Uh-huh.

Hough: ...as of then, I'm considered a Fourth Grade Fire Fighter.

Morgan: OK.

Hough: And then each year, you move up to Third Grade, Second Grade; it's part of your apprenticeship.

Morgan: OK.

Hough: I guess; does that sound right?

Morgan: Outstanding – I mean, we're learning as we go.

Hough: I understand.

Morgan: And um, again, just let me say, if; if I ask you a question – I want you to feel comfortable. If I ask you a question, and you don't feel like answering; you can, you know, turn to your Union Rep. You can turn to your Chief, or you can say, "I just don't feel like answering," and I'll say, "OK,..."

Hough: Alright.

Morgan: ...I understand;" OK?

Hough: Yep.

Morgan: So, can you also explain to us um, how is it that you work? What's your shift? Um, some of us know it's like, some think it's 24 hours on; 24 hours... I don't understand.

Hough: Yeah, 24 on; 48 off.

Morgan: OK.

Hough: And actually this day, lucky me I was working on a trade; that wasn't my shift. I was working for uh, Rich Sheft.

Morgan: OK.

Hough: So, that was a B shift; not my normal shift, but obviously guys I'm quite familiar with.

Morgan: OK; and um, so, during that 24 hours on; you guys are; you know, you're doing your duties at the Fire House. Um, uh, and obviously, you respond to – and what kind of calls to you all respond to? Is it just fire?

Hough: Medical emergencies; fires...

Morgan: OK.

Hough: ...um car accidents; a long list.

Morgan: A long list of things?

Hough: Yeah.

Morgan: OK; um, had you been called out that day prior to this?

Hough: Yes, actually, we were on a run when we – we had just cleared a run on uh, 41<sup>st</sup> and 90; a car accident on the highway, and just called in service and were heading back to 90 West to head back to the station, and we received this call; so, what normally would have been a 45 second response time, because it's literally right behind our firehouse – Cudell. You know, it's probably 4 minutes.

Morgan: OK; OK; so, on this date, November 22<sup>nd</sup>, 2014, when does your shift start; that 24 hour period begin?

Hough: 8:30 in the morning.

Morgan: 8:30 in the morning.

Hough: Uh-huh.

Morgan: Um, and this is a Saturday?

Hough: Correct.

Morgan: Um, you had a previous call. You're on your way back to the fire house on this same ladder Engine 23?

Hough: Correct.

Morgan: Um, and how does the call come through?

Hough: We received it as – I, I, can't remember the age. I know it wasn't 12 year old...

Morgan: If you can't remember, you can't remember.

Hough: Yeah, I can't remember – we received it as a GSW; gun shot wound. Male with a gunshot wound.

Morgan: Well, when I say, how's it come in, does it come in like...

Hough: There's a computer on our apparatus.

Morgan: OK.

Hough: And uh, the Lieutenant was in the front seat, and he's the one that gets it.

Morgan: OK.

Hough: And uh...

Morgan: So, it's not like how we would normally get it or you know – it comes over the radio, "Hey, car such and such, you available?" or "Hey, we need you to respond to this." It comes over...

Hough: Well, it will come across the computer first, and then our dispatch will contact us over the radio.

Morgan: OK; OK.

Hough: Yeah.

Morgan: OK; so, you arrived on scene; um, how many fire fighters are on Engine 23?

Hough: There's 4.



Morgan: There's 4?

Hough: Yeah.

Morgan: Um, obviously, you have a driver, you have a lieutenant...

Hough: Driver, lieutenant, and two, two on the back step.

Morgan: OK; so, if you can recall, how do you enter Cudell?

Hough: We came – there's uh, you know, two, two entrances off of uh, West Boulevard?

Morgan: Uh-huh.

Hough: We came the south one, because we were coming from 98<sup>th</sup>.

Morgan: OK.

Hough: Uh, so we entered the first one; came all the way straight back, and then, we parked right on the – before ya'; you know, swinging around to go out. We were on that little straight away right; right in front of the – the police car was right in front of me when we got out.

Morgan: Do you recall, if you can, can you remember any details about when you dismounted from the unit, and were going over toward where the police car was at the gazebo?

Hough: I remember seein' the police car where it was, which kind of threw me for a loop. Why was it on the grass?

Morgan: Uh-huh.

Hough: And then, there was – when we got to the body, there was a gentleman who we later found out was FBI – I think, that was administering first aid.

Morgan: OK.

Hough: Um, he was – he said he was a paramedic; so, my boss was a paramedic also; so, they were kind of runnin' the show. I had to run back to the engine for suction. And I remember running back, and I didn't notice when I first got off the engine, but when I was running back, I know it seemed like a hundred people standing there with phones.

Morgan: Yeah.

Hough: Which I was – I was just, "Where's they come from?" So, that kind of took me by surprise.

Morgan: They were filming with their video...

Hough: Right.

Morgan: ...portion of their cellular...

Hough: Right.

Morgan: ...telephones? OK.

Hough: Right; I don't know if it was a hundred people, but it seemed like a lot.

Morgan: I'm sure it was probably close; um,...

Hough: So, I got back with the suction, and probably at this point, EMS had pulled up.

Morgan: OK; it's hard to gauge time in those circumstances; I understand. Um, and you were coming from the highway; so, based on the time that you were dispatched, what would you say approximately the response time was about 2 minutes, 3 minutes? I don't know.

Hough: 3, 3 to 4 minutes.

Morgan: Do you recall how long after you were on scene did EMS arrive?

Hough: I'd say probably about the same, 3 minutes.

Morgan: OK; now...

Hough: I can't be sure about that either.

Morgan: While you're goin' back and forth, when you came – when you got off the engine, did anybody say anything to you other than the agent? Did you hear anything?

Hough: Nuh-huh; no.

Morgan: Did any officer speak to you at all?

Hough: I never spoke to an officer at all.

Morgan: Um, at some point...

Hough: Well...

Morgan: Go ahead; go ahead.

Hough: It's a little further down; so, I don't know if I should. It was after when I was in the ambulance, and the mother was, was getting in, and she was having a confrontation with a woman police officer, and I think it was about the daughter in the back of the, of the squad car.

Morgan: OK.

Hough: And, I had to wait for Engine 23 to move; so, I could get by once we got Tamir loaded up. So, I was waiting on the engine to move, and it moved, so, now, I'm trying to go, and she's still hanging out the door screaming at the officer, and I'm just like we have to – could you please shut that door, we gotta go. And then the officer said something to the effect, "Get her out of here now, or she's goin' to jail." So, something along those lines.

Morgan: OK; um; so, leading up to putting Tamir in the ambulance, um, about how long after that was between when you went to get suction, until you guys loaded him up?

Hough: Uh, it was – EMS wasn't on scene at all. It was a load and go. We got him loaded up pretty quick.

Morgan: So, at what point – because I don't know how it works between EMS and fire. Um, you were the driver of EMS?

Hough: Yes; when those situation with life threatening, they'll have Fire drive so they'll have their 2 medics in the back.

Morgan: OK.

Hough: And then, our medic was in the back also; so, they had 3 medics in the back, and then somebody from Fire will drive.

Morgan: So, you got the um, you got the um, assignment of driving?

Hough: Correct

Morgan: The, the, unit, the bus, the unit, the EMS truck.

Hough: Yes; uh-huh.

Morgan: So, when you all load Tamir in the back, um, did – where was mom? How does mom come into this – Mrs. Rice or Miss Rice? How does she get – I understand she was in the front seat?

Hough: Yes; they normally don't want them riding in the, in the back.

Morgan: Sure.

Hough: Um, I, I never saw her – I heard she came down 99, but I don't remember seeing her until she was getting in the, in the rig.

Morgan: OK; so, as you previously stated, that she was in the front seat, and she was just kind of leaning out the window or...

Hough: She had just never shut the door. She was just yelling out at the, at the woman.

Morgan: What was she yelling?

Hough: It was something about the daughter. She – that, that, “Get her out of there or I’ll have your job;” or she said that a few times to me on the way there. (inaudible), but she wanted, wanted her job for detaining the daughter.

Morgan: OK; well, after she closed the door, and she’s seated, and you – I’m sure you told her to put her seat belt on. What did she say to you? What was her demeanor? Can you just (inaudible) how that whole thing transpired?

Hough: She screamed at least 10 times. “I know the fuck they didn’t shoot my mother fuckin’ son.” Just kept like rockin’ back and forth; just screaming it.

Morgan: OK.

Hough: And now we’re movin’; so, I’m just – I was tryin’ just to keep my eyes on the road and not engage.

9:22

Morgan: Sure.

Hough: And she never; she never really addressed me ‘til later. After she took a phone call she addressed me, but she kept sayin’ that, and then she said, um, “I’ll have all your jobs. I’ll see all you mother fuckers at Pelican Bay.”

Morgan: OK.

Hough: And then, this is while we’re on 90; we’re probably approaching like 41<sup>st</sup> – 44<sup>th</sup>.

Morgan: Pelican Bay?

Hough: Yeah.

Morgan: Where’d that come from? I’m trying to figure out why she...

Hough: Uh, Denzel Washington. It’s a line from *Training Day*.

Morgan: OK.

Hough: That’s what I was told. I didn’t know what it was either.

Morgan: Alright.

Hough: So, uh, then right after, after that, you know, still rockin' back and forth screamin' about her son being shot. Then her phone rang.

Morgan: OK.

Hough: So, she was on the phone and screaming at – I have no idea who it was that called her, but she was screaming that her son got shot, and we were on the way to metro, and “get your ass up to Metro now.” And then she – this is the only time she addressed me. She put her hand over the, uh, uh, phone, and turned to me and said, “He dead.”

Morgan: He did?

Hough: He dead. I said, “No, he's not dead.”

Morgan: Oh, like: he dead?

Hough: Yes.

Morgan: OK.

Hough: And then she got back onto the – back to her conversation.

Morgan: Just for my education on this, are the sirens goin'? Are the lights goin'?

Hough: Oh, yeah; uh-huh.

Morgan: And she can still talk on the phone? Those things are loud.

Hough: It's loud; yeah. She was, she was yellin'.

Morgan: Um, do you recall anything else about that telephone conversation?

Hough: Just, no; just whoever she was talkin' to, she wanted them at Metro, ASAP.

Morgan: OK; and later she said somethin' to you; you said, this is the Pelican Bay line?

Hough: Yeah, well, that was before her conversation; that she was gonna have all of our jobs. And at this point, I didn't, I didn't know it was a police shooting. I didn't know that until I walked out of Metro and an EMS supervisor said somethin' to me.

Morgan: OK.

Hough: So, the whole time...

Morgan: You didn't know? You just...

Hough: No, I had no idea. None of us did, because we were talkin' about it on the way back. I'm like, "Did anyone know this was a cop (inaudible)?" We had no idea. It never came across our computer; I – not necessarily would. I mean it wouldn't – It wouldn't make a difference, I guess.

Morgan: Did anybody happen to – either when you were on-scene, or in the – on the ride to Metro; did anybody happen to mention his age?

Hough: No, I didn't know that 'til the next day.

Morgan: OK.

Hough: Or the next morning when – 'cause he was a pretty big kid. I was – I remember being shocked when I heard he was 12.

Morgan: Uh-huh.

Hough: I would have thought like 16; maybe – somewhere in there, but I was like 12; wow.

Morgan: Was there any threats to you from anybody? Anybody; family members; I don't know what happened – once you get, once you get to the hospital; once you get to Metro ER, what's your role when you get there?

Hough: We get the patient into the operating room; into the – to the doctors.

Morgan: OK.

Hough: Get the (inaudible) off the cot, and then, then we're done.

Morgan: Now, when you pull up and they're taking him out...

Hough: We took – I took him out.

Morgan: Did you help take him out?

Hough: Yes.

Morgan: Where was mom? Was mom still...

Hough: She was getting out of the rig.

Morgan: OK.

Hough: And she was still on the phone with – I don't know if it was the same conversation of not, but...

Morgan: No other family members were there; just...

Hough: Not that I recall.

Morgan: OK.

Hough: I'm sure they were filtering in by the time we left there, 'cause the people were starting to show up as, as we were getting back on to Engine 23.

Morgan: OK; um; so, when you, again, when you arrived, um, everybody – where was he, Tamir, located when you, when you arrived on scene? I'm just tryin' to go back now.

Hough: Right under the gazebo there or at the gazebo.

Morgan: OK; which way was he...

Hough: I want to say,...

Morgan: ...facing? Was his legs facing...

Hough: ...I want to say his head was facing south.

Morgan: OK; OK.

Hough: Yeah.

Morgan: Um...

Hough: And there was – I was like very surprised that there was, there was, no uh, there wasn't much blood. There was no exit wound.

Morgan: OK; did you see the fire arm at all?

Hough: Yes.

Unidentified Person: Hold on, hold on; can we clarify that? Can you amplify your question so that he...?

Morgan: Absolutely; did you, did you see the, um – at the scene, um, was there something that resembled a fire arm.

Hough: What I thought was a gun; yes; near, near him; close probably.

Morgan: Was it near – how close to him was it?

Hough: It was within a couple feet.

Morgan: OK.

Hough: I remember loading him up, and that's, that's when I saw it, as we were lifting stretcher onto – or lifting the back board onto the cot.

Morgan: Did you see anything else around – 'cause I know – listen, I understand it. I mean, you get there; you're focused on, on, you know, what your job is. And that's to save lives. Um, but I just don't know if you happened to catch a glimpse. You saw the, the, what appeared to be a fire arm. I don't know if there was anything else. Was there anything else associated with that?

Hough: No, that's, that's, that's all I recall. It was kind of like real quick.

Morgan: I understand; OK. Um, you have anything?

3:20

Allen: Um, how many shooting calls have you; think you've responded to?

Hough: A lot.

Allen: Quite a few? Have the scene basically been, generally about the same, or did this one stand out more than the other ones?

Hough: Well, I remember uh, obviously before I found out it was uh, uh police shooting, I was in a situation almost identical, where the mother rode in the front seat with me.

Allen: OK.

Hough: Her son was shot, but it wasn't, it wasn't a police shooting, and it came back to me as I was getting on 90, I was thinking, "Wow, is this different." Because that woman wanted to hold my hand, and she wanted me to pray with her, and that thought went through my head, "Oh, this is, this is a little different." And it makes sense now if the police (inaudible), and people are gonna react differently.

Morgan: It was the opposite.

Hough: It was the exact opposite.

Unidentified Person: Right, right, right; um, what is an ALS truck?

Hough: An ALS truck?



Unidentified Person: Correct.

Hough: Advanced Life Support.

Unidentified Person: Alright; is your squad considered a ALS truck as well?

Hough: Yes.

Unidentified Person: OK.

Morgan: Well, goin' back to that last question; you answer. What was different in, in, the way that the other person wanted to hold your hand versus how she was?

Hough: Well, she's screaming at me that she wanted my job, and – I was, I was just not takin' it back, but I was just shocked that we're tryin' to help, and she's just screaming at me like I did somethin' wrong, but I didn't know. I didn't know at the time that it was a police shooting.

Morgan: What was she sayin' to you? Did she say she's gonna take your job, too?

Hough: She said, she – yeah, she was gonna have all our jobs.

Morgan: Really?

Hough: "I'll have all your jobs," is what she said. "I'll see all you mother fuckers at Pelican Bay."

Morgan: And how did you respond to her?

Hough: I didn't, I didn't answer. I just...

Morgan: Good.

Hough: ...tended to - get me to Metro, please.

Morgan: Just get there; Oh, yeah.

Allen: Now, the scene was pretty hectic. At any point did you kind of feel for your safety?

Hough: No.

Allen: OK.

Morgan: I mean, was the crowd gettin' – were they screamin' at you know...

Hough: Like I said, I didn't notice them; just out of the corner of my eye...

Morgan: Uh-huh.

Hough: ...when I ran back to get suction, and...

Morgan: You're kind of like tunnel vision ...

Hough: Yeah, I, I didn't...

Morgan: (inaudible)

Hough: I don't recall them screaming at us or — just um; yeah, the mother was the big screamer. And you know, I don't want to be in that situation; so.

Morgan: Do you have any questions for us?

Hough: No, I don't think so.

Morgan: I'm sorry it's taken a while to get to you, but, um, you know, we're just conducting an investigation. We're just trying to be as thorough as we possibly can. Um, does anybody else have any questions in the room?

Unidentified Person: No, we, we understand. We're glad that Firefighter Hough could assist you.

Morgan: Yeah, and uh, we'd like to thank you for this and for responding as quickly as possible on that particular day, and um, and just doing your job. Um, if there's nothing else, thank you, gentleman; appreciate it.

# CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 05/12/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Review of Cudell Recreation Center surveillance cameras

COPIES TO File

The following review of surveillance video is in conjunction with the investigation of the Use of Deadly Force incident involving the Cleveland Police Department (CPD). The incident occurred at the Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio on November 22<sup>nd</sup>, 2014 at approximately 3:30pm.

The DVD reviewed by the writer was provided to the Cuyahoga County Sheriff's Office via the Cuyahoga County Prosecutors' Office (CCPO.) The DVD contains approximately five (5) hours of surveillance video. The recording time for all cameras is 11:00am to 4:00pm. The date and time appears to be accurate, there are other factors that were evaluated to ensure the time on the video surveillance footage was and is deemed accurate. This includes witness statements, CPD Dispatch, and log in times captured by the CRC. The DVD also contains ten (10) separate camera views. The cameras listed below are numbered one thru ten and located on or about various locations at the CRC. Camera numbers are located in the upper left area of each view, for example (cam1.) The camera views may overlap coverage but are separate and function independently.

- Cam 1 - view of gazebo facing east, located on a utility pole (outside)
- Cam 2 - view of parking lot facing west, located on a utility pole (outside)
- Cam 3 - view east entrance, located on the CRC (outside)
- Cam 4 - partial view gazebo, parking lot facing south, located on the CRC (outside)
- Cam 5 - view of indoor basketball court facing south west (inside)
- Cam 6 - view of the second floor indoor hallway, facing west, located inside the CRC (inside)
- Cam 7 - view of the front desk, facing east, located inside the CRC (inside)
- Cam 8 - view of the gazebo located in the rear (west), facing north/west located on CRC (outside)
- Cam 9 - view of the parking lot, facing south/west, located on the CRC (outside)
- Cam 10 - view of the rear entrance (west) facing west (outside)

All of the cameras listed above are operated and maintained by the CRC. The DVR recording device is located in the CRC managers' office. The original DVR was obtained and entered into evidence. The DVR was submitted to the Ohio Attorney Generals' Office, Bureau of Criminal Investigation (BCI) for further examination. The DVR did not contain the original footage from November 22<sup>nd</sup>, 2104. The hard drive was overwritten. It was determined through further examination/investigation that the footage remains on the hard drive for approximately thirty (30) days before it is overwritten.

The following are associated with times and events indicated on the surveillance video. The camera views depict Tamir Rice, [REDACTED] Rice and others identified through further investigation and will be named or described depending on known or unknown identity, clothing description could be used otherwise.

CUYAHOGA COUNTY SHERIFF'S OFFICE

073-00

FILE NO. 15-00004

DATE 05/12/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Responding CPD Officers

COPIES TO File

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The following investigation is in conjunction with the Cleveland Police Department (CPD), Use of Deadly Force incident which took place at the Cudell Recreation Center (CRC) on November 22<sup>nd</sup>, 2014 at approximately 3:30pm. The following is a list of responding CPD Officers and the order in which they arrived to include their respective call signs and approximate times:

**First on scene:** Officers Timothy Loehmann and Frank Garmback, 1A25, 1528 hours-(CPD William Cunningham)

**Second on scene:** Special Agent [REDACTED] and CPD Detective Daniel Lentz, 1I76, 1533 hours

**Third on scene:** Officers Ken Zverina and Ricardo Roman, 1A26, 1534 hours

**Fourth on scene:** Officer Lou Kitko, 1C21, 1536 hours

**Fifth on scene:** Officers Chuck Judd and Brian Taylor, 1D26, 1537 hours

**Sixth on scene:** Officer Tom Griffin, 1C24, 1539 hours

**Seventh on scene:** Sergeant Janell Rutherford, 1S23, 1543 hours

Respectfully Submitted,

Detective David Jacobs

CUYAHOGA COUNTY SHERIFF'S OFFICE

07-00

FILE NO. 15-00004

DATE 05/12/2015

FROM Detective John Morgan #241

TO Sergeant Sharpe

SUBJECT Synopsis of CFD Patrick Hough

COPIES TO Lt. Smith, File

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On April 29, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau and in company with Detective Homer Allen were given an assignment by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is result of that investigation.

On this date investigators conducted an interview with City of Cleveland Firefighter Patrick HOUGH. Present during the interview were Frank SZABO, President of the Association of Cleveland Firefighters, Francis CHANTOS, Acting Chief of Division, Wayne NAIDA, Battalion Chief, Sergeant Eugene Sharpe and Sergeant David LISY of the Cuyahoga County Sheriff's Department. The following is a synopsis of an audio recorded interview conducted at Cleveland Fire Department's Fire Station #1 located at 1645 Superior Avenue, Cleveland, Ohio:

**PATRICK HOUGH, [REDACTED] FIREFIGHTER 1<sup>ST</sup> GRADE. ENGINE 23 LOCATED AT 9826 MADISON AVENUE, CLEVELAND, OHIO.**

HOUGH stated that he was appointed a Cleveland Firefighter on March 9, 1998. He explained that when a fireman graduates from the Cleveland Fire Academy, he graduates with the rank of Firefighter 1<sup>st</sup> Grade. HOUGH stated that since graduation he has obtained the rank of Firefighter 4<sup>th</sup> Grade and currently is assigned to Engine #23 located at the address of 9826 Madison Avenue.

HOUGH stated that he works twenty-four (24) hours on duty and forty-eight (48) hours off duty. His shift will begin at 0830 and end at 0830 Hours the following day. HOUGH explained that Engine #23 is an Advanced Life Support (ALS) engine which contains four (4) personnel on the vehicle; a driver, a Lieutenant and 2 other firefighters. HOUGH stated that he has responded to many calls where people have suffered from gunshot wounds.

On November 22, 2014 HOUGH stated that he began his shift at 0830 Hours and his crew had just completed a call on West 41<sup>st</sup> St. and Interstate 90 East when the call came in over the monitor to respond to Cudell Recreation Center. HOUGH explained that a call will come in over a computer monitor inside of the vehicle even before it is dispatched by radio and had arrived at the recreation center no more than three minutes after receiving the call.

HOUGH recalled arriving at the recreation center and observing a police cruiser parked on the grass and that an FBI Agent was providing first aid to the male with a gunshot wound. HOUGH stated that other members of his engine had taken over first aid and remembers being sent back to the engine to retrieve a device for suction. He stated that there were other people present and watching but was so focused on what he was doing that he cannot recall who was there and what they were doing.

HOUGH stated that shortly after they arrived on scene Emergency Medical Service (EMS) arrived, the patient was loaded in the back of the EMS unit; both EMS paramedics along with one fireman were in the back with the patient while HOUGH sat in the driver's seat to drive the unit to Metro Hospital. HOUGH explained that in life threatening situations that both EMS personnel will ride in the back of the unit while a fireman will drive the unit to the hospital

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HOUGH stated that normally paramedics do not want family members riding in the back of the unit while the patient is being attended too so Ms. RICE rode in the front of the EMS unit with HOUGH. He stated that he didn't remember seeing her until she climbed into the front of the unit.

HOUGH stated that Ms. RICE never actually shut the door after she entered the EMS unit. He stated that she had her head out of the door and she was yelling at a police officer about her daughter. HOUGH recalled that Ms. RICE was telling the police officer that if she didn't release her daughter from the police car that she would have her job!

After closing the door HOUGH stated that Ms. RICE screamed several times, "I know the fuck that they didn't shoot my mutherfuckin' son!" HOUGH stated that she was rocking back and forth screaming this same phrase until she took a telephone call. After the call she said to HOUGH, "I'll have all of your jobs...I'll see all you motherfuckers at Pelican Bay." (HOUGH stated this was a reference to a line from Denzel Washington's character in the movie Training Day.)

After this statement her telephone rang and she was screaming to the person on the telephone that her son had just been shot and to get to Metro as soon as possible. He stated that Ms. RICE then placed her other hand over the telephone and turned to HOUGH and asked, "He dead?" Which HOUGH replied, "No he's not dead?" Mr. RICE then continued with her telephone conversation.

HOUGH stated that he was completely unaware that this entire incident was a police involved shooting. He continued, stating that he only found out that it was in officer involved shooting after he had left Metro Hospital when an EMS supervisor had mentioned it to him. HOUGH explained that everyone on that EMS unit who was working on RICE had no idea that this was an officer involved shooting until after the run had been completed.

When asked if anyone on the EMS unit had been advised of the age of the patient being transported to Metro Health Hospital; HOUGH replied that he did not find out his age until the very next morning. HOUGH stated that when he found out that he was 12 years of age he was "Shocked!" HOUGH stated that he would have guessed that he was between 16 and 17 years of age.

At this time HOUGH'S attention was then brought back to his arrival at the scene. HOUGH was asked if he could explain how the patient was lying upon his arrival at the scene; HOUGH stated that the patient was Lying under the gazebo, his head was facing south and there was very little blood because there was no exit wound. HOUGH stated that he did see a firearm or what appeared to be a firearm located a few feet from the patient when they went to place him on a stretcher.

HOUGH stated that he has responded to a lot of shootings but recalled a similar situation where a parent of a patient that he was driving to the hospital that had also rode in the front seat with him. HOUGH continued, stating that in that situation the mother acted completely different. He stated that the mother, in that instance the mother want to hold my hand and pray with her. This time Ms. RICE acted in an completely opposite manor.

For more information refer to the audio recorded interview contained within the file.

This matter to be further investigated.

Detective John Morgan #241

# CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 05/12/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Review of Cudell Recreation Center surveillance cameras

COPIES TO File

The following review of surveillance video is in conjunction with the investigation of the Use of Deadly Force incident involving the Cleveland Police Department (CPD). The incident occurred at the Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio on November 22<sup>nd</sup>, 2014 at approximately 3:30pm.

The DVD reviewed by the writer was provided to the Cuyahoga County Sheriff's Office via the Cuyahoga County Prosecutors' Office (CCPO.) The DVD contains approximately five (5) hours of surveillance video. The recording time for all cameras is 11:00am to 4:00pm. The date and time appears to be accurate, there are other factors that were evaluated to ensure the time on the video surveillance footage was and is deemed accurate. This includes witness statements, CPD Dispatch, and log in times captured by the CRC. The DVD also contains ten (10) separate camera views. The cameras listed below are numbered one thru ten and located on or about various locations at the CRC. Camera numbers are located in the upper left area of each view, for example (cam1.) The camera views may overlap coverage but are separate and function independently.

- Cam 1 - view of gazebo facing east, located on a utility pole (outside)
- Cam 2 - view of parking lot facing west, located on a utility pole (outside)
- Cam 3 - view east entrance, located on the CRC (outside)
- Cam 4 - partial view gazebo, parking lot facing south, located on the CRC (outside)
- Cam 5 - view of indoor basketball court facing south west (inside)
- Cam 6 - view of the second floor indoor hallway, facing west, located inside the CRC (inside)
- Cam 7 - view of the front desk, facing east, located inside the CRC (inside)
- Cam 8 - view of the gazebo located in the rear (west), facing north/west located on CRC (outside)
- Cam 9 - view of the parking lot, facing south/west, located on the CRC (outside)
- Cam 10 - view of the rear entrance (west) facing west (outside)

All of the cameras listed above are operated and maintained by the CRC. The DVR recording device is located in the CRC managers' office. The original DVR was obtained and entered into evidence. The DVR was submitted to the Ohio Attorney Generals' Office, Bureau of Criminal Investigation (BCI) for further examination. The DVR did not contain the original footage from November 22<sup>nd</sup>, 2104. The hard drive was overwritten. It was determined through further examination/investigation that the footage remains on the hard drive for approximately thirty (30) days before it is overwritten.

The following are associated with times and events indicated on the surveillance video. The camera views depict Tamir Rice, [REDACTED] Rice and others identified through further investigation and will be named or described depending on known or unknown identity, clothing description could be used otherwise.

CAMERA 1

- 11:04:49- [REDACTED] [REDACTED] [REDACTED] Rice and Tamir Rice walk north past gazebo #1 toward the CRC east entrance. Tamir puts something in [REDACTED] backpack. According to [REDACTED] Tamir was returning the "Colt target pistol, laser sight" herein referred to as "Replica Firearm" (RF) to [REDACTED] backpack. The three continue walking north toward the CRC.
- 11:05:26- Tamir, [REDACTED] and [REDACTED] exit view of camera 1.
- 13:03:52- Tamir holding RF, [REDACTED] and Unknown Male #1(UM) walking on sidewalk southbound. Tamir places RF to UM's head.
- 13:06:34- Tamir pointing RF at UM and [REDACTED] as they exit view of camera.
- 13:06:51- [REDACTED] walking southbound on sidewalk by herself.
- 13:41:24- [REDACTED] walking north on sidewalk by herself.
- 13:41:56- Tamir walking north on sidewalk (alone), no RF visible, appears to be eating something.
- 13:49:59- Tamir re-enters view, walks into gazebo (alone). He appears to have RF in hand. Tamir captured "ducking" down, crouch position near garbage can (gazebo #1.) Walks toward playground area.
- 13:55:44- Tamir (alone) reappears and is still in playground area, walks behind gazebo #1 in an east direction.
- 13:57:34- Tamir exits view of camera 1.
- 15:02:54- Tamir walks toward gazebo #1 with UM #2 ("plaid jacket").
- 15:03:10- Tamir and UM #2 walk into playground exits view of camera 1.
- 15:05:29- Tamir has RF out, walking with [REDACTED] [REDACTED] (juvenile), [REDACTED] [REDACTED] (juvenile) and UM #2 towards gazebo #1.
- 15:08:26- Tamir, UM #2, [REDACTED] and [REDACTED] leave the gazebo #1 and walk northwest toward camera 4.
- 15:11:52- [REDACTED] [REDACTED] (911 caller) enters the gazebo #1 from the south and sits at the eastern most table.
- 15:12:44- Tamir re-enters camera 1 view from the north and walks on the sidewalk in front of the gazebo #1.
- 15:13:09- Tamir removes RF from right waistband area and points the RF south. Tamir is on sidewalk.
- 15:17:08- Tamir still has RF in hand, re-enters from the south with [REDACTED] who was wearing a green jacket. [REDACTED] is walking on sidewalk northbound. Tamir and [REDACTED] appear to have a conversation. [REDACTED] is captured on Camera 8 at 14:49:05 talking/hugging with [REDACTED]
- 15:17:44- Tamir still has the RF in hand in front of gazebo #1 on the sidewalk. Tamir pointing the RF in all directions.



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15:17:50- Tamir puts the RF in his right waistband.

15:19:00- RF not visible, Tamir in front of gazebo #1 playing with snow exits view of camera 1.

15:20:59- Tamir exits view south.

15:25:49- [REDACTED] stands up in gazebo #1 and begins to walk north out of view of camera 1.

15:26:39- As [REDACTED] exits gazebo #1 north Tamir enters the gazebo from the south.

15:27:17- Tamir has the RF in hand and is pointing it south.

15:27:37- Tamir sits at the northeastern most picnic table inside the gazebo. Should be noted there are three (3) tables inside gazebo #1.

15:30:13- Tamir stands up and walks northwest toward the edge of the gazebo.

15:30:23- CPD marked unit 115A arrives, Tamir reaches in his right waistband. Patrolman Timothy Loehmann exits the passenger side, draws and appears to point his firearm in the direction of Tamir. Loehmann retreats backwards and stumbles and falls continuing to point his weapon in the direction of Tamir. Loehmann takes cover at the rear of his vehicle.

15:30:27- Patrolman Frank Garback exits 115A drivers' side.

15:31:00- Garback approaches Tamir and appears to kick something with his left foot in a westerly direction.

15:31:45- Garback extends his arms toward [REDACTED] as she enters the camera from the north. This causes [REDACTED] to fall down.

15:31:49- Garback takes [REDACTED] to the ground.

15:31:53- Loehmann assists with [REDACTED] as Garback turns his attention to Tamir.

15:31:59- Patrolman William Cunningham enters the view from the north and assists Loehmann.

15:32:53- [REDACTED] and [REDACTED] enter the camera view from the northwest and walk around the backside of the gazebo #1.

15:32:53- Cunningham walks toward Tamir (out of view) on the ground.

15:33:10- [REDACTED] is being placed into the backseat of drivers' side of unit 115A, [REDACTED] pulls away from Loehmann.

15:34:05- Special Agent (SA) [REDACTED] and CPD Detective Daniel Lentz arrive on scene.

15:34:19- SA [REDACTED] gets gloves from Garback and attends to Tamir.

15:35:17- Two (2) (CPD Officers Ken Zverina and Ricardo Roman) CPD uniform officers arrive.

15:37:01- Detective Lentz bends over in the area the magazine from the RF came to rest, as a one (1) man CPD unit arrives.

15:38:10- Cleveland Fire Department (CFD) arrives.

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- 15:40:56- CPD Officer Tom Griffin places a clear plastic bag over the RF.
- 15:41:22- Most of the Officers on scene are drawn to the southern direction or the right side of the camera view.
- 15:42:14- Cleveland Emergency Medical Services (EMS) arrives on scene, uniform Officers begin to deploy yellow crime scene tape in the immediate area.
- 15:42:31- CPD Sergeant Janell Rutherford has a conversation with Loehmann who is now seated in the front passenger seat of the one (1) man CPD unit. Detective Lentz has conversation with [REDACTED] who is still seated in the backseat of Unit 115A.
- 15:43:57- Tamir is leaving the gazebo #1 area on a stretcher.
- 15:46:06- SA [REDACTED] and Detective Lentz have another conversation with [REDACTED] (still in backseat of 115A.)
- 15:49:12- SA [REDACTED] and Detective Lentz have a third conversation with [REDACTED] (still in backseat of 115A.)
- 15:51:32- Several CPD Officers on scene point up at Camera 1.
- 15:54:11- Detective Lentz has another conversation with [REDACTED] (still in backseat of 115A)
- 16:00:00- Surveillance video ends.

### CAMERA 2

- 12:27:21- [REDACTED] (alone) walks from rear (west entrance) of the building walks along sidewalk/side of building east.
- 15:33:58- Special Agent [REDACTED] and Detective Daniel Lentz arrive.
- 15:34:56- CPD two (2) Officers (CPD Officers Ken Zverina and Ricardo Roman) marked unit arrives and parks facing east on the south side of the parking lot.
- 15:36:50- A second CPD (CPD Officer Lou Kitko) marked unit arrived lights activated.
- 15:37:19- CFD arrives along with a third marked CPD unit (Sergeant Janell Rutherford.)
- 15:41:19- CPD Unit/ Sergeant Janell Rutherford (fourth marked unit) arrives via West Boulevard entrance and parks on north side of parking lot. EMS arrives simultaneously.
- 15:47:12- CFD and EMS leave parking lot.
- 15:58:46- Special Agent [REDACTED] and Detective Daniel Lentz leave parking lot.
- 16:00:00- Surveillance video ends.

**CAMERA 3**

This particular camera was obstructed with ice. The camera gradually thaws throughout the day. There is very little discernible video. At 15:31:10 the writer does observe [REDACTED] run toward the gazebo with Patrolman Cunningham following. This camera also ends footage at 16:00:00 hrs.

**CAMERA 4**

- 11:04:50- [REDACTED] Tamir and [REDACTED] [REDACTED] walk toward the east entrance of the CRC on the sidewalk in front of gazebo #1.
- 12:27:46- [REDACTED] (alone) walks from the west end of the building heading east.
- 13:04:38- [REDACTED] enters the camera view, ties her shoe and exits the view.
- 13:05:36- [REDACTED] [REDACTED] Tamir and two (2) UM's enter the camera view from the north and walk along the sidewalk. Tamir has the pellet gun in his hand.
- 13:41:23- [REDACTED] walks on the sidewalk toward the east entrance of CRC.
- 13:41:50- Tamir walks from the south on sidewalk toward the east entrance of CRC.
- 13:50:00- Tamir enters camera view from the north "ducks" down by garbage can located near gazebo #1.
- 15:02:44- Tamir and UM #2 enter the camera view and walk to gazebo #1.
- 15:05:00- Tamir, [REDACTED] [REDACTED] and UM #2 are in gazebo #1 until 15:08:00.
- 15:09:01- Tamir, UM #2, [REDACTED] and [REDACTED] walk toward the west. The four are met by [REDACTED] [REDACTED] and UM #3. Tamir is seen point the RF at [REDACTED] and UM #3 as he approaches them. Tamir hands the RF to [REDACTED] who in turn points the RF in the opposite direction. [REDACTED] then gives the RF back to Tamir and the group disperses.
- 15:11:31- [REDACTED] [REDACTED] arrives in gazebo #1.
- 15:12:36- Tamir walks on sidewalk in front of gazebo #1 (alone.)
- 15:14:38- Tamir (alone) in playground area.
- 15:16:00- Tamir (RF in hand) has a conversation with [REDACTED] as they walk on the sidewalk northbound. [REDACTED] continues to walk as Tamir maintains his position in front of gazebo #1.
- 15:23:00- Tamir in playground area.
- 15:26:37- [REDACTED] leaves gazebo #1, Tamir enters gazebo #1 from the playground.

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- 15:30:02- Headlights appear from the south (West 99<sup>th</sup> Street off of Madison Avenue), CPD marked unit 115A driving on the grass and sidewalk with CPD Officers Timothy Loehmann and Frank Garback.
- 15:30:21- CPD marked unit 115A parks in front (west) of gazebo #1.
- 15:31:45- [REDACTED] is running toward gazebo #1.
- 15:32:28- [REDACTED] and [REDACTED] appear from the west and walk around gazebo #1.
- 15:34:01- SA [REDACTED] and CPD Detective Daniel Lentz arrive and park facing north and the eastern Most portion of the parking lot.
- 15:35:00- CPD marked unit (two man unit) CPD Officers Zverina and Roman arrived and parked facing east on the south side of the parking lot.
- 15:36:54- CPD marked unit (one man unit) CPD Officer Lou Kitko arrived and parked facing east.
- 15:37:31- CFD arrives.
- 15:37:16- CPD marked unit (one man unit) CPD Officer Tom Griffin arrived and parked directly behind first two man unit belonging to CPD Officers Zverina and Roman.
- 15:38:23- CPD marked unit arrives from the same direction and path (West 99<sup>th</sup> Street off Madison Avenue) that 115A had entered. This CPD marked unit parks between the playground and gazebo #1. CPD Officers Chuck Judd and Brian Taylor.
- 15:41:32- EMS arrives from the West Boulevard entrance and parks on the south side of the parking lot. CPD marked unit (Sergeant Rutherford) arrives from the West Boulevard entrance and parks on the north side of the parking lot.
- 15:46:16- CFD and EMS leave parking lot using the north exit toward West Boulevard.
- 16:00:00- Surveillance video ends.

### CAMERA 5

This camera is located in the basketball gym as previously indicated. This camera records intermittent basketball practices with varying age groups throughout the day. [REDACTED] is captured briefly walking inside the gym but not for prolonged periods. The use of deadly force incident took place at approximately 15:30:20 hrs. It does not appear persons in the gym are aware and or react to what had just happened outside. This camera ends footage at 16:00 hrs.

### CAMERA 6

As stated earlier this camera is located inside the CRC on the second floor. This particular camera does not capture Tamir or [REDACTED] Rice. There are two small children jumping rope in the hallway for short period. There are also two (2) UM's depicted walking past the camera. This camera ends footage at 16:00 hrs.

**CAMERA 7**

11:06:00- Tamir, [REDACTED] and [REDACTED] enter the CRC they appear to sign in.

12:19:54- [REDACTED] enters the view of the camera and walks in the gym.

12:20:22- Tamir enters the gym.

12:21:00- [REDACTED] Tamir and [REDACTED] on camera.

12:21:53- [REDACTED] Tamir and [REDACTED] exit CRC.

12:29:48- [REDACTED] re-enters the CRC.

12:30:10- Tamir, [REDACTED] and UM #1 re-enter the CRC.

12:30:22- [REDACTED] is holding what appears to be a white cellular phone.

12:30:30- [REDACTED] in gym with [REDACTED]

12:32:00- [REDACTED] near front desk area.

13:03:36- Tamir, [REDACTED] and [REDACTED] and two unknown juveniles leave the CRC.

13:42:14- [REDACTED] enters the CRC alone.

13:42:49- Tamir re-enters the CRC eating something from a small bag.

13:44:30- Tamir and [REDACTED] enter the gym.

13:44:57- [REDACTED] exits the gym.

13:47:16- Tamir exits the CRC alone.

13:59:00- [REDACTED] and Tamir meet in the doorway and both re-enter.

14:01:01- [REDACTED] in the gym.

14:05:22- Tamir exits the CRC with several people.

14:07:50- Tamir along with four (4) others re-enter the CRC east entrance.

14:12:00- Tamir outside the CRC alone.

14:14:16- Unknown person leaves to talk to Tamir outside the east entrance.

14:15:02- [REDACTED] leaves the CRC.

14:15:02- Tamir pulls the RF outside on [REDACTED] and a small child enters the CRC east entrance.

14:16:40- [REDACTED] re-enters the CRC east entrance.

14:33:07- [REDACTED] in the gym.

14:46:49- [REDACTED] enters the CRC east entrance and does not punch a code.

14:48:34- Tamir in gym and then leaves the CRC (east exit) alone.

14:52:38- [REDACTED] and Tamir meet in the doorway both re-enter the CRC east entrance.

14:53:02- Tamir in the gym.

15:00:23- Tamir exits the CRC east entrance.

15:06:00- [REDACTED] in the gym and looks out the east entrance.

15:08:44- [REDACTED] looks outside the east entrance doors.

15:10:19- [REDACTED] and [REDACTED] enter the CRC.

15:11:20- UM #2 runs toward the east entrance and enters the CRC.

15:19:53- [REDACTED] looks out the east entrance doors.

15:20:16- [REDACTED] returns.

15:21:38- [REDACTED] at front desk counter.

15:26:33- Mailman enters the CRC.

15:28:50- Mailman exits the CRC.

15:30:49- Five (5) unknown male juveniles look out the east doors and one of the male juveniles appears to tell CPD Officer Cunningham what he observed.

15:31:25- [REDACTED] walks toward the east exit doors and runs toward gazebo #1.

15:31:40- CPD Officer Cunningham exits the CRC and heads toward gazebo #1.

16:00:00- Surveillance video ends.

**CAMERA 8**

12:26:05- [REDACTED] leaves west entrance and walks along building.

12:29:15- UM #4 (yellow jacket, possibly [REDACTED]) exit west exit.

12:29:29- [REDACTED] exits west exit.

14:49:05- [REDACTED] and [REDACTED] hug.

14:50:03- [REDACTED] re-enters the west entrance.

15:06:58- CRC employee Jessica Ortiz leaves CRC for lunch.

15:08:01- [REDACTED] [REDACTED] and UM #3 (fur coat) appear and walk south.

15:22:00- [REDACTED] and [REDACTED] walk west bound.

15:25:20- [REDACTED] and [REDACTED] re-enter CRC west entrance.

15:29:08- [REDACTED] and [REDACTED] exit west entrance.

15:30:26- [REDACTED] and UM #4 (yellow jacket) and two other males re-enter the CRC in a hurry (running.)

15:31:52- [REDACTED] and [REDACTED] run south then east along the building toward the gazebo.

16:00:00- Surveillance video ends.

**CAMERA 9**

12:27:21- [REDACTED] appears on camera briefly and then disappears.

15:07:26- CRC employee Jessica Ortiz leaves CRC for lunch.

15:08:28- [REDACTED] [REDACTED] and UM #3 (fur coat) appear and walk along sidewalk.

15:32:14- [REDACTED] and [REDACTED] appear walking on the sidewalk and begin to run toward the gazebo.

15:33:58- SA [REDACTED] and Detective Daniel Lentz arrive in the parking lot via the West Boulevard entrance.

15:34:54- CPD marked unit arrives, Officers Ken Zverina and Ricardo Roman (no overhead lights), two (2) man unit.

15:36:46- CPD marked unit arrives, CPD Officer Lou Kitko, 1C21 (overhead lights activated.)

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15:37:18- CFD arrives from the West Boulevard entrance.

15:39:10- CPD marked unit arrives, CPD Officer Tom Griffin (overhead lights activated.)

15:41:17- EMS arrives at the same time CPD marked unit (Sergeant Rutherford.)

15:43:09- Officers on scene draw their attention to the south to include several Officers walk in that direction.

15:47:15- CFD leaves CRC property.

15:47:27- EMS leaves property.

15:53:47- CPD marked unit arrives, CPD Officer Bob Sweaney, 1B27.

15:58:48- SA [REDACTED] and Detective Lentz appear to leave property.

16:00:00- Surveillance video ends.

### CAMERA 10

12:27:03- [REDACTED] exits CRC (west) and walks south along building.

14:49:06- [REDACTED] and [REDACTED] (green jacket) appear to have a brief conversation, [REDACTED] and [REDACTED] hug, [REDACTED] leaves.

14:50:00- [REDACTED] re-enters west entrance alone.

15:22:02- [REDACTED] and [REDACTED] walk out west exit and continue to walk west.

15:24:57- [REDACTED] and [REDACTED] re-enter camera view from the west.

15:29:10- [REDACTED] and [REDACTED] exit CRC west exit with UM #4 (yellow jacket, possibly [REDACTED].)

15:30:13- [REDACTED] appears on camera briefly.

15:30:25- Two (2) UM's exit the west exit and sit at picnic table.

15:30:25- Two (2) UM's run back in building in a hurry one (1) UM loses his shoe.

15:31:51- [REDACTED] and [REDACTED] run southwest toward gazebo #1.

16:00:00- Surveillance video ends.



# CUYAHOGA COUNTY SHERIFF'S OFFICE

The following are brief descriptions of person(s) and locations depicted throughout this summary, some of which have been interviewed and or positively identified. The unknown person(s) will be identified as unknown males or unknown females.

Tamir Rice-juvenile (gray jacket with black sleeves, camouflage hat)

[REDACTED] - juvenile (gray jacket possibly jeans)

[REDACTED] juvenile (w/m, all black clothing)

[REDACTED] juvenile (w/m, red knit hat)

[REDACTED] juvenile (b/m, gray clothing with backpack)

UM #1- appears to be a juvenile, (b/m, blue knit hat, black jacket)

UM #2- appears to a juvenile (b/m, plaid jacket)

UM #3- Possibly [REDACTED] "last name unknown" (LNU) (fur coat)

UM #4- Possibly [REDACTED] (b/m, yellow jacket)

[REDACTED] (green jacket) interacts with [REDACTED] and Tamir at two separate times and locations.  
[REDACTED] 911 caller.

Jessica Ortiz- CRC employee.

CPD Officer Ken Zverina 1A26 two man unit

CPD Officer Ricardo Roman 1A26 two man unit

CPD Officer Lou Kitko 1C21 one man unit

CPD Officer Tom Griffin 1C24 one man unit

CPD Officer Chuck Judd 1D26 two man unit

CPD Officer Brian Taylor 1D26 two man unit

CPD Officer William Cunningham (working in an "off duty" capacity at the CRC)

CPD Officer Timothy Loehmann, passenger, 1A25 (first CPD unit to arrive) car 115A

CPD Officer Frank Garmback, driver, 1A25 (first CPD unit to arrive) car 115A

CPD Detective Daniel Lentz

Special Agent [REDACTED] Cleveland Federal Bureau of Investigation (FBI)

CPD Sergeant Janell Rutherford, 1S23

Gazebo #1- Located at the edge of the parking near the playground where incident took place.

Gazebo #2- Located near the west entrance.

Respectfully Submitted,

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Detective David Jacobs

CUYAHOGA COUNTY SHERIFF'S OFFICE

01-2-05

FILE NO. 15-00004

DATE 05/14/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Interview of Constance Hollinger

COPIES TO File

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Constance HOLLINGER, City of Cleveland, dispatcher, date of birth [REDACTED] was advised of the identity of the interviewing Detectives (Jacobs/Morgan) and the purpose of the interview. HOLLINGER thereafter provided the following information regarding her involvement in the Cleveland Police Department Use of Deadly Force incident which took place at the Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio on November 22<sup>nd</sup>, 2014 at approximately 3:30pm.

Present during the interview, HOLLINGER, two (2) union representatives, and a union attorney. Prior to the interview starting, the union attorney read aloud and email correspondence from the Cuyahoga County Prosecutors Office indicating HOLLINGER is not a target of criminal prosecution in this matter.

HOLLINGER has been a Cleveland Police dispatcher for approximately nineteen (19) years and works at 2100 Payne Avenue, Cleveland, Ohio. Both call takers and dispatchers are located on the same floor. HOLLINGER discussed basic duties as a call taker versus dispatcher. There are distinct differences in duties. HOLLINGER was assigned as a call taker on November 22<sup>nd</sup>, 2014. There are a minimum of eight (8) call takers per shift for the entire City of Cleveland. Call takers cover all five (5) districts and the shifts are eight (8) hours in length. Although the call numbers vary shift to shift and day to day, there are anywhere from thirty (30) to fifty (50) per eight (8) hour shift. Call takers handle "911", "1234" (non-emergency) Fire and EMS calls.

According to HOLLINGER, as calls come in it is her responsibility to get pertinent information; name, address, location, and reason for the call. HOLLINGER did indicate that all calls are not the same. HOLLINGER will "code" the call and send it electronically to the district which handles that particular area. There were further discussions about the process which includes handling calls that come in from the Cuyahoga County Emergency Communications System (CECOMS.)

HOLLINGER was asked to identify dispatch logs and explain such. HOLLINGER was unfamiliar with the logs. The logs were explained by the union representative present.

The audio for the "911" call was played and HOLLINGER identified her voice on the call. HOLLINGER did remember the call for a person with a gun at the CRC. We also played the radio transmission of Dispatcher Beth Mandl requesting any available cars to handle the call HOLLINGER took for the CRC. According to HOLLINGER, once Dispatcher Mandl has the call she will maintain the call until it is finished. HOLLINGER did remember having a brief conversation with Mandl after she learned the Officers on scene had requested EMS.

HOLLINGER refused (per her attorney) to answer a question about why she did not relay information from the "911" caller about the person with the gun is "probably fake" and "probably a juvenile." The "911" caller also stated "I don't know if it's real or not." HOLLINGER once again (per her attorney) refused to answer those questions.

Respectfully Submitted,

Detective David Jacobs

**CUYAHOGA COUNTY SHERIFF'S OFFICE**

013-33

FILE NO. 15-00004

DATE 05/15/2015

FROM Detective John Morgan #241

TO Sergeant Sharpe

SUBJECT Synopsis of interview with [REDACTED] [REDACTED]

COPIES TO Lt. Smith, File

On May 14, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau and in company with Detective David Jacobs were given an assignment by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is result of that investigation.

On this date investigators had the occasion to interview [REDACTED] [REDACTED] a female who was believed to have been seen on the video from Cudell Recreation Center walking with Tamir RICE in front of the gazebo prior to the officer involved shooting. The following is a synopsis of the video recorded interview which took place at the Cuyahoga County Sheriff's Detective Bureau.

[REDACTED] DOB [REDACTED] ADDRESS [REDACTED] CLEVELAND, OHIO  
MOBILE TX: [REDACTED] TX: [REDACTED]

[REDACTED] stated that she is currently a student at James Rhodes High School and is due to graduate from high school this year. She stated that she currently lives with her boyfriend at the above listed address and supports herself.

[REDACTED] stated that she cannot remember the name of the person who was shot and killed by police at the Cudell Recreation Center but that she used to teach arts and crafts to him every day at the building located behind the recreation center. When investigators mentioned the name of TAMIR RICE, [REDACTED] replied, "YES...that's his name!"

[REDACTED] stated that she taught arts and crafts to RICE every day for senior credits at the Cudell Recreation Center. She stated that she had told her friends that she knew the boy that got shot at the recreation center but they didn't believe her. She explained that RICE was a prankster or a jokester during class and that sometime he would go a little too far with his jokes.

[REDACTED] stated that RICE had a girlfriend who used to hang out with him at the recreation center. [REDACTED] was unable to recall the name of his girlfriend only that she used to wear her hair in a ponytail. She stated that she did not know any other family members, had never been to his house, but did hear from someone that he had an older brother.

[REDACTED] recalled that on the day that RICE was shot, she was walking from CVS and saw RICE sitting on the swings near the recreation center. She stated that she walked over toward RICE and noticed that he appeared to be playing with a gun which was on his lap. She stated that RICE explained to her that the gun was not a real gun and that he proceeded to show her how it worked he also pulled out many Green "Balls" from his pocket that went into the gun. [REDACTED] stated that when he showed her the gun she recalled the gun having an orange tip attached to the long end of it. Further, [REDACTED] recalled that RICE told her that he had received the gun from a friend.

## CUYAHOGA COUNTY SHERIFF'S OFFICE

At this time Detective Jacobs began to show [REDACTED] several different camera views from the Cudell Recreation Center from November 22, 2014.

The first camera view shown to [REDACTED] was of the camera located inside of the recreation center which showed the sign in desk and the entrance to the center (East entrance). [REDACTED] was clearly able to identify herself walking into the recreation center on video. She stated that she had forgotten that she had walked into the recreation center that day. [REDACTED] continued, explaining that she wasn't feeling well that day and had come to the recreation center in an attempt to obtain a free lunch. [REDACTED] while watching the video pointed out RICE as he walked by the camera and stated, "That's his hat...that's RICE, he always wore that hat."

The next camera angle shown was from the camera in the rear of the building (West entrance). This angle clearly showed [REDACTED] exiting the building and engaged in conversation with a female known to investigators as [REDACTED] RICE, (TAMIR'S Sister) however [REDACTED] informed investigators that the female she was talking to was actually TAMIR'S girlfriend whose name she did not know. [REDACTED] stated that she was talking to TAMIR'S girlfriend and during that conversation [REDACTED] was informed, by this girl, that she was getting ready to move to another state.

[REDACTED] stated that at the end of that conversation she headed to the arts and crafts building and then proceeded to go to the CVS drug store. Detective Jacobs showed her several more camera angles which tracked her movements from the recreation center to CVS. Then [REDACTED] was shown the video camera angle which captured the Gazebo. This portion of the video clearly showed [REDACTED] and TAMIR RICE walking in front of the gazebo and engaged in some sort of a conversation.

As previously stated, [REDACTED] told investigators that she talked with RICE at the swing set, he then walked her to the bridge which was on her way home. [REDACTED] confirmed that during the conversation she and RICE were talking about his girlfriend moving out of town and that they could possibly have a long distance relationship. [REDACTED] also recalled that RICE had also talked about moving out of town.

Investigators pointed out in the video that RICE had the BB gun clearly out and in plain site during their conversation. While watching the video [REDACTED] could clearly see that RICE was holding the BB gun but did not recall, from her memory, that he was holding a BB gun during that portion of their conversation.

Further, investigators showed [REDACTED] the same scene but from a different angle. This angle was from a camera located on the south side of the recreation center. This camera angle showed that RICE clearly walked over to [REDACTED] and met her at the sidewalk and only walked with her for a short distance before she, alone, walked out the cameras view. Further, this camera view showed that [REDACTED] did not have a conversation with RICE at the swings and that he never walked her to the bridge as stated earlier by [REDACTED]

[REDACTED] was then informed that the female that she had conversation with in the rear of the recreation center was not RICE'S girlfriend, but was actually RICE'S sister. [REDACTED] was surprised and stated that it was a mistake on her part and that she believed that it was his girlfriend because of the way that she had her hair. Further, she stated that the video was so grainy that she honestly believed that the girl she was looking at was RICE girlfriend and not his sister.

[REDACTED] stated that she knew RICE'S sister, she didn't know her name but they only referred to each other as "BOO." [REDACTED] was aware that RICE'S sister was older than RICE and that they (RICE and [REDACTED]) never told them that they were brother and sister.

For more detailed information refer to the Video recorded interview located in the file.  
This matter to be further investigated.

Detective John Morgan #241

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 5/15/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Officer Interview Request

COPIES TO File

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Regarding the above captioned case, on Friday March 13, 2015 I contacted CPPA Union President Steve Loomis to request an interview with the following Cleveland Police Officers:

- Detective Dan Lentz
- Patrolman Lou Kitko
- Patrolman Tom Griffin
- Patrolman Ricardo Roman
- Patrolman Ken Zverina
- Patrolman Frank Garmback
- Patrolman Timothy Loehmann

I requested that if the officers wish to speak to us in this matter that the interviews be completed by Saturday May 23, 2015. With that request, I also am sensitive to the heightened posture of the Cleveland Police Department with regards to a possible verdict being rendered in another unrelated case.

I informed Loomis that I will contact him the afternoon of Tuesday May 19, 2015 for follow up.

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

James Mackey, Detective

# CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-0004

DATE 05/16/2015

FROM Homer Allen

TO Sgt. Eugene Sharpe

SUBJECT Aaron Nicholson Interview

COPIES TO Lt. Smith and File

Sir,

On Wednesday May 1st, 2015 at 12:00pm while assigned to the Cuyahoga County Sheriff's Detective Bureau Detective Dave Jacobs and I conducted an interview with EMT Aaron Nicholson. This was in reference to a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is a result of that interview.

EMT Aaron Nicholson has been employed by the City of Cleveland for 4 years; he previously worked for Life Care Ambulance Services out of Lorain Ohio for 4 years. He received 3 months of classroom training, followed by 3 months of road training. On November 22, 2014 he was assigned to Medic 30 based out of a Firehouse located at E. 102<sup>nd</sup> and St. Clair Ave. there are 18 squads in the city. The following is a summary of recorded interview conducted at 5055 Rockside Road in Independence Ohio:

- Received call via CAD/ MDT (Mobile Dispatch Terminal) or "Silent Call" and also thru Radio
- They just dropped off a patient at Lakewood Hospital and was on I-90 EB when call was received
- Upon arrival observed 2-3 police cars, caution tape "*which he thought was unusual*", and fire personnel and equipment on the other side of a police car
- Patients eyes were open and blinking but he was unresponsive, didn't make any noise or statement
- Call was for a 22 year old male with GSW, to him patient appeared to be mid-teens
- He located 1 GSW to patients upper abdomen and part of ingesting was coming out of wound
- He didn't located a 2<sup>nd</sup> GSW
- Nicholson states its common for a fireman to drive the squad to the hospital, while he and his partner tend to a patient. He doesn't recall which fireman drove them on that day
- He remembers the mother riding up front and yelling so he called for security to meet them upon arrival, so the mom would not interfere with patient care. She did not interfere, but was crying, yelling and mad
- He didn't recall seeing anything near patients body, nor did he hear any of the officers talk about items or make any statements about what happened
- He didn't talk to the police, but one guy "he thinks" was with the police, his main focus was patient care, and this guy gave him a quick report. He has never seen him before

Upon going into the hospital and being met by the Trauma Team, patient care was transferred into Trauma Room 1 in the ER. The Trauma Team did a quick assessment and he was taken up to the operating room "OR" within 2-3 minutes. Nicholson remained at the hospital for around an hour, to restock equipment, clean up and for documentation. Towards the end of the hour, one of their Captains mentioned that a Police Officer might have shot him. He didn't know that a police officer shot him until this point. He states "*he believes they did everything they could for the patient*".

Please refer to DVD copy of this interview for additional clarification and needs.

Submitted for your review,

Homer Allen #225

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-04 (Tamir Rice)

DATE 5/19/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Video Submission

COPIES TO File

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In reference to the above captioned case, on Monday May 18, 2015 Detective Jacobs and I submitted the security surveillance video of Cudell Recreation Center obtained in this case to the Ohio Attorney General, Organized Crime Commission. We met with Forensic Video Analysts Bradley Barkhurst, Megan Timlin and Jeff Brennard requesting that attempts be made to enhance the video during Tamir Rice's interaction with police. We also requested the production of an edited version of the ten (10) cameras that track the movements of Tamir Rice throughout the duration of the video.

The enhancement of the video may provide evidentiary value to the investigative team while the editing requested to keep Tamir Rice in the viewer's frame is not intended to provide evidentiary value but more so an ease of use, alleviating the need to switch between ten (10) different cameras.

The original video obtained in this investigation is still maintained by the Cuyahoga County Sheriff's Office. The video supplied to the Attorney General's Office is a copy and it should be noted that the integrity of the video is not being altered with these requests.

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

James Mackey, Detective



CUYAHOGA COUNTY SHERIFF'S OFFICE

013-33

FILE NO. 15-00004

DATE 05/19/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Video compilation/enhancement

COPIES TO File

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The following was in conjunction with the investigation of the Cleveland Police Department (CPD) Use of Deadly Force incident which took place at the Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio on November 22<sup>nd</sup>, 2014 at approximately 3:30pm.

Detectives James Mackey and David Jacobs met with the Ohio Attorney General's Office Forensic Audio/Video Analysts' Bradley Barkhurst and Megan Timlin on May 18<sup>th</sup>, 2015. The purpose of the meeting was to request their technical assistance with constructing a video compilation of all ten (10) surveillance cameras from the CRC. In doing this, we also requested their assistance in enhancing the video. A copy of the DVD and the timeline report was also given to the aforementioned analysts. Barkhurst and Timlin agreed to assist and will advise when complete.

Respectfully Submitted,

Detective David Jacobs