

CITY OF CLEVELAND

Department of Public Safety

Office of Professional Standards



INVESTIGATION: 20-028

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SECTION I (Exhibits-I & II)-CIVILIAN INTERVIEWS: (COMPLAINANT & WITNESS/VICTIM)

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A-3	<u>Sgt. Michael Chapman #9232</u>	Pages-14-18	08-31-20
A-4	<u>Lt. Gregory Farmer #8497</u>	Pages-18-21	09-21-20
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A-6	<u>P.O. Christian Stipkovich #40</u>	Pages 24-26	10-17-20
A-7	<u>P.O. Felica Doss #847</u>	Pages 26-28	10-12-20
A-8	<u>Sgt. Phillip Hawkins #9164</u>	Pages 28-29	10-15-20
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A-12	<u>P.O. Malik Wilson #1749</u>	Pages 32-33	11-16-20
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B-3	P.O. James Dunn #2563	Pages-43-44	" " "
B-4	Cleveland Clinic-Safety/Security-Bldg. Camera	Page-45	" " "
B-5	OPS-Video Footage of Pursuit Route	Pages-46	01-27-21

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**SECTION IV-(Exhibits C-1-5) AUDIO EVIDENCE-CDP RADIO CHANNELS 2 & 5
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C-3	<u>Ch. 5 Radio</u> 2A24: Sgt. Schroeder 5A23: Sgt. Hawkins 5A23: P.O.'s Miller/Doss 5A21: P.O. Sabolik 5A22: P.O.'s Staskevich/Wilson 8276-K-9 Unit: P.O. Dunn	Pages-52-53	" " "

PROCEDURAL HISTORY:

On 02-11-20, complainant Zondra Mason, mother of the surviving injured minor, filed a complaint with the Office of Professional Standards (OPS). In her initial intake (unrecorded) interview with OPS Investigator Julie Delaney the complainant alleged that the Cleveland Division of Police minimized the disclosure to the public that her daughter (henceforth identified as ZM) was severely injured in the incident and that the Cleveland Police vehicles should have used alternative methods in the pursuit of the stolen vehicle. On 02-11-20, the investigation was assigned to Reporting Investigator. Beginning on 02-19-20 through December 2020, Notifications of Investigation and Orders to Appear for In-Person Interviews were forwarded to sworn and non-sworn members of the Cleveland Division of Police directly and associatively involved in the incident. Within this window of time the Office of Professional Standards conducted 20 interviews, requested information within the Cleveland Division of Police as well as the Shaker Heights, Ohio Police Dept. the Cleveland Clinic Police Department, Rapid Transit Authority Police (RTA) Department and the East Cleveland, Ohio Police Department.

CIVILIAN STATEMENTS:

CIVILIAN INVOLVED PARTIES:

COMPLAINANT: Zondra Mason (Complainant on behalf of her minor-aged child)

[EXHIBIT I]

On 06-02-20, reporting Investigator conducted an audio-recorded interview with the complainant Zondra Mason. The interview was approximately 22 minutes in duration. In the interview Mrs. Mason stated the following.

Mrs. Mason stated that her daughter told her that the deceased minor Tamia Chapman legs were up over her shoulders her face was crushed in and she was a bloody mess. Mrs. Mason stated that the first night (after the accident her daughter (ZM-1) was in the hospital. She had to be sedated as she would wake up screaming in her sleep trying to deal with the loss of her friend. Mrs. Mason stated that the incident *"ruined their family Christmas, and they were already grieving the first year of the anniversary of their father's death."*

Mrs. Mason stated that she would like to know exactly how this happened. How did they hit them like that? If there was more than one child a second sooner, they would have run over a

group of children, (ZM-1) was not walking by herself. Mrs. Mason stated that "she did not understand why they (Cleveland Police) could chase that car that far specifically when they came up Eddy Rd., they could have run them off into whatever." She stated that "they knew it was in the heart of school time on Euclid Avenue. "These schools had dismissed." She stated that 3 schools had recently dismissed, and the children were on their way to the library for a Christmas party; they were all in the same class walking together. She stated that immediately after the collision her son (identified as ZM-2) turned around and began to run up Euclid Avenue in a frenzy.

Mrs. Mason still has questions about what her daughter experienced that day. "How in the world do you chase those kids from the Westside way over here and kill somebody, traumatize people and think it's okay? How do you chase them that far? They could have run them off the road or freeway or something? How do you chase them that far and let this go on like that? The only way you can stop is that they must kill somebody. You see our kids don't matter," she stated. Mrs. Mason stated that from day one they have swept this under the rug. She stated that she did not understand what the point is, maybe they do not want to know it was the heart of school time.

WITNESS: Samuel Behanna (Motorist on Euclid Ave. vehicle struck by fleeing suspect's vehicle) On 03-05-20, reporting Investigator conducted an audio-recorded interview with the witness Samuel Behanna. The interview was approximately 17 minutes in duration. In the interview Mr. Behanna stated the following. [EXHIBIT II]

Mr. Behanna stated he was coming back to work from a late lunch at approximately 3:30-4:00pm, driving East on Euclid Ave. waiting on Westbound traffic to pass so that he can turn into the United Furniture Co. parking lot. He stated while waiting to turn "boom-bang, this car smacked right into me; a big cloud of smoke, airbag deployed, and I did not know where I was." He stated that "the vehicle was traveling fast at least 75 miles per hour."

He stated the Volvo did not stop as it kept going, hit him, hit those kids, and hit a metal sign. He stated the Volvo would not move and he saw the driver get out and run-down Hartshorne Avenue. He stated he was unsure if the passenger of the Volvo got out of the vehicle. He stated that the front end of his vehicle was knocked completely off because of the vehicle crashing into him. He stated approximately 1 minute later another big black vehicle came flying down the street. He stated that the black vehicle was unmarked, but he guessed that it was a police car pursuing the vehicle that crashed into his. He stated that the officer in the black vehicle parked parallel to his vehicle facing north, then got out of the vehicle and began chasing the driver of the Volvo. (02:24-03:36)

Further, Mr. Behanna stated "I knew there were some kids over there coming from school and I thought for sure he (the suspect driver) crashed into them and he apparently did. The Volvo crashed into the kids then smashed part of the building, this guy was stupid." He stated he "saw

a pool of blood and it had to be that kid.” He stated he was “told later that there was a stolen car, a police chase and all the other stuff.” (9:08) He stated he did not notice if police were chasing the Volvo prior to the collision.

He stated that at one point after the collision he spoke with a policeman but was unsure if he was from East Cleveland or Cleveland Police Department. He stated he was never interviewed by anyone from the City of Cleveland Police Department after the incident, but he did speak with a female officer at the scene when she asked him if was, he okay. He stated approximately a week or two after the incident a Sergeant from the East Cleveland Police Department came to his home and interviewed him where he provided a written statement of the event. He stated he was taken by EMS to University Hospital where he remained for several hours before getting discharged with no serious injuries. Mr. Behanna stated that his *“mind is messed up and I go to a Therapist when I think about that day.” (13:10)*

Mr. Behanna concluded by stating that *“a car was taken on the West side and they traveled all that distance just doesn’t make sense. Why didn’t they just call ahead and have another Police Department intercept them something? Well, he did not kill anybody, well he didn’t have to. But you’re a Police Officer.” (15:34)*

CDP INVOLVED PERSONNEL:

[EXHIBIT A]

1. P.O. Michael Raspberry #2077- (e.g., Off-duty P.O. observed the Aggravated Robbery followed suspects’ vehicle broadcasting position to police radio)
2. Sgt. Michael Schroeder #9249-(e.g., Dist-2 Sgt. on loan to Dist-2 followed suspects’ vehicle over highway off the exit)
3. Sgt. Michael Chapman #9232 (e.g., Dist.-2 Supervisor became the Controlling Supervisor of the vehicle pursuit)
4. Lt. Gregory Farmer #8497 (e.g., Second District Supervisor provided verbal command and direction in concert with Controlling Supervisor)
5. Prebnkirandip Singh #1381 (e.g., Passenger of unmarked primary Second District vehicle 2A24 that initiated and maintained pursuit of suspects’ vehicle into East Cleveland)
6. P.O. Christian Stipkovich #40 (e.g., Driver of unmarked primary Second District vehicle 2A24 that initiated and maintained pursuit of suspects’ vehicle into East Cleveland)
7. P.O. Felica Doss #847 (e.g., Passenger of marked secondary Fifth District vehicle 5A23 that pursued suspect’s vehicle into East Cleveland)
8. Sgt. Phillip Hawkins #9194 (e.g.; Dist-5 Supervisor at time pursuit entered Dist-5)
9. P.O. Brian Sabolik #1021 (e.g., Driver of marked Fifth District Five Vehicle 5A21 that engaged in vehicle pursuit from E. 67th St)
10. P.O. Dustin Miller #1583 (e.g., Driver of marked secondary Fifth District vehicle 5A23 that pursued suspect’s vehicle into East Cleveland)

11. P.O. Michael Staskevich #942 (e.g., Driver of marked District Five vehicle 5A22 that engaged in vehicle pursuit from E.105th St)
12. P.O. Malik Wilson #1749 (e.g., Passenger of marked District Five vehicle 5A22 that engaged in vehicle pursuit from E. 105th St)
13. Det. James Crivel #1727 (e.g., Driver of unmarked Gang Impact Unit vehicle 8868 that engaged in vehicle pursuit from District Two into East Cleveland without authorization)
14. P.O. James Dunn #2563 (e.g., Driver of marked K-9 Unit that engaged in vehicle pursuit from District Two into East Cleveland Ohio without authorization)
15. Det. Kevin Warnock #1719 (e.g., Passenger of unmarked Gang Impact Unit vehicle 8868 that engaged in vehicle pursuit from District Two into East Cleveland without authorization.)
16. CDP Dispatcher Haley Kilbane (e.g., Radio-Ch.2 Dispatcher)
17. CDP Call-Taker/Dispatcher Veronica Hall (e.g., 911 Call-taker received call when P.O. Raspberry contacted 911)
18. CDP Dispatcher-Jacqueline Mizikar (e.g., Radio-Ch-3 Dispatcher)
19. Sgt. Ronald Ross #9024 (e.g., Dist-2 O.I.C. on 12-20-19)
20. Sgt. Chris Haist #9162 (e.g., Dist-5 O.I.C. on 12-20-19)

OFFICER(S) STATEMENT(S):

WITNESS OFFICER: P.O. MICHAEL RASPBERRY

On 07-16-20, OPS Investigator Eric Richardson and reporting Investigator conducted an audio/video recorded interview of P.O. Michael Raspberry #2077 with his union representative Jeffrey Follmer present. The interview was approximately 60 minutes in duration. In the interview P.O. Raspberry #2077 stated the following: [Exhibit A-1]

P.O. Raspberry stated that on 12/20/2019, while off-duty went to the Target Store at West 117th, and after returning to his vehicle; he noticed a female behind him loading items into her vehicle. (3:40) P.O. Raspberry stated that he saw two males walking through the parking lot that looked suspicious. He stated that he was in the Vice Unit for 15 years, and this experience led to his conclusion that something about the males did not appear right (6:15) P.O. Raspberry stated that the males were walking in an indirect route in relation the entrance of Target. He stated that his suspicions were further aroused because the males had hoodies on, which were pulled tight around their heads leaving only their eyes showing (6:41) P.O. Raspberry stated that the males appeared to be young Black males in their early 20's, based upon their clothing.

P.O. Raspberry said they had their hands in their pockets in a manner that seemed suspicious to him (7:43) P.O. Raspberry reported that he observed that the two males went directly behind the female's (victim) vehicle and, seconds later, observed the female take off running (9:14).

P.O. Raspberry reported that the heavier young man got in the passenger side of the victim's car, and the other male got in the driver's seat. (9:39) He said the males then began to drive out of the parking lot at a normal speed. P.O. Raspberry stated that he believed that the female had just been robbed of her car, and he began to follow the car. (10:01) P.O. Raspberry stated that he did not see the males with a gun or see them use force in taking the car (11:10) P.O. Raspberry said he was driving his personal car that day, which was a Blue Silverado Truck. (11:56)

He reported that he was able to see the plate number, make, and model of the males' vehicle. (12:44) P.O. Raspberry stated that he continued to follow the vehicle out of the parking lot as it headed for the highway. (13:00) P.O. Raspberry stated he called into CDP Radio Dispatch from his cell phone and relayed the plate number, make and model of the stolen vehicle. (13:35) P.O. Raspberry stated he followed the vehicle onto I-90 Eastbound. He again contacted radio dispatch and informed them to contact the Target Store to confirm that the female had been robbed. P.O. Raspberry stated that radio informed him that the female had been robbed at gunpoint. (14:06)

Investigator Richardson asked P.O. Raspberry why he followed the vehicle after he reported the information to radio, to which he stated he was certain that he witnessed an armed robbery. (15:00) He stated that he was not directly behind the vehicle but was way back in another lane. He stated that he again provided CDP radio with their location and speeds. He stated that they were not speeding and that the suspects were driving at the posted speed limit (15:25) He stated that he was doing his due diligence by communicating with dispatch. (17:00) P.O. Raspberry stated that he continued to follow the suspects until he reached the interstate bridge (I-90 E. @Eddy Rd.)

He stated at that point he observed a marked CDP vehicle parked on the side of the highway. P.O. Raspberry stated that this CDP vehicle then pulled out slowly and got behind the suspects' vehicle (17:44) P.O. Raspberry stated that he was able to see that it was Sgt. Michael Schroeder #9249 in the CDP vehicle that pulled behind the suspects and he informed radio that a CDP vehicle was behind the suspects. (18:39 thru 20:00) Investigator Richardson asked P.O. Raspberry what his reason was for continuing to follow the suspects after he reported to radio that car 255 was directly behind the suspects. P.O. Raspberry responded that Sgt. Schroeder was in a one-man vehicle. P.O. Raspberry stated that it was not really anything he could do because he was off-duty and did not even have a weapon. P.O. Raspberry said that if something bad happened, he could at least inform radio of what happened. P.O. Raspberry stated that if the suspects would have opened fired on the CDP vehicle, he could have provided radio with this information (23:06).

P.O. Raspberry stated that he continued to follow the suspects, who exited I-90 East at Eddy Road. He said that Sgt. Schroeder was directly behind the suspects as they were stopped at the red light at Eddy Road. He stated that at this time, Sgt. Schroeder did not take any action to stop the suspect's vehicle and at the time there were no other CDP vehicles in the area. (24:00) P.O. Raspberry stated that the suspects then turned right (Southbound) onto Eddy Road, and Sgt. Schroeder continued to follow the suspects. He stated that the suspects then turned left onto the first street off Eddy Rd. He stated that at that time he could hear CDP vehicles approaching and he turned around and left the area. (26:27) P.O. Raspberry reported that when he saw the additional CDP vehicles arrive, they activated their lights and sirens. (27:59) He stated that after he saw the additional CDP vehicles, he turned his car around and did not follow the vehicles any longer (28:24).

When asked P.O. Raspberry what direction he went after he turned his vehicle around P.O. Raspberry responded that he went to a gas station near E.152nd St. He stated he had a bad headache and needed some water. He also stated that, while at the gas station, a Sergeant from the First District called him on his personal cell phone. P.O. Raspberry stated that he told the Sergeant that he was still in the area and was available to identify the suspects. P.O. Raspberry said that the Sergeant then informed him that there had been an accident. (30:05) He stated that he left the gas station and drove back to the Target Store at W. 117th St. He said that he never went to the accident scene and prepared a Form 1 regarding the incident at the request of Lt. Farmer #8497. (53:22) He stated that he believed that the zone cars in the Second District were equipped with AVL systems but was not sure. (54:15) Investigator Richardson asked P.O. Raspberry if his actions were pursuant to policy or training to which he responded that, as a Police officer, he is trained to take the actions that he took whether he is on or off duty (54:40)

WITNESS OFFICER: SGT. MICHAEL SCHROEDER

On 08-17-20, OPS Investigator Julie Delaney and reporting Investigator conducted an audio/video recorded interview of Sgt. Michael Schroeder #9248 with his union representative Brian Betley present. The interview was approximately 38 minutes in duration. In the interview P.O. Raspberry #2077 stated the following: [Exhibit A-2]

He was called in to work overtime and went to the Second District to pick up a vehicle and then to the Third District to pick up the rest of his gear. He stated while on the inner belt coming into downtown, he heard a radio broadcast that an off-duty witnessed 2 males rob a female at the Westside Target Store and he proceeded to follow the vehicle. He stated that he was the only officer in the Zone Car and pulled over into the high-speed berm when the stolen vehicle and the off-duty vehicle passed him. (03:55) He stated that he observed the plate number and vehicle description previously broadcast by radio. He stated his location was on the inner belt just before the Carnegie Ave. exit. Sgt. Schroeder stated that he pulled off and began to follow

the suspect's vehicle but did not activate his overhead lights or attempt to conduct a stop. He stated that he consistently contacted radio, broadcasting the position of the suspect's vehicle. He stated that he was in radio communication with District-2 Sergeant Michael Chapman #9232, who eventually became the controlling supervisor. (04:38)

Sgt. Schroeder #9248 stated that he broadcast to radio that the suspect's vehicle was driving at approximately 60-65mph and did not feel that the suspect's observed his vehicle as evidenced by them not increasing their speed or displaying intentional maneuvers to evade him. He stated that the suspect's vehicle continued East on I-90 until it exited at the Eddy Road. He stated that he drove right behind the suspect's vehicle, but they did not take off. He stated that he observed 2 juvenile occupants and continued to broadcast their location as they turned right (Southbound) onto Eddy Rd. He stated from Eddy Rd., they made a left turn (Eastbound) onto Ablewhite Ave. and then onto E.124th St., where the other Zone Car arrived. (09:51)

Sgt. Schroeder #9248 stated that the suspect's vehicle was traveling at approximately 25-30mph. He stated that although he received authorization to follow the suspect's vehicle, he did not engage them because he was by himself and did not have his Wearable Camera (WCS) or other equipment necessary to conduct a stop. (10:28) He stated that he received a radio broadcast from either Sgt. Chapman #9242 or Lt. Farmer #8492 directing him to discontinue following and allow the other Zone Car to become the primary car. He stated that Dist-2 vehicle 2A24 eventually engaged the suspect's vehicle. (12:10)

Sgt. Schroeder #9248 stated that he was unsure that the Second District vehicle he was driving was equipped with an Automatic Vehicle Locator System (AVL). (20:33) He stated that it was the responsibility of the Officer-In-Charge (O.I.C.) to check, subsequently document and forward the AVL information to Central Communication District. (22:00) When asked by reporting Investigator if a road supervisor can determine the speed and location of any (Police) vehicle within his Zone or District, he stated that a supervisor can trace a Police Officer's locations as can Radio Dispatch because they have a big screen used for tracking.

Sgt. Schroeder #9242 stated that as a supervisor and patrolman, he had been involved in several vehicle pursuits. He stated that when an officer and/or a is engaged in a vehicle pursuit they should consider the time of day, speeds, weather conditions as well as pedestrian and vehicle traffic. (30:00)

SUBJECT OFFICER: SGT. MICHAEL CHAPMAN

On 08-31-20, OPS Investigator Anitra Merritt and reporting Investigator conducted an audio/video recorded interview of Sgt. Michael Chapman #9232 with his union representative

Brian Betley present. The interview was approximately 52 minutes in duration. In the interview Sgt. Chapman #9232 stated the following: [Exhibit A-3]

Sgt. Chapman #9232 became aware of the aggravated robbery/carjacking that occurred in the 1st District by way of radio. Sgt. Chapman stated on December 20, 2019, radio announced that an off-duty officer identified as Patrol Officer Michael Raspberry witnessed a carjacking at the Target Store on W.117th St. Sgt. Chapman stated the suspect's vehicle traveled through the 1st District into the 2nd District and onto the highway at I-90. Sgt. Chapman stated he did not have contact with P.O. Raspberry during this incident because P.O. Raspberry was communicating with Radio via his personal cell phone. **(08:25)** Sgt. Chapman stated he was aware that Sgt. Michael Schroeder #9248 was also following the suspect's vehicle and reporting their location via police radio. Sgt. Chapman did not recall having any communication with (1st District) Sgt. Christopher Eaton #9221.

09:46-11:00-Sgt. Chapman #9232 acknowledged that he was the controlling supervisor and that he was in the office at the time the incident was reported. He stated it is more prudent for the controlling supervisor to be in the office as opposed to controlling from the road. **(10:25)** Union Representative Captain Betley interjected that *"at this point there is no pursuit; officers are just obtaining information about the heinous crime."* Sgt. Chapman stated he only became the controlling supervisor once the pursuit started. Captain Betley stated officers were then aware that there has been a crime and the suspects are leaving the 1st District heading to 2nd District.

11:15-19:36-Sgt. Chapman stated his duties as the controlling supervisor consisted of obtaining as much information as possible when a pursuit begins-what cars are going to be involved, what speeds of the vehicle, the directions, traffic, or calling for assistance. Sgt. Chapman, responding to a question from Reporting Investigator regarding P.O. Leonardi #1965 and P.O. McGervey #2352 responding to the direction of the moving suspect's vehicle, **(12:39)** stated he initially gave those officers permission to join; for the purpose of catching up with the suspect's vehicle to assist. As a result of them not being in proximity, Sgt. Chapman stated he ordered officers McGervey and Leonardi to discontinue following and called them off.

Sgt. Chapman stated he authorized P.O.'s Singh #1381 and Stipkovich #40 to catch up with Sgt. Schroeder, P.O. Raspberry, and the suspects. Sgt. Chapman stated Officers Singh and Stipkovich became involved because they were the officers closest to Sgt. Schroeder and the suspect's vehicle. Sgt. Schroeder broadcasted he had a visual of the suspect's vehicle and began to follow them as they passed him at or near I-71 at I-90 Merge. **(16:03)** Sgt. Chapman stated he has not had an opportunity to subsequently review the footage because there is an active CDP investigation underway. He stated he continued to listen to Sgt. Schroeder via radio as he was trying to get other vehicles to assist. He stated Sgt. Schroeder broadcast via radio the speed and lane the suspects were traveling in on I-90. **(16:50)** Sgt. Chapman acknowledged that, as the controlling supervisor, the speed of vehicles involved is information that should be known to

him. Unfortunately, he was unable to recall as he had not had an opportunity to review the footage. **(18:12)**

Sgt. Chapman stated he attempted to have radio contact District 3, but they did not get a response from any 3rd District supervisor. He stated he was unsure if radio contacted Bratenahl, Ohio Police Dept. He recalled reaching out to a District 5 Sergeant. He switched his radio channel to inform 5th District what was occurring and to request assistance. He stated he is unsure if she spoke with a 5th district supervisor. **(19:20)** Sgt. Chapman stated he did not take control until the pursuit began although he continued to monitor radio broadcasts. He stated the vehicle pursuit began after the suspects got off the inner belt at Eddy Rd., took off when the 2nd District car attempted to make a felony stop.

20:00- 25:00-(20:20) Sgt. Chapman #9232 acknowledged that officers were traveling on 71-North which led to officers traveling east on Interstate 90. **(20:27)** Sgt. Chapman stated Sgt. Schroeder's vehicle was following the suspects. Sgt. Schroeder's vehicle was the closest to the suspects at Eddy Rd. Officers Singh and Stipkovich assigned to 2A24 initiated the felony stop upon activating their lights and sirens thus causing Sgt. Chapman to officially become the controlling supervisor. As the controlling supervisor, Sgt. Chapman stated he did not know the speeds when the officers first took off. He knew officers were on Eddy Road making turns left to right on streets. He stated he was doing his best to gather any information that officers gave to him. **(23:10)** He contacted Sgt. Schroeder via radio and told him to disengage when the pursuit began. Sgt. Chapman stated it was his understanding that Sgt. Schroeder was not fully geared, without a vest and camera (unsure if he equipped with his full duty belt). Sgt. Chapman stated Sgt. Schroeder is not assigned to the 2nd District and was not supposed to work that day but had previously accepted overtime; he was in route to District 3 to retrieve his equipment.

25:05 – 41:30-(25:23) Sgt. Chapman stated he and Lt. Farmer were both in the office and Lt. Farmer #8482 assisted and advised him. He stated that Lt. Farmer was his second ear and his supervisor. Sgt. Chapman stated he remained the controlling supervisor and never relinquished those duties or transferred them to Lt. Farmer. He said he was unable to recall if Lt. Farmer gave direction to other officers. He stated Lt. Farmer assisted him by giving direction of where the parties were located i.e., making sure a particular car is over there and confirming that he called Sgt. Schroeder off. He stated Lt. Farmer stayed on channel 2 and Sgt. Chapman was on channel 5 as both officers maintained active communication with each other. Sgt. Chapman stated Lt. Farmer stayed with him for the duration of the following of the vehicle and subsequent pursuit. **(27:30)**

Sgt. Chapman acknowledged that he was 2S23 and Lt. Farmer was 2S22. (Refer to line 13:52 of CCS Event Chronology) Reporting Investigator recounted from the CCS Event Chronology 2S22 saying to 2S24 (Sgt. Schroeder) "you can back off now; if you have a 2-man chasing and pursuing." **(29:13)** Reporting Investigator stated Lt. Farmer appeared to be giving direction during the pursuit. Reporting Investigator inquired whether Sgt. Chapman was aware if schools were in session on 12-20-19 to which he responded, "Different schools are in session at different times." Sgt. Chapman stated he did not know whether the East Cleveland Schools

were open or the amount of pedestrian/vehicle traffic at the time. He said it was possible that schools were in session and at their departure time. However, he was not aware on the day in question. He reported when he contacted officers Singh #1381 and Stipkovich #40, they were on Eddy Rd. Throughout the pursuit, those officers broadcasted their speeds. Sgt. Chapman was unable to recall if they broadcasted their speed upon joining the chase but stated he has not had the opportunity to review any files, reports, recordings since this incident. (33:20)

(34:02) Sgt. Chapman stated he believed that 2A24 officers Stipkovich #40 and Singh #1381 initiated the pursuit when they attempted to conduct a felony stop activating their lights and sirens. Upon the suspects taking off, actively eluding officers, the pursuit began. Sgt. Chapman stated he requested assistance from 5th District, and it was difficult to determine which officers were in the lead car. (35:00) Sgt. Chapman stated that upon Dist-5 Officers Miller #1583 and Doss #847 joining in the pursuit he ordered 2A24 to allow Officers Miller and Doss to lead the pursuit. He acknowledged that officers Stipkovich and Singh were under his command and that he was aware that 2A24 was operating in an unmarked vehicle that did not have full police insignia. (38:26)

Sgt. Chapman stated that although 2A24 was without police insignia, it was equipped with lights and sirens. He stated he was confident that 2A24 could perform their duties just as a marked vehicle could as police policy allows for an unmarked vehicle to initiate a traffic stop, felony stop, whether it turns into a pursuit. (39:00) Sgt. Chapman stated he is unable to provide an approximate speed that officers were traveling but that officers were traveling through various streets at various speeds in pursuit of the suspect's vehicle until they reached Euclid Avenue, when the suspect's vehicle crashed into another vehicle. He stated all officers involved in the pursuit with a lower rank were under his command. In connection with this incident, vehicles in his sector were 2A21, 2B22, and 2A23. Sgt. Chapman stated he was unaware of any other 2nd District vehicle that engaged in the pursuit.

41:55-52:09-Sgt. Chapman stated he was unsure if the engaging officers' vehicles were equipped with an Automatic Vehicle Locator system (AVL). He stated, as the Sergeant, he was unsure if it is his responsibility to ensure that the vehicles are equipped with an AVL. Sergeant Chapman stated informing radio whether officers' vehicles are equipped with AVL may not be his duty as radio has other mechanisms to determine whether vehicles are equipped. (42:23) Reporting Investigator provided Sgt. Chapman with a copy of GPO 9.1.09. (Automated Vehicle Locator System). Sgt. Chapman stated he conducts a check on the vehicles that go out on the road periodically by using a website associated with the AVL system but was unable to recall if he logged into the website on the day of the incident. (45:00) Sgt. Chapman stated that on a routine basis, the District Officer-In-Charge (OIC) maintains the recordkeeping for the vehicle car lineup that includes the operability of the AVL systems. (45:44) Sgt. Chapman identified the primary and secondary units as A24 (primary) and secondary vehicle officers were 5th District officers Miller and Doss. (47:28) Sgt. Chapman stated he and officers followed policy regarding the vehicle pursuit.

Sgt. Chapman #9232 stated at the time of the 12-20-19, incident his tenure as a Sergeant was approximately one year and he had been the controlling supervisor in only one other vehicle pursuit. He stated during his tenure as a patrol officer he was also involved in a pursuit. He stated the controlling supervisor's roles in both capacities were similar and, when becoming a supervisor, he did not receive specific training regarding vehicle pursuits. He stated he received in-service training regarding General Police Orders. (49:26) He stated that the pursuit concluded when the suspect's vehicle crashed. He stated if the pursuing officers believed there was a reason to terminate, they should have terminated. He stated he did not give officers an order to terminate. He was unsure if Lt. Farmer gave an order to terminate.

Sgt. Chapman stated officers continued to pursue the suspects' after the vehicle crashed, as the suspect exited the vehicle and attempted to evade officers on foot. He stated that one suspect was captured immediately while the other suspect escaped a foot pursuit with officers. (50:25) Sgt. Chapman stated continuing in any vehicle pursuit may cause risk. He acknowledged he and Lt. Farmer responded to the scene but was unable to recall if Sgt. Schroeder and P.O. Raspberry were at the scene.

SUBJECT OFFICER: LT. GREGORY FARMER

On 09-21-20, OPS Investigator Anitra Merritt and reporting Investigator conducted an audio/video recorded interview of Lieutenant Gregory Farmer #8487 with his union representative Brian Betley present. The interview was approximately 54 minutes in duration. In the interview Lt. Farmer #8494 stated the following: [Exhibit A-4]

Lieutenant Farmer #8487 stated that on 12-20-19 he was monitoring the District-2 radio when he heard a broadcast that there was a vehicle involved in an Aggravated Robbery that occurred in District-1 and was traveling through District-2 with an off-duty Detective following the suspect's vehicle. He stated he was not aware if any supervisor in District-1 was aware of the incident. He stated he was "monitoring people under me and I do not control vehicle pursuits directly and I knew my supervisors were listening and would take action." When asked by reporting Investigator who the Controlling Supervisor was directing the Zone Cars in Dist-2 as they were moving to the highway to locate the suspect's vehicle he stated "at the time it goes to the highway there was no pursuit, so there was no Controlling Supervisor." (07:38)

Lieutenant Farmer #8487 stated that, concerning Sergeant Schroeder #9248, Dist-2 needed a Sector Supervisor and the O.I.C. called him in from vacation. He stated that he was aware that Sergeant Chapman authorized a Dist-2 Crime Car to become involved in the following of the suspect's vehicle and that the Crime Car was an unmarked vehicle. (11:00) He stated that if a situation enters another District, the entering district usually request for assistance, but District 2 never received assistance because it was going quickly. He stated that "we did ask for assistance from Ohio State Patrol (OSP) and Sergeant. Schroeder asked radio to notify Bratenahl."

Lieutenant Farmer #8487 stated that he came over the radio to assure that Sergeant Schroeder #9248 was not going to get involved in the pursuit because he was not equipped. He stated that *"once we get a patrol car up there equipped and ready to engage this suspect vehicle, I want you to veer off, your part is done. At some point, I instructed him to come back to the District and supervise the sectors."* (18:17) Lieutenant Farmer #8487 stated that the intersection of E. 123rd and Iowa Ave. is where 2A24 (P.O.'s Stipkovich & Singh) lit up the suspect's vehicle and tried to conduct a traffic stop. He stated that when the suspect's car took off, now we were in pursuit. (19:00)

He stated that throughout his 25-year career in the Division he was not familiar with District-5 terrain or East Cleveland, Ohio. He stated that they were relying on information from the Zone Cars (19:47) He stated throughout the pursuit Controlling Supervisor Sergeant Chapman asked the Zone Car officers for traffic and speeds. He stated he and Sergeant Chapman were looking for heavy density of traffic flow as well. When informed by reporting Investigator that WCS video and CCS Event Chronology recorded the Dist-2 (A24) pursuing officers broadcasted on Channel 2 radio at 7:52 seconds into the pursuit that they were traveling speeds between 62mph and 75mph through residential streets, He stated, *"there's a lot of short streets that are kind of mixed industrial and residential streets and I only knew that from after my investigation."*

When asked if he recalled the broadcast of speeds by A24 he stated, *"I am not sure, I did the investigation, but I can't tell you how fast. I listened to the tapes and I am aware that they did broadcast that, but I cannot tell you the specific things. I was monitoring radio."* When asked by reporting investigator if he thought officers pursuing the suspects' vehicle at 75mph was an excessive speed considering the area and conditions they were traveling in, he stated *"I was not the Controlling Supervisor, but I was there sitting with Sergeant Chapman. (22:32) I am unaware of the area. There is no way we can predict where they go. We rely on the officers; speed limit is subjective to conditions, weather, pedestrian flow, traffic and considering if speed was excessive."* He stated that assistance was requested from Dist-5 once the incident got out of Dist-3, but they did not receive assistance from Dist-3. (22:55)

Lieutenant Farmer stated that (Dist-2) Sergeant Chapman #9232 instructed Dist-5 (P.O.'s Miller #1583/Doss #847) to become primary because he's aware that Dist-2-A24 (P.O.'s Stipkovich #40/Singh #1381) were driving an unmarked vehicle that had no badge on the side. He stated that *"according to policy when a marked vehicle becomes available, they should switch positions."* (24:23) When asked by reporting Investigator which pursuing police (Dist-5 or Dist-2) vehicle was in the lead he stated *"I learned some things from doing my investigation. I looked at WCS when Sergeant Chapman #9232 gave that order; you could hear it over on P.O. Singh's WCS say let the other car become primary. (24:57) "And you hear his partner say let the other*

car pass and you can tell from the landscape that he does make a maneuver with the car to let the other car pass to pull over to the side but for some reason they were unable to."

Lieutenant Farmer #8487 stated that although it had been some time ago, he reviewed a video from the Rapid Transit Police (RTA) that revealed the pursuing cars were not that close to the suspect's vehicle once they arrived on Euclid Avenue. He stated that per policy he did conduct a subsequent investigation into the incident because he was the next supervisor up the chain. He stated that he forwarded the results of his investigation to the Executive Deputy Chief Joellen O'Neill. He stated *"ordinarily, I wouldn't have had any dealings with that level; I would just send it to my boss. In a normal situation it would go to my Captain but, because of the nature of it and the tragic ending of it, the D.C. wanted a thorough investigation, so she got us all together, me, A.I.U. and other people. A.I.U. showed on scene but it was not our jurisdiction. I think who officially investigated it was Shaker and some other small municipalities; they share resources, so they had Shaker come out and investigate."* (29:15)

When asked if the Shaker Heights, Ohio PD final investigation produced an accident reconstruction report he stated *"I have no idea, I have not seen it. I would not normally see that in my investigation of an accident, I'm investigating the pursuit not the accident."* (29:47) When asked by reporting Investigator whether the accident was part of the pursuit and would be an important detail to know, he stated, *"the pursuits over at that point, I know all the details."*

Reporting Investigator asked Lieutenant Farmer if he was aware of the vehicle speeds of the suspect's or pursuing officers, to which he stated *"not the suspect's, I would have no way of knowing. I did calculate the speed of the pursuing vehicles on Euclid Avenue; it was just over 62 mph average speeds when they turned from Coit Avenue the speeds they broadcast midway. It is a certain distance from there to where the accident happened. They (P.O. Stipkovich/Singh) said they broadcast the speed of 68mph when they passed Shaw High School on Euclid Avenue. It reinforces the number I came up with because they could not have been going 75mph when they turned the corner, they could have only been going a few miles an hour on Coit Avenue because they would have wiped out. They are only doing 5-10mph at that point. The distance was a mile. That and the RTA video calculations average speeds at 68mph. Independently, A.I.U. came up with the same thing or a similar number. We did work on it together when I got assigned it from the Deputy Chief. She wanted me to work with A.I.U. to do the investigation. We did not really work together on it. We did go out to the sight together a couple of times and drive the route. He did his own calculations, and I did my own calculations and we met again and compared them and they were similar."* (31:05)

Reporting Investigator informed Lieutenant Farmer #8487 that (per channel-2 radio recordings) at the intersection of Woodworth & Hayden Avenues in East Cleveland, pursuit vehicle A24 (P.O.'s Stipkovich/Singh) broadcasted they were pursuing at 75mph to which he stated *"I can't*

tell you what they were thinking but if you're going down a street that's fairly industrial that's not open to traffic at the time maybe you'll go at higher speeds than when there's traffic." (34:10) He stated that he was not aware that school was in session or beginning to let out because he relied on the officers and looking at videos that they were slowing down. (36:36) He stated that "if you are asking me if I found any policy violations in my investigation: no, no major violations but there were a couple minor relating to a camera violation on part of 5A23 and some issues and questions if they had specific permission to engage. I don't remember who their boss was, I did not interview him, I just went off CCS recordings and hearing from District supervisors and their cars." (37:00)

When asked by reporting Investigator if there was anything that occurred during the 12-20-19 incident that would have caused him to terminate the pursuit, Lieutenant Farmer #8487 stated *"No, we were getting the information from the cars. None of that either prompted me to terminate the pursuit. With the info we were getting (from) Channel 2 and CCS, nothing indicated to me that the pursuit was going out of policy or that it was inherently more unsafe than any other pursuit would be." (38:45) He stated that officers were not hearing from two different supervisors and that he chimed in because there was a Sergeant involved and Sergeant Chapman #9232 was the same rank and cannot give him orders.*

Other than that, only the Controlling Supervisor is the Sector Supervisor. He stated that there was a review of the Automatic Vehicle Locator System (AVL) included in his investigation and the Mobile Support Unit gave him what they had. When asked if he was aware that there was no AVL available for any vehicle involved in the pursuit he stated *"No, I asked for AVL information for every car that was involved, including some District-5 cars and they gave me the AVL they had available. I do not know why that car (2A24) was not available. I think Mobile Support stated a reason why it was not available, but I do not recall why. It was reflected in my report." He stated that "all District-2 cars are equipped but some do not always work, are broken, and have software/modem problems."*

He stated that *"we check the AVL system and make sure that they are working daily. It was not checked that day because we usually wait until the middle of the shift, this was at the beginning of the shift. We wait for cars to go out and do their business before we check. We cannot check while they are still sitting there. The late Boss gives the assignment to begin the AVL Checks. I do not handle that, the Officer-in-Charge does. I do not look over his shoulder. The Radio log sheet gets faxed to Radio Section for the AVL. I am not sure if I checked in my investigation. From what I understand Radio does have access to the AVL system and I can't speak to what Radio knows." He stated that in his professional opinion, he was "absolutely sure" policy was reasonably followed. He stated that he "spent a month investigating this. It is thorough and very thick. A.I.U. reports, video pictures, CCS, WCS and outside recordings."*

SUBJECT OFFICER: P.O. PREBHKIRANDIP SINGH

On 10-02-20, OPS Investigator Julie Delaney and reporting Investigator conducted an audio/video recorded interview of P.O. Prebhirandip Singh #1381 with his union representative Jeffrey Follmer present. The interview was approximately 48 minutes in duration. In the interview P.O. Singh #1381 stated the following: [Exhibit A-5]

On December 20, 2019, he and his partner, Officer Stipkovich #40 were assigned as call sign 2A24, and to an unmarked zone car equipped with interior lights and a siren, but no overhead lights or police insignia on the outside of vehicle. 2A24 is a fast response team and on this date, he and Stipkovich were assigned to respond to violent felonies throughout the 2nd District.

While they were getting gas the intersection of Pearl/Forestdale, they heard a broadcast that an aggravated robbery had taken place in the 1st District. Radio was asking for additional cars to assist since they had the suspect vehicle in sight. They were advised that the suspects were younger black males – he assumed they were teenagers - and were given a description of the vehicle. (31:40) Since they were near I-90 and close to the direction the suspect vehicle was heading, they asked for permission to head over and received it from Sergeant Chapman, one of the road bosses that day. It was his understanding that Chapman was the controlling supervisor for this pursuit (21:50) and that Chapman knew that they were in an unmarked vehicle when he gave them permission. (32:06) He does not recall receiving any instructions from Lieutenant Farmer. (21:50) It wasn't until they exited onto Eddy Road after traveling Eastbound on I-90 through downtown that they saw the suspect vehicle stopped at a red light with Sergeant Schroeder's vehicle a few cars behind it.

Once the light turned green and the suspect vehicle began advancing South on Eddy Road, he and Stipkovich got behind the vehicle, activated their lights, and tried to initiate a stop. At the time they were aware that a 5th District car had been assigned to assist them and they eventually saw their lights in their rearview mirror during the pursuit of suspect vehicle. He and Stipkovich had received instructions to have the 5th District car get in front of them to serve as the primary vehicle, but he cannot recall if those officers later told him that they had not been able to catch up or that it had been difficult for them to catch up to them. Regardless, they could not have passed them safely while the pursuit was ongoing. (15:00)

During the pursuit, he observed a lot of vacant buildings – it looked like an old business area. He personally was not familiar with this area of Cleveland and had never worked in the 5th District. He does not recall seeing any school busses or school zone signs and was not sure whether school had been in session on this date – everything happened so fast. (21:10) As the passenger officer during this pursuit, he was responsible for continuously calling out to radio their direction, speed, location, road conditions and vehicle traffic. He kept track of their speed via the digital odometer in their vehicle. (24:45) He does not recall how fast Stipkovich had been driving during the pursuit but recalls seeing posted speed signs. Any information about the speed of their vehicle would be available via their AVL or from the radio transcripts. (17:40) He is sure that they ran through traffic lights and stop signs and that Stipkovich slowed down as

they were approaching intersections. (32:30) He had a responsibility to pay attention to the outside conditions, including pedestrian traffic, but his primary focus was on vehicle traffic, which was light, and the suspect vehicle right in front of them. (26:00) *(Investigator Delaney advised P.O. Singh that captured from his WCS he had told Stipkovich to slow down twice during the pursuit and asked him why he had said this.)* P.O. Singh stated "Stipkovich is a good driver and he did not crash. He knows his capabilities better than I do." (18:15)

As they were pursuing the suspect vehicle down Euclid Avenue, they saw the suspect vehicle hit another vehicle that had been trying to make a left turn. After crashing into this vehicle, the suspect vehicle rode up on the curb and hit a building but kept on going. It eventually stopped due to a flat tire and the damage the vehicle had sustained from the crash. Once stopped, he and Stipkovich observed a male running from the suspect vehicle and they went after him. By that time, the 5th District car was on scene and they had detained the other suspect. He stated that neither he nor Stipkovich knew that anyone had been hit until approximately 5-7 minutes into their foot chase when they heard screaming coming from the area of the crash site, but they still had no idea what was going on because they were looking for the suspect.

(Investigator Delaney asked Singh questions regarding his training in vehicle pursuits, the police report he generated, the AVL inside he and Stipkovich's police vehicle, and his debriefing with his Division after the pursuit. He provided the following information:

He has been with the Division for five years and vehicle pursuit training was a requirement of his academy training in 2015. He cannot recall if it was 40 or 80 hours of training, but it took place near the municipal lot where they ran different drills in a mock pursuit. Since then, he may have had some additional in-service training on the Division's pursuit policy but no hands-on driving instruction. (3:40)

Sergeant Chapman instructed him to complete a supplemental report because the 1st District was handling the aggravated robbery report. He completed the report by himself and submitted it prior to the conclusion of his shift. The only member of the command staff that reviewed it was the one who signed off on it. The information he included in this report was obtained from his memory and the read-out on the MDT inside their vehicle. This read-out provided an event chronology of the pursuit. He probably did not review his WCS because he never does. He also may have reached out to the 1st District and to Officers Miller and Doss to get some additional information. No one told him what to include and/or not include in the report. He opined that he is particularly good at report writing.

(Investigator Delaney asked Singh why there were inaccuracies in the report about the route that he and Stipkovich took during the pursuit, specifically in which he denoted that they had traveled Southbound on Eddy, West on Taft and then South on 123rd and then activated their lights when per his calls to Channel 2 they had traveled Southbound on Eddy, East on Taft and then South on 124). These inaccuracies were due to his unfamiliarity with the area. It is important to make sure that prior to submitting a report that all information in it is accurate but there are ways of verifying information in the report via the AVL and radio recordings.

(Investigator Delaney advised Singh that the WCS footage shows him being told by Officers Hibbard, Miller, and Doss that three victims had been taken to the hospital due to the suspect vehicle crashing into the building on Euclid. Investigator Delaney asked why two of the victims - the driver of the vehicle that was initially struck by the suspect vehicle and Zelda Mason, the daughter of the OPS Complainant, were not included in the report, including information as to what hospital they had been taken to.) He speculates that he just included the most critical injury – the death of Tamia Chapman. The information that he received was that the other two victims were not seriously hurt so they were not included in the report. (Investigator Delaney asked him how he knew that they had not been seriously hurt). It was an assumption. CPPA President Jeff Follmer added that Cleveland homicide detectives would have followed up with these other victims. Singh also advised Investigator Delaney that he does not know why he did not include in the report his interview with firsthand eyewitness “Mya” or include her contact information. (This interview was requested by East Cleveland PD and was recorded on Singh’s WCS).

AVL: (23:05 & 29:00)

He believes that their police vehicle was equipped with an AVL on December 20th. Whether it was working or not, he would not know. It should have been working-no reason that it should not have been. The AVL is hooked up via the internet in their police vehicle and the internet always works in their car. He thinks that Mobile Support is responsible for the operation of the AVL in their vehicles. He did not log into Skyview during this pursuit because he did not need to visually see where the other zone cars were. He also did not look at his AVL after the pursuit. He thinks Homicide may have viewed it since they were conducting the investigation.

Debriefing: (30:40 & 33:40)

Since the day of the pursuit, he has never had an official investigative interview with Lieutenant Farmer about his and Stipkovich’s role in the pursuit. He was interviewed by Cleveland Homicide Unit, but he has not been interviewed by anyone else, including anyone from the Inspections Unit.

Singh concluded that although he believes that he and Stipkovich engaged in this pursuit in accordance with policy, (34:50) in hindsight and with everything that happened, he absolutely thinks that they should have self-terminated the pursuit, especially if they could have prevented a little girl from getting killed. (21:30)

SUBJECT OFFICER: P.O. CHRISTIAN STIPKOVICH

On 10-17-20, OPS Investigator Julie Delaney and reporting Investigator conducted an audio/video recorded interview of P.O. Christian Stipkovich #40 with his union representative

Jeffrey Fallmer present. The interview was approximately 32 minutes in duration. In the interview P.O. Stipkovich #40 stated the following: [Exhibit A-6]

On December 20, 2019, he and P.O. Singh #1381 were assigned call sign 2A24 and to unmarked Crime Car 245A and were responsible this day for handling all serious violent felonies throughout the 2nd District. Their vehicle had a siren and inside lights only and was equipped with an AVL. He does not know if it was operable and assumes that it was working. In the past, officers had been able to logon inside their vehicle to the AVL website to access it, but things changed over time and he does not think officers have access to log in like supervisors do. Mobile Support is the unit who would oversee that the AVLs were operable. **(29:00)**

He stated when they were getting gas on Pearl and Forestdale, they heard a broadcast that an off-duty officer had caught a GTMV (Grand Theft Motor Vehicle) in the 1st District and that two juvenile suspects **(20:15)** had fled the scene and were headed toward the freeway. This qualified as a serious crime as a weapon was involved. He and Singh requested permission to get involved from either Sergeant Chapman or Lieutenant Farmer – they were both on the radio - and entered I-90 East off 71- N/W. 25th and followed the direction of travel of the suspect vehicle via radio.

They first laid eyes on Sergeant Schroeder and the suspect vehicle when they exited onto Eddy Road off I-90 East. They were stopped at a red light. Once they all turned left off Eddy Road, Sergeant Schroeder pulled off to the side so that he could pass him, and they turned on their lights to initiate a traffic stop. They had been given permission to become the lead car at this time by either Sergeant Chapman or Lieutenant Farmer #8487. He does not know which one was the controlling supervisor. **(10:09)** He and Singh were about 20 feet behind the suspect vehicle when they activated their lights/sirens. This was a residential street with no vehicle traffic. The suspect vehicle pulled to the right and slowed down, like they were going to stop, but then took off. At this point, they began pursuing the vehicle. He does not recall his speeds during the pursuit and does not recall Singh telling him to slow down. **(12:00)**

He remembers seeing the 5th District car in his rearview mirror during the pursuit and that they were approximately 40 feet behind him. He was aware that they were coming to assist via radio traffic. **(13:30)** He and Singh had received an order from a supervisor for the 5th District car to become the primary vehicle shortly before the suspect vehicle crashed into another vehicle. He assumes this order was given because they were in a marked police vehicle. He does not know why they never took the lead - maybe if the pursuit had lasted longer, they could have gotten in front. This is a question for them-he does not know why they did not get in front. Maybe they did not hear the broadcast, maybe they did not want to, or maybe they thought it was not safe. **(13:58 & 21:15)**

Stipkovich does not recall that radio had broadcasted his speed during the pursuit as traveling 75mph on Woodworth or 58mph on South Euclid. He speculated that the suspect vehicle had been traveling approximately 50mph down Euclid and considered that he may have been

driving that speed as well. (15:00) He also does not recall if Woodworth was a residential area. He also had not been thinking about the time that the pursuit had been initiated or whether school had been in session that day. In hindsight, definitely – he has children. He does remember that there had been some vehicle traffic and he had been focused on his surroundings. Stipkovich stated that in his line of work, traveling 75 MPH down Woodworth in a residential area in pursuit of a vehicle was not unsafe. He had been in control of the vehicle and had not felt that he had been driving unsafely or had placed anyone else in jeopardy. (27:45)

The suspect vehicle was quite a distance in front of them as they were pursuing them down Euclid. The pursuit terminated when the suspect vehicle hit another vehicle. It looked like a huge explosion – a large cloud of debris and smoke. After the suspect vehicle crashed, they drove up on the sidewalk. This is when he and Singh caught up to them. The suspect vehicle came to a stop and one of them fled and he and Singh went to pursue him while the 5th District vehicle apprehended the other suspect. (16:55) He assumed that the 5th District vehicle would also handle the aftermath of the vehicle crash. (25:15) He and Singh were away from the scene for approximately 15-30 minutes and when they returned, they were told that a juvenile female had been killed. After hearing this, he needed a minute to process this. Other than the driver of the vehicle that had been stuck by the suspect vehicle and the juvenile female, he was not aware that anyone else had been hit, including Zeldra Mason, (OPS Complainant Zondra Mason's daughter). (25:50)

Since 12/20/19, other than an interview with the Homicide Unit, he has had no official interview and/or debriefing with anyone from the Division. He has also not looked at or listened to any CCS communication or reviewed his WCS. He has spoken to Lieutenant Farmer on a few occasions about the pursuit but not in a formal capacity. (18:45)

While at the Academy six years ago, he received simulated vehicle pursuit training but has not had any other hands-on training since. During his tenure with the Division, he has engaged in approximately four – five vehicle pursuits but this one was his first serious one. He has self-terminated a pursuit in the past when he lost sight of the vehicle. It is a dual responsibility of the supervisor and the officer, who has eyes on the vehicle, to decide when to terminate a pursuit. (22:18 & 27:30) In regard to this pursuit, he does not believe that he should have self-terminated it. He has a lot of guilt over what happened, but he does not feel that he did anything wrong. (28:30)

WITNESS OFFICER: P.O. FELICA DOSS

On 10-12-20, OPS Investigator Anitra Merritt and reporting Investigator conducted an audio/video recorded interview of P.O. Felica Doss #847 with his union representative Jeffrey Follmer present. The interview was approximately 30 minutes in duration. In the interview P.O. Doss #847 stated the following: [Exhibit A-7]

P.O. Doss #847 stated that on 12-20-19 she was a Probationary Officer assigned to District-5 Patrol (5A23) in company with P.O. Dustin Miller #1583 assigned as her Field Training Officer (FTO). She stated that she became aware of the vehicle pursuit as her and FTO Miller were sitting in a park at the start of their shift and received a call over Radio that there was a pursuit and they ended up being the closest car and were told by Dispatch that one car could join the pursuit. (04:23) She stated that her and FTO Miller received permission from Dispatch to enter the pursuit. She stated that they were at Patrick Henry Park which was approximately 2 minutes away from the area of the pursuit. She stated that as they were driving, they observed the pursuit begin at 123rd and St. Clair Avenue, crossing over from the gas station. P.O. Doss stated that she was the passenger officer and understood her duties to be watch the surroundings, ensure nothing goes wrong, make sure she is safe while her partner is driving and answer radio calls if necessary. (05:36)

When asked by OPS Investigator Merritt how she responded to the actual radio assignment on the date of the incident P.O. Doss #847 stated she responded to Dispatch saying "A23, clear to enter the pursuit." She then stated that FTO Miller #1583 did the actual communication with Radio because she was "on probation at the time and was not familiar with a lot of things." She stated that Dispatch broadcasted, asking if there was a car close and that they were the closest car, "so we had to take action and that is what we did." (06:25) She stated that she did not communicate with anyone, only Radio gave permission to pursue. (06:40) She stated that she did not initially recall who her supervisor was on that day however, after reporting Investigator showed her a copy of the Dist-5 Daily District Assignment (DDA) for the date of the incident. (12-20-19), she recalled that it was Sergeant. Phillip Hawkins #9194. She stated she was sure that Sergeant Hawkins was sure that they (5A23) were involved in the pursuit because it was being broadcast over the radio and when it is something serious like that everyone is aware. (07:20) When asked, by reporting Investigator whether Sgt. Hawkins ever verbally authorized 5A23 to get involved in the pursuit, P.O. Doss stated, "I don't remember."

P.O. Doss #847 stated that she and FTO Miller #1583 knew that they were the closest vehicle to the pursuit because "as the pursuit started, we were parked, we put our food down, started moving closer to St. Clair, that's when we saw the car and there was no other car around. We saw them cross over 123rd from the gas station onto St. Clair." (07:46-08:27) She stated that she had just started and was not familiar with that area but FTO Miller was familiar with the area. In response to OPS Investigator Merritt's question concerning whom the primary unit was and who was the secondary, she stated that she and FTO Miller were the secondary unit and the unit from the West-side was the primary unit. She stated that at that time she was aware that there was another Zone Car in pursuit and that it was not from District 5. (08:55) She stated that they noticed the suspect's vehicle and then the other Zone Car when they arrived at St. Clair near 123rd St. She stated that the other Zone car was "a regular Zone Car marked with overhead lights." She stated that upon them observing the suspect's vehicle FTO Miller activated the overhead lights of their Zone Car.

P.O. Doss #847 stated that they did not communicate with Radio, a supervisor or have any understanding who the Controlling Supervisor was. She stated that she felt FTO Miller #1583 knew who the Controlling Supervisor was only because he had been on the job for a long time.

She was unsure of the definition of Controlling Supervisor when she asked reporting Investigator *"when you say Controlling Supervisor, what do you mean by that?"* (10:47) When reporting Investigator provided the definition of the Controlling Supervisor as defined in General Police Order (GPO) 3.2.02 she identified District-5 Sergeant Phillip Hawkins #9194 as her supervisor and the Controlling Supervisor *"because there was a broadcast over the radio giving us permission to pursue."* (12:00) She stated that FTO Miller heard the radio broadcast as well.

P.O. Doss #847 stated that someone gave us permission and that it was good, therefore they pursued. P.O. Doss stated that she did not broadcast locations and speed(s) during the pursuit because she did not know what to do or say. She stated that she could not recall if FTO Miller communicated the location or speeds with radio. (12:36) When asked by reporting Investigator why she cautioned FTO Miller *"to be careful"* that was captured on WCS during the pursuit, P.O. Doss stated because *"he was driving fast, and he was trying not to hit anything in the pursuit."* (13:00) P.O. Doss stated that she did not recall how fast FTO Miller was driving throughout the pursuit. (13:16) When asked by Investigator Merritt what prompted her to tell FTO Miller to be careful, she stated, *"because of the way he was turning the corners, when you're driving superfast and you hit the brake, the car is going to shift a certain way."* (14:01)

P.O. Doss #847 stated that they (5A23) were not given a directive, nor did they attempt to become the primary vehicle during the pursuit and that the other Zone Car (2A24) did not attempt to yield their position for them to become primary. (15:57) She stated that the vehicle pursuit must have started when they were in rollcall because they were not even on the road awfully long. She stated that she was not aware that the little girl was struck by the suspect's vehicle until she got out of the Zone Car and began chasing one of the suspects on foot. She stated that she abandoned her foot pursuit and rendered aid to the little girl, staying with her the whole time. She stated that there were not any elements that existed that would have caused them to terminate the pursuit because a felony had been committed by the suspects. She stated that after the incident she was sent home by her supervisor without debriefing and only spoke with Detectives from the Homicide Unit months after.

P.O. Doss #847 stated that she was aware of the Automatic Vehicle Locator System (AVL) on police vehicles but was unaware if it was working in their vehicle that day. P.O. Doss stated that neither she nor her FTO check the operability of their vehicle AVL on a regular basis.

WITNESS OFFICER: SGT. PHILLIP HAWKINS

On 10-15-20, reporting Investigator conducted an audio/video recorded interview of Sergeant Phillip Hawkins #9194 with his union representative Brian Betley present. The interview was approximately 20 minutes in duration. In the interview Sergeant Hawkins #9194 stated the following: [Exhibit A-08]

Sergeant Hawkins #9194 stated that he became aware of a vehicle pursuit when it was broadcast over channel 5 radio. He stated that another Sergeant announced over radio that he

was the commander of the pursuit. He stated that he identified that Sergeant as District-2 Sergeant Michael Chapman #9232. Sergeant Hawkins stated that at that time he only understood Sergeant Chapman to be the Controlling Supervisor. He stated to the best of his memory that Sgt. Chapman gave permission to one or two of his Zone Cars to enter the pursuit. Sgt. Hawkins stated that he was monitoring radio at the time and aware that 5A23 (Miller/Doss) were involved and is unsure who else was involved because everything developed rapidly. When asked by reporting Investigator if he recalled whether 5A23 communicated to radio or anyone else that they were engaged in the pursuit, about to engage in the pursuit or broadcasted their location and speeds with radio, he stated he did not have the opportunity to review WCS video but to the best of his memory, they were given permission to join the pursuit but, that he did not direct them to. (07:25-07:47) He stated that he also did not direct 5A21 (Sabolik/Hibbard) or 5A22 (Staskevich/Wilson) 5A21 to engage in the pursuit either because he was not the Controlling Supervisor. (08:19)

Sergeant Hawkins #9194 recalled hearing the District-2 car (2A24) on Channel 5 at some point during the pursuit but did not recall any transmission between District-5 and District-2 cars. (09:30) He stated that he did not become engaged in the pursuit because *"the other Sergeant took over, he deemed himself to be the commanding officer, once he deemed himself to be the commanding officer all the decisions from that point are his."* He stated that when the pursuit started, he was the only Boss on the air in District-5 for either sector. He stated that he did not recall any of the 3 District 5 vehicles requesting permission or broadcasting their intention to engage in the pursuit with the Controlling Supervisor (Sergeant Chapman 9232) (13:00)

Sgt. Hawkins #9194 stated that he was not aware of the speeds of any of the pursuing vehicles because he was not monitoring the chase once the commanding officer took over. He stated that immediately after the collision he was principally concerned about the safety of the officers as opposed to their speed(s) because he had two rookie probationary officers (Doss/Hibbard) involved. He also stated that he did not ask about their speeds because he knew there would be an investigation into the entire incident and whatever their speed was would have been documented then. (16:00) He stated that he did not speak to nor was he interviewed by anyone from the Division Homicide Unit, District-2 Lieutenant Gregory Farmer #8487 or the District 5 Commander for the official investigation of the incident. (16:50)

When asked by reporting Investigator if any of his (Dist-5) officers had active working AVL in their vehicles at the time of the incident he stated that he was unsure and could not answer that question. He stated that on occasions prior to the 12-20-19 incident he would check the AVL of officer vehicles by pulling it up on his MDT computer-I-Net-Viewer that identifies the location of the vehicles. (17:55) He stated that at the time his officers became involved in the pursuit he was unaware of their general or exact locations. (19:01) He stated that he came after

the fact, checked on his officers to make sure they were okay, and once he established that they were okay, he left the scene.

SUBJECT OFFICER: P.O. BRIAN SABOLIK

On 10-15-20, reporting Investigator conducted an audio/video recorded interview of P.O. Brian Sabolik, #1021 with his union representative David Medina present. The interview was approximately 19 minutes in duration. In the interview P.O. Sabolik #1021 stated the following:
[Exhibit A-9]

P.O. Sabolik #1021 stated that on 12-20-19, he was assigned 5A21, riding in company with P.O. Ashley Hibbard #923. He stated that they first became aware of the incident while near E. 60th and St. Clair Ave. when Radio broadcasted that there was a vehicle following an Aggravated Robbery Motor Vehicle from the 2nd District. **(03:17)** He stated they started driving Eastbound on St. Clair Ave. Monitoring radio traffic. We heard that the suspect's vehicle had just exited Eddy Road from I-90. **(04:02)** He stated that they decided to engage in the pursuit because Radio called over the air asking if there was a car that could assist. He stated that he was not aware of any other Dist-5 vehicle involved in the pursuit. He stated that although he was not aware of their exact speed, they were traveling more than the posted speed limit. **(05:48)**

P.O. Sabolik stated that he did not recall if he contacted Radio to broadcast his speed(s) and location(s) nor did they ever have a visual on the suspect's vehicle. He stated that by the time they arrived at Euclid Avenue, the pursuit stopped due to a collision. He stated that during the pursuit he was in communication with District-5 Supervisor Sergeant Phillip Hawkins #9194 and that Sergeant Hawkins advised in a general broadcast that they could enter the pursuit and that they were one of two cars already in the pursuit. **(07:00)** He stated that another vehicle requested to join the pursuit, but Sergeant Hawkins denied their request.

P.O. Sabolik #1021 stated that he was never involved in the pursuit only the segment when the suspect's vehicle was being followed. He stated that when the pursuit started, *"we were making our way over there, but we never even got close to them."* **(10:31)** He stated that the Second District car was the other car (or the second car) involved and that they were the first Fifth District car allowed to go over and attempt to get in the pursuit. He stated that there was no other Fifth District car that broadcasted that they were going over to get involved or assist. He stated that when he arrived at the crash scene, he observed a little girl lying on the ground and my partner ran over to her where an East Cleveland Policeman stated he thought the girl was dead. **(12:57)** He stated that he recalled a radio broadcast indicating that Dist-2 Sergeant Michael Chapman was the Controlling Supervisor during the pursuit.

P.O. Sabolik #1021 stated that he was not aware if his vehicle 5A21 was equipped with AVL and that it was neither his responsibility nor any officer's responsibility to make sure the AVL system is working but that it was the responsibility of the supervisor. **(15:00)**

SUBJECT OFFICER: P.O. DUSTIN MILLER

On 11-05-20, reporting Investigator conducted an audio/video recorded interview of P.O. Dustin Miller #1583 with his union representative Jeffrey Follmer present. The interview was approximately 36 minutes in duration. In the interview P.O. Miller #1583 stated the following:
[Exhibit A-10]

P.O. Miller #1583 stated that on 12-20-19 he and his partner P.O. Felica Doss #847 were working District-5 patrol assigned to 5A23. He stated they first became aware of the incident when Ch-5 Radio broadcasted that a District-2 car was following a wanted vehicle involved in an Aggravated Robbery. He stated that Radio provided a description of the suspect's vehicle and the location of travel. P.O. Miller stated that he did not recall the exact location of him and P.O. Doss but that they were moving in the direction of St. Clair Ave. **(4:40)** He stated they did not have a visual of the suspect's vehicle until they approached E123rd St. at St. Clair Ave. and saw their car "flying through the gas station with a police car behind them." He stated they were informed by Radio that a District-2 car was following the suspects. He stated that the District-2 car was plain and unmarked with a number on the side but with no overhead lights.

P.O. Miller #1583 stated he drove across the street and headed in the direction of the pursuit while on the radio asking for permission to get involved because the area was in their zone. He stated he asked Radio to ask a supervisor if they could get involved. He stated that he believed District-5 Sergeant Phillip Hawkins #9194. **(07:28)** He recalled that District-2 Sergeant Michael Chapman #9232 broadcast over channel-2 radio that he was the Controlling Supervisor for the pursuit. He stated he only recalled "one boss as the Controlling Supervisor." **(08:14)** P.O. Miller stated that he did not recall the speed of his vehicle or the speeds of the suspect's or pursuing District-2 vehicle. He stated they continued following in the direction trying to keep the lights from the District-2 car in their sights while activating their overhead lights upon receiving permission to engage.

He stated that when they activated their overhead lights, they did have a visual of the suspect's vehicle. When asked if he received a directive from the Controlling Supervisor to take over as the primary vehicle, P.O. Miller #1583 stated "we were not even close to take over, we were way behind." P.O. Miller stated that when the pursuit led into the City of East Cleveland, he was unfamiliar with the territory until they reached Euclid Avenue. **(11:27)** P.O. Miller recalled traveling through several residential streets throughout the pursuit but did not recall if school was dismissing or the exact time of day. When asked to address the segment on their respective WCS video(s) where P.O. Doss #847 repeatedly asked him to "slow down" P.O. Miller stated, "you can only go as fast as your car can go and she was new." He stated he was her Field Training Officer (FTO). He stated that he spoke with Radio but did not broadcast their speeds or locations when involved in the pursuit.

P.O. Miller #1583 stated that he was never aware of any other District-5 car being involved in the pursuit or requesting permission over the radio to get involved in the pursuit because there were already 2 cars involved. He stated that after the pursuit stopped and a suspect was in custody, the only supervisor he spoke with was District-2 supervisor Michael Chapman #9232. He stated that he asked Sergeant Chapman if he and P.O. Doss #847 needed to complete a Form-1 report of the incident to which Sergeant Chapman stated "no." (28:29) P.O. Miller stated that months after the incident he spoke with Homicide Detectives in an audio/video-recorded interview regarding the pursuit. He stated that he had been in a vehicle pursuit previously but that it was prior to the recent Division change in policy.

SUBJECT OFFICER: P.O. MICHAEL STASKEVICH

On 11-05-20, reporting Investigator conducted an audio/video recorded interview of P.O. Michael Staskevich #942 with his union representative Jeff Follmer present. The interview was approximately 15 minutes in duration. In the interview P.O. Staskevich # stated the following: [Exhibit A-11]

P.O. Staskevich #942 stated on 12-20-19, he was working District-5 patrol assigned to 5A22 in company with Probationary Officer Malik Wilson #1749. He stated they became aware of the incident from a radio broadcast stating a Second District car was following a stolen vehicle. He stated they were around E.105 when radio broadcasted asking if there were any cars in the area and we started heading toward Eddy Road. He stated they contacted Radio and informed them but received permission from their supervisor Dist-5 Sergeant Phillip Hawkins #9194. He stated when the pursuit went beyond Eddy Road and entered East Cleveland, they never had a visual on the suspects' vehicle or the pursuing officers. P.O. Staskevich #942 stated he received permission from District-5 supervisor Phillip Hawkins #9194 to leave the city and enter East Cleveland to assist after the suspect's vehicle crashed. He stated he did hear another Sergeant over radio when the Dist-2 officers were chasing the suspect's vehicle. He stated he did not activate the overhead lights and siren until Radio broadcast that the suspect's vehicle crashed. He stated he did not switch from channel-5 to channel-2 radio but did recall hearing a Sergeant broadcast over radio to go to channel-2. He stated he also heard Dist-2 officers broadcasting directions as they followed the suspect's vehicle.

P.O. Staskevich #942 stated although he did not check, he assumed that the AVL system in their vehicle was operating on 12-20-19, and the supervisors are responsible for the AVL.

WITNESS OFFICER: P.O. MALIK WILSON

On 11-16-20, reporting Investigator conducted an audio/video recorded interview of P.O. Malik Wilson #1749 with his union representative Andrew Gasiewski present. The interview was approximately 8 minutes in duration. In the interview P.O. Wilson #1749 stated the following: [Exhibit A-12]

P.O. Wilson #1749 stated that on 12-20-19, he was a probationary officer assigned to District-5 patrol assigned to 5A22 in company with his Field Training Officer (FTO) P.O. Michael Staskevich #942. He stated they became aware of the vehicle pursuit via radio but could not recall their location at the time they were informed. He stated that they were "a ways away from the pursuit" and upon arriving at the scene the pursuit had already ended in a collision. P.O. Wilson stated that he never spoke on the radio but did recall his FTO contacted the supervisor via radio and requested permission to go to the scene to assist. He stated that they were traveling in the direction of the pursuit when a Sergeant whose name he does not recall gave them permission. P.O. Wilson stated that he never spoke to a supervisor while at the scene or thereafter regarding an official investigation of the incident.

SUBJECT OFFICER: DET. JAMES CRIVEL

On 12-04-20, reporting Investigator conducted an audio/video recorded interview of Det. James Crivel #1727 with his union representative Andrew Gasiewski present. The interview was approximately 17 minutes in duration. In the interview Det. Crivel #1727 stated the following:
[Exhibit A-13]

Det. Crivel #1727 stated that on 12-20-19, he was assigned to the Gang Impact Unit in Vehicle 8168 in company with Det. Kevin Warnock #1719. He stated that on that day they finished working on another assignment on the West-side when they heard a radio broadcast that an off-duty was following a vehicle that was involved in a carjacking. He stated that they radioed they would be following in an unmarked car. He stated they were "suited, booted and ready to go. Our goal was to get there and be the follow-up car, but we never even made it close." (05:10) He stated he recalled the Dist-2 car saying they were going around "Dead-Man's-Curve" and we were at 25th. We tried to catch up to be the follow car, but it never happened. We contacted Radio and stated "8868 we're headed that way; we're a ways off or something like that." Det. Crivel stated that when it turned into a pursuit, we did what we normally do, we tried to guess where they are going to go. We were just listening trying to be in the area waiting for them to bail. We had no idea who the suspects were by identification, just a description of the vehicle." (06:00)

P.O. Crivel #1727 stated, "We were never involved in the pursuit; we never even saw the tail-end of it." When asked by reporting Investigator if he was aware of whom the Controlling Supervisor was, he stated "I remember when they said switch over to Ch-5. I do not recall names, I was confused, I recall it being said for some cars to back off." He stated when they arrived on Euclid Ave. it was a straight shot and he radioed that he did not see anything but eventually saw lights from other police vehicles. He stated he did not recall their vehicle speed(s) and did not request permission to get involved in the pursuit. He stated "like I said we were armed and ready and we wanted to get to there to be the follow car. We just never got there." He stated he knew someone was injured and understood that person to be a juvenile.

SUBJECT OFFICER: P.O. JAMES DUNN

On 12-07-20, reporting Investigator conducted an audio/video recorded interview of P.O. James Dunn #2563 with his union representative Andrew Gasiewski present. The interview was approximately 33 minutes in duration. In the interview P.O. Dunn #2563 stated the following:
[Exhibit A-14]

P.O. Dunn #2563 stated that on 12-20-19, he was assigned to the K-9 Unit and was fueling his vehicle at the Dist-5 pumping station. He stated after filling up, he heard a radio broadcast over Channel 5 that there was a vehicle involved in an Aggravated Robbery exiting at Eddy Rd. He stated that because he knew the area well having spent 20 years in Dist-5, he began driving down St. Clair Ave. He stated that although he did not know that the pursuit was heading in the direction of St. Clair Avenue, he assumed that the suspects would make their way to St. Clair Ave. after getting off on Eddy Road because *"there is nothing north of there, it's all industrial."*

He stated as a result, he began making his way to St. Clair Avenue. He stated that some side streets in that area are one way and are confusing if one is not familiar with the area. P.O. Dunn stated that while he was sitting at the light at E.13st and St. Clair Ave. the suspects' vehicle passed him and made a turn onto Woodworth Ave. P.O. Dunn stated he heard sirens from other CDP vehicles but was unsure if he observed one or two police vehicles. He stated that he activated his lights and sirens at 131st and St. Clair Ave.

P.O. Dunn #2563 stated he recalled Radio broadcasting that the pursuing Zone Car(s) were trying to determine a location because *"when you go into another district, it's hard to follow a car, so I came over the radio and said they went down Woodworth."* He stated that after he broadcast that they went down Woodworth, someone gave the wrong direction, and he knew at that point that the pursuing cars did not know where they were going. He stated at that time he no longer had a visual on the officer or suspects vehicles. He stated that he did not have another visual on them until he arrived at the crash site on Euclid Ave. He stated that as he was going down Euclid Avenue, he was aware that the pursuit was already engaged and that Euclid Avenue *"is just so busy and it was busy that day."* When asked by reporting Investigator if Radio was aware or if he broadcasted his locations and speeds he stated, *"I told them I was out with the dog somewhere along the route."* He stated that he did not recall either his or the suspect's speed. He stated that the turn to go onto Woodworth Ave. (where he last saw the suspect vehicle) is *"pretty much difficult to go 50mph, is pretty good driving."*

When asked if he recalled who the Controlling Supervisor was during the incident, he stated that somebody was but had no idea of exactly who. He stated that he heard a boss come over Radio saying they were dropping back, and other cars were breaking off as they asked for

assistance from Dist-5 cars. When asked by reporting Investigator if he had received authorization to get involved in the pursuit P.O. Dunn stated *"I didn't have a visual on the car to be involved in the pursuit. When they went down Woodworth, I watched them. By the time I turned around I didn't see them"* P.O. Dunn then stated that by the time the suspects' vehicle reached St. Clair Ave. he didn't think he had his overhead lights activated.

Reporting Investigator asked P.O. Dunn #2563 if his maneuvering throughout the incident required authorization he stated *"I let radio know when they were going by me on St. Clair Ave. "No, I do not recall that is not my job. He stated involving himself in the incident did not require permission because "for my job, it's my job to get where they're going to bail. I hear it, I go, I do not get involved in vehicle pursuits. I do not consider that a vehicle pursuit, that is me trying to get to a location where they bail. I listen, I hear, I head that way."*

SUBJECT OFFICER: DET. KEVIN WARNOCK

On 12-09-20, reporting Investigator conducted an audio/video recorded interview of Det. Kevin Warnock #1719 with his union representative Andrew Gasiewski present. The interview was approximately 13 minutes in duration. In the interview Det. Kevin Warnock #1719 stated the following: [Exhibit A-15]

Det. Warnock #1719 stated on 12-20-19, he was assigned to the Gang Impact Unit in an unmarked vehicle in company with Det. James Crivel #1727 touring the Westside in the Bellaire area due to a wave of carjacking's in the First and Second Districts. He stated they became aware of the incident via Ch-1 radio broadcast. He stated they began maneuvering toward the direction of the broadcast to the direction of I-71 South to 90-East. He stated they then got off on Eddy Road. and began heading toward Euclid Ave. into East Cleveland. He stated they arrived at the crash scene on Euclid Ave. then to a side street looking for a suspect that bailed out of the vehicle. Det. Warnock stated that while moving in the direction of the incident he did not recall their speed. He stated they were going with traffic at the speed limit and did not activate their overhead lights.

Det. Warnock #1719 was asked by reporting Investigator if he needed permission to enter the incident and he stated, *"I believe there is something in the Manual of Rules that states we were already responding, we advised Radio that we were responding and understood that it was accepted."* (08:45) He stated that he could not recall the exact language in the Manual of Rules. He stated he did not think the pursuit policy applied in this circumstance because they were not in pursuit. He stated he felt he did not need permission to move in that direction because *"it was an on-going situation, we advised Radio and there was supervisors monitoring."*

Det. Warnock # 1719 stated that he knew his unmarked police vehicle was not equipped with an AVL system prior to and on the day of the incident. He stated when he transferred into the Gang Unit; he was told that his vehicle was not equipped with AVL by existing unit members. He stated that they advised radio that they were assisting in the incident. Det. Warnock stated he had no investigative or report responsibilities regarding the incident.

WITNESS: Dispatcher HALEY KILBANE

On 12-15-20, reporting Investigator conducted an audio/video recorded interview of CDP Radio Dispatcher Haley Kilbane #158 with her union representative Andrew Gasiewski present. The interview was approximately 11 minutes in duration. In the interview Dispatcher Kilbane #49 stated the following: [Exhibit A-16]

Dispatcher Kilbane #158 stated that on 12-20-19, she was working at Central Communications assigned to Channel-2 Radio. She stated on that date she received an assignment from a call-taker monitoring 911 they received information that an off-duty CDP officer was following a vehicle that had been taken at gunpoint. (02:48) She stated she then broadcast the information and a "boss" called out that he spotted the vehicle. She stated that a Dist-2 boss responded that he was a few cars behind the suspects' vehicle. She stated that when the incident went to the highway, she broadcasted locations and speeds, asking for other cars to assist. (04:00) Reporting Investigator asked Dispatcher Kilbane when reading an Event Chronology of a CAD incident how does the section "Number of Vehicles assigned" get populated, she stated that "either I dispatch the cars, or they call out that they were going." She stated that on the day of the incident she did not recall if cars volunteered or if she told them to engage.

Dispatcher Kilbane #158 stated she recalled telling other districts that we were coming into their district. She stated she was unsure if Dist-3 officers sent any vehicles or got involved but was sure that Dist-5 vehicles did engage. (07:23) She stated when there is a multiple district pursuit, the Communications supervisor is the Chief Dispatcher. She stated the Chief Dispatcher is responsible for notifying people in communications. She stated she had to yell across the communications room for Dist-5 vehicles to broadcast to their vehicles. Dispatcher Kilbane was asked if a supervisor/road boss instructs cars to get involved in pursuits or can the Dispatcher inform Zone Cars to get involved she stated, "I just advise them to broadcast and that would then be on a Road Boss to determine if they engage or not." (09:18-09:25)

WITNESS: Dispatcher VERONICA HALL

On 12-15-20, reporting Investigator conducted an audio/video-recorded interview of CDP Call-Taker/Dispatcher Veronica Hall #133 with her union representative Andrew Gasiewski present. The interview was approximately 8 minutes in duration. In the interview Call-Taker/Dispatcher Hall #stated the following: [Exhibit A-17]

Dispatcher Veronica Hall #133 stated on 12-20-19 she was working at Central Communications assigned as a 911 Call-Taker and received a call from off-duty CDP officer Michael Raspberry #2077 who stated he was following a car that was taken at gunpoint (02:48) She stated she "generated the information into a CAD number, documented it and pushed it to Channel-1." She stated she stayed on the phone with the caller (P.O. Raspberry) giving information and his direction of travel while typing it into the CAD. She stated that the information automatically goes to a dispatcher for them to read and review.

Dispatcher Hall #133 was asked as a dispatcher how she becomes aware of police vehicles equipped with an AVL system and she stated, "It will show up on the computerized board and screen." (05:38-06:10) She stated when working in the capacity as a dispatcher on a channel, she checks the AVL screen routinely but could not recall if she checked AVL the times she worked immediately before or after 12-20-19. (07:00)

WITNESS: Dispatcher JACQUELINE MIZIKAR

On 12-15-20, reporting Investigator conducted an audio/video-recorded interview of CDP Call-Taker/Dispatcher Jacqueline Mizikar #158 with her union representative Andrew Gasiewski present. The interview was approximately 7 minutes in duration. In the interview Dispatcher Mizikar # stated the following: [Exhibit A-18]

Dispatcher Mizikar #158 stated on 12-20-19, she was working at Central Communications assigned to Channel-3 Radio. She stated she was informed by Channel-2 Dispatcher that a pursuit was in progress and she broadcast the information across Channel-3. She stated that soon after her broadcast a Dist-3 Sergeant/supervisor broadcast over radio and told the Zone Cars on duty not to engage. She stated a CDP sergeant said that he made the broadcast "because of how Cleveland is. "The supervisors tell the officers not to engage due to circumstances that have happened in the past. It was briefly in the 3rd District because it was mostly freeway."

Dispatcher Mizikar #158 was asked as a dispatcher how she would know if a police vehicle is equipped with an AVL system to which she stated "we have a program on the computer that has the cars listed that are on AVL. The list comes to us based on roll call because we get a sheet at each channel and they make a checkmark if they have AVL. On the programming you can pull up that district and it will show you the Zone Car numbers, and you watch it based on their Zone Car number." Reporting Investigator asked Dispatcher Mizikar when reading an Event Chronology of a CAD incident how does the section "Number of Vehicles assigned" get populated, she stated "pull up the incident on the main-screen, then right-click on a car and it

will say who you assigned or who is assigned. The same for a vehicle that decides to engage and communicates on radio.... the same thing."

WITNESS OFFICER: SGT. RONALD ROSS

On 12-16-20, reporting Investigator conducted telephone interview (unrecorded) of Sgt. Ronald Ross #9024. The interview was approximately 12 minutes in duration. In the interview Sgt. Ross #9024 stated the following. [Exhibit A-19]

Sgt. Ronald Ross stated that on 12-20-19, he was working in District-2 as the O.I.C. He stated that he did not have AVL access at that time but provided no statement as to why. He stated at that time (2019) the AVL was an antiquated system. He accessed his computer and searched for the Dist-2 AVL vehicle information for 12-20-19 and it revealed "no track records" for that date. He stated that "the AVL system was pretty non-existent." He stated it "was checked on the box on the AVL sheet but that the "office people do the sheet, and we keep track of who's driving which car." He stated that supervisors rely on the AVL to conduct investigations and the new system (since May 2020) is very modern and helpful.

WITNESS OFFICER: SGT. CHRIS HAIST

On 12-26-20, reporting Investigator conducted telephone interview (unrecorded) of Sergeant. Chris Haist #9162. The interview was approximately 12 minutes in duration. In the interview Sergeant Haist #9162 stated the following. [Exhibit A-20]

Sergeant Haist #9162 stated that on 12-20-19, he was assigned to Dist-5 as the O.I.C. He stated that if there were police vehicles in the district that were not equipped with AVL they maintained a list on the board and would not assign them to patrol unless there was an emergency. He stated that "the AVL system was down for a little while at that time." He stated that providing the "Radio-Log Sheet identifying vehicles with AVL and forwarding it to Central Communications was part of the daily protocol."

VIDEO EVIDENCE:

[EXHIBIT B]

VIDEO SOURCE: WCS-P.O. Christian Stipkovich #40/P.O. Prebhkirandip Singh #1381-Vehicle 2A24
DURATION: 1:23:58 **[Exhibit B-1]**

032	Stipkovich/Singh	24...we passed East 72 nd
039	Chapman	10-4; take over primary from Supervisor when you get up there
044	Schroeder	S24...it appears he is going to be getting off at Eddy.
055	Stipkovich/Singh	A24...we copy that. S24...we are getting off at Eddy as well...just let us know...about a mile and a half back

1:06	Schroeder	We are getting off at Eddy Road. It looks like we are going to be going Southbound. (accelerates)
1:15	Chapman	He mentions something about "the car"
1:20	Chapman	Notify the 5 th District ? (see exit sign...Eddy Road 1 mile)
1:30	Schroeder	It appears that there are 2 occupants. The back window is a little tinted but I can see in the vehicle a little bit. Male just took his hoodie off. I'm stopped in traffic behind the car now.
1:50	Stipkovich/Singh	Copy 24...we are about ½ mile out. (accelerates)
1:55	Stipkovich/Singh	Who's that? That's the gang unit...might be...(mumbles) (accelerates)
2:18	Stipkovich/Singh	Exits onto Eddy Road.
2:25	Stipkovich/Singh	S24...they said they were going Southbound. Are they turning currently?
2:29	Schroeder	Yeah, we just got the green arrow and we are going to be going Southbound on Eddy.
2:43	Stipkovich/Singh	He is in a cop car...so they know. (runs a red light...maybe at Eddy and Hazeldell Road)
2:55	Schroeder	We are going to be going eastbound on Ablewhite
3:03	Stipkovich/Singh	Copy, we see you...just have to get around this one car. (make a left maneuver around a vehicle and accelerates)
3:13	Schroeder	I don't have any of my gear or camera
3:17	Schroeder	We are going to be going Southbound on 124
3:23	Stipkovich/Singh	We are going to attempt to stop that car. We are Southbound on 124 and approaching Iowa.
3:29	Stipkovich/Singh	Activate their lights/siren
3:33	Stipkovich/Singh	(accelerating)...(mumbling)...Still going Southbound about 40 MPH
3:50	radio	Can someone help them out? (Unclear if they are referring to helping out Stipkovich and Singh)
3:54	Stipkovich/Singh	24...we just went through an intersection. We are going outside of St. Clair and Northbound on East 123 rd .
4:31	Stipkovich/Singh	Approaching Taft Ave. We are going to be going Eastbound on Taft Ave. (runs stop sign)
4:45	Stipkovich/Singh	Going 60 MPH...(mumbles something about traffic?)
5:02	Stipkovich/Singh	Southbound on East 131 st and Taft.
5:12	Chapman	Speed? Stipkovich responds 60 MPH
5:14	Stipkovich/Singh	Approaching St. Clair...(runs a red light)...Looks like we are going to be going East on St. Clair
5:43	Stipkovich/Singh	(Runs red light) We just crossed over Hayden
5:50	Chapman	How's traffic? What's your speed? Stipkovich responds he is going 75 MPH on Woodworth Road past 146 thmedium to light traffic
6:10	Singh WCS	Slow Down! Dover and Coit..."I don't think this is..." There is a car behind us. Chapman tells them to let them get ahead of you. Cannot understand Singh's response.

6:17	Stipkovich/Singh	Dover and Coit
6:25	Chapman	S24...(mumbles)
6:29	Stipkovich/Singh	There is a car behind us (presumably a police car)
6:45	Chapman	S22 to ...(mumbles)... "Chase! Pursuit!"
6:58	Stipkovich/Singh	Euclid Avenue. We are approaching Shaw. We are Southbound on Euclid right now. 58 MPH.
7:30	Radio (female)	"A24...East or West on Euclid?" Stipkovich: "West on Euclid"
7:40	Singh WCS	Slow Down!!...Oh...he just wrecked!
8:03	Stipkovich/Singh	Stop vehicle.... "Go get him! Go get him!" Singh pursues on foot while Stipkovich drives around local area to locate fleeing suspect
10:16		Request EMS because suspect struck a vehicle
11:40		Hear wailing/screaming in the distance
14:06		CDP Officer in plain clothes with badge assisting in search of missing suspect
17:48		Stipkovich is driving around in z/c. Stops and asks individuals in area if they saw the suspect. He advises them that the suspect may have a gun.
19:12		Additional w/m officer assisting with foot search for suspect
20:45		Stipkovich states that he hears someone screaming
27:00		Stipkovich speaking to officers assisting with foot search-states that he is unfamiliar with this area
27:13		Stipkovich states that he feels bad for whoever was hit "up there"
29:00		Stipkovich states that this is his 2 nd double shift in a row. Has another double shift tomorrow
29:20		Stipkovich is told by another officer that they are in East Cleveland
30:38		Channel 2 Radio: S23 to radio...can you call AIU to scene?
31:30		Channel 2 Radio S23...can you call SIU for photos?
32:00		See kids with backpacks walking on sidewalk
32:57		Channel 2 Radio to S23...SIU is tied up...do you want OSP to do the investigation. S23 to radio...they will take care of it
35:48		Stipkovich exits the z/c near United Furniture. He drops something metal on the ground near the z/c. Many police/fire on scene. Stipkovich and Singh walk under the crime scene tape to where a group of police/fire is standing in front of United Furniture.
36:30		Stipkovich states, "There was a young girl that died?"
37:19		The vehicle that the suspect's hit is visible and directly in front of United Furniture. Has significant front end damage
38:00		Stipkovich and Singh are walking in the direction of Wendy's and appear very shaken. Discuss whether they should have let it go. Stipkovich states, "You know they are going to try to look at everything."
39:25		Stipkovich states, "I thought it was just a vehicle that got stuck." He states that a gentleman over there told him it was the police's fault because they could have just let the suspects go. Stipkovich is very shaken and comments that he has a ten year old.

40:40		Stipkovich states that Sgt. Chapman is handling the accident.
43:30		Stolen vehicle is visible. Has right front bumper damage
44:10		An OSP asks Stipkovich "Where did you see this car?" He states "freeway" and explains that he thinks one of his supervisors was heading to work because he didn't have any of his gear with him. The supervisor saw the vehicle and was following it at normal speeds. When he and Singh caught up with it, they initiated a traffic stop.
46:00		Stipkovich walks toward CDP Members 5A23 Doss and Miller. Doss tells them that a gun was found in the stolen vehicle on the front passenger seat. Doss and Miller tell Stipkovich that they were right behind their z/c during the pursuit. Miller identifies Doss as his "rookie" and Doss tells Singh that she is still on probation. Doss and Miller advise that they caught the suspect that got out of the driver's seat.
47:00		A police officer from Stark County is on scene. Says he was in the area handing out toys.
47:40		Doss provides some details about the child that was hit. Stipkovich states that he had no idea that someone had been hit or he would have stopped at crash scene. Doss tells him that the child was dead.
48:30		Miller and Stipkovich discuss that the supervisor involved with the chase was from the 3 rd District. Miller states that he was told that there was an off-duty and a Sgt. involved. Stipkovich states that it was an off-duty Sgt.
50:48		Lt. Farmer on scene. He is speaking with Doss and she appears very shaken
52:45		Stipkovich is speaking to Doss and states, "I feel like it is my fault."
53:36		Chapman on scene. He, Farmer and Stipkovich and Singh discuss the accident. Discuss that the suspect hit a vehicle and that vehicle ran into a wall. Stipkovich states that all they saw when the crash occurred were flying parts. Farmer asks how far away they were and Stipkovich states that they were coming in straight and that vehicles were coming in all directions trying to avoid being struck by the suspects. States that the suspects were driving very erratically. When they saw that Doss/Miller had 1 suspect in custody, he and Singh went to locate the suspect that fled. They had no idea anyone had been struck. Stipkovich apologizes to Sgt. Chapman.
55:15		Officers discuss that there was a gun in the suspects' car and several rounds on the ground.
58:20		Stipkovich and Singh discuss contacting the union
58:50		Miller states that he hasn't seen his supervisor yet...thought he was on his way.
59:30		Doss is discussing the crash and that Tamia was hit
1:59:00		Stipkovich tells Doss that he feels guilty and she says, "They gave

		you guys' permission, right?" Stipkovich states, "You're right." Doss states that she and Miller were also given permission and that she and Miller saw them on Eddy when they passed the gas station. They were behind them from that point forward.
1:02:03		Canine Officer Dunn on scene
1:07:27		Hibbard walks over to the group of officers. Stipkovich tells her to remember that this all happened due to the suspects' actions-not their actions.
1:08:25		Hibbard states, "She was walking home from school." She states that a woman came running down the street and told her that her daughter was just killed. Hibbard states that she was confused as to what she was talking about and asked who her daughter was. Hibbard advises that she thinks 3 victims went to this hospital...2 were on the sidewalk and the other victim was the driver of the vehicle that was hit.
1:09:30		Stipkovich asks Hibbard that as far as she knows, there were 2 pedestrians that were hit on the sidewalk and she says yes. Doss states that one of the victims was screaming and the other one didn't make it. Hibbard states that the victim that was screaming was moving her legs.
1:10:38		Chapman advises that DC O'Neill told him that everyone is aware of what it going on.
1:11:38		Farmer tells Stipkovich and Singh that East Cleveland Police have a witness and to go interview her so that he can convey this info to AIU
1:12:22		Stipkovich states, "I feel guilty!"
1:12:55		<p>East Cleveland Officer says that he has a witness that was walking with the children that were hit. He states she is 13 years old and is crying really hard. States that her older brother just arrived. Stipkovich approaches the 13 year old (Mya Rembert, DOB: 2/25/07) and her brother (Marcus Rembert, age 26, 216-352-9408) and asks him if it is ok to speak with her. She states:</p> <p>It was a "high speed chase"...the police were chasing the black SUV and hit a car that was turning into the United Furniture parking lot. States that black SUV hit the car and the car hit Tamia. States that others were hit and that she fell and hit her leg on a pole. States that when they tried to turn Tamia over, she wasn't breathing and she had blood on her. States that she then stood in the street because none of the officers were paying attention to Tamia and were just looking for the people in the car. She stood in the street and held up her hands as a police car was approaching and yelled for them to stop. She states the police car almost hit her. When they stopped and asked her why she was in the street she told them Tamia was hit and she thought she was dead. The officer asked where Tamia was and he ran up to her.</p>

1:16:23		An adult female arrives and hug Mya. She tells Stipkovich and Singh that Mya was walking home from Superior Elementary school when the accident happened. She states that the school principal just left the library and had been there to check on Zachery. Stipkovich asks Mya if only 1 person was hit and she says yes. She states that Zelda was with them too and was crying and passed out. Identifies the victim as Tamia Chapman and that they were walking to the library for a Christmas party. Singh tells everyone that the car was used in a violent crime in that they robbed someone at gunpoint.
1:23:00		Stipkovich and Singh appear very shaken
1:23:58		Follmer on scene

VIDEO SOURCE: WCS P.O. Dustin Miller #1583/P.O. Felica Doss #847-Vehicle 5A23 [Exhibit B-2]
DURATION:

OFFICER WCS	REAL TIME: APPROXIMATE	TIME STAMP ON WCS	BROADCAST/SCREEN SHOTS
Miller	15:42/3:42pm	0:02	Doss: "Be Careful! Be Careful!"
Miller		0:09	Screen shot #1: z/c speed: 25 MPH
Miller		0:10	Radio: EB on St. Clair (Miller turning left)
Miller		0:15	Miller: "Get out of my way" Radio: EB on St. Clair Z/C driving under an underpass. Miller accelerating
Doss:		0:15	Screen shot #2: z/c passing Dyna Gard
Doss		0:29	Screen Shot #3: z/c at intersection of Hayden and Woodworth
Miller		0:41	Radio: Woodworth & Hayden...75 MPH
Miller		0:46	Doss: "Damn, they're going fast!"
Doss		0:48	Screen shot #4: z/c at intersection of Coit & Woodworth
Miller		0:50	Miller: "They're going through the parking lot! Go...go get them...cut them off! Too late!"
Miller		0:56	Screen shot #5: z/c speed: 38 MPH
Miller	15:43/3:43pm	1:07	Radio: Dover and Coit
Miller		1:29	Screen shot #6: z/c speed: 35 MPH
Miller		1:35	Radio: Switch over to Channel 2 z/c accelerating
Miller		1:47	Radio: 58 MPH...medium traffic z/c accelerating
Doss	15:44/3:44pm	2:12	Screen shots #7 &8: Passing Rally's Restaurant @ 14421 Euclid

Miller		2:18	Radio: EB on Euclid
Miller		2:20	Miller: "I can't go around them!"
Miller		2:32	Screen shot #9: z/c speed: 38 MPH
Miller	15:45/3:45pm	2:35	z/c stops...Miller and Doss exit vehicle

VIDEO SOURCE: WCS P.O. James Dunn #-Vehicle 8276 [Exhibit B-3]

DURATION: 1 hour 35 Minutes

OFFICER WCS	REAL TIME: APPROXIMATE	TIME STAMP ON WCS	BROADCAST/SCREEN SHOTS
Dunn	3:40pm	00:35	P.O. Stipkovich/Singh 2A24 audible radio broadcast: "At/near St. Clair Ave." (Police siren audibly discernable in background)
Dunn		00:49	2A24 Audible radio broadcast: Stipkovich/Singh "E.123 approaching Locke"
Dunn		00:56	P.O. Dunn places gloves on right & left hands
Dunn		01:06	2A24-"Approaching Taft Ave. going E/B on Taft, 60mph light traffic
Dunn		01:35	2A24-"S/B on E.124 th from Taft, approaching St. Clair-East
Dunn		02:05	S23 to S24 Sgt. Chapman to Sgt. Schroeder: "When Dist-5 car gets there, let them be primary"
Dunn		02:15	2A24-Stipkovich/Singh: we're at Woodworth & Hayden going about 75 mph.
Dunn		02:50	Approaching Dover & Coit
Dunn		03:11	8276-P.O. Dunn "8276 to Radio, K-9's in the area.
Dunn		03:33	2A24-Stipkovich/Singh: "At Euclid & Shaw 58mph
Dunn		03:53	8276-P.O. Dunn:to Radio: "Are they east or west on Euclid?"
Dunn		03:55	2A24-Stipkovich/Singh: "West on Euclid passing Knowles"
Dunn		04:13	Can audibly hear P.O. Dunn's vehicle accelerating
Dunn		04:17	2A24-Stipkovich/Singh: "That vehicle just crashed, looks like they're going to bail"
Dunn		05:30	8276-P.O. Dunn to Radio- "I'm on Euclid but I don't see them anywhere. I couldn't keep up with them."
Dunn		06:57	P.O. Dunn arrives at scene-Euclid & Lakefront

			Avenues.
Dunn		08:16	P.O. Dunn parks his police (SUV) on Lakefront Ave. opens rear door to allow K-9 to exit and begin search for fleeing suspect. His vehicle plate (8276) clearly visible.
Dunn		08:12	Unmarked police vehicle on Lakefront Ave.
Dunn		20:07	P.O. Dunn stated to unidentified East Cleveland Police Detective; "I was behind them when they were chasing them on Euclid for a little bit. I couldn't keep up."
Dunn	4:38pm	58:32	Dist-2 Lt. Farmer requested vehicle identity and badge number from P.O. Dunn. P.O. Dunn stated 8276 as vehicle number and 2563 as badge number.

OTHER VIDEO EVIDENCE:

VIDEO SOURCE: Cleveland Clinic Police-Safety/Security Camera footage-Stephanie Tubbs-Jones Bldg.

DURATION: 13:08

[Exhibit B-4]

Cleve Clinic Bldg. Camera	REAL TIME: APPROXIMATE	TIME STAMP ON Bldg. Camera	BROADCAST/SCREEN SHOTS
Bldg. Camera	3:44:40pm	15:44:40	Suspect's vehicle (Black SUV) traveling west on Euclid Ave. passing Library
Bldg. Camera	3:44:45pm	15:44:45	Lead CDP (unmarked) pursuit vehicle (2A24-Stipkovich/Singh) traveling west on Euclid behind suspect's vehicle passing Library
Bldg. Camera	3:44:47pm	15:44:47	Second CDP (marked) pursuit vehicle (5A23-Miller/Doss)
Bldg. Camera	3:45:05	15:45:05	Third CDP (marked SUV) presumably K-9 Unit P.O. Dunn
Bldg. Camera	3:46:46	15:46:46	Fourth CDP (unmarked) vehicle presumably G.I.U. Det. (Warnock/Grivel)
Bldg. Camera	3:48:18	15:48:18	Unidentified Police (SUV) vehicle west on Euclid turning onto side street

VIDEO SOURCE: WCS Video of pursuit route taken by OPS Reporting Investigator

DURATION: 18 minutes 22 seconds. [Exhibit B-5]

OPS:WCS VIDEO	REAL TIME APPROXIMATE 2:21pm -2:39pm	TIME STAMP ON WCS	BROADCAST/SCREEN SHOTS
OPS		00:59	I-90 East-Approaching Eddy Rd. exit
OPS		02:27	Eddy Rd. off ramp
OPS		03:16	Left turn onto Eddy Rd. S/B passing 2 streets to until Taft Ave.
OPS		03:54	Left turn onto Taft Ave. E/B-(2-lane street-residential)
OPS		04:21	Right turn onto E.124 S/B-(2-lane street-residential)
OPS		04:37	Approaching Iowa Ave. at E.124-(location 2A24-Stipkovich/Singh attempted vehicle stop, where vehicle pursuit was initiated)
OPS		05:03	Passing Locke Ave. (2-lane residential street)
OPS		05:55	Approaching St. Clair Ave.
OPS		06:16	Arriving at St. Clair Ave., turning left E/B onto St. Clair Ave
OPS		07:55	Slight deviation off route/redirected back to route onto St. Clair Ave.
OPS		09:28	Passing E.131 on St. Clair Ave.-E.131 does not allow right turn in S/B direction.
OPS		09:42	Approaching Woodworth Ave. from St. Clair Ave. (Dyna-Gard Car Wash) Left turn S/B onto Woodworth Ave. Location where Dist-5 5A23 Miller/Doss first observed suspect's vehicle.
OPS		10:19	Woodworth Ave. passing Hayden Ave.: At this location 2A24 Stipkovich/Singh broadcasted to radio their speed was 75mph.
OPS		12:45	Traveling S/B on Woodworth Ave. passing E.152 landscape 2-lane street residential
OPS		12:48	Approaching Euclid Ave. from Woodworth Ave. Right turn W/B onto Euclid, 4-lane street, combination of commercial and residential
OPS		15:00	Approached Euclid & Shaw Ave. Shaw High School on South-side of Euclid Ave.
OPS		16:42	Traveling on Euclid Ave. passed Windermere (RTA) Rapid Station, E. Cleveland Public Library
OPS		17:06	Approached crash scene: Euclid & Lakefront Ave. (United Furniture Co) End of Video.

AUDIO EVIDENCE: [Exhibit C]

**AUDIO COMMUNICATIONS: 12-20-19-CDP Central Communications (CCS)-911
Call between off-Duty P.O. William Raspberry and Call-Taker/Dispatcher
Veronica Hall. [Exhibit C-1]**

DURATION: 21 Minutes 19 Seconds

P.O. Raspberry: Police officer just saw a lady get robbed at Target Store-W.117th. I'm following the car right now.

Disp. Hall: W.117th what?

P.O. Raspberry: Off Target at 90. It's a Black Volvo; they just robbed somebody, HQK-5813 90-W-W117th.

Disp. Hall: Are you an Officer?

P.O. Raspberry: Yes, going South bound on W117th. They are getting on the highway going east bound on highway. I'm going to stay with them as long as I can.

Disp. Hall: Stay on the line, what is your name?

P.O. Raspberry: Officer Raspberry #2077-Eastbound on 90

Disp. Hall: What car are you in?

P.O. Raspberry: Blue Chevy Silverado

Disp. Hall: What kind of car is that you're following?

P.O. Raspberry: It's a Volvo, a Black Volvo.

Disp. Hall: We're in route, what exit are you approaching?

P.O. Raspberry: Aaaah, 44

Disp. Hall: You gotta give me more than W. 44th. They're in route.

P.O. Raspberry: OK.

P.O. Raspberry: I'm in route right behind them. it's a Black Volvo SUV.

Disp. Hall: Ok, they're in route, stay on the line. In case we get disconnected what is your phone Number?

P.O. Raspberry: P.O. Raspberry provided a phone number to radio however, (Due to officer privacy, OPS will not reveal P.O. Raspberry's personal telephone number)

Disp. Hall: How many occupants in the vehicle?

P.O. Raspberry: 2 occupants black males, one black coat with white pants the other heavy set with grey sweatpants.

Disp. Hall: What was the color on the heavy set?

P.O. Raspberry: Grey; I believe the driver is going to be a slimmer black male. These are young dudes.

Disp. Hall: Ok. Stay on the line. Are they carrying any weapons?

P.O. Raspberry: No; Passing W. 41st approaching W.25th East bound. I'm right behind them passing W.25th.

Disp. Hall: I'll update.

P.O. Raspberry: Going onto I-490-E. He's going to be getting over, over onto I-90.

Disp. Hall-(05:58): Do you know if they had any weapons?

P.O. Raspberry: No; I didn't see any weapons. They didn't look good, they robbed her. She was trying to get into the car. I was unable to see if they had weapons, but one got her out. I'm still on I-90. At Orange downtown, (06:34): I got 255 right here

They're trying to get over. I think they see the car behind me. 255 is right behind me.

Disp. Hall: Ok, I'll update it.

Disp. Hall: I-90 East at Carnegie-correct?

P.O. Raspberry: Yep; only one car behind it though. We need some help.

Disp. Hall: Only one car behind it...ok.

P.O. Raspberry: Getting over in left lane, the car is behind it. Now at Chester, still on I-90 close to Superior.

Disp. Hall-(08:01): 8868 is in route.

P.O. Raspberry: I got a car behind me by the way.

Disp. Hall: Car #255 is behind them, where are we at now?

P.O. Raspberry: Going around *Dead Man's Curve*. Still Eastbound approaching 55th, in left lane. He's opening it up a little bit. Passing 55th. Passing 72nd. You guys get a call from Target yet?

Disp. Hall: Yeah, we got that already. Right now, he's approaching the 5th District. Where you at now?

P.O. Raspberry: Just passing MLK, in the far-right lane. He moved all the way over, might try and get off on the next exit.

Disp. Hall: Coming up on Eddy? I don't know if any weapons are involved.

P.O. Raspberry-(12:52): Yep; coming up on Eddy in 1 mile. All you have to do is call that lady, I am pretty sure they pulled something out on her.

Disp. Hall: Call the female.

P.O. Raspberry: Getting off on Eddy. At the light it looks like he's going to be making a right.

Disp. Hall: Which way?

P.O. Raspberry: Off the exit. The car that's running needs to get up here he's at a light stopped.

Disp. Hall: I'm trying, I've updated them, we have cars coming. Tell me what is going on.

P.O. Raspberry: 14:10 Still at the light stuck in traffic. Going to be going to be going southbound. I still have 255 in front of me. Southbound, I'm not too familiar with this area. He has a blinker on going left on what looks like Abelwhite, eastbound. 14:57: Turning onto E.124. Another car just showed up. They are trying to stop him, looks like he is trying to take off on them. They are gone he took off on them. They are right behind them. I do not know what is going on, I cannot tell they are way up in front of me. 15:20.

Disp. Hall: They are telling me they are going northbound on E. 123 from St. Clair, E.124 approaching Locke, approaching Taft, eastbound on Taft, 60mph, light traffic, S23 is monitoring. 16:39 Southbound on E.131 from Taft, going eastbound on St. Clair.

P.O. Raspberry: I am out of this alright? I am listening to you though. They got cars coming all over the place. 17:17.

Disp. Hall: Approaching St. Clair now, eastbound on St. Clair.

P.O. Raspberry: I am on St. Clair.

Disp. Hall: Woodworth and Hayden. They are in East Cleveland now. Can you notify East Cleveland? They are on Woodworth passing E.146, Dover and Coit. The CAD

number is 8161. They are approaching Euclid, approaching Shaw. East Cleveland's being notified. West on Euclid. Are you going to be in the area when they finally get this done?

P.O. Raspberry: Who me?

Disp. Hall: Yes.

P.O. Raspberry: I can do whatever they want me to do. If they want me to stick around I can.

Disp. Hall: 19:40 Okay it wrecked and hit a pedestrian (inaudible) going past Noble. I am sure, they are going to want to talk to you.

P.O. Raspberry: Who me, hell yeah. Oh man, God. This is a gawd damn shame. I know we are on a taped line but I don't give a shit, this is a damn shame.

Disp. Hall: I will let you know where they are at. On Euclid, they have the male in custody, possibly a baby hit. 20:58 I have to find out where they are at. I will let you know.

P.O. Raspberry: Just call me back okay. I am going to go over in that area.

Disp. Hall: Alright, okay. Goodbye.

AUDIO COMMUNICATIONS: 12-20-19-CDP Channel 2 Radio-Initiated 15:30:07

DURATION: 17 Minutes-38 Seconds

[EXHIBIT C-2]

AS REFERRED TO HEREIN:

2S22: Lt. Farmer

2S23: Sgt. Chapman

2S24: Sgt. Schroeder

2A24: P.O.'s Stipkovich & Singh

2A27: P.O.'s Leonard & McGervey

8868: Det.'s Warnock & Crivel (Gang Unit)

5A21: P.O.'s Sabolik & Hibbard

5A23: P.O.'s Miller & Doss

8276: P.O. James Dunn (K-9 Unit)

00:00 15:30	Radio: Broadcasting to see if any cars in the area of I90 E passing W 25. An off-duty witnessed a female get robbed of her vehicle and he is behind the car on the freeway passing W 25 th .
00:35	27: Send it to us. We are a way off but will head that way. Radio: OK, we will put you guys on it. Black Volvo, license #, occupied by 2 b/m, the vehicle was stolen from the Target in the 1 st District. One male wearing a gray hoodie was armed with a gun. They are crossing over the bridge on I90.
1:20	Radio: Radio to S23...did you copy this? Repeats that an off duty is following a vehicle that was taken at gunpoint from the 1 st District. He's on I90 crossing the bridge. Driving a black Volvo with license #. 2 b/m, one had a gun and was wearing a gray coat.

	The other male is slim.
2:17	A24: if you could keep us updated, we are on 90 E now passing 490.
2:25	S24: I'm going to get my equipment from the 3 rd . I'm behind that vehicle coming up on Carnegie on I90...just following it. Radio: Copy that, I will notify the 3 rd .
2:44	A24: Are we still OK to go over there or are we giving it to the 3 rd ?
2:55	S24: We are still on I90 coming up on Chester in the #1 lane...I am not pursuing; I'm just following at 55 MPH...coming up to Superior. Be advised that I am not equipped with my gear...I was going over to the 3 rd to get it.
3:17	8868: We are going to be headed over to that area so keep going with those locations.
3:24	S24: I'm in the #2 lane still heading on I90 E by Lakeside
3:34	S23 (?): Adam 24, hang back. S24: I copy
3:50	A24: we are passing E 9 th ...you want us to continue?
3:59	S22: Where is the suspect vehicle at right now? S24 to S22: we are coming up on dead man's curve...was on my way to the district to get my equipment so I'm not equipped...I'm in 255. S22 to radio: Are there any 3 rd District cars that are going to pick this up? Did you notify OSP?
4:29	A27: Are we good to head into the 3 rd ? We are on 90 right now? Who were you talking to? Controlling Supervisor?
4:37	S24: Eastbound on Marginal
4:45	Radio: OK, I copy...she is trying to get cars
4:50	Radio: S23, is A24 ok to continue? A27: Are we OK to continue?
5:15	S23: A24 and A27 go ahead and back him up. A24: We are approaching dead man's curve right now
5:38	S24: He's picked up speed...going 65-70 MPH
5:50	S24: Just following
5:54	(X?): A27...disregard....let A24 handle that
6:08	A24: passing Marginal right now...just trying to get around traffic
6:13	S23 to radio: any 3 rd District cars headed that way? Radio: That is closer to the 5 th ...she's advising them.
6:38	S22: Did you notify OSP? Radio: Will call them
7:00	S24: #4 lane...coming up on Eddy Rd.... did you notify Bratenahl? Radio: Copy

7:23	S24: about 60 MPH in #4 lane...still just following and hanging back
7:40	A24: Just passing E 72 nd Street. Should be up there in a second.
7:46	Per S22, 2A24...take over for primary from supervisor once you get up there
7:52	S24: It appears we are going to be getting off on Eddy. Will let you know in a second...in the #1 lane about 62 MPH
8:05	A24: S24 we are getting off at Eddy as well so let us know...about a mile and a half back
8:13	S24: We are getting off at Eddy and will be going Southbound
8:45	S24: 2 occupants in a car...moving around in vehicle...I am stopped behind them in traffic right now
8:58	A24: About a half mile back...we see exit
9:38	S24: A24, we just got the greenlight and will be going SB on Eddy. A24: Copy, we are right behind you.
10:05	S24: Going EB on Ablewhite. A24: Copy...we see you...we will be there in a second...have to get around this one car. S24: Alright, go ahead and get past me. I don't have any gear or a camera, so I am going to be hanging back. We are going to be going SB on 124. A24: We are going to attempt to stop that car...we are SB on E 124 approaching Iowa
10:42	A24: Vehicle is taking off so let the boss know...still going SB...48 MPH (hear siren)
10:58	S24: Are there any 5 th District cars that can help them out?
11:05	A24: Just ran thru an intersection...we are going south (?) on St. Clair and NB on E 123 5A21: In-route
11:20	A24: NB on E 123 approaching Locke
11:39	A24: approaching Taft...EB on Taft
11:52	A24: speed is about 60 MPH...light traffic
12:10	A24: SB on E 131 from Taft
12:20	S23? Speed? A24: 60...approaching St. Clair...going E on St. Clair
12:35	S23 to Radio: question to A24...if a 5 th District marked car gets there, let them be primary. Radio: I have 2 cars going over there
12:52	A24: Woodworth and Hayden...just crossed over Hayden
12:56	S23? how's traffic? A24: unclear.... going about 75 MPH on Woodworth passing E 146th
13:26	A24: Dover Ave. and Coit
13:32	S23: S24...do you have any other cars with you?

	A24: There is a car behind us.
	S23: Go ahead and let that car get in front of you.
13:52	S22 to S24: You can back off now if you have two 2 Mans chasing/pursuing.
	S24: I backed off a while ago
14:08	A24: Luclid Ave...approaching Shaw...SB on Euclid now...58 MPH...medium traffic
14:25	? unclear/inaudible...maybe something about OSP
	Radio: We're getting them
14:35	Radio: A24...East or West on Euclid?
	A24: West on Euclid...we are passing Noel Street
14:51	A24: That vehicle just wrecked. It looks like they are going to try to bail
15:39	Radio: A24...what is your location...is anybody with A24?
16:00	S23: any 5 th District cars out there?
16:07	8276: I'm on Euclid but I don't see them anywhere. I could not keep up with them
16:35	Radio: A 5 th District car must be with them because they just put 1 male in custody
	A24: my partner is chasing one of the suspects on foot...I went around the corner in my vehicle
17:20	A24: Send some units to Lakefront to assist in foot pursuit...send EMA because he struck a vehicle
17:38	5B26: assisting

AUDIO SOURCE: 12-20-19-CDP Channel 5 Radio-Initiated 15:36:14

[EXHIBIT C-3]

Time Stamp on Channel 5 Audio	Broadcast
0:00	Radio: East Cleveland is in pursuit on another vehicle. 90 EB passing E 72 nd ...now passing the Marginal
3:17	Radio: Off duty police officer and a 2 nd District supervisor is in pursuit of a black Volvo...witnessed it being taken during an Agg. Rob
	Sgt. Schroeder: They are not pursuing it yet radio, they are on Eddy Rd Southbound following
3:34	A21: We'll head over there. A male advises A21 that they are now on Taft and Kirby and to switch to Channel 2
4:06	A22: Well head over there also
4:11	Male voice: EB on Ablewhite
4:23	Male voice: SB on 124
4:31	A different male voice: radio...where's the car and what kind is it?
4:36	Male voice (Sgt. Schroeder?): Attempted to Stop

4:45	Another male voice (Sgt. Hawkins): Is the 2 nd District boss monitoring or is he involved in this following?
4:55	Radio: They are following and not pursuing...2 nd District boss is involved...it's a black Volvo...z/c is behind them and just lit them up
5:12	A23 to radio (P.O. Doss): We ok with the chase?
5:20	Male voice (Unidentified?): They are on E 123 and Locke
5:27	Radio: S23, I already have 2 cars over there...A23 doesn't need to go, correct? Male voice (Sgt. Hawkins): we have enough cars in the area
5:35	A different male voice: Is the vehicle now being pursued or are they still following?
5:40	A23 to Radio (P.O. Doss): We're following the car as we speak...there are 2 zone cars
5:50	2S23 (Sgt. Chapman) to Channel 5: I'll be monitoring and the primary on this. He says something; inaudible 5S23 (Sgt. Hawkins)...the 5 th District copies
6:05	Radio: currently EB on Taft
6:16	Radio: SB on 131 from Taft
6:25	Radio: EB on St. Clair
	5A23 assigned per page 8, channel 2 event chronology

15:43:25	6:58	Radio: Woodworth and Hayden...75 MPH is the speed
	7:09	Radio: On Woodward passing E. 146th
15:43:43	7:23	Radio: Dover and Colt
	7:52	Radio: Can all cars in this pursuit switch over to Channel 2
15:44:25	8:11	Radio: Euclid approaching Shaw...58 MPH
15:45:06	8:52	Radio: on Euclid passing Noel
15:45:17	9:00	Radio: Vehicle wrecked...hit a pedestrian...attempting to bail
	9:10	B26 to Road boss: can we have permission to head over there?
	9:15	S23 to B26: you can head over there and assist
	9:35	A22: requests permission to also go and assist. S23 says no for right now
	10:00	A23: Advises that he had 1 male in custody

ADDITIONAL DOCUMENTS AND EVIDENCE:

- Copies of the Notifications of Investigations and Orders to Appear forwarded to all 20 interviewed members (sworn and non-sworn) of the Cleveland Division of Police. [Exhibit D-1]
- Copies of the 12-20-19 Dist-1, Dist-2, Dist-3, Dist-5, Accident Investigation Unit (AIU), K-9 Unit, District Duty Assignments (DDA) and individual officer Duty Reports. [Exhibit-D-2]
- Copy of the complainant's 02-11-20 written and signed Citizen Complaint Form. [Exhibit-D-3]
- Copy of the I/Net Viewer: Event Chronology:20190038861-I-90 E/W 117th Exit Cleveland (21 pages) [Exhibit D-4]
- 12-20-19 CDP-Central Communications Section (CCS) Audio-Phone Recordings D-5
[Exhibit D-5-a] CCS #1526:22 audio-phone recording of Aggravated Robbery victim 911 phone call to police that she had been robbed of her vehicle (Black Volvo) at gunpoint in the parking lot of the Target Store at W.117th –
- [Exhibit D-5-b]- CCS #15:44:04-audio phone recording of Dist-1 Sgt. Christopher Eaton #9221 contacting Ch.1 Dispatch asking for clarification of the Target Store incident apparently unaware of the Aggravated Robbery with a gun at the Target Store. He also requested the name of the off-duty officer that was following the suspects. He provides correction to the dispatcher for not broadcasting that information at the time–
- [Exhibit D-5-c] -CCS #15:43:49-CDP Dispatch to East Cleveland Police Department informing them of the vehicle pursuit in their jurisdiction.
- [Exhibit D-5-d] -CCS #15:46:38-CDP Ch-5 Dispatch requesting EMS to Euclid & Lakefront Ave. for a report of injuries after the crash of suspect's vehicle.
[Exhibit D-5-e] – CCS #16:25:13-Dist-2 Sgt. Michael Chapman #9232 (pursuit controlling supervisor) phone call to CDP Radio Dispatch. Radio advises him that the collision of the suspects' vehicle resulted in a fatality of a child. Dispatch informed him that A.I.U. was in route and there was more than one pedestrian struck. He indicated he had just arrived on scene.
[Exhibit D-5-f]- CCS #16:57:47-Dist-2 Sgt. Michael Schroeder #9249 phone call to Ch-2 Dispatch for the times the suspects' vehicle was called out to the time the Zone Car took over and attempted to stop the suspects' vehicle. Dispatcher Kilbane stated 15:32 for time called, 15:40 as time Zone Car (2A24) attempted to stop suspects' vehicle at E.124 and Iowa Ave.
- Google Maps-Map Data and street locations of the 12-20-19 vehicle Pursuit Route for Sgt. Schroeder #9249 (2S24) and Officers Stipkovich #40 & Singh #1381 (2A24) [Exhibit D-6]
- Copy of 12-20-19 FATAL CRASH ANALYSIS-("The EDGE Report") #EC1905126-Location: 13829 Euclid Avenue, Victim Tamia Chapman Conducted by the EDGE Accident Investigation Unit Sgt. Gary Salvage-Shaker Hts., Ohio Police Dept. with Investigative Team Members Bob Abele-South Euclid Police Dept., Bob Baldyga-South Euclid Police

Dept., John Resek-Beachwood Police Dept. and Jemond Riffe-Cleveland Heights Police Dept. Their report revealed that inside the crash scene were two vehicles, a 2012 Volvo XC60 that was involved in the Aggravated Robbery at the Target Store on W.117th in Cleveland and a 2019 Toyota Camry driven by crash victim Samuel Behanna. Their analysis concluded that while traveling West on Euclid Avenue, the suspect's vehicle was computed at a speed of 90mph. The unmarked CDP vehicle (2A24) driven by P.O. 's Stipkovich #40 & Singh #1381 was computed at 89.9mph and the marked CDP vehicle (5A23) driven by P.O.'s Miller #1583 and Doss #847 was computed at 84.5mph, prior to the suspect's vehicle crash. [Exhibit D-7]

CDP POLICE REPORTS

- [Exhibit D-8]
 - CDP L.E.R.M.S. Reports #2019-00388161- Titled: Aggravated Robbery (54 pgs.)
 - 2019-00388161-Titled: Robbery-Dist-1 P.O. Truxel #386 (3-pgs.)-
 - 2019-00388161- Titled: Aggravated Robbery Vehicular Homicide, Aggravated Robbery, Felony-Fleeing And Eluding, Improper Handling Firearms On Vessel, Receiving Stolen Property- Dist-2 P.O. Singh #1381-(6-pgs)
 - 2019-00388161- Titled: Aggravated Robbery/Motor Vehicle/Arrest/Juvenile Complaint X2/Cleanup-Dist-1 Det. James Houska #1994/Det. Michael Volk #83-(5-pgs)
 - 2019-00388161- Titled: Crime Scene #17116 & 17116+A-Crime Scene Unit Walter Emerick #1908-(2-pgs)
 - 12-20-19-OH-1 Traffic Crash Report #1905126-Sgt. Tyler McClamroch #317-City of East Cleveland, Ohio Police Dept. (74-pgs.) [Exhibit D-9]
- 12-18-20- CDP Vehicle Report #VP2019-0069-Lt. Gregory Farmer #8487 (12-Pgs.)- Division Investigation into the 12-20-19 Vehicle Pursuit through Cleveland PD Blue team and routed through IAPro up the chain of command to the Office of the Chief with findings and recommendations. Among those findings was that "the pursuit was within policy", there were two recommendations for charges of officers and "that the pursuit policy needs to be updated based on actions that took place." [Exhibit D-10]
- Mobile Support Unit (MSU) M1100 AVL Utilization report (Days in Use and Miles By Vehicle) Period Start: 12-17-20-Period End: 12-31-20. This report revealed that during the period between 12/17-12/31 2020, the Cleveland Division of Police had a total of 8 vehicles with an operable AVL system, including the incident date of the vehicle pursuit (12-20-19). [Exhibit D-11]
- A copy of email correspondences between March 09, 2020 and October 28, 2020 from Reporting Investigator to A.I.U. O.I.C. Lt. James O'Malley, Dist-2 Lieutenant Gregory Farmer #8487, and Commander of Special Investigations Michael Connelly. These correspondences concern requests made by OPS to the Division of Police for the release of the Cleveland Clinic Building Camera video of the suspect's vehicle and the two CDP vehicles Traveling on Euclid Ave., and the Blue Team investigation of the vehicle pursuit with findings and recommendations conducted by Lt. Farmer #8487 and Lt. O'Malley. Both Lt.'s O'Malley and Farmer initially declined to provide a copy of the CDP

investigation to OPS. Also, Commander Connelly declined to provide a copy of the Cleveland Clinic video and RTA video, both of which are instrumental to the investigation of the vehicle pursuit. [Exhibit D-12]

ALLEGATIONS AND FINDINGS

PREFACE

To ensure clarity, the allegations arising from the vehicle pursuit will herein be discussed in the three stages in which they impacted the overall incident. As conveyed by information developed during the course of the investigation, this order is understood as follows:

- ① PART I – SGT. CHAPMAN’S FAILURE, PRIOR TO THE PURSUIT, TO VERIFY THE AVL STATUS OF THE VEHICLE 2A24;
- PART II – THE INITIATION AND CONTINUATION OF THE PURSUIT
- PART III – SELF DISPATCH BY POs MICHAEL STASKEVICH, BRIAN SABOLIK, DUSTIN MILLER, JAMES DUNN, DET. KEVIN WARNOCK, JAMES CRIVEL - IN FIVE CDP VEHICLES
- PART IV – OFFICERS NOT CHARGED

ALLEGATION A: Improper Procedure: GPO 9.1.09-Automatic Vehicle Locator System (AVL):

- ✓ Sgt. Michael Chapman, as Supervisor in District 2, failed to log onto the AVL website to verify whether 2A24 (the lead pursuit vehicle) was AVL-equipped vehicle and whether 2A24 appeared on the Skyview map and by placing a non-AVL equipped vehicle (2A24) into service without notifying his immediate supervisor and the Mobile Support Unit of the malfunctioning vehicle in violation of GPO 9.1.09 Sections I (A), I(B), and I(C)

FACTS

Sgt. Michael Chapman began his tour of duty on December 20, 2019 as a Supervisor on duty in District 2. In the course of his duties, Sgt. Chapman stated, he conducts a check on the vehicles that go out on the road periodically by using a website associated with the AVL system but was unable to recall if he logged into the website on the day of the incident. Sgt. Chapman acknowledged that he did not know whether 2A24 was AVL-equipped or whether it appeared on the Skyview map prior to placing it on the road on the afternoon of December 20, 2019.

CDP AVL System documentation revealed that a total of 8 CDP vehicles were AVL-equipped during the period from December 17 thru December 30, 2019, and that 2A24 was not one of them. No available documentation shows any checks of the AVL system performed by Sgt. Chapman on December 20, 2019.

CDP RULE RE: ACCESSING AVL DATA

Concerning a Supervisor's routine AVL duties, GPO Section 9.1.09 states:

PROCEDURES: Section I-Supervisors Responsibilities: (A)- *"Upon completion of Roll Call the sector/support supervisor shall fax the District Assignment Line Up/Patrol sheet to the Communications Control Section (CCS) indicating which vehicles are MDC and/or AVL equipped. The Sector Supervisor shall then log onto the AVL intranet website. Upon log in the sector supervisor shall verify that all AVL equipped vehicles are appearing on the Skyview map.*

(B) "Supervisors shall ensure that MD/AVL equipped vehicles are assigned to patrol officers and a supervisor until the inventory of such equipped vehicles is exhausted. Only after the available supply of MDC/AVL equipped units is exhausted may supervisors place into service a non-MDC/AVL equipped vehicle.

(C) "Should an AVL equipped vehicle not appear on the Skyview Map, the Sector Supervisor shall inspect the Air-Link Modem in the trunk of the malfunctioning vehicle and check for any obvious signs of tampering or damage."

ANALYSIS

In this instance, Sgt. Chapman stated to OPS that he didn't recall checking the AVL website at all on December 20, 2019 and acknowledged that he was unsure whether CDP Vehicle 2A24 was AVL-equipped at the time he placed it on the road. As he did not know whether 2A24 was AVL-equipped when he placed it on the road, he could not have performed the check required to ensure that it was AVL-equipped. Thus, he failed to perform his obligations under GPO Section 9.1.09 I(B).

Similarly, since it was not AVL-equipped on December 20, 2019, Vehicle 2A24 would not have appeared on the AVL Skyview Map. Pursuant to GPO 9.1.09(C), this would have created a necessity for Sgt. Chapman to check the vehicle for obvious signs of damage. In this instance, Sgt. Chapman not only failed to check the vehicle for obvious signs of damage, he also did not check the AVL Skyview Map, as required under GPO 9.1.09(A), so that he might be alerted if a vehicle check was needed.

CONCLUSION

Because Sgt. Chapman failed to check the AVL website to determine whether CDP Vehicle 2A24 was AVL-equipped and failed to check the vehicle for obvious signs of damage, his actions were in violation of GPO Section 9.1.09. An OPS therefore recommends that Allegation A, Violation of GPO 9.1.09-Automatic Vehicular Locator System be SUSTAINED against Sgt. Michael Chapman #9232.

INITIATION AND CONTINUATION OF THE PURSUIT

The failure to ensure that CDP Vehicle 2A24 was AVL-equipped on December 20, 2019 meant that, should Vehicle 2A24 become involved in a vehicle pursuit that day, the Controlling Supervisor would not be able to independently verify either its location or its speed at any time during the pursuit. This would leave the Controlling Supervisor entirely dependent on verbal communication via radio from officers inside Vehicle 2A24 for information regarding its role in the pursuit, its position in relation to other involved vehicles, and its speed.

ALLEGATION B: GPO 3.2.02-Vehicle Pursuits:

P.O. Christian Stipkovich, as the driver of the lead pursuit vehicle, initiated and continued a vehicle pursuit without adequately considering whether the immediate danger of the pursuit was greater than the immediate or potential danger to the public in violation of GPO 3.2.02 Sections I(B), III

ALLEGATION C: GPO 3.2.02-Vehicle Pursuits:

P.O. Prebhkirandip_Singh, as the passenger officer of the lead pursuit vehicle, initiated and continued a vehicle pursuit without adequately considering whether the immediate danger of the pursuit was greater than the immediate or potential danger to the public in violation of GPO 3.2.02 Sections I(B), III

ALLEGATION D: GPO 3.2.02 – Vehicle Pursuits:

P.O. Christian Stipkovich, as the driver of the primary pursuing unit driving in an unmarked vehicle, P.O. Stipkovich failed to yield to an available marked unit (District-5 vehicle) and become the secondary unit as directed by his supervisor in violation of GPO 3.2.02 Section V(D).

ALLEGATION E: GPO 3.2.02 – Vehicle Pursuits:

P.O. Christian Stipkovich failed to immediately terminate the pursuit when speeds far exceeded safe limits in violation of Sections GPO 3.2.02 Section V(E)

ALLEGATION F: GPO 3.2.02 Vehicle Pursuits:

P.O. Prebhkirandip Singh, the passenger officer in the primary pursuing vehicle, failed to immediately terminate the pursuit when speeds far exceeded safe limits in violation of GPO 3.2.02 Section V-(E)

ALLEGATION G: GPO 3.2.02 Vehicle Pursuits:

Sgt. Michael Chapman, as the Controlling Supervisor, failed to order the termination of the pursuit when speeds far exceeded safe limits and he was unfamiliar with the surrounding area in violation of GPO 3.2.02 Section VII (I)

ALLEGATION H: GPO 3.2.02 Vehicle Pursuits:

Lt. Gregory Farmer, as the immediate supervisor of the Controlling Supervisor and a direct participant in the supervision of the incident, failed to order the termination of the pursuit when speeds far exceeded safe limits and he was unfamiliar with the surrounding area in violation of GPO 3.2.02 Section IX

ALLEGATION I: GPO 3.2.07-Emergency Response Driving:

P.O. Christian Stipkovich failed to consider the nature of the surrounding area (e.g., is it residential, business or a school zone) when engaging in the vehicle pursuit throughout several residential streets in East Cleveland in violation of GPO 3.2.07 Section I(C)(6)

ALLEGATION J: GPO 3.2.07-Emergency Response Driving:

P.O. Prebhkirandip Singh failed to consider the nature of the surrounding area (e.g., is it residential, business or a school zone) when engaging in the vehicle pursuit throughout several residential streets in East Cleveland in violation of GPO 3.2.07 Section I(C)(6)

ALLEGATION K: GPO 3.2.02 – Vehicle Pursuits:

Sgt. Michael Chapman failed to make a reasonable effort to have simultaneous access to the Automatic Vehicle Locator (AVL) system to manage the pursuit and permitted more than two vehicles to directly engage in a pursuit in violation of GPO 3.2.02 Section VII-(C) & Section VII-(D).

ALLEGATION L: GPO 3.2.07-Emergency Response Driving:

Sgt. Michael Chapman failed to complete supervisor responsibilities by not closely monitoring the response of his assigned officers via AVL in violation of GPO 3.2.07 Section III(B)

ALLEGATION M: GPO 3.2.07 – Emergency Response Driving

Lt. Gregory Farmer failed to monitor the AVL system to track the response of the officers under his command during an emergency driving incident in violation of GPO 3.2.07 Section III(B)

FACTS RE: THE INITIATION AND CONTINUATION OF THE STOLEN VEHICLE PURSUIT

On 12-20-19, at approximately 3:15pm, Officers Christian Stipkovich #40-Prebnkirandip Singh #1381 Dustin Miller #1583-Felica Doss #847 of the Cleveland Division of Police (CDP) engaged in a pursuit of a stolen vehicle involved in an Aggravated Robbery that occurred in the City's First Police District. The Aggravated Robbery was first observed by District-2 off-duty Cleveland Policeman Michael Raspberry #2077 from his personal vehicle in the parking lot at the Target Store on W.117th St. He then followed the stolen car in his personal vehicle maintaining visual contact with the car as it traversed through the city toward the highway. He contacted CDP Radio Dispatch providing a description, license plate number and travel location of the suspects' car.

As the suspects' vehicle traveled onto the highway at I-71-N, District-2 Sergeant Michael Chapman 9232, authorized an unmarked District 2 Zone Car (2A24) (officers Christian Stipkovich #40 and Prebhkirandip Singh #1381) to locate the suspects' vehicle. According to information provided by off-duty P.O. Raspberry, the suspect's vehicle traveled onto I-71 North to I-90 East. At or near the Carnegie Avenue exit on I-90 East while monitoring radio broadcasts, District 2 Sgt. Michael Schroeder #9249 (in a marked police vehicle) observed the Suspects' car and began following it. He observed the suspects' car exit I-90 East at Eddy Road. Sgt. Schroeder did not engage the suspects', stating he was by himself and was not equipped with a WCS camera or body armor. (Exhibit A-2-frame 04:38). The suspects' vehicle was waiting at the red light at the Eddy Road exit when Dist-2 officers Stipkovich & Singh arrived and positioned themselves behind them.

The suspects' vehicle then proceeded south onto Eddy Road while turning onto side streets when Dist-2 officers Stipkovich and Singh (2A24), traveling behind them activated their overhead lights and siren, attempting a felony-traffic stop at or near the intersection of E.124 and Iowa Avenue. According to P.O. Stipkovich #40 (the driver of 2A24), the suspects' vehicle slowed down, pulled to the right but took off southbound on E.124, initiating a vehicle pursuit as the officers followed behind them. (Refer to Exhibit-A-6, frame-12:00/-10-17-20 interview-P.O. Stipkovich) As the officers were in pursuit of the suspects' vehicle, district-5 vehicle 5A23 (P.O.'s Miller/Doss) monitoring radio of the direction(s) of the pursuit moved toward St. Clair Avenue. They observed the suspect's vehicle as well as the district-2 car (2A24) traveling east bound on St. Clair Avenue and joined in the pursuit despite not having received authorization from the controlling supervisor or their immediate supervisor.

According to CCS recordings, District 2 supervisor Michael Chapman #9232 broadcasted over channel 5 radio that he was the controlling supervisor when the pursuit was initiated in District 5 at E. 124th and Iowa. (Exhibit A-3-Sgt. Chapman's 08-31-20-interview at 09:46-11:00) and (Exhibit C-3-Ch.5 radio frame 05:50)

Additionally, Sgt. Chapman #9232 allowed P.O.'s Stipkovich #40/Singh #1348 in an unmarked District 2 vehicle (2A24) to enter into district 5 and locate the suspect's vehicle based on the information provided by the off-duty officer (Michael Raspberry) and Sergeant (Michael Schroeder 2S24) who were following the suspects. (Refer to Exhibit C-2-Stipkovich/Singh-2A24 radio broadcast-frame 01:20). Upon their arrival to the Eddy Road exit in district 5 Stipkovich/Singh (2A24) passed Sgt. Schroeder, the off-duty officer (P.O. Raspberry) and unsuccessfully attempted to stop the suspect's vehicle. The suspects' vehicle slowed but did not stop and a pursuit authorized by Sgt. Chapman ensued as the District 2 vehicle (2A24) was the primary car. (Refer to Exhibit B-1-Stipkovich/Singh WCS summary frame 00:39).

Neither he nor officers Stipkovich/Singh (2A24) had any familiarity with the area surrounding the pursuit. They had no information regarding the presence of schools, parks, playgrounds or any venues associated with crowds in the vicinity of the pursuit route. Officer WCS video and CCS audio recordings do not reveal that Sgt. Chapman requested or received information from any of the three officers involved in the actual pursuit describing the layout of the street(s), the driving behavior or speeds of the suspect's vehicle and perceived pedestrian traffic, particularly on Euclid Avenue prior to the crash involving the two children.

During the radio discussion of the pursuit, Lt. Farmer, a 25-year veteran supervising Sgt. Chapman that day, was sitting with Sgt. Chapman at District 2, monitoring radio and participating in communication regarding the pursuit. He also was unfamiliar with the area surrounding the pursuit and told OPS that he and Chapman were "getting information from the cars" as the pursuit was in progress.

SPEED

As communicated via radio, seconds after initiating the pursuit, Vehicle 2A24 reported its speed at 48 mph. Approximately 70 seconds later, when traveling eastbound on Taft between East 123rd and East 131st Streets, Vehicle 2A24 reported a speed of 60 mph. Some 64 seconds after that, when the pursuit reached Woodworth Ave and East 146th Street, Vehicle 2A24 reported that it was travelling 75 mph, the highest speed self-reported by Vehicle 2A24 during the pursuit. Exactly 115 seconds after reporting their speed at 75 mph, Vehicle 2A24 communicated via radio about the suspect vehicle: *"That vehicle just wrecked. It looks like they are going to bail."*

During his OPS interview, Sgt. Chapman could not recall any information about Vehicle 2A24's reported speeds or those of other vehicles that would enter the pursuit. Lt. Farmer told OPS that neither the Vehicle 2A24's top reported speed of 75 mph nor subsequently obtained information that 2A24 was traveling 68 mph as it passed Shaw High School on Euclid Avenue convinced him that continuing the pursuit was a violation of policy. As a result, neither Sgt. Chapman nor Lt. Farmer ever ordered the pursuit terminated or directed vehicles involved to slow down.

EDGE REPORT

Despite 2A24's highest self-reported speed at 75 mph, the EDGE Report, a crash analysis completed by the multi-jurisdictional EDGE Accident Investigation Unit, put 2A24's top speed during the pursuit and that of another CDP vehicle, considerably higher. According to the EDGE Report Vehicle 2A24 (Stipkovich/Singh) reached a top speed of 89.9 mph as the pursuit sped westbound on Euclid Avenue and Vehicle 5A23 (Miller/Doss) reached a speed of 84.5 mph. The investigation did not determine that Sgt. Chapman or Lt. Farmer received information concerning these calculated top speeds during the pursuit.

However, WCS footage from PO Prebhkirandip Singh, the passenger officer in 2A24 captures him twice telling PO Stipkovich in the course of the pursuit to "Slow down!" The second of the admonishments came just moments before the suspect's fatal crash. WCS footage from P.O. Dustin Miller, the driver of CDP 5A23, a vehicle which self-dispatched into the pursuit and was following 2A24, captured this statement from his passenger officer, P.O. Felica Doss at 3:42:46 pm, just over a minute before the crash: "DAMN, THEY'RE GOING FAST."

AVL WEBSITE NOT ACCESSED AND NOT AVAILABLE

Absent communication from the pursuing vehicles regarding the top speeds along Euclid Avenue, AVL website information via the Skyview Map was a reliable electronic source of information regarding vehicle location, movement and speed. Neither Sgt. Chapman nor Lt. Farmer attempted to access the AVL website during the pursuit.

However, as revealed by the OPS investigation, even if they had attempted to access the AVL website during the pursuit, no data would have been available for any of the vehicles involved in this pursuit. According to documentation from the Mobile Support Unit, only a total of 8 CDP vehicles citywide were AVL-equipped during the period from December 17, 2019 thru December 30, 2019. (Exhibit D-11) The same Mobile Support documents indicated that, as of November 24, 2020, there were 338 cars up and running in the system.)

CDP RULES CONCERNING THE INITIATION AND CONTINUATION OF A VEHICLE PURSUIT

GPO 3.2.02 VEHICLE PURSUITS

SECTION I-(A) thru I-(C) state as follows:

- I. Officers may initiate a vehicle pursuit when ALL of the following criteria are met:
 - A. The suspect operating the vehicle refuses to stop at the officer's direction and flees apprehension for an actual or alleged:
 1. VIOLENT FELONY; or
 2. Operating a Vehicle Intoxicated (OVI)
 - B. THE IMMEDIATE DANGER OF THE PURSUIT IS LESS THAN THE IMMEDIATE OR POTENTIAL DANGER TO THE PUBLIC IF THE SUSPECT REMAINS AT LARGE; and

C. The officer is operating an authorized emergency vehicle.

In determining whether to initiate or continue pursuits, GPO 3.2.02 Section III requires officers to consider the following factors:

- Weather
- Time of day
- Volume of vehicular and pedestrian traffic
- Road conditions
- Capability of the pursuit vehicle
- Population density
- Geographic location
- Officer familiarity with the area
- Proximity to certain areas (such as schools, parks, playgrounds, and venues associated with crowds) during those times when pedestrians are reasonably perceived to be active.

For circumstances where these factors don't produce a clear decision, GPO 3.2.02 gives the following directive:

Officers shall err on the side of caution and interpret this policy in the more restrictive manner if, for any reason, this directive does not offer clear guidance for a specific set of circumstances.

Regarding supervisory responsibilities for the performance of a pursuit, GPO 3.2.02 states:

Section VII-The Controlling Supervisor shall:

(C) - *"Make a reasonable effort to have simultaneous access to the Automated Vehicle Locator (AVL) system, telephone or cell phone, and two radios with which to manage the pursuit."*

(D) - *"Permit no more than two police vehicles to directly engage in a pursuit, except under unusual and well-articulated circumstances."*

(H)-Control the pursuit by:

(1)-*Monitoring and directing units into or out of the pursuit perimeter.*

(3)-*Referencing the AVL system when available to determine the: (a) number of police vehicles involved in the pursuit, (b) Presence of self-dispatched officers in the pursuit and the pursuit perimeter (c) Speed, direction, and possible destination of the pursuit."*

(I) - *"Be accountable for continuing a pursuit if circumstances indicate the pursuit should have been terminated as analyzed from the perspective of an objectively reasonable supervisor*

possessing the same information and faced with the same circumstances as the controlling supervisor. Objective reasonableness is not analyzed with hindsight, but will take into account, where appropriate, the fact that vehicle pursuits involve rapid decision-making in tense, uncertain, and rapidly evolving situations."

Section-IX-Other Supervisors' Responsibilities-(A) - *"Supervisors at the rank of Captain or above shall not be the controlling supervisor but shall monitor vehicle pursuits involving officers under their command. Any supervisor of a higher rank than the controlling supervisor may terminate a pursuit."*

GPO 3.2.07 makes key considerations from the Vehicle Pursuit Rule a requirement for all emergency driving by CDP officers:

GPO 3.2.07 EMERGENCY DRIVING

Section I(C)

"When determining whether to engage in emergency driving, an officer shall consider the following:

(1) Nature of the emergency: Consideration of factors such as an ongoing threat to the victim's safety, a suspect on scene, the severity of the crime, and the distance to the scene if responding as a back-up unit. The first car on the scene shall determine, as soon as possible, the severity of the emergency and shall broadcast such information including whether to call

off any other units that may be responding or to call for additional units as needed. First responding officers shall not wait for a supervisor to make the determination to call off responding units that have not arrived yet. A supervisor always requests additional assistance as needed.

(2) Road Conditions: Road conditions including configuration and defects will govern driving actions.

(3) Vehicle type/Condition: The type of vehicle being operated as well as the vehicle's condition must be considered.

(4) Traffic: The traffic volume will often dictate how to proceed with emergency driving.

(5) Weather Conditions: Because adverse weather conditions may raise the risk factor to unacceptable levels, officers shall carefully evaluate any hazard before engaging in emergency driving.

(6) Area: The officer shall consider the nature of the surrounding area (e.g., is it residential, business or a school zone).

(7) Familiarity with Area: On a known roadway, the officer could engage in emergency driving with more confidence than on unfamiliar roadways.

(8) Time: The time of day is of great importance. The limited visibility of dusk, dark or dawn will affect the officer's decision concerning emergency driving."

Section III-Supervisors Responsibilities:

(A)- *“Supervisors shall closely monitor the response of their assigned officers due to driver’s tendencies to operate at higher speeds and with less regard for caution when responding from distant locations.*

(B)-*Supervisors shall monitor radio communications and the Automatic Vehicle Locator (AVL) system to track the response of the officers assigned under their command. Supervisors shall disregard back-up cars that are responding to an emergency assignment when it has been determined that the situation is under control and the back-up cars are no longer needed.”*

ANALYSIS

The vehicle pursuit discussed here was prompted, in large part, by the commission of a violent crime. However, GPO 3.2.02 and 3.2.07 both make clear that the crime, or the nature of the emergency, are only one of numerous factors to be considered in initiating and continuing a pursuit.

A review of the circumstances of this pursuit makes clear that none of the particular characteristics of the East Cleveland neighborhood surrounding the route of the pursuit were ever even considered either prior to initiating the pursuit or during the pursuit. Lt. Farmer, Sgt. Chapman, POs Stipkovich and Singh, all stated that they were unfamiliar with the surrounding neighborhood prior to the pursuit. Thus, prior to the pursuit, Sgt. Chapman did not possess sufficient information about the surrounding area and could not obtain sufficient information from POs Stipkovich and Singh to authorize the pursuit. Yet he not only authorized the pursuit but viewed his lack of information from the opposite perspective – instead of seeing his information as insufficient to authorize a pursuit, he saw the information as *insufficient to call off the pursuit*. This directly contradicts the practice of erring on the side of caution and interpreting policy in a restrictive manner required by GPO 3.2.02.

In the same way, POs Stipkovich and Singh were undeterred from initiating or continuing the pursuit by the unfamiliar neighborhoods nor by the time of day (between 3:00 and 3:30 on a Friday afternoon) nor by the residential area where the pursuit was initiated nor by the school (Shaw High School) businesses or public library along the pursuit route. Other factors such as capability of pursuit vehicle (not AVL-equipped), population density (urban area) and geographic location (on and around Euclid Avenue) also caution against a pursuit under these circumstances. The investigation could not determine conclusively whether these factors were considered at all by the officers or by Sgt. Chapman or by Lt. Farmer.

Further, if Sgt. Chapman required additional information about the surrounding environment to inform their decision to begin or continue the pursuit, they didn’t ask the kind of questions via radio that would obtain it. Radio communications from the pursuit revealed one question from

Sgt. Chapman to 2A24 about speed and one question about traffic, none about the kind of neighborhood they were driving through, none about pedestrian traffic.

Additionally, the speeds communicated by A24 – topping out at 75mph as the vehicle passed Woodworth Ave. and East 146th St, did not prompt any concerns on the part of Sgt. Chapman or Lt. Farmer. However, it is clear from WCS footage, radio communications and OPS interviews that the speed of the vehicles was a major concern of the passenger officers in each of the pursuing vehicles. PO Singh twice told PO Stipkovich to slow down but did not convey over the radio any other information about the surrounding environment which supervisors might have used to terminate the pursuit. PO Doss exclaimed “DAMN, THEY’RE GOING FAST”, but there was no indication either she or P.O. Miller viewed this high speed as a reason to break off the pursuit.

And, as the EDGE Report indicates, the speeds of the suspect vehicle (90 mph), 2A24 (89.9 mph) and 5A23 (84.5 mph), all exceeded the posted speed limit (35 mph) by more than 49 miles per hour as they passed the East Cleveland Public Library and the Cleveland Clinic seconds before the fatal crash. This suggests that the pursuit was still picking up speed at the time of the crash.

CONCLUSION

Because a preponderance of evidence including WCS footage, audio recordings, witness interviews and documentation establishes that:

P.O. Christian Stipkovich, as the driver of the lead pursuit vehicle, initiated and continued a vehicle pursuit without adequately considering whether the immediate danger of the pursuit was greater than the immediate or potential danger to the public; **(Allegation B)**

P.O. Prebhkirandip_Singh as the passenger officer of the lead pursuit vehicle, initiated and continued a vehicle pursuit without adequately considering whether the immediate danger of the pursuit was greater than the immediate or potential danger to the public; **(Allegation C)**

P.O. Christian Stipkovich, as the driver of the primary pursuing unit driving in an unmarked vehicle, failed to yield to an available marked unit (District-5 vehicle) and become the secondary unit as directed by his supervisor; **(Allegation D)**

P.O. Christian Stipkovich failed to immediately terminate the pursuit when speeds far exceeded safe limits; **(Allegation E)**

P.O. Prebhkirandip Singh, the passenger officer in the primary pursuing vehicle, failed to immediately terminate the pursuit when speeds far exceeded safe limits; **(Allegation F)**

Sgt. Chapman, as the Controlling Supervisor, failed to order the termination of the pursuit when speeds far exceeded safe limits and he was unfamiliar with the surrounding area; **(Allegation G)**

Lt. Gregory Farmer, as the immediate supervisor of the Controlling Supervisor and a direct participant in the supervision of the incident, failed to order the termination of the pursuit when speeds far exceeded safe limits and he was unfamiliar with the surrounding area; **(Allegation H)**

P.O. Christian Stipkovich failed to consider the nature of the surrounding area (e.g., is it residential, business or a school zone) when engaging in the vehicle pursuit throughout several residential streets in East Cleveland; **(Allegation I)**

P.O. Prebhkirandip Singh failed to consider the nature of the surrounding area (e.g., is it residential, business or a school zone) when engaging in the vehicle pursuit throughout several residential streets in East Cleveland; **(Allegation J)**

Sgt. Michael Chapman failed to make a reasonable effort to have simultaneous access to the Automatic Vehicle Locator (AVL) system, telephone, or cell phone to manage the pursuit and permitted more than two vehicles to directly engage in a pursuit; **(Allegation K)**

Sgt. Michael Chapman failed to complete supervisor responsibilities by not closely monitoring the response of his assigned officers via AVL; **(Allegation L)**

Lt. Gregory Farmer, as the immediate supervisor of the Controlling Supervisor and a direct participant in the supervision of the incident, failed to monitor the AVL system to track the response of the officers under his command during an emergency driving incident; **(Allegation M)**

OPS recommend that Allegations B thru M be sustained.

SELF-DISPATCH

The initiation and continuation of the pursuit, along with the radio communication thereof, prompted several officers on the road in CDP vehicles to self-dispatch to this incident in violation of CDP Rules.

ALLEGATION N: GPO 3.2.02-Vehicle Pursuits- Self-Dispatch:

P.O. Michael Staskevich: As the driver officer of CDP Vehicle (5A22), P.O. Staskevich self-dispatched to a vehicle pursuit in progress without being directed by, or receiving authorization from, a supervisor in violation of GPO 3.2.02 GPO 3.2.02 Sections V-(A) and VI-(A)

ALLEGATION O: GPO 3.2.02-Vehicle Pursuits- Self-Dispatch:

P.O. Brian Sabolik: As the driver officer of (5A21) self-dispatched to a vehicle pursuit in progress without being requested by or receiving authorization from a supervisor in violation of Section V-(A) and VI-(A).

ALLEGATION P: GPO 3.2.02-Vehicle Pursuits-Self Dispatch:

P.O. Dustin Miller: As the driver officer of the secondary pursuit vehicle (5A23), self-dispatched to a vehicle pursuit in progress without being directed by, or receiving authorization from, a supervisor in violation of GPO 3.2.02 Sections V-(A) and VI-(A).

ALLEGATION Q: GPO 3.2.07-Emergency Response Driving:

P.O. Dustin Miller: Failed to consider the nature of the surrounding area (e.g., whether it was residential, business or a school zone) when engaged in the vehicle pursuit throughout several residential streets but particularly at 84mph on Euclid Avenue in East Cleveland in violation of Section I-(C) -(6)

ALLEGATION R: GPO 3.2.02-Vehicle Pursuits--Self-Dispatch:

Det. Kevin Warnock: As the driver officer of CDP Vehicle 8868, self-dispatched to a vehicle pursuit in progress without being requested by a supervisor, or receiving authorization from, a supervisor in violation of GPO 3.2.02 Sections V-A) and VI-(A).

ALLEGATION S: GPO 3.2.02-Vehicle Pursuits-Self-Dispatch:

Det. James Crivel: As the passenger officer of CDP Vehicle 8868, self-dispatched to a scene, incident or vehicle pursuit in progress without being directed by, or receiving authorization from, a supervisor in violation of GPO 3.2.02 Sections V-(A) and VI-(A).

ALLEGATION T: GPO 3.2.02-Vehicle Pursuits-Self-Dispatch:

P.O. James Dunn: As the driver officer of (8276) self-dispatched to a scene, incident or vehicle pursuit in progress without being requested by, or receiving authorization from, a supervisor in violation of GPO 3.2.02 Section V-(A) and Section VI-(A).

ALLEGATION U: GPO 3.2.02 VEHICLE PURSUITS

Sgt. Michael Chapman: As the controlling supervisor, failed to determine the number of vehicles involved in the pursuit and the presence of self-dispatched officers in the pursuit and the pursuit perimeter in violation of GPO 3.2.02 Section VII-(H)-(3)

FACTS RE: SELF-DISPATCH

As referred to herein, the pursuit of the Volvo was initiated after officers attempted to stop the vehicle at East 124th and Iowa Street; the Suspect Vehicle slowed down and pulled to the right, then took off southbound on East 124th Street. (Refer to **Exhibit A-6**, frame-12:00/-10-17-20 interview-P.O. Stipkovich) While CDP Vehicle 2A24 was in pursuit of the suspects' vehicle, Officers Dustin Miller and Felica Doss, occupying CDP District 5 Vehicle 5A23 and monitoring radio of the direction(s) of the pursuit, moved toward St. Clair Avenue. They observed the Suspect Vehicle as well as CDP Vehicle 2A24 traveling east bound on St. Clair Avenue and joined in the pursuit despite not having received authorization from the controlling supervisor or their immediate supervisor.

Central Communications Section (CCS) audio recordings captured POs Miller and Doss requesting but not receiving authorization to engage in the vehicle pursuit from the controlling supervisor or their immediate District 5 supervisor. In fact, they were given a directive not to engage by District 5 supervisor Sgt. Hawkins because there were already 2 additional District 5 vehicles committed to the pursuit prior to their engagement. (Refer to **Exhibit C-3-Ch-5** radio/audio recordings-Ch.5-frames 05:12-05:27) However, the additional 2 District 5 vehicles 5A22 (POs Michael Staskevich and Malik Wilson) and 5A21 (POs Brian Sabolik and Ashley Hibbard) were far from the pursuit perimeter when they dispatched themselves to the pursuit whereas the District 5 car closest to the pursuit route, 5A23 (Miller/Doss), the occupants of which actually saw the suspect's vehicle, self-dispatched and was directed to stand down.

For example, District 5 car 5A21 (P.O. Sabolik) broadcasted over radio acknowledging the Ch-5 broadcast of a vehicle pursuit that was more than 5 miles away from his location by stating "A21, we'll head over there." He also stated in his 10-15-20 in-person interview with OPS "we were driving eastbound on St. Clair avenue (at approximately 60th & St. Clair Ave.) monitoring radio when we heard that the suspect's vehicle had just exited Eddy Road from I-90. We decided to engage in the pursuit because Radio called over the air asking if there was a car that could assist." He was not aware of any other District 5 car involved in the pursuit. (Refer to **Exhibit C-3-Ch-5** radio-frame 3:34) and (**Exhibit A-9-10-15-20** OPS interview with Sabolik, at 04:02-05:48)

Approximately 32 seconds after P.O. Sabolik's broadcast that he would "head over there," the operator of CDP District 5 car 5A22, P.O. Michael Staskevich #942, announced over radio, "A22-We'll head over there also," despite being approximately 3 miles away (E.105th St) from the vehicle pursuit. According to P.O. Malik Wilson #1749 riding in 5A22 with P.O. Staskevich, they were "a ways away from the pursuit." Neither 5A21 (P.O. Sabolik) or 5A22 (P.O. Staskevich) requested or received authorization to engage, move in the direction of or arrive at the scene of an incident or vehicle pursuit. (Refer to **Exhibit C-3-Ch.5** radio-frames 03:34-04:06), (**Exhibit A-11** OPS interview with P.O. Staskevich, 11/05/20) and (**Exhibit A-12-OPS** interview with 5A22 P.O. Malik Wilson)

Although P.O. Sabolik's and P.O. Staskevich's statements to OPS assert that they individually or collectively received authorization to engage, these assertions are unsupported by Central Communications recordings of Ch-5 radio traffic on 12/20/19. Further, both PO Staskevich and P.O. Sabolik claimed that District 5 Sector Supervisor Sgt. Phillip Hawkins gave them permission to enter the pursuit. In his OPS interview, Sgt. Hawkins denied giving permission for either officer to enter because he was not the controlling supervisor of the pursuit. (Exhibit A-8, OPS 10/15/20 interview with Sgt. Phillip Hawkins, at 08:19)

The self-dispatch of 5A21 and 5A22 erroneously placed two additional District 5 vehicles in the pursuit perimeter, causing radio dispatchers to record and increase the number of units assigned at the time of the pursuit to seven, a number unbeknownst to the controlling supervisor District 2 Sergeant Chapman #9232 and District 5 Sergeant Hawkins #9194. (Refer to Exhibit C-3-Ch-5 radio broadcasts-frames 03:34-05:55) and (Exhibit D-4-CCS Event Chronology-Pgs.7-8-9)

Additionally, 12-20-19 channel 2 CCS recordings revealed CDP Gang Impact Unit Detectives Warnock #1719 and Crivel #1727, on the road occupying CDP Vehicle 8868, also self-dispatched when they heard about the Aggravated Robbery via Channel 2. Detectives Warnock and Crivel simply announced via Channel 2 radio *"we are going to be headed over to that area, so keep going with those locations,"* then moved in the direction of and/or arrived at the scene of an incident or vehicle pursuit without authorization from the controlling supervisor. As with 5A21 and 5A22, the self-dispatch of CDP Vehicle 8868 caused radio to erroneously include another police vehicle, raising the total number of units assigned to eight, a number unbeknownst to the controlling supervisor District 2 Sergeant Chapman #9232 and District 5 Sergeant Hawkins #9194. (Refer to Exhibit C-2-Ch-2-CCS recordings-frame-03:17) and (Exhibit-D-4-CCS Event Chronology-Pgs.7-8-9) Det. Warnock told OPS that he believed he didn't need permission to enter the pursuit because he notified radio and because he believed there was a provision in the Manual of Rules and Regulations authorizing entry into an ongoing situation. Det. Crivel informed OPS that he didn't believe their actions required permission because, although they announced via radio that they were heading to the pursuit, they never arrived or saw it.

Along with the occupants of CDP Vehicles 5A21, 5A22, 5A23 and 8868, K-9 Unit P.O. James Dunn #2563 while refueling his CDP Vehicle 8276 at the District 5 station and monitoring radio, heard the broadcast that there was a vehicle involved in an Aggravated Robbery exiting at Eddy Rd. and decided to head to the pursuit. In his 12-07-20, interview with OPS, P.O. Dunn #2563 stated that *because he knew the area well having spent 20 years in District 5, I began driving down St. Clair Avenue because there is nothing north of there, it's all industrial.*" In the interview he stated while waiting on St. Clair Avenue he heard sirens and observed one maybe two police vehicles in pursuit of the suspect's car. He stated he then activated his overhead lights at E.131st and St. Clair Avenue and began to follow them. P.O. Dunn also stated that he notified radio somewhere along the route that he was in the area.

P.O. Dunn did not receive authorization from the controlling supervisor Sgt. Chapman #9232 or District 5 supervisor Sergeant Hawkins #9194 to engage, move toward or arrive at a scene or

engage in a vehicle pursuit. P.O. Dunn told OPS that he didn't believe that he needed permission to enter the pursuit because it was his job to get to where they (the Suspect Vehicle's Occupants) were going to bail.

CDP RULE RE: SELF DISPATCH

THE CDP rule governing self-dispatches during vehicle pursuits leaves little room for confusion or controversy:

GPO 3.2.02 Section VI:

Officers shall not: (A) - *"Self-Dispatch."*

GPO 3.2.02 defines self-dispatch as *"a term used to describe the action of officers taking it upon themselves to respond to a scene or incident without being requested by CCS and not informing CCS of the response to assist. Self-dispatching does not allow CCS and/or supervisors to know the true number of units and/or officers on a scene or involved in an incident."*

ANALYSIS

Here, the actions of the self-dispatching officers fit neatly into the description of the rule. POs Sabolik and Hibbard (Vehicle 5A21), POs Staskevich and Wilson (Vehicle 5A22), POs Miller and Doss (Vehicle 5A23), Detectives Warnock and Crivel (Vehicle 8868) and P.O. Dunn (Vehicle 8276) all heard the communication via radio of an aggravated robbery and subsequent pursuit. Each vehicle's occupants responded with a separate radio announcement that it would head to the area of the pursuit. None received authorization to enter the pursuit by Controlling Supervisor Sgt. Chapman. One vehicle's occupants (5A23) were expressly denied permission by their immediate supervisor, District 5 Supervisor Sgt. Hawkins.

The drivers of two self-dispatching vehicles, PO Staskevich (5A22) and PO Sabolik (5A21) claimed that they had received permission from Sgt. Hawkins, a claim which Sgt. Hawkins denies and radio communications fail to verify. As there is no plausible reason why these authorizations would be omitted from radio communications if they existed, these claims of authorization are considered unreliable.

Another officer, Det. Warnock (driver – 8868) claimed that entry into the pursuit was permissible without authorization by the Manual of Rules and by the fact that the situation was ongoing when he announced he would enter. However, he offered no specific Manual of Rules provision to justify this view and, upon review, none could be found. Also, that the situation was ongoing is far from a permissible substitute for supervisory authorization. In fact, officers

inserting themselves into ongoing pursuits without supervisory authorization is the very situation that the rule is designed to avoid.

Det. Crivel claimed that not arriving in time to see the pursuit meant that their actions in announcing by radio that they would head over there, moving in the direction of the pursuit did not require permission. However, the rule, by its plain language is directed against self-dispatch itself, not just what could happen upon your arrival. The definition contained in the rule explains a critical element of the rule's rationale: *"Self-dispatching does not allow CCS and/or supervisors to know the true number of units and/or officers on a scene or involved in an incident."* The self-dispatch of the vehicle Det. Crivel rode in produced this very outcome – CCS personnel and supervisors became confused about the number of vehicles actually involved in the pursuit.

P.O. Dunn, the driver of Vehicle 8276, simply asserted that his actions were permitted because *"it was his job to get where they (the suspect vehicle occupants) were going to bail."* But this is no different than claiming that it is your job to self-dispatch into vehicle pursuits without authorization.

While the above-mentioned officers offered demonstrably insufficient reasons that their self-dispatches were permissible, only the occupants of 5A23 (POs Miller and Doss) acted contrary to express instructions. After being denied permission to enter by a supervisor, they took it upon themselves to enter. As determined by the EDGE report, they reached speeds in excess of 84 mph as they headed down Euclid Avenue, more than twice the speed limit. Thus, their entry into the pursuit was not only unauthorized but increased the level of danger posed by the pursuit to the East Cleveland community.

CONCLUSION

Because the occupants of CDP Vehicles 5A21, 5A22, 5A23, 8868 and 8276 self-dispatched to the pursuit of the Suspect Vehicle without authorization from the Controlling Supervisor, that the Controlling Supervisor failed to monitor the number of cars involved in the pursuit; and that the self-dispatch of CDP Vehicle 5A23 included officers driving at high speeds without sufficient regard for the immediate surrounding area, **OPS recommends that Allegations N thru U be sustained.**

OFFICERS NOT CHARGED

Sgt. Phillip Hawkins, the Supervisor in District 5, did not play a role in the supervision of the pursuit after Sgt. Chapman announced via radio that he would be the Controlling Supervisor. P.O. Felica Doss, the passenger officer in 5A23, and P.O. Malik Wilson, the passenger officer in 5A22, were probationary officers riding with their Field Training Officers during the incident and

were therefore not held responsible for the participation of their vehicles in the pursuit. P.O. Ashley Hibbard, the passenger officer in 5A21, passed away three days after the incident.

Respectfully Submitted,

David A. Hammons, Investigator
Office of Professional Standards

Administrator's Signature

Date



1. CDP Sgt. Michael Chapman #9232: VIOLATION OF GPO 3.2.02: Vehicle Pursuits

Sustained Exonerated Unfounded Insufficient Evidence

Basis for disposition: (also should note here if complaint was sustained based on evidence of **misconduct** revealed during the investigation but not included in original complaint)

CPRB Member: _____

Hearing Date: _____

2. CDP Sgt. Michael Chapman #9233: VIOLATION OF GPO 3.2.07 Emergency Response Driving

Sustained Exonerated Unfounded Insufficient Evidence

Basis for disposition: (also should note here if complaint was sustained based on evidence of **misconduct** revealed during the investigation but not included in original complaint)

CPRB Member: _____

Hearing Date: _____

3: CDP Sgt. Michael Chapman #9232: VIOLATION OF GPO 9.1.09 AVL System

Sustained Exonerated Unfounded Insufficient Evidence

Basis for disposition: (also should note here if complaint was sustained based on evidence of **misconduct** revealed during the investigation but not included in original complaint)

CPRB Member: _____ Hearing Date: _____



1. CDP P.O. Christian Stipkovich #40: VIOLATION OF GPO 3.2.02 Vehicle Pursuits

Sustained Exonerated Unfounded Insufficient Evidence

Basis for disposition: (also should note here if complaint was sustained based on evidence of **misconduct** revealed during the investigation but not included in original complaint)

CPRB Member: _____ Hearing Date: _____

2: CDP P.O. Christian Stipkovich #40: VIOLATION OF GPO 3.2.07 Emergency Response Driving

Sustained Exonerated Unfounded Insufficient Evidence

Basis for disposition: (also should note here if complaint was sustained based on evidence of **misconduct** revealed during the investigation but not included in original complaint)

CPRB Member: _____

Hearing Date: _____



1. CDP P.O. Prebhknirdip Singh #1381: VIOLATION OF GPO 3.2.02 Vehicle Pursuits

Sustained

Exonerated

Unfounded

Insufficient Evidence

Basis for disposition: (also should note here if complaint was sustained based on evidence of misconduct revealed during the investigation but not included in original complaint)

CPRB Member: _____

Hearing Date: _____

2. CDP P.O. Prebhknirdip Singh #1381: VIOLATION OF GPO 3.2.07: Emergency Response Driving

Sustained

Exonerated

Unfounded

Insufficient Evidence

Basis for disposition: (also should note here if complaint was sustained based on evidence of misconduct revealed during the investigation but not included in original complaint)

CPRB Member: _____

Hearing Date: _____



1. CDP P.O. Dustin Miller #1583: VIOLATION OF GPO 3.2.02 Vehicle Pursuits

Sustained

Exonerated

Unfounded

Insufficient Evidence

Basis for disposition: (also should note here if complaint was sustained based on evidence of misconduct revealed during the investigation but not included in original complaint)

CPRB Member: _____

Hearing Date: _____

2. CDP P.O. Dustin Miller #1583: VIOLATION OF GPO 3.2.07 Emergency Response Driving

Sustained

Exonerated

Unfounded

Insufficient Evidence

Basis for disposition: (also should note here if complaint was sustained based on evidence of misconduct revealed during the investigation but not included in original complaint)

CPRB Member: _____

Hearing Date: _____



1. CDP P.O. Brian Sabolik #1021: VIOLATION OF GPO 3.2.02 Vehicle Pursuits-Self Dispatch

Sustained

Exonerated

Unfounded

Insufficient Evidence

Basis for disposition: (also should note here if complaint was sustained based on evidence of misconduct revealed during the investigation but not included in original complaint)

CPRB Member: _____

Hearing Date: _____



CIVILIAN POLICE REVIEW BOARD DISPOSITION CIVILIAN POLICE
1. CDP Det. Kevin Warnock #1719: VIOLATION OF GPO 3.2.02 Vehicle Pursuits-Self-Dispatch

Sustained

Exonerated

Unfounded

Insufficient Evidence

Basis for disposition: (also should note here if complaint was sustained based on evidence of misconduct revealed during the investigation but not included in original complaint)

CPRB Member: _____

Hearing Date: _____

VIE BOARD DISPOSITION



1. CDP Det. James Crivel #1767: VIOLATION OF GPO 3.2.02-Vehicle Pursuits-Self-Dispatch

Sustained

Exonerated

Unfounded

Insufficient Evidence

Basis for disposition: (also should note here if complaint was sustained based on evidence of misconduct revealed during the investigation but not included in original complaint)

CPRB Member: _____

Hearing Date: _____



1. CDP P.O. James Dunn #1583: VIOLATION OF GPO 3.2.02 Vehicle Pursuits-Self-Dispatch

Sustained

Exonerated

Unfounded

Insufficient Evidence

Basis for disposition: (also should note here if complaint was sustained based on evidence of misconduct revealed during the investigation but not included in original complaint)

CPRB Member: _____

Hearing Date: _____



1 CDP P.O. Michael Staskevich #942: VIOLATION OF GPO 3.2.02 Vehicle Pursuits-Self-Dispatch

Sustained

Exonerated

Unfounded

Insufficient Evidence

Basis for disposition: (also should note here if complaint was sustained based on evidence of misconduct revealed during the investigation but not included in original complaint)

CPRB Member: _____

Hearing Date: _____



CDP Lt. Gregory Farmer #8487: VIOLATION OF GPO 3.2.02 Failure to Terminate Pursuit

Sustained

Exonerated

Unfounded

Insufficient Evidence

Basis for disposition: (also should note here if complaint was sustained based on evidence of misconduct revealed during the investigation but not included in original complaint)

CPRB Member: _____

Hearing Date: _____



2 CDP Lt. Gregory Farmer #8487: VIOLATION OF GPO 3.2.07 Failure to Monitor the AVL System

Sustained

Exonerated

Unfounded

Insufficient Evidence

Basis for disposition: (also should note here if complaint was sustained based on evidence of misconduct revealed during the investigation but not included in original complaint)

CPRB Member: _____

Hearing Date: _____