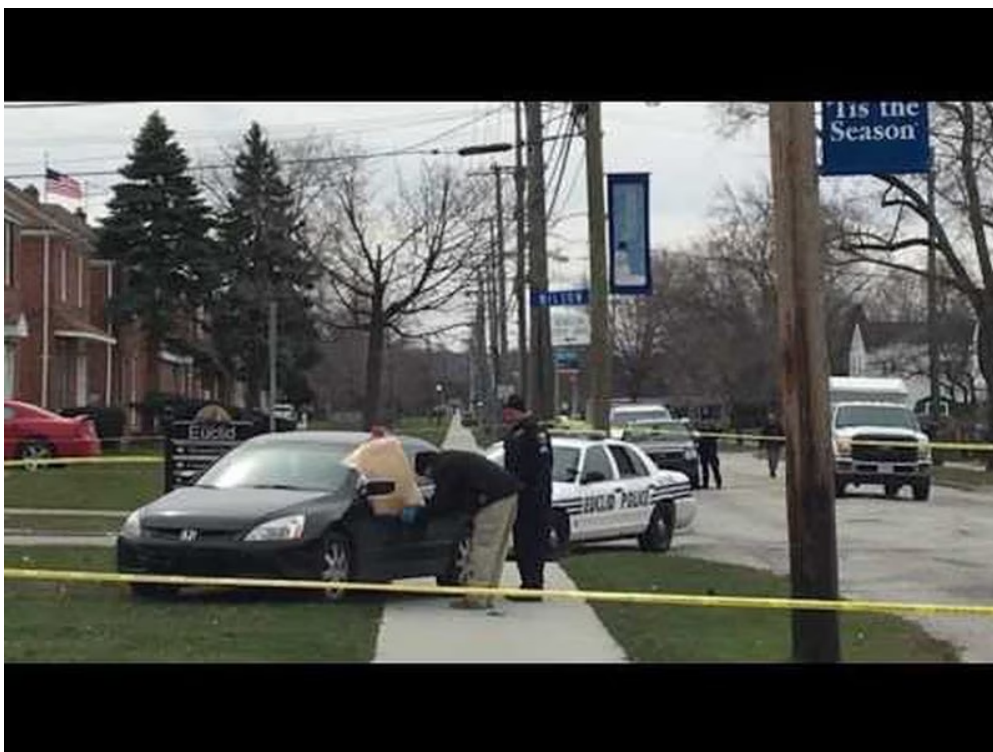




What absolved Euclid police officers told investigators about the fatal shooting of Luke Stewart

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Investigators on scene after a fatal police shooting in Euclid on March 13, 2017. A Cuyahoga County grand jury decided not to bring criminal charges against Officer Matthew Rhodes, who fatally shot Luke O. Stewart during a struggle in a car.

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Euclid officer said he feared for his life before fatal shooting

EUCLID, Ohio – A Euclid police officer told investigators that he shot an unarmed man during a struggle in a car because he feared he might be killed if the man crashed the car into a telephone pole.

A Cuyahoga County grand jury on Tuesday decided not to bring criminal charges against Officer Matthew Rhodes in the March 13 shooting death of Luke O. Stewart. Rhodes shot the 23-year-old man while he and another officer investigated a report of a suspicious car.

The Ohio Bureau of Criminal Investigation on Tuesday released an investigative report that says Stewart was asleep in the car when the officers found him. Stewart tried to drive away when the officers tried to remove him from the car. Rhodes jumped into the car and engaged in a struggle in Stewart's shooting death on East 222nd Street.

Rhodes returned to duty several days after the shooting but was placed on desk duty last week, police said.



Luke O. Stewart, 23, was killed March 13 in a police shooting in Euclid. Officers told BCI investigators that Stewart tried to run them over with his car, but Stewart's family and attorneys disputed that claim.

Family photo

Officers found Stewart asleep in car, tried to pull him out

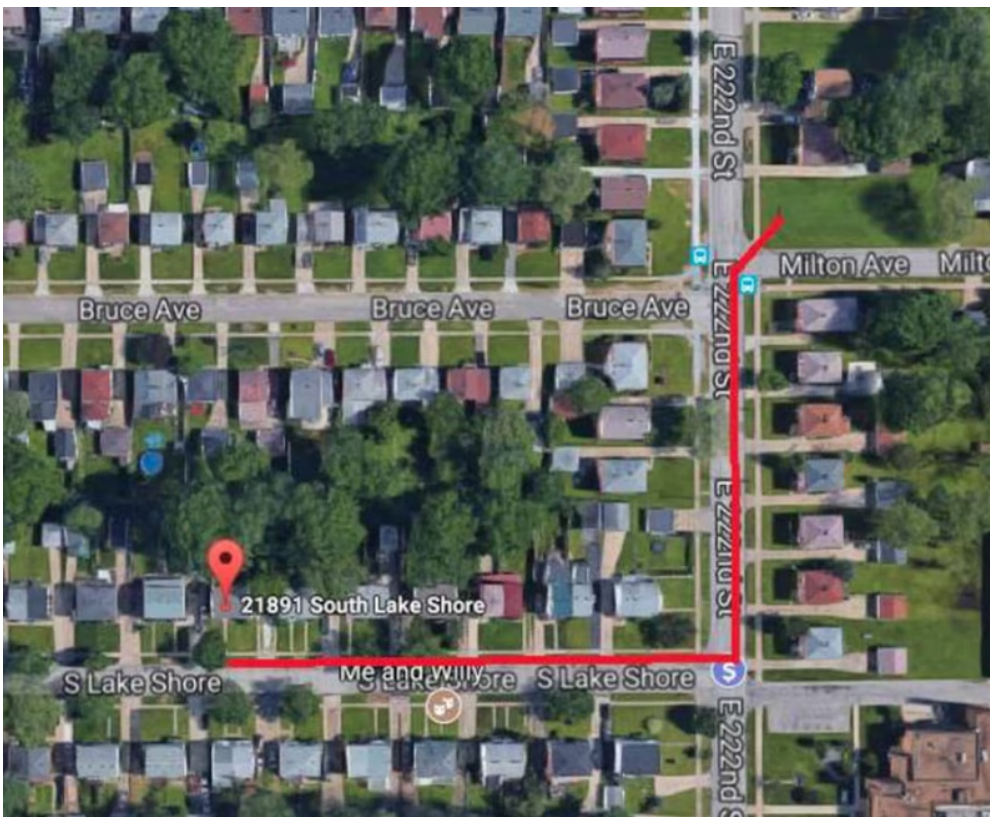
Rhodes and Officer Louis Catalani found Stewart asleep just before 7 a.m. in the driver's seat of a Honda Accord. The officers spotted a small amount of marijuana in the car and discovered it was registered to an older man, the BCI's investigative report says.

The officers determined Stewart might be intoxicated and decided to pull him out of the car. Catalani parked behind Stewart, and Rhodes parked in front of him to block him in.

The officers woke Stewart, who sat up and tried to put the car in gear. Both officers reached into the car and struggled with Stewart as the car started moving, the report says.

The car struck the back of a police cruiser before it swerved left toward Catalani. Rhodes, who reached into the passenger-side door, jumped into the car.

"I couldn't get out of the vehicle because it was moving and I didn't want to get smashed between my vehicle and the passenger door," Rhodes told investigators.



The struggle that preceded Luke O. Stewart's shooting death on March 13 in Euclid began on South Lake Shore Boulevard. It ended when Officer Matthew Rhodes shot him on East 222nd Street near Milton Avenue.

Ohio Bureau of Criminal Investigation

Rhodes used a Taser six times on Stewart

Rhodes and Stewart struggled as the car careened along West 222nd Street. Rhodes kept putting the car in neutral and Stewart kept putting in gear. Rhodes punched Stewart, who responded by asking why he was in the car, Rhodes told investigators.

Rhodes used his Taser six times on Stewart, but it had little effect, the report says. Rhodes struck Stewart in the face with the Taser, the report says.

"I knew if I deployed pepper spray, I was going to become overcome with the pepper spray exposure and he would have been driving blind. So I knew not to pepper spray him, so I struck him several time in the side of the face with the Taser," Rhodes said.

BCI investigators confirmed the Taser was fired six times, and medical examiners found Taser marks on Stewart's body during an autopsy.



Investigators recovered a Taser, bullet casings and other items from the car where Euclid police Officer Matthew Rhodes fatally shot Luke O. Stewart on March 13, 2017.

Ohio Bureau of Criminal Investigation

Rhodes said he shot Stewart because he feared being killed in a crash

Rhodes told investigators that he decided to shoot Stewart because the car jumped a curb and was headed toward several telephone poles.

"I thought we were going to hit a pole and I was going to go through that windshield," Rhodes said. "I knew if that didn't kill me, he probably would have then ran me over...but my thought was I am going through this windshield and I am going to die."

Rhodes shot Stewart in the chest, and Stewart responded by taking a swing at him, Rhodes told investigators. Rhodes avoided the punch and shot Stewart again in the neck, he said.

He shot Stewart five times, an autopsy showed.

Rhodes holstered his gun when the both Stewart and the car stopped moving, he said.

Body camera video shows aftermath of Euclid police



Body camera video shows the moments after a Euclid police officer fatally shot Luke O. Stewart on March 13, 2017.

Body camera video shows aftermath of shooting

Rhodes got out of the car and spoke with another officer who arrived at the scene. That officer checked him for injuries.

Catalani did not see the shooting, but he heard several loud pops that sounded like gunshots. He arrived at the shooting scene moments later.

There is no dashboard camera video of the struggle that led to the shooting because neither Rhodes nor Catalani turned on his police cruiser's overhead lights which activates the dashboard cameras, according to the report.

Body camera video released in the weeks after the shooting shows paramedics helping Stewart into an ambulance. The video came from the body camera of a police supervisor who arrived at the scene after the shooting. The department does not distribute body cameras to all of its officers, a police spokesman said earlier this year.

Euclid police shooting dispatch audio



Evan MacDonald, cleveland.com

Dispatch audio offers glimpse into struggle, fatal shooting

Dispatch recordings released after the shooting revealed that Catalani told a police dispatcher that a driver, later identified as Stewart, tried to run over him and Rhodes.

At one point, Catalani yelled to a dispatcher that "3-9 is inside the vehicle." Seconds later, he shouted, "Shots fired!"

Transcripts of the dispatch audio were included in the Ohio Attorney General's Bureau of Criminal Investigation report.



Photographs show the two Euclid police cruisers that Officers Matthew Rhodes and Louis Catalani were driving before they approached Luke O. Stewart on March 13, 2017. The officers were involved in a struggle with Stewart, and Rhodes shot Stewart after he jumped into Stewart's car, investigators said.

Ohio Bureau of Criminal Investigation

BCI determines physical evidence corroborates officers' stories

The BCI determined, in the report released Tuesday, that the physical evidence in the case corroborated the officer's stories. Investigators also determined Stewart appeared flee the officers, the report says.

Investigators found three bullet casings, a Taser, a marijuana blunt and a digital scale in the car, the report says.

Toxicology reports also showed Stewart had a .250 blood-alcohol level, more than three times the legal limit of .08 percent in Ohio. The reports also showed marijuana, oxycodone and cocaine in his system when he died, the report says.

The BCI passed on its report to prosecutors, who presented it to a grand jury. The grand jury decided Tuesday not to bring criminal charges against Rhodes.

Family of man killed in Euclid police shooting deman



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Family, protesters still seeking answers

Luke Stewart's family is "angry and disappointed" following the grand jury's decision, an attorney representing the family said Tuesday.

"They wanted to trust the system," attorney Sarah Gelsomino said. "They were hoping that they would get some semblance of justice from the criminal legal system, and feel like exactly the opposite has happened at this point."

The lack of an indictment comes after Euclid's police department has come under increasing scrutiny in recent weeks. Protesters with Black Lives Matter Cleveland interrupted a Euclid City Council meeting Aug. 21 after a cellphone video that went viral showed another Euclid officer straddling a man on the ground and punching him several times.

Euclid police Chief Scott Meyer called for peace and offered condolences to Stewart's family after the grand jury's decision.

"We extend our deepest sympathy to all those affected by this terrible event," Meyer said in a statement.

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