



Ohio Bureau of Criminal Identification & Investigation
INVESTIGATIVE REPORT

12/4/12

VASILE NAN INTERVIEW

Summary

On December 4, 2012, Cleveland Police Officer Vasile Nan, who was involved in the shooting on November 29, 2012, was interviewed at the BCI Richfield offices. Also present with the officer was Attorney Patrick D'Angelo, along with Jeff Follmer and Steve Kinas representing the union. The interview was conducted by East Cleveland Police Sergeant Scott Gardner and BCI SA John Saraya.

Patrolman Vasile Nan was advised of his "Miranda" rights which he waived and consented to speak with investigators.

The interview was video recorded and submitted to the case file as Exhibit #3

Details

Vasile Nan is a 12-year veteran of the Cleveland Police Department. His duty assignment is to the Community Services Unit in the 2nd District. His shift is from 1800-0200 with Sunday and Monday as his current days off. Nan reports to Sgt. Daily.

On Thursday, November 29, 2012, Nan said that it was a normal day; he felt fine and was not on any medications. Nan was in full uniform with an exterior vest. He was carrying a fully-loaded pistol with two extra magazines totaling 46 rounds. Nan was also carrying a Taser, pepper spray, and an expandable baton. While he has a personal digital recorder, it was not on.

Nan had been in the US Army Reserve, serving in Psychological Operations. He said that he had not been deployed. Nan had qualified with handgun and shotgun within the previous year.

Nan was using patrol car 244, without a partner. This is a fully-marked patrol car. He began his shift at 1800 hours and had been busy.

File Number: SI-18-12-82-1493	File Title: Timothy R. Russell (S) Malissa A. Williams (S)
Case Agent: Mark Kollar	Authoring Agent: John Saraya <i>JS</i>
Date of Report: 12/04/12	Exhibit #: 3
Investigative Activity: Vasile Nan Interview	Supervisor Approval: Dennis Sweet JAN 09 2013 <i>[Signature]</i>

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About halfway through his shift, Nan had returned to the police station to have the Mobile Data Terminal examined. Nan was parked on St. Clair Avenue. Nan and Ofc. Almeida were outside of the patrol car. According to Nan, "within a minute" Nan said that he heard, "squealing and peeling" of tires. A car is traveling at a high rate of speed and as it draws almost parallel to Nan, a gunshot rings out. Nan said that both he and Almeida ducked when they heard the sound, with Almeida saying it was a gunshot. Nan said that he recognized the make of car because he had one similar. Nan said the car, "was moving" as it turned to travel south on West 3rd St., then west on Superior. Nan initiated a pursuit and broadcast a description of the car and that there were two black male occupants and that they were armed with a shot fired. Nan said that there was traffic on Superior and he slowed to operate safely. He was about 100 yards behind the suspect vehicle when he saw it turn onto Prospect and he lost sight of it.

Nan said that within 10-15 seconds another cruiser spotted the car on a bridge and was in pursuit. Nan was behind the cars and crossed the Detroit/Superior Bridge when the pursuit was at Lorain and 73rd. Nan fell into the convoy of police cars on 73rd.

As the pursuit entered the parking lot of Heritage Middle School, Nan ended up on Lee Rd. As he was exiting his cruiser, he heard the radio traffic of "shots fired" and also heard the last few gunshots. Nan said that he was ducking down to avoid getting hit. He said he did not fire his gun.

Nan said that during the pursuit, he heard a radio traffic indicating the subjects were waving a gun, comments about a can of pop, and about someone wearing gloves inside the suspect vehicle. Nan also heard that zone cars had been rammed at various points during the pursuit. He thought that at one point, a zone car had been rammed in the area of Edison. He said he was fuzzy at the end of the pursuit, but thought he heard that an officer had been run over.

During the pursuit, Nan said that he was about 2 ½ football fields behind the suspect vehicle. From that distance, if the suspects would have thrown anything out of the car he could not have seen it. Nan said that he had heard radio traffic of officers warning that the driver and passenger were brandishing a weapon and pointing it at officers. Nan also heard radio traffic from someone asking for dispatch to see if Bratenahl had any spikes to deploy to stop the suspect vehicle.

Nan estimated his speed during the pursuit on city streets to be between 45 and 50 miles per hour. Although the suspect vehicle was evading traffic, Nan said that he was matching the speed of the suspect vehicle and he was, "not making considerable gain" to the vehicle. While in the pursuit, Nan had his lights and siren on the whole time. Nan did not see any cruisers from any other agency involved in the pursuit.

When the car first went past him in front of the Justice Center, Nan thought that there were two black males in the car. He said it was a distinctive car one that resembled a car he had. The next day he found out that it was a male and female in the car. Nan said he was in complete shock when he found out one passenger was a female. Nan said that at the Justice Center, he thought he had been shot at. He described the sound as loud and did not believe it was a car backfiring. Nan said he knows what gunshots sound like and the sound he heard sounded like a gunshot. Nan further stated that the sound could have only come from the suspect vehicle.

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Nan was asked if he was familiar with either of the subjects in the car, he stated no. He was then shown pictures of both subjects. After looking at them he said he was not familiar and had never had prior contact with the subjects.

At the end of the pursuit, Nan was parked on Lee road. He said he ducked down when he heard shots being fired. From his vantage point, he could not hear anybody giving verbal directions. Afterward as he was walking up to the scene, he heard somebody calling for EMS. Nan described the area as, "fairly well lit". He made the observation the area was lit like a regular street, but the sides were dark.

After the shooting stopped, Nan said that the officers were calming down, catching their breath. Nan said that he walked through the scene, but touched nothing. After EMS was on scene, someone put barrier tape up. Nan said that officers at the scene had said the suspect vehicle had almost run over an officer, and had rammed zone cars.

While still at the scene he called his wife to let her know he was all right. He did not use his phone to take any photos.

After the event, Nan said that he had spoken with other officers, mostly them asking how he was. This included 6-10 officers from the 4th District where he had worked.

Nan felt that under the circumstances he and his fellow officers had acted appropriately for their training.

Based on the, "totality of circumstances", Nan felt there were no alternatives that the officers could have used to end the situation any other way.

Subject Information

Name: Vasile Nan
Address: [REDACTED], Avon Lake OH 44012
Telephone: [REDACTED]
Employment: **Cleveland Police Department**
DOB: 01/02/1967
SSN: [REDACTED]
Sex: M
Race: W
Height: 508
Weight: 185
Hair: Bro
Eyes: Hzl
S/V/W: W
CCH:
