



**Ohio Bureau of Criminal Identification & Investigation**  
**INVESTIGATIVE REPORT**



12/18/2012

**INTERVIEW OF OFFICER ROBERT WAGNER**

**Summary**

On Tuesday December 18, 2012 at 1811 hours, Special Agent Perry Roeser and Cuyahoga County Sheriff Detective James Mackey interviewed Cleveland Police Officer Robert Wagner regarding his involvement in the pursuit and officer involved shooting incident which occurred on November 29, 2012 in East Cleveland, Cuyahoga County, Ohio. The interview was conducted at the Richfield BCI offices and was audio and video recorded. The digital recordings were transferred to discs and are located in the exhibit portion of the case file (Exhibit #69).

**Details**



On Tuesday, December 18, 2012 at 1727 hours, Special Agent Roeser and Detective Mackey met with Cleveland Patrol Officer Robert Wagner, his attorney, Pat D'Angelo and Vice President of the Patrolmen's Association Steve Kinas in a conference room at the BCI offices in Richfield, Ohio. Special Agent Roeser and Detective Mackey properly identified themselves and advised Wagner of his Miranda warning. Wagner advised he understood and wanted to proceed with the interview.

Wagner advised he had 11 years on with the Cleveland Police Department. Wagner stated he was assigned to the second district patrol division and worked second shift hours. He stated his days off were R class.

Wagner advised he worked no overtime or extra duty jobs prior to his regular scheduled shift on November 29, 2012. Wagner advised that prior to going on duty on November 29, 2012 he was well rested.



Wagner advised he doesn't wear glasses or contact lenses.

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| <b>File Number: SI-18-12-82-1493</b>                      | <b>File Title: Timothy R. Russell (S)<br/>Malissa A. Williams (S)</b>   |
| <b>Case Agent: Mark Kollar</b>                            | <b>Authoring Agent: Perry Roeser</b>                       |
| <b>Date of Report: December 20, 2012</b>                  | <b>Exhibit #: 69</b>  |
| <b>Investigative Activity: Interview of Robert Wagner</b> | <b>Supervisor Approval: Dennis Sweet</b><br><br>JAN 10 2013 |

Wagner advised that on November 29, 2012 he wore the standard blue department issued uniform with an outer vest, duty belt with issued Glock 17, Taser, radio, cuffs, ASP, OC spray, and two extra pistol magazines.

Wagner stated he had a partner on November 29, 2012 named James Bresnahan. Wagner advised they were in a marked Ford cruiser but couldn't remember the car number. Wagner advised that the cruiser was in good operation on the night of November 29, 2012. Wagner advised that Bresnahan was driving the cruiser on November 29, 2012 and he handled the radio and in-board computer.

Wagner stated that he has no specialized training, but was current on his use of force training and peace officer certification. Wagner advised he had not been involved in any prior shooting incidents.

SA Roeser asked Wagner how he and his partner first became involved in the incident on November 29, 2012. Wagner advised that he and Bresnahan were on assignment in the Old Brooklyn area when they heard about shots fired at an officer over the police radio. Wagner advised that he and his partner started to drive in the direction of the pursuit but were a considerable distance away.

Wagner stated that as he and his partner were in the cruiser he heard other officers on the radio state "shots fired, the passenger has a gun pointed out the window". Wagner stated that the pursuit was leading into the East Cleveland area where neither he nor his partner was familiar. Wagner advised he used the in-board computer to attempt to locate other cruisers in the area.

Wagner stated that when they finally arrived on scene at the incident location he heard no shots fired. Wagner did state that as he and Bresnahan exited the cruiser he removed his service pistol because he wasn't sure what they were walking into when they headed up the hill. Wagner stated that once he realized the situation was calm he put his weapon back in the holster.

Wagner advised that while on scene he was about 80 feet away from the suspect car. He stated he didn't want to get too close because of potential evidence at the crime scene. SA Roeser asked Wagner how many officers he thought were on scene and Wagner estimated about 50-60.

Wagner advised he and his partner were not at the scene for very long. Wagner advised once they were back at their cruiser he and Bresnahan had to wait for a few minutes to leave because of other cruisers that also arrived late to the scene boxed them in.

Wagner stated that at no time did he hear a supervisor call off the pursuit. Wagner was asked if he had a cell phone with him the night of the incident and he advised he did but left it in the cruiser when he arrived on scene. Wagner further stated he did not take or receive any pictures of the shooting and he has not received any text messages from other officers about the shooting.

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The interview with Officer Robert Wagner concluded. Wagner, his attorney and union representative departed the area. The interview with Wagner was audio and video recorded. A copy of the interview was downloaded to a DVD and added to this case file as Exhibit #69.

**Subject Information**

Name: Robert Wagner  
Address: [REDACTED] Cleveland Ohio, 44315  
Sex: Male  
Race: White  
Height: 5'10"  
Weight: 200 lbs.  
Hair: Brown  
S/V/W: witness

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