



Ohio Bureau of Criminal Identification & Investigation
INVESTIGATIVE REPORT



12/20/2012 INTERVIEW OF CAPT. ULRICH ZOUHAR

Summary

On Thursday, December 20, 2012, Special Agent Saraya and Special Agent Stranahan conducted an interview with Cleveland Police Captain Ulrich Zouhar regarding his involvement in the pursuit and officer involved shooting incident which occurred November 29, 2012 in East Cleveland, Cuyahoga County, Ohio.

Details

On Thursday, December 20, 2012, at approximately 1730 hours, Special Agent Saraya and Special Agent Stranahan were assigned to conduct an interview with Cleveland Police Captain Ulrich Zouhar 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 with Captain Zouhar was conducted at the Richfield BCI offices and was audio/video recorded and added to the case file as Exhibit #78.

At approximately 1740 hours, Special Agent Saraya and Special Agent Stranahan met with Captain Zouhar, his attorney Robert Phillips and Fraternal Order of Police Lodge #8 President Brian Betley and Vice President Jerry Zarlenga in the conference room at the Richfield BCI offices. After initial greetings, Special Agent Stranahan advised Captain Zouhar of his Miranda rights which he indicated he understood and was willing to provide a statement regarding this investigation. The following information was provided by Captain Zouhar during the interview.

Captain Zouhar indicated he has been a Cleveland Police Officer for approximately twenty-seven (27) years and prior to being hired by the Cleveland Police Department, he had no prior law enforcement experience. Captain Zouhar advised he served in the United States Army from 1975 through 1987 and he is currently assigned as the patrol commander for the Cleveland Police Department Second District. Captain Zouhar stated his normal work hours are 1300 hours – 2300 hours and his supervisor is Commander Selzer.

File Number: SI-18-12-82-1493	File Title: Timothy R. Russell (S) Malissa A. Williams (S)
Case Agent: Mark Kollar	Authoring Agent: Stranahan, S. #98 <i>SA Stranahan</i>
Date of Report: December 20, 2012	Exhibit #: 78
Investigative Activity: Interview of Capt. Ulrich Zouhar	Supervisor Approval: Dennis Sweet <i>[Signature]</i>

The next topic discussed with Captain Zouhar was the type of training he has received. Captain Zouhar indicated he holds a current Peace Officer Certification through the Ohio Peace Officer Training Academy (OPOTA) and has attended numerous training classes through OPOTA to include First Line Supervision, Accident Investigation and Legal Update. Captain Zouhar advised he served in the United States Army from 1975 through 1987. Captain Zouhar last attended in-service training with the Cleveland Police Department in 2012 which included a firearms requalification as well as training in the use of force. Although Captain Zouhar received this training, he is unable to recall the exact date. Captain Zouhar stated in his career as a Cleveland Police Officer he has never been involved in an officer involved shooting incident.

Special Agent Stranahan then asked Captain Zouhar several questions related to his health and substance abuse. Captain Zouhar advised he is in good health and is not taking any prescription medications. Captain Zouhar stated he wears glasses every day and has no problems with drug or alcohol abuse.

Special Agent Stranahan next asked Captain Zouhar questions regarding the type of uniform he was wearing and type of equipment he was carrying on November 29, 2012. According to Captain Zouhar, he was wearing his Cleveland Police Department issued class B uniform during his shift on November 29, 2012. Captain Zouhar described this uniform as consisting of navy blue pants, a white shirt with Cleveland Police Department markings and a bullet resistant vest. Captain Zouhar advised he was also wearing his issued duty belt and carrying all of the department issued equipment which consisted of: (2) pairs of handcuffs, Glock pistol and (2) extra magazines. Captain Zouhar stated all of his magazines were at full capacity and he was not carrying a back-up weapon. Captain Zouhar also indicated he does not employ the use of any personal audio/video recording devices on his person or in his assigned patrol vehicle while on duty.

Special Agent Stranahan then asked Captain Zouhar questions concerning his assigned vehicle and zone assignment on November 29, 2012. According to Captain Zouhar, he began his shift on November 29, 2012 at approximately 1300 hours. Captain Zouhar indicated he starts each shift by checking e-mails and reading reports. Captain Zouhar will then meet with the Lieutenants and Sergeants to pass on information. Captain Zouhar stated that prior to the pursuit on November 29, 2012 he was at the Second District Station reading reports and passing on information. When he left the station after hearing radio traffic concerning the pursuit, Captain Zouhar was driven to the scene by Sergeant Martinez in patrol unit 251. Captain Zouhar was seated in the front passenger's seat and Sergeant Martinez was driving the vehicle. According to Captain Zouhar, patrol unit 251 is equipped with working emergency lights, siren, spotlight, mobile radio and mobile data terminal (onboard computer system).

Special Agent Saraya then asked Captain Zouhar how he first heard about the pursuit and how he became involved. Captain Zouhar confirmed he was at the Second District Police Station when he overheard a radio broadcast concerning a pursuit while walking past the Sergeants' Office. Captain Zouhar recalled hearing Officer Nan report he was shot at near the Justice Center and he [Officer Nan] was in pursuit of the suspect vehicle. Captain Zouhar advised he remained in the area to monitor the radio traffic concerning the pursuit because he was not carrying a portable

radio at this time. Captain Zouhar then recalled hearing Sergeant Dailey on the radio monitoring the pursuit as the supervisor. Captain Zouhar also recalled hearing several additional radio broadcasts which pertained to the pursuit. Captain Zouhar recalled an officer involved in the pursuit reported via radio that the suspects were pointing a gun out the window of the suspect vehicle. Captain Zouhar later recalled hearing an officer involved in the pursuit report that the suspect vehicle had "rammed" a zone car and the suspects appeared as though they might exit the suspect vehicle and flee the area on foot. Captain Zouhar is unable to identify the individual officers who made the aforementioned radio broadcasts.

Captain Zouhar recalled he was still at the Second District Police Station while he overheard the aforementioned radio broadcasts. According to Captain Zouhar he had confidence in Sergeant Dailey's ability as the supervisor monitoring the pursuit. Captain Zouhar stated that after he heard Sergeant Dailey in charge of the pursuit, he only "spot" monitored the radio traffic concerning the pursuit. Captain Zouhar advised that to this point in the pursuit he did not hear any policy violations via the radio broadcasts he heard. Captain Zouhar recalled the last radio broadcast he heard prompted him to leave the police station. Captain Zouhar stated he heard an officer broadcast "shots fired" and he is unable to identify the officer who made this broadcast. Captain Zouhar advised he then contacted Commander Selzer to advise him of the pursuit and possible officer involved shooting. Captain Zouhar next called Cleveland Police Dispatch and requested that the use of force team be dispatched to the scene. At this time Captain Zouhar located Sergeant Martinez and requested that Sergeant Martinez drive him to the scene. Captain Zouhar recalled that the scene was located at the Heritage Middle School which is located at 14410 Terrace Road in East Cleveland, Ohio.

Upon arrival on scene, Captain Zouhar recalled that all of the emergency lights on the zone cars in the parking lot of the school had been turned off. Captain Zouhar felt that the scene had sufficient lighting due to lights within the school parking lot. Captain Zouhar observed numerous Cleveland Police Officers in the parking lot and that crime scene tape had been used to secure the scene. According to Captain Zouhar, Deputy Chief Williams arrived on scene and ordered a media area to be set up at the east end of the school parking lot near Lee Road. Captain Zouhar recalled that Lieutenant Timm and Commander Chura arrived on scene a short time later. Captain Zouhar recalled helping Lieutenant Timm and Commander Chura separate the officers who discharged their weapons from the officers who did not. Captain Zouhar then left the scene and returned to the Cleveland Police Department Second District Station.

Captain Zouhar advised that the information he provided was truthful and he is unable to provide any additional details regarding this investigation. Captain Zouhar then indicated he wanted to make an additional statement concerning this investigation. Captain Zouhar stated it was his opinion that the pursuit on November 29, 2012, was conducted within the policies of the Cleveland Police Department. Captain Zouhar stated that based on the radio traffic he heard he did not call off the pursuit as he felt the suspects were a danger to the rest of the community. At this time the interview with Captain Zouhar was concluded and Captain Zouhar, his attorney and Union representative departed area. The interview with Captain Zouhar was audio/video recorded and a copy of the interview was downloaded to a DVD which was added to this case file as Exhibit #78.

Subject Information

Name: Ulrich A. Zouhar
Address: [REDACTED] Cleveland, Cuyahoga County, Ohio 44135
Telephone: [REDACTED] (home telephone)
Employment: Captain - Cleveland Police Department
DOB: 10-10-1957
SSN: [REDACTED]
Sex: Male
Race: White
Height: 5'8"
Weight: 205 lbs.
Hair: Brown
Eyes: Brown
S/V/W: W
CCH: No
