



Ohio Bureau of Criminal Identification & Investigation
INVESTIGATIVE REPORT



12/20/2012 INTERVIEW OF SGT. RICHARD MARTINEZ

Summary

On Thursday, December 20, 2012, Special Agent Saraya and Special Agent Stranahan conducted an interview with Cleveland Police Sergeant Richard R. Martinez 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 1655 hours, Special Agent Saraya and Special Agent Stranahan were assigned to conduct an interview with Cleveland Police Sergeant Richard R. Martinez 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 Sgt. Martinez was conducted at the Richfield BCI offices and was audio/video recorded and added to the file as Exhibit #80.

At approximately 1700 hours, Special Agent Saraya and Special Agent Stranahan met with Sgt. Martinez, 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 Sgt. Martinez 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 Sgt. Martinez during the interview.

Sgt. Martinez indicated he has been a Cleveland Police Officer for approximately sixteen (16) years and he had no prior law enforcement experience prior to working for Cleveland Police Department. According to Sgt. Martinez he is currently as a sector supervisor within the Cleveland Police Department Second District and his radio call sign is 2S34. Sgt. Martinez explained that due to the size of the Cleveland Police Department Second District there are two (2) sergeants assigned to supervise basic patrol on each shift. Sgt. Martinez advised that the Second District is then basically divided into two (2) halves and he is responsible for the

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 Str</i>
Date of Report: December 20, 2012	Exhibit #: 80
Investigative Activity: Interview of Sgt. Richard Martinez	Supervisor Approval: Dennis Sweet <i>[Signature]</i> JAN 14 2013

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supervision of officers within one half of the district. Sgt. Martinez stated his normal work hours are 2200 hours – 0800 hours and his supervisor is Lieutenant Socha.

The next topic discussed with Sgt. Martinez was the type of training he has received. Sgt. Martinez indicated he holds a current Peace Officer Certification through the Ohio Peace Officer Training Academy (OPOTA) and he served in the United States Army from 1981 through 1992. Sgt. Martinez indicated he last attended in-service training with the Cleveland Police Department in May 2012 which included a firearms requalification as well as training in the use of force. Sgt. Martinez 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 Sgt. Martinez several questions related to his health and substance abuse. Sgt. Martinez advised he is in good health and is not taking any prescription medications. Sgt. Martinez stated he does not wear glasses and has no problems with drug or alcohol abuse.

Special Agent Stranahan next asked Sgt. Martinez questions regarding the type of uniform he was wearing and type of equipment he was carrying on November 29, 2012. According to Sgt. Martinez, he was wearing his Cleveland Police Department issued class B uniform during his shift on November 29, 2012. Sgt. Martinez described this uniform as consisting of navy blue pants, a navy blue shirt with Cleveland Police Department markings and a bullet resistant vest. Sgt. Martinez 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. Sgt. Martinez stated all of his magazines were at full capacity and he was carrying a CAR nine (9) millimeter pistol in an ankle holster as a back-up weapon. Sgt. Martinez 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 Sgt. Martinez questions concerning his assigned vehicle and zone assignment on November 29, 2012. Sgt. Martinez indicated that prior to his involvement in the pursuit he was at the Second District Police Station. Sgt. Martinez advised when he left the station, he drove Captain Zouhar to the scene in patrol unit 251. Sgt. Martinez stated he was driving the vehicle and Captain Zouhar was seated in the front passenger's seat. According to Sgt. Martinez, patrol unit 251 is equipped with working emergency lights, siren, spotlight, mobile radio and mobile data terminal (onboard computer system).

Special Agent Stranahan next spoke with Sgt. Martinez regarding how he first became involved in the pursuit. While at the Second District Police Station, Sgt. Martinez overheard a radio broadcast on channel 2. According to Sgt. Martinez, Officer Nan broadcast that he had been shot at while at the Cleveland Police Mobile Services Unit which is located at 205 West St. Clair Street. Based on the radio traffic he heard, Sgt. Martinez determined that Officers Hummel and Siefer had located the suspect vehicle and were actively engaged in the pursuit as the lead vehicle. Sgt. Martinez advised he then heard Sgt. Dailey on the radio and that Sgt. Dailey was the supervisor actively monitoring the pursuit of the suspect vehicle. According to Sgt. Martinez, he did not actively monitor additional radio traffic pertaining to the pursuit due to Sgt.

Dailey's involvement and he remained at the Second District Police Station.

Sgt. Martinez indicated the next radio traffic he heard was an officer involved in the pursuit broadcast information regarding the suspect pointing a gun out the window of the suspect vehicle. Sgt. Martinez recalled that the officer who broadcast this information reported his location as being the area of the roundabout on West 14 Street and he is unable to identify the officer who broadcast the aforementioned information. A short time later, Sgt. Martinez heard an additional radio broadcast from Sgt. Coleman who reported that the suspect appeared to be reloading a gun inside of the suspect vehicle. Sgt. Martinez is unable to recall the exact location provided by Sgt. Coleman at the time of this broadcast. According to Sgt. Martinez, he then heard a radio broadcast by an unknown officer who reported the suspect was holding a red soda can in their hand outside of the window of the suspect vehicle. Sgt. Martinez stated he continued to monitor radio traffic concerning the pursuit and heard that it had ended on a dead end street in East Cleveland.

According to Sgt. Martinez, he had not left the Cleveland Police Department Second District Station to this point in the pursuit. Sgt. Martinez was then approached by Captain Zouhar and requested to drive Captain Zouhar to the scene. Sgt. Martinez advised he and Captain Zouhar then departed the Second District Station and entered patrol unit 251.

Upon arrival in the area, Sgt. Martinez recalled he parked unit 251 on Wymore Road a short distance away from the parking lot of Heritage Middle School which is located at 14410 Terrace Road in East Cleveland. Sgt. Martinez and Captain Zouhar then exited unit 251 and walked to the scene. Sgt. Martinez recalled that the school parking lot was dimly lit and described the lighting conditions as poor. Sgt. Martinez advised the gun fire had ended by the time he arrived on scene. Sgt. Martinez said he spoke with several officers on scene to ensure they were not injured and then returned to patrol unit 251. Sgt. Martinez then sat inside of unit 251 reading a book for the remainder of the time he was on scene. Sgt. Martinez estimated he was on scene for approximately two (2) hours before returning to the Second District Station.

Sgt. Martinez advised that the information he provided was truthful and he is unable to provide any additional details regarding this investigation. At this time the interview with Sgt. Martinez was concluded and Sgt. Martinez, his attorney and Union representative departed area. The interview with Sgt. Martinez was audio/video recorded and a copy of the interview was downloaded to a DVD which was added to this case file as Exhibit #80.

Subject Information

Name: Richard R. Martinez
Address: [REDACTED] Cleveland, Cuyahoga County, Ohio 44144
Telephone: [REDACTED] (personal cellular telephone)
Employment: Sergeant - Cleveland Police Department
DOB: 1/24/1964
SSN: [REDACTED]
Sex: Male
Race: Hispanic
Height: 5'11"
Weight: 230 lbs.
Hair: Black
Eyes: Brown
S/V/W: W
CCH: No
