



Ohio Bureau of Criminal Identification & Investigation
INVESTIGATIVE REPORT



12/26/2012 REPORT RECEIVED FROM CUYAHOGA COUNTY SHERIFF'S OFFICE

Summary

On December 26, 2012 Special Agent (SA) Mark Kollar received reports from the Cuyahoga County Sheriff's Office detectives regarding the ongoing investigation into the officer involved shooting in East Cleveland, Ohio.

Details

On December 26, 2012 Special Agent (SA) Mark Kollar received reports from the Cuyahoga County Sheriff's Office detectives regarding the ongoing investigation into the officer involved shooting in East Cleveland, Ohio. The reports received were as follows:

12/21/12 – Interview of Officer Daniel Zola – Exhibit #118

12/21/12 – Review of DVD from Cleveland Clinic – Exhibit #119

12/26/12 – Review of DVD from E. Cleveland Board of DD – Exhibit #122

12/26/12 – Review of DVD from CMHA Bldg. Wade Park – Exhibit #123

12/27/12 – Interview of Sgt. Herpka from RTAPD – N/A

File Number: SI-18-12-82-1493	File Title: Timothy R. Russell (S) Malissa A. Williams (S)
Case Agent: Mark Kollar	Authoring Agent: Mark E. Kollar <i>Mek</i>
Date of Report: 12/26/2012	Exhibit #: 118, 119, 122, 123
Investigative Activity: Report Received from CCSO	Supervisor Approval: Dennis Sweet <i>Dennis Sweet</i> JAN 17 2013

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CUYAHOGA COUNTY SHERIFF'S OFFICE

SUMMARY REPORT

INCIDENT CLEVELAND POLICE DEPARTMENT PURSUIT/SHOOTING 11/29/2012

On December 21, 2012, while assigned to Special Investigation in cooperation with the Ohio Bureau of Criminal Investigation and Identification (BCII) and the East Cleveland Police Department (ECPD). BCII Agent Scott Stranahan and Detective David Jacobs, Cuyahoga County Sheriff's Office (CCSO) were assigned to interview Cleveland Police Department (CPD) Patrolman DANIEL ZOLA in the presence of CPD Union representative Jeffrey Follmer and Union Attorney Patrick D'Angelo. The Interview took place at 4055 Highlander parkway, Richfield, Ohio 44286. ZOLA thereafter provided the following information concerning the captioned incident:

Synopsis:

CPD OFFICER DANIEL ZOLA

Home address: [REDACTED] Brecksville, Ohio

Date of Birth (DOB) 08/02/1968

Cell Phone [REDACTED]

Never arrived at Heritage Middle School, East Cleveland, Ohio, therefore no cell use.

Employed at CPD for approximately thirteen and one half years (13 ½ years)

Current Assignment- Second District Basic Patrol

Shift-Third Platoon 9:30pm to 7:30am

Supervisor Sergeant Greg Farmer

Days off "Q" class

No overtime/no part-time 48 hours prior to incident

Rested at the time of the incident-yes

No issues with drugs and alcohol

No medications (current to include the night of the incident)

Corrective lenses-Only "reading glasses", bi-focals

Uniform-Class "B" (blue on blue)

Duty Belt-CPD issued Glock 19, 2 magazines (topped off), 1 set of handcuffs, portable radio, asp baton

Outer carrier bullet proof vest-Taser, flashlight

Vehicle number-221 (was not positive)

Call Sign-2B36

Partner-Yes, Bryan Pfueffer (Driver)

In car camera-no

Spotlight-yes, Emergency Lights-yes, Siren-yes

Radio Channel-Car was set to Channel 2

Vehicle MDT-unsure

In Service Training-Sometime in the summer of 2012, Annual Requalification

No specialized training or certifications

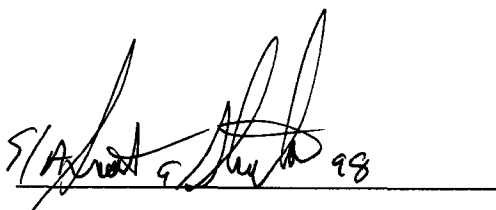
Prior shooting involvement-ZOLA was involved in a shooting in October of 2010

No prior military experience

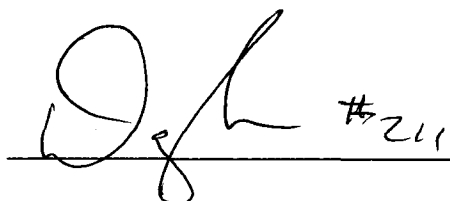
DETAILS

At approximately 10:20pm, on November 29th ZOLA and PFUEFFER were at the Cypress Deli near State Road and Cypress Avenue in the City of Cleveland, Ohio. ZOLA stated they received radio traffic on Channel 2 that a "shot was fired from a vehicle that was at a high rate of speed." The location called out was downtown near Ontario Street. ZOLA stated they proceeded north/west toward the initial call location. Radio traffic updated stating the pursuit was heading into the Second District. ZOLA and his partner made it to Denison Avenue and West 65th Street when they heard an update from dispatch that the pursuit was near West 73rd Street near Lorain Road. ZOLA went on to say they also heard radio traffic stating "Looks like they are pointing a gun watch out guys." Radio traffic indicated that the pursuit was near Steelyard and possibly getting on 90 Eastbound. ZOLA and his partner were near Clark Avenue and Scranton Road when they cut up possibly Starkweather Avenue to enter 90 East at West 14th Street.

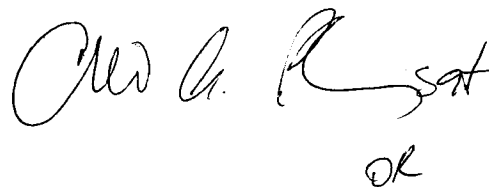
More radio traffic indicated that they were pointing a gun out the window and that they may have just shot at Police Cars. ZOLA and his partner entered 90 East and may have been about a quarter mile to a half mile behind the suspect vehicle. ZOLA and his partner were following several Police Cars who in turn were following the suspect vehicle. ZOLA continued to follow the Police Cars as they exited at East 72nd Street and began to travel south. ZOLA could not follow radio traffic because he does not know the streets nor did the other units involved so they simply followed the east and west communications. At this time ZOLA heard an unknown female Police Officer say "It looks like they are reloading a gun." ZOLA made his way to Euclid Avenue and was stopped behind two unknown Police Cars. At this time he saw the suspect vehicle speed by at a high rate of speed. ZOLA stated that it was maybe four or five seconds after seeing the suspect vehicle that he observed several Police Cars pursuing. ZOLA and his partner pulled out onto Euclid Avenue at the rear of the pursuit. ZOLA stated his partner (driving) made a left (eastbound) onto Euclid and inadvertently ended up in the westbound lane. ZOLA stated his partner crossed over a median (RTA bus stop) when they soon realized they had blown out both drivers side tires. ZOLA stated they may have went another one hundred fifty yards before coming to rest. About forty-five seconds to one minute later they a radio traffic state "shots fired shots fired, watch out for crossfire." ZOLA then heard "Start EMS." ZOLA did remember hearing radio traffic prior to the shots fired call; "they are going down a hill into a school." They switched their radio to Channel 7 and called for a tow truck. ZOLA and his partner never made it to Heritage Middle School and were unsure of their exact resting location, but did recall they were near a gas station on Euclid Avenue.



Agent Scott Stranahan BCII



Detective David A. Jacobs #211 (author)



OK

CUYAHOGA COUNTY SHERIFF'S OFFICE

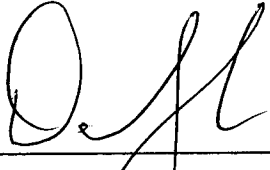
SUMMARY REPORT

INCIDENT CLEVELAND POLICE DEPARTMENT PURSUIT/SHOOTING 11/29/2012

On December 21, 2012, at approximately 5:00pm, Detective David Jacobs #211 while in conjunction with the Special Investigation conducted by the Ohio Attorney General's Office, Bureau of Criminal Identification and Investigation (BCII), Cuyahoga County Sheriff's Office and the East Cleveland Police Department (ECPD) had the occasion to review a DVD. The DVD is labeled BCII case #12-3-0116, Date: 11/29/2012, Video from: Cleveland Clinic Stephanie Tubbs Jones Center 13944 Euclid Avenue. The following is a summary of the DVD:

The "header" on the video is 2012-11-29, 22:52:55. At 22:52:57 the suspect vehicle appears in the south lane, eastbound on Euclid Avenue. The suspect vehicle is followed closely by a marked Police Unit with overhead lights and it appears the marked unit is about one car length behind. The closest Police Unit is in the middle lane. It appears the second Police car is an unmarked Unit with some type of emergency lights.

The video closes out at 22:59:00, prior to that, it is estimated that forty-four marked Police units and thirteen unmarked Police Units pass thru the camera, all of which are heading eastbound. At 22:57:19, an Ambulance with its lights on is seen going westbound on Euclid Avenue. The last Police Unit is viewed going eastbound at 22:58:10.

 #211

Detective David A. Jacobs #211 (author)

 Sgt.
OK

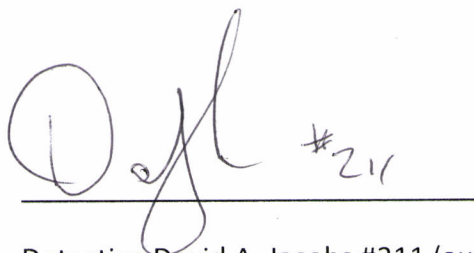
CUYAHOGA COUNTY SHERIFF'S OFFICE

SUMMARY REPORT

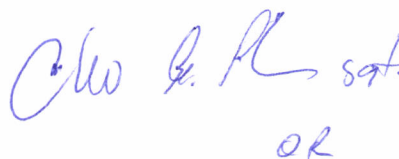
INCIDENT CLEVELAND POLICE DEPARTMENT PURSUIT/SHOOTING 11/29/2012

On December 26, 2012, at approximately 11:00am, Detective David Jacobs #211 while in conjunction with the Special Investigation conducted by the Ohio Attorney General's Office, Bureau of Criminal Identification and Investigation (BCII), Cuyahoga County Sheriff's Office and the East Cleveland Police Department (ECPD) had the occasion to review a DVD. The DVD is labeled BCII case #12-3-0116, Date: 11/29/2012, Video from: East Cleveland Board of DD, 13231 Euclid Avenue, Evidence item #8. The following is a summary of the DVD:

The "header" on the video is 2012-11-29, (starting time) 22:41:25. At 22:44:30 it appears that several (unknown due to the quality of video) Police Cars, with their overhead lights activated pass thru the video camera's view. The video is "grainy", and it appears the video records are based on "motion", which is indicated in the description box. It also appears that all of the Police Cars are traveling eastbound. The video closes out at 22:50:00.

A handwritten signature in black ink, consisting of a large 'D' followed by a stylized 'J' and the number '#211' to the right. A horizontal line is drawn below the signature.

Detective David A. Jacobs #211 (author)

A handwritten signature in blue ink, appearing to read 'Clew G. R. sat.' with 'OK' written below it.

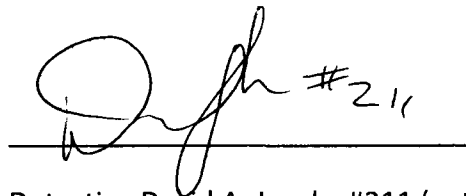
CUYAHOGA COUNTY SHERIFF'S OFFICE

SUMMARY REPORT

INCIDENT CLEVELAND POLICE DEPARTMENT PURSUIT/SHOOTING 11/29/2012

On December 26, 2012, at approximately 11:50am, Detective David Jacobs #211 while in conjunction with the Special Investigation conducted by the Ohio Attorney General's Office, Bureau of Criminal Identification and Investigation (BCII), Cuyahoga County Sheriff's Office and the East Cleveland Police Department (ECPD) had the occasion to review a DVD. The DVD is labeled BCII case #12-3-0116, Date: 11/29/2012, Video from: CMHA Building 9500 Wade Park , Evidence item #9. The following is a summary of the DVD:

The "header" on the video is 2012-11-29, Front Lot RT,(starting time) 10:47:29 it appears that several Police Cars, with their overhead lights activated pass thru the video camera's view. The video is running at a high speed and it difficult to determine the exact amount of Police Cars that pass thru the camera's view. The last Police Car that passes thru the camera's view is at 10:48:27. The video closes out at 10:51:56.

A handwritten signature in black ink, appearing to read "D. Jacobs #211", is written above a horizontal line.

Detective David A. Jacobs #211 (author)

A handwritten signature in black ink, appearing to read "CW Sgt.", is written below the signature of Detective David A. Jacobs.

OK


CUYAHOGA COUNTY SHERIFF'S OFFICE


Summary Report

Incident: Cleveland Police Department (CPD) pursuit and officer involved shooting,
November 29, 2012.

The following interview was conducted on December 27th, 2012, in conjunction with the captioned investigation. The interview was done by Detective Jacobs and was done telephonically. The interviewee's name is Sergeant HERPKA, Greater Cleveland Regional Transit Authority Police Department (RTAPD), cell phone [REDACTED]. HERPKA was made aware of the interviewer's name and the purpose of the interview. HERPKA thereafter provided the following facts:

According to the Cleveland Police Officers involved in the captioned case there may have been RTA Police cars on scene and or may have participated in the pursuit. The Cleveland Police Officers interviewed in the captioned matter stated they were fairly positive they observed RTA police cars on scene. Sergeant HERPKA advised he would look into this matter and call back with his findings.


Detective David Jacobs #211
Cuyahoga County Sheriff's Office


OK