



Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2023-2307

Officer-Involved Critical Incident- I-75 Southbound at Mile Marker 110

Investigative Activity: Interview with Trooper

Involves: ██████████

Activity Date: 10/30/2023

Activity Location: BG Office

Authoring Agent: SA Chris Hamberg #69

Narrative:

On Monday, October 30, 2023, at 1140 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Chris Hamberg (SA Hamberg) and SA Josh Rammel (SA Rammel) interviewed Ohio State Highway Patrol (OSHP) Sergeant (Sgt.) ██████████ (██████), who was accompanied by his attorney, Tom Matuszak. The interview took place in a small conference room at the Bowling Green BCI office. The interview was audio recorded.

Sgt. ██████████ read, understood, and signed the BCI Criminal Investigation Notification form.

During the course of the interview, agents utilized tactics designed to illicit truthful responses and to test the veracity of information provided. As many of the details of the investigation into the incident were publicly available, it was necessary to utilize alternative tactics (beyond the typical methodology of retaining confidential "holdout" information regarding the incident and then comparing/contrasting witness statements with information that could only be known by those with actual knowledge of the incident). These tactics include developing rapport and potentially providing information known to be erroneous. Therefore, misstatements of facts or evidence in the recorded interview by the interviewing agents are intentional and align with the strategy for the overall investigative plan.

This report only summarizes the information deemed by the author to be of the most relevance to the investigation and does not purport to contain all questions and answers from the interview. Further, this report was placed in a chronology to aid the reader's overall understanding of the information elicited during the interview and may not be reflective of the actual sequencing of questions. It is suggested that the full recording be reviewed to clarify any content or contextual questions regarding the information from the interview.



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Preliminary and Demographic Information:

Name: ██████████	Rank: Sergeant (Sgt.)
Badge Number: █████	Cruiser/Vehicle Number: █████
Radio Call Sign: █████	Immediate Supervisor: Sgt. Nick Boes
Radio Channel Utilized: Lima Frequency	Mobile Data Terminal: Present & Utilized
Cruiser Description: Marked OSHP cruiser with lights and standard markings	Occupants of Cruiser and Seating Positions: NA
Assignment: Van Wert County Fair	Normal Shift: 1400 hours 2200 hours
In-Car Camera: Operational & Utilized	Spotlight: Present; Not utilized
Emergency Lights: Present & Utilized	Siren: Present & Utilized
Shift Day of Incident: 1430 hours.	Duty Status: On-Duty
Days Off: Previous Thursday and Friday	Prior Overtime or Extra Details within Preceding 48 Hours: None
Total Length as Officer: 7 years	Consider Self Well Rested? Yes
Physical Disabilities (to include hearing aid): None	Length at Current Agency: 7 years
Uniform Worn: Standard OSHP marked uniform	Corrective Lenses: No Corrective Lenses
Ballistic Vest: Concealed Armor	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Sig Sauer P 320 9mm; extra magazines, handcuffs, taser
Other Recording Devices: None	Body Worn Camera: Present & Used
Injuries: None	Partner: None
Training or Areas of Specialty: None	Equipment Damage: None
Military Experience/Training: None	OPOTC Certification: 9/28/2016 160th Basic Academy at the OSHP
Prior Shooting Incidents: None	
Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident: None	Prior Discipline or Use-of-Force Complaints: None
Alcohol in Past 24 Hours? No	Medications, Prescriptions, or Drugs that might Impair You Now for Interview: None



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Officer's Firearm(s):

Weapon #1

Make: Sig Sauer	Model: P 320
Caliber/Gauge: 9 mm	Serial: [REDACTED]
Type: Semi-Auto Handgun	Method of Carry: On the hip, right side
Discharged During Incident? No	Primary or Backup Weapon: Primary
Rounds Remaining After Incident: NA	Number of Rounds Fired: None
Right/Left-Handed Carry: Right-Handed	Ownership: Department Owned
Last Qualification Date: 5/17/2023	Type of Holster, if any: Retention

Weapon #2

Make: Aero	Model: M4E1
Caliber/Gauge: .223 caliber	Serial: [REDACTED]
Type: Rifle	Method of Carry: Sling
Magazine Capacity: 30 rounds	Total Rounds as Carried (including chamber): 28 rounds
Extra Magazines: None	Number of Rounds in Extra Magazines: NA
Discharged During Incident? Yes	Primary or Backup Weapon: Backup
Rounds Remaining After Incident: 27	Number of Rounds Fired: One (1)
Right/Left-Handed Carry: Right-Handed	Ownership: Department Owned
Last Qualification Date: 5/17/2023	Type of Holster, if any: NA



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Narrative:

SA Hamberg asked [REDACTED] if he could describe how the events unfolded on September 3, 2023, in regard to the officer involved critical incident (OICI). [REDACTED] stated that on September 3, 2023, [REDACTED] was working 1030 hours to 1830 hours and was assigned to the Van Wert County Fair. [REDACTED] stated he was at the Van Wert Post going through emails when he was notified of the alert of a subject from Chicago, IL being wanted for a possible homicide. [REDACTED] stated he completed his paperwork at the post and was headed to the Van Wert County Fair when he overheard radio traffic that the subject out of Chicago, IL was located in the Bowling Green area and a pursuit ensued on Interstate 75 (I-75) heading southbound.

[REDACTED] stated he took US Route 30 toward I-75; however, by the time he reached I-75, the pursuit passed that area. [REDACTED] stated he took S.R. 65 southbound and was driving parallel with the other units, in the event the pursuit came his direction. [REDACTED] stated he eventually got onto I-75 and was attempting to catch up with other Troopers, when he observed a Trooper changing a tire on his cruiser, and overheard radio traffic that other Troopers were calling out they were running out of gas and needed to refuel.

[REDACTED] stated he was only familiar with Staff Lieutenant Matt Crow (Crow) who was involved in the pursuit. [REDACTED] stated as they got to the Wapakoneta area, he overheard someone on the radio give the command to initiate contact with the subject's vehicle and end this before they got into a metropolitan area. [REDACTED] stated a Sgt. (unsure of the name) from the Wapakoneta Post indicated that this would be a good location to do the pit maneuver. [REDACTED] added that he was unfamiliar with this area; however, the pit maneuver was successful, and the subject vehicle came to rest in the median with the front of the vehicle facing northwest.

[REDACTED] said that he pulled his cruiser along the median on the left side of the roadway, when several other Trooper cruisers pulled up and parked from the right side of his cruiser and they "fanned" around facing the subject's vehicle.

[REDACTED] stated he got out of his cruiser and went to the trunk to put on his external vest carrier and to retrieve his AR-15 rifle that uses .223 rounds. [REDACTED] added that he carries twenty-eight (28) rounds in the magazine, and he charged one (1) round into the chamber. [REDACTED] told agents that he took cover behind a cruiser.

[REDACTED] stated he stayed on the subject vehicle with his rifle; however, the vehicle was on fire and, due to the heavy smoke and the window being tinted, he could not observe the driver.

[REDACTED] stated there were Troopers who were closer to the subject than he was, who were giving out verbal commands to the subject. [REDACTED] added that he was not sure how long it took, but the driver side door eventually opened up and the subject got out, when a Trooper yelled that the



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subject had a handgun in his hand. [REDACTED] added due to the heavy smoke and his angle, he could not observe the subject. [REDACTED] stated that the subject then began walking southbound on the roadway, when he came around the cruiser and the discussion was to utilize Lieutenant Evan Slates' SUV cruiser as a moving barricade.

[REDACTED] stated that he was walking along the left/driver side of Slates' cruiser when Trooper Brandon Schreiber was to the right side of him and was walking adjacent to Slates' cruiser. [REDACTED] added that the Lima Police Department had a K-9 unit and Trooper John Sanders-Tirado was talking to the subject and they were on the right side of Slates' cruiser, but did not know their exact location or any other Trooper's exaction location when they were walking down the roadway.

[REDACTED] stated as the subject was walking southbound, the subject was holding the handgun by the trigger guard, in a non-aggressive manner and continued walking away from the Troopers. Troopers were yelling verbal commands for the subject to drop the gun and get on the ground, when the subject refused the verbal commands and continued walking, and crisscrossed from the left side of the roadway back over to the right side of the roadway and back again. [REDACTED] stated he did not remember how many times this occurred.

[REDACTED] said that the subject was a threat, due to the subject being suspect in a possible homicide in Chicago, IL, being in the pursuit and now having a handgun in hand, but the subject was not being aggressive with the handgun at that time, and he was not in fear of his life or his fellow Troopers at that time. [REDACTED] stated eventually the subject turned around and faced the Troopers and grabbed the handgun by the handle and put the gun up to the right side of his head. [REDACTED] said at that time, he was in fear for his life and his fellow Troopers, because the subject could point the gun right at them.

[REDACTED] stated at this time, the subject stated that he had one (1) bullet that was for himself, and he was not going back to jail. [REDACTED] stated, with his experience, he was concerned for himself and his fellow Troopers, as he thought the gun might get pointed toward them. [REDACTED] stated at this time, Staff Lieutenant Crow authorized a shot to be taken at the subject. [REDACTED] stated he thought he told everyone that he ([REDACTED] would take the shot. [REDACTED] added as he was getting ready to take the shot, the subject turned around and began walking away from them again. [REDACTED] added he did not take the shot, as he was not being threatened at that time; however, they were getting closer to the stopped civilian traffic on the northbound side of I-75 and that was a concern for [REDACTED] also. SA Hamberg asked [REDACTED] if they needed permission from command staff to use lethal or deadly force. [REDACTED] stated no. [REDACTED] added if the command staff is on the scene or notified of a situation, they will authorize a pit maneuver or other actions that could be taken.



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████████ stated that the subject kept walking and he was yelling out verbal commands for the subject to drop the gun and get on his knees, when the subject failed to comply with the verbal commands and continued walking down the roadway. SA Hamberg asked ██████████ as the time went on, did the subject get more agitated with the situation. ██████████ stated yes, as the subject was not talking to them and he was refusing to comply with their orders and continued walking down the roadway. ██████████ stated that the subject then turned around abruptly and was facing the Troopers with the gun to his head again. ██████████ stated at that time, he stopped walking, aimed the rifle at the subject's "center mass" and took one (1) shot at the subject. ██████████ stated that the gun came out of the subject's hand and the subject fell to the ground.

████████ told agents that they walked up to the subject when he gave the orders to secure the subject's gun and secure the subject. ██████████ stated someone got on the radio and asked for a squad. ██████████ stated he asked for a medical bag and assisted with rendering medical aid to the subject and continued with that until the paramedics arrived. SA Hamberg asked ██████████ if he had any additional medical training. ██████████ stated in 2014 he received his EMT Certification.

The interview concluded at approximately 1203 hours.

The interview was audio recorded. The audio recording was attached to this report. The signed BCI Criminal Investigation Notification form is also attached to this report. Sgt. ██████████ also provided a written statement of the critical incident. Sgt. ██████████ signed his written statement. The written statement is also attached to this report. Please see the attachments for further details.



DAVE YOST

OHIO ATTORNEY GENERAL



Bureau of Criminal Investigation
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Criminal Investigation Notification

1. This investigation is being conducted in order to determine whether any criminal laws have been violated on the part of those involved in this incident. Specifically, to collect facts and information to be provided to the prosecutor and/or grand jury in order for them to determine whether the conduct involved is authorized or prohibited by criminal statutes.
2. Your participation in this interview is voluntary and you may decline to answer or cease the interview at any time. You are entitled to have an attorney present if you wish.
3. The criminal investigation is separate from any internal, administrative investigation which your employer may or may not be independently conducting. You are not being compelled to give any statement or answer any questions. This is **not** a "Garrity" interview (where you could be required to answer).

[Redacted Name]

Printed Name of Interviewee

10/30/23 1130A

Date / Time

[Redacted Signature]

Signature of Interviewee

Chris Hamberg

BCI Agent (Printed)

[Handwritten Signature]

BCI Agent (Signature)

Statement of Sergeant [REDACTED], Unit [REDACTED]

“I prepared this report based upon my observations and/or those of other troopers relative to the instant offense(s). The facts contained herein are intended solely to give the prosecuting authority a basic understanding of the facts pertaining to this case. The facts contained herein are not intended to be an exhaustive recitation of the facts pertaining to pretrial or trial issues. Instead, I anticipate that, during the pretrial proceedings in this case, both the prosecutor and defense counsel will take the opportunity to interview me in order to ascertain any and all relevant facts which might be the subject of my testimony in court proceedings.”

This statement regards my involvement in an incident that occurred between approximately 1339 hours and 1445 hours on Sunday, September 3rd, 2023 in Auglaize County, Ohio. I am making this statement voluntarily as part of the investigation being conducted by the Ohio Bureau of Criminal Investigation.

I started my career with the Ohio State Highway Patrol as a dispatcher at the Van Wert Dispatch Center in June of 2014. In April of 2016, I entered the 160th academy class. I graduated the academy in September of 2016 and was assigned to the Lima Post. I was promoted to the rank of sergeant in October of 2021 at the Defiance Post. In July of 2022, I transferred back to the Lima Post, and that is my current assignment.

On the day of this incident, I was wearing the uniform of the day. This consisted of dark gray trousers, short-sleeved light gray shirt, and a straw hat. On my shirt I wore my badge and sergeant chevrons. I was also wearing a body-worn camera that was positioned on my chest, and was activated during this incident. I was operating patrol car SP [REDACTED]. This car is a fully marked patrol car. It is equipped with a light bar and sirens. There is also a dash camera mounted to the windshield that was activated during this incident.

I was carrying my duty-issue primary service weapon, a Sig Sauer P320 9mm handgun. I was also carrying my duty-issue secondary handgun, a Sig Sauer P365 9mm handgun. My range qualifications are current for both weapons; however, I did not use either weapon during this incident. Instead, I was equipped with my duty-issue semi-automatic Aero Precision AR-style rifle. This weapon holds 30 rounds, but I only load 28 rounds, consistent with my training and division policy. I am current in my range qualifications with this weapon.

On Sunday, September 3rd, 2023, I reported to the Van Wert Post at approximately 1100 hours. While I am assigned to the Lima Post, I assist with recruitment events in the Findlay District. On this day, I was going to be at the Van Wert County Fair.

I was checking my emails and read an officer safety email put out from the Chicago Police Department. The email was for Danny Berry. It stated that Danny Berry is traveling to Cleveland from Chicago after just shooting a victim in the head. It also stated that Danny Berry made statements to his family that he is not going to jail and would kill himself. The email also had a description of the last vehicle Danny Berry was seen driving; it was a 2006 blue Chrysler Pacifica.

While getting ready to leave the Van Wert Post, I was advised of a murder suspect that was possibly on Interstate 75 near Bowling Green. I got into my patrol car where my in-car radio system was on the Lima Post frequency. At this time, I heard Lieutenant Evan Slates advise that he had visual on the suspect vehicle and that it was going to be a pursuit. The vehicle matched the description of the vehicle that the suspect, Danny Berry,

was supposed to be driving.

I started to respond to the area on U.S. Route 30. I was attempting to get into the area to assist with paralleling the pursuit or a perimeter if needed. When I got into the area of the pursuit, I heard a trooper advise that he was out of the pursuit due to running out of fuel. At this same time, I observed a trooper disabled along the road changing a tire. Rather than attempting to parallel, I believed it would be beneficial to stay on Interstate 75 to assist with stopping traffic when the pursuit comes to an end. Another trooper and I stayed approximately a mile behind the pursuit so we could stop all traffic when needed.

When intentional contact occurred, there was another unit in the rear to assist with stopping traffic. I advised them to stop the traffic and I responded up to the suspect vehicle to assist. The vehicle came to rest in the median of Interstate 75. I exited my patrol car and retrieved my rifle from the trunk. I walked up to an area where I could see the suspect vehicle. I used a patrol car for cover. At this time, I was standing in the median near the cable barrier. I could not see into the suspect vehicle due to window tint and smoke. Other units were giving commands to the driver to exit his vehicle.

The fire under the vehicle began to grow and smoke filled the driver area. The suspect exited the vehicle and had a handgun in his hand. Several troopers were ordering him to drop the gun. The suspect began to walk down the southbound lanes of Interstate 75. I moved from the patrol car that I had for cover to another patrol car where I had visual on the suspect. The suspect kept walking southbound on Interstate 75 away from where I was. Lieutenant Evan Slates drove his patrol car for cover and several troopers

walked down Interstate 75 next to the patrol car. I was positioned on the left side of Interstate 75's southbound lanes. Directly to my right was Trooper Brandon Schreiber. Directly to his right was the patrol car driven by Lieutenant Evan Slates.

The suspect was walking away from us with the gun in his right hand. Several troopers advised the suspect to drop the gun multiple times. The suspect refused to put the gun down. We were attempting to get close enough to the suspect for a K9 unit to deploy. At this time, the suspect stopped and faced us and put the gun to his head. Again, troopers ordered the man to put the gun down. At this time, I heard the suspect state that he had one bullet for himself. The suspect was ordered to drop the gun and he responded back no. I then heard the suspect say I am not going to jail.

The suspect was facing us and walking backwards with the gun to his head. I was in fear for the life of my fellow officers on scene and me. The suspect's statements made it obvious that he was not going to surrender peacefully. The suspect kept walking and was now approaching the northbound traffic of Interstate 75. This is where a trooper had motorists stopped for their safety. The closer the suspect got to the stopped traffic the more lives that were in danger from either him or from troopers if there were shots fired. At this time, I thought to myself it was time to shoot the suspect before anyone else would get seriously hurt or killed. An order then came from Staff Lieutenant Matthew Crow to take the shot. I communicated to fellow officers that I would take the shot.

As I was getting ready to shoot, the suspect turned away from us, and started walking towards the west edge of Interstate 75. The suspect again was told several times to put the gun down and to get on his knees. He refused to do so. The suspect then began

to walk to the east edge of the southbound lanes of Interstate 75. The suspect was directly in front of me. The suspect stopped and faced directly towards me with the gun in his right hand up to his head. Again, I feared for the life of my fellow officers on scene and me. I stopped walking and fired one shot at the suspect's center mass. I was getting ready to fire a second shot, but I saw the firearm drop out of the suspect's hand. The suspect fell to the ground.

I began to approach the suspect. I advised the other trooper to secure the suspect in case he had another gun on his person. I then advised a trooper to bring me a medical bag. I donned my gloves to begin first aid to the suspect. I handed my rifle to a trooper standing behind me as I could not give proper care to the suspect with the rifle in my way. I cut the suspect's shirt off to expose the area where he had been shot. I found the bullet wound in the top right portion of his chest near his shoulder. I placed gauze over the wound and applied pressure in an attempt to stop the bleeding. Other troopers and I spoke with the suspect in attempt to keep him alert as we waited for the medical personnel to arrive. The suspect stated his name was Danny Berry. When medical personnel arrived on scene, I assisted with wound pressure as they began patient care. I held wound pressure until the suspect was loaded into the ambulance and Sergeant Rodney Kiefer relieved me.

In this incident, I fired one round. I fired this shot from a stationery position using my red dot sights. I fired at the suspect's center mass. I was approximately 25 to 30 feet from the suspect. I fired in the southern direction. The only person in my line of fire was the suspect. There were no civilians or officers in my line of fire. The suspect and I were standing in the southbound lanes of Interstate 75. I would estimate that I was

approximately five feet from the yellow edge line, and the suspect was approximately two feet from the yellow edge line. I did not have any cover or concealment at the time I fired.

I was in fear for the lives of my fellow officers and me at the time of the shooting. The suspect was facing us with a handgun to his head. The suspect was given orders several times to drop the gun, and he refused to do so. From his prior statements, I felt there was no other way to end this encounter and to keep everyone in the area safe.

I do not know the suspect, Danny Berry. I do not believe that I have ever encountered him, professionally or outside of work.

This concludes my statement.



Sergeant 