



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 Officer
Involves: Nick Boes (W)
Date of Activity: 09/03/2023
Author: SAS Scott A. Stranahan, #98

Narrative:

On Sunday, September 3, 2023, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Christopher Hamberg (Hamberg) and Special Agent Supervisor (SAS) Scott Stranahan (Stranahan) conducted an interview with Ohio State Highway Patrol (OSP) Sergeant (Sgt.) Nicholas Boes. The purpose of the interview was to ascertain the actions and/or observations of Sgt. Boes during the pursuit and subsequent Officer Involved Critical Incident (OICI) involving subject Danny Berry.

The interview took place at the OSP Post in Wapakoneta which is located at 15472 Wapak-Fisher Road, Route 5, Wapakoneta, Ohio. Also present during the interview was OSP Staff Representative Bruce Elling (Elling). The interview was digitally recorded. A copy of that recording has been placed in this case file and attached to this Investigative Report. During the interview, Sgt. Boes provided the following details.

Sgt. Boes began the interview by identifying his unit number as 324 and his cruiser number as 3134. Sgt. Boes is currently assigned to the OSP Lima Post. SA Hamberg then asked Sgt. Boes to explain his involvement in this incident.

According to Sgt. Boes, dispatch requested he contact them via radio. Sgt. Boes learned a subject, wanted for a homicide in Chicago, was traveling south on Interstate 75 (I-75). Sgt. Boes recalled he made the call to dispatch at approximately 13:27 hours. Sgt. Boes also recalled he was told law enforcement was actively "pinging" the subject's phone [precise cellular location data]. Sgt. Boes learned the last ping of the subject's cellular telephone had him in the Bowling Green area on I-75. Dispatch also provided a vehicle description. Sgt. Boes was also told that Lieutenant Slates had also been notified and was actively looking for the subject vehicle (SV).

Sgt. Boes stated he then broadcast over the radio for Trooper Mershman to meet him in the area of I-75 and State Route (SR) 235. Sgt. Boes said he and Mershman would set up to deploy stop sticks in the event the SV was located and a pursuit ensued. Sgt. Boes then

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directed Troopers Schreiber and Trooper Hankensen to set up to deploy stop sticks in the area of the Beaverdam exit on I-75 as a contingency plan.

According to Sgt. Boes, he heard over the radio that Lt. Slates developed probable cause and attempted to conduct a traffic stop of the SV. The SV did not stop and a pursuit ensued. As the pursuit neared their area, both Sgt. Boes and Trooper Mershman deployed their stop sticks. The SV drove over Sgt. Boes set of stop sticks. Trooper Mershman told Sgt. Boes he would recover the stop sticks and Sgt. Boes departed the area to join the pursuit.

Once Sgt. Boes joined the pursuit, he noted speeds were maintained at approximately 70 miles per hour (MPH). As the pursuit continued, a piece or part fell off of the SV, went under Sgt. Boes' vehicle puncturing his left rear tire. Sgt. Boes then pulled over to the side of the roadway and changed his tire. A short time later, Sgt. Boes continued south on I-75.

According to Sgt. Boes, the pursuit was still going on. Sgt. Boes said he closed I-75 at the exit after State Route (SR) 33.

Once he was certain the road was closed and traffic was exiting I-75, Sgt. Boes ran down I-75 toward the area where the SV came to rest. As he was running to the area, Sgt. Boes said a Trooper had already fired a shot at the subject. According to Sgt. Boes, he learned that information from radio broadcasts. At some point, a Deputy Sheriff pulled up and gave Sgt. Boes a ride the remainder of the distance to the area where the SV came to rest.

While at the scene, Sgt. Boes heard another radio broadcast which asked for someone to drive the ambulance to the EMTs who were tending to the subject a distance away. Sgt. Boes said he then entered the ambulance and drove it to the area where the subject was on I-75. Sgt. Boes then assisted EMTs with placing the subject onto the stretcher.

Sgt. Boes said he then placed some caution cones out and put out evidence tape at the scene.

Sgt. Boes stated he did not see the subject in possession of a weapon. According to Sgt. Boes, the weapon had already been collected by the time he arrived on scene. Sgt. Boes was unable to provide any additional information and the interview was concluded.

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 audio recording. 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 or responses. It is suggested that the reader refer to the audio recording in its entirety.

Attachments:

Attachment # 01: Interview with Sgt. Nichols R Boes