



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



2023-2307

Officer Involved Critical Incident – I-75 Southbound at Mile
Marker 110, Danny E Berry (S)

Investigative Activity: Interview with Officer
Involves: Evan Slates (W)
Date of Activity: 09/03/2023
Activity Location: – I-75 S @MM-110
Author: SA Tiffany Najmulski, #49

Narrative:

On 09/03/2023, Special Agent (SA) Tiffany Najmulski (Najmulski) responded to the scene of an Officer Involved Critical Incident (OICI) at Interstate 75 and mile marker 110 in Auglaize County, Ohio. The shooting involved the Ohio State Patrol and a man by the name of Dan Berry (Berry). When SA Najmulski arrived on scene, she interviewed Lt. Evan Slates (Lt. Slates). The purpose of the interview was ascertain what involvement Lt. Slates had in the shooting incident. The following is a summary of the interview which was digitally recorded and is attached to the case file.

Lt. Slates advised he was told by dispatch at approximately 13:20 hours today that there was a homicide suspect from Chicago, Illinois in Findlay near milepost 158/159 northbound. The subject was later identified as Danny Berry. Lt. Slates contacted Lt. Crow and told him the State Patrol was working on cell phone pings. Lt. Slates said he staged near mile marker 162 on I-75 in Findlay looking for the subject's vehicle, which was described as a green Chrysler Pacifica with an Illinois license plate. Lt. Slates said he was told by dispatch he had to find his own probable cause for the stop because dispatch was still trying to confirm information on the subject wanted for the homicide.

Lt. Slates advised he sat at that location for approximately ten minutes and he saw the subject vehicle drive past him. Lt. Slates called out on the radio the subject just passed him. Lt. Slates waited for "a minute" before pulling away from his location so the subject did not see him get behind him. Trooper Kline was near mile marker 156. Lt. Slates established probable cause to pull the subject over. Lt. Slates advised he had a "following too close violation" and left of center violation.

According to Lt. Slates, the subject exited at ST RT 12 and did not use his turn signal. The subject then immediately got back onto I-75 and committed an "unmarked lane violation". Lt. Slates said he had plenty of probable cause to pull the subject over. Lt. Slates did not

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initiate his lights until back up was closer. Lt. Slates advised at this point he was doing approximately 85-90 miles per hour and thought the subject probably knew he was behind him.

Once Trooper Kline got behind Lt. Slates, Lt. Slates initiated his lights and siren and the pursuit ensued at speeds up to 120mph. Lt. Slates was the primary unit pursuing the suspect at this time. Stop sticks were in place near ST RT 235 by Sgt. Boes. The suspect approached the stop sticks, which were in the left lane, after clipping a stopped semi. The suspect continued southbound on I75 with Lt. Slates following. The suspect's vehicle parts began "falling off". By the time the suspect reached mile marker 11 in Auglaize County, Lt. Crow gave the order to perform a "pit maneuver" because it was a good area with a dense population.

Lt. Slates advised he, Trooper Kline, and Trooper Boes were together, and Trooper Roose "pitted" the subject's vehicle which spun the vehicle around and into the guard rail. Lt. Slates stopped his vehicle, got out of the car with his rifle and gave verbal commands to the subject. Lt. Slates said he could see movement in the subject's vehicle and the vehicle caught on fire with the subject inside. The subject opened the driver's door and Lt. Slates saw a gun in the subject's right hand. Lt. Slates said the subject had a revolver and the subject's finger was dangling in the trigger guard.

The decision was made that Lt. Slates' state vehicle would provide cover. Lt. Slates said he drove his cruiser while providing cover to troopers walking along side his vehicle with their weapons out. There was a Lima Police Department K-9 present at the scene as well. The K-9 officer said he did not feel comfortable sending the K-9 because they were too far from the suspect and the suspect's gun was at the "ready". The suspect said if the officers got closer, he would kill himself. Lt. Crow gave the command, "If you can, now is the time to take the shot." Lt. Slates advised Trooper [REDACTED] took the shot which hit the subject's right pectoral/collar bone area. After that, the subject was secured and handcuffed and first aid was rendered.

SA Najmulski asked where the gun was pointed when the shot was taken and Lt. Slates said the gun was pointed at the subject's own head. Lt. Slates said the subject's gun was secured and found to have one round in the chamber.

At this time, Lt. Slates had no further information to add and the interview 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 full audio recording be reviewed to clarify any content or contextual questions regarding the information from the audio recording.

Attachments:

Attachment # 01: LT Evan Slates

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