



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 Witness
Involves: Sgt. Rodney Kiefer (W)
Date of Activity: 09/03/2023
Author: SA Jason A. Snyder, #176

Narrative:

On September 03, 2023, Special Agent (SA) Jason Snyder (Snyder), with the Ohio Attorney General's Office Bureau of Criminal Investigation (BCI), conducted a recorded interview of Sergeant (Sgt.) Rodney Kiefer (Kiefer). The interview was conducted at Lima Memorial Hospital, located at 1001 Bellefontaine, Lima, Oh. 45804.

Both SA Snyder and Sgt. Kiefer agreed to meet this date and location. Sgt. Kiefer was advised that he did not have to talk to SA Snyder and could leave at any time. Sgt. Kiefer voluntarily agreed to speak to SA Snyder. Before taping began, SA Snyder introduced himself and briefly explained who he was and why he was there.

SA Snyder asked Sgt. Kiefer a little about himself. Sgt. Kiefer is a high school graduate. He has been with the Ohio State Highway Patrol (OSHP) since 2005. He received his Sergeant position in 2013. He has been assigned to the Wapakoneta Post since 2016. He is currently the supervisor for second shift which is from 1400 to 2200. His radio call sign is 1817, and cruiser number is SP1102.

SA Snyder asked Sgt. Kiefer about an incident that occurred on interstate highway 75 (I-75) that day concerning Danny Berry (Berry). Sgt. Kiefer explained that he was starting his shift and heard on the radio that there was a pursuit occurring just north of his location. Sgt. Kiefer logged onto his computer and started in the direction of the pursuit. Sgt. Kiefer rushed to respond and failed to put on a body worn camera before he left.

Sgt. Kiefer listened to the radio traffic and tried to determine if a supervisor was currently with the pursuing troopers. It was unclear who was in command of the pursuit at that time. He heard that the pursuit was southbound on I-75, at mile marker 125. His area of responsibility starts at mile marker 118. Several units were

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Approved By SAS Scott A. Stranahan on
09/27/2023

in pursuit.

Sgt. Kiefer went to I-75 and sat in the median until the pursuit Troopers passed by him. When Berry passed his location, Sgt. Kiefer saw that Berry had no front tires on his vehicle and appeared to be smoking a marijuana cigarette. Berry's appearance looked "nonchalant" in Sgt. Kiefer's opinion.

Sgt. Kiefer entered the highway with the other responding Troopers and officers and moved up to the front. Since he was familiar with the area, he advised responding officers about the area and locations of markers. Sgt. Kiefer proposed a few options due to the area and future travel risks ahead.

After driving a few minutes, a command officer stated that one of the options proposed by Sgt. Kiefer would be implemented. This option was making "intentional contact" with Berry's vehicle, to stop the pursuit before he entered a more populated area a few miles ahead.

Just south of State Highway 33, a unit initiated a PIT maneuver on Berry's vehicle. Sgt. Kiefer moved his cruiser on the west side of the southbound road and just north of Berry's vehicle. He pointed his cruiser at the vehicle to capture the incident with his cruiser video. Sgt. Kiefer exited his cruiser and moved to the back of it for protection. He opened his trunk and retrieved his AR-15 rifle.

He saw that Berry's vehicle was disabled, resting on safety cables in the median. The vehicle had also caught on fire. Due to the angle of Sgt. Kiefer and smoke increasing around Berry's vehicle, Sgt. Kiefer could see part of Berry's arm moving in the vehicle, but not much else of Berry. Sgt. Kiefer could hear an officer commanding Berry to show his hands and "put your hands out". Sgt. Kiefer also told Berry to show his hands. Berry did not comply.

Sgt. Kiefer saw that the smoke and fire were increasing and told Berry to "get out of the car". At one point, there was so much smoke that he lost sight of Berry in the vehicle. Due to the original call of Berry being a suspect of murder, Sgt. Kiefer did not approach Berry's vehicle due to safety concerns.

Berry then exited his vehicle, but the smoke was so much that it was hard for Sgt. Kiefer to see him. Then, a Trooper stated "gun, gun". Sgt. Kiefer could then see that Berry was walking southbound holding a gun in his left hand. Sgt. Kiefer and several other Troopers told Berry to "drop the gun".

Due to Berry walking southbound, Sgt. Kiefer walked up to a Trooper's SUV, which was following Berry, and walked in line with several other Troopers following Berry with the SUV as cover. At one point, Berry told Troopers to not come any closer or he would do it. Berry was holding the handgun to his head at that time.

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A K-9 officer was on scene. He stated that he had to get closer to Berry before he could release his dog to better their chances of success in apprehending Berry. The SUV increased its speed to close the distance to Berry.

On the radio, a Trooper stated that Berry was approaching the traffic in the northbound lanes, which was stopped just before the incident location. It was decided, for the public's safety, that Berry would be engaged before he could reach them. The K-9 officer was not close enough to use his dog at that time. Again, Troopers continued to tell Berry to put the gun down.

At that time, Sgt. Kiefer heard a "pop". He thought that Berry had shot himself. When several Troopers and himself walked up to Berry, who was laying on the ground, they saw that he had a gunshot wound on his right shoulder. An unknown Trooper read Berry his Miranda rights which Berry acknowledged.

Sgt. Kiefer and another Trooper started checking Berry for additional injuries and started medical aid. Due to Sgt. Kiefer not having a body worn camera, he requested Trp. Nick Boes (Boes) provide him with his body camera. Sgt. Kiefer turned the camera off, and then back on, and stated that he was the one at that time using the body camera. This was to time and date stamp the recordings.

Sgt. Kiefer saw that Berry was awake and talking. Emergency Medical Staff (EMS) arrived and Sgt. Kiefer went with them and Berry to the hospital. During the transport, Sgt. Kiefer talked to Berry. Sgt. Kiefer did not ask him any questions concerning the incident. Berry was awake during the transport.

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.

Attachments:

Attachment # 01: 2023-09-03, Interview of Sgt. Rodney Kiefer