KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

PA Number:	PA16064C	Report Date:	2/22/2016 4:31 PM
Status:	Submitted		

Agency/Facility Information

Department ID:	849	Department Type:	STAGENCY
Agency Name:	Texas Department Of Public Safety	Agency Number:	TX0000000
Agency Phone:	5124242890	Agency Address:	P. O. Box 4087
Agency City:	Austin	Agency County:	Travis
Agency State:	TX	Agency Zip:	78773

Director Information

Director Salutation:

Colonel

Director First Name:

Steven

Director Middle Name:

C.

Director Last Name:

McCraw

Reporter Name: Kenneth Bond, Lt. Reporter Email: Kenneth.Bond@dps.texas.gov

Location / Custody Information

Where did the event causing the death occur?

Street Address: 20206 State Highway 274

City: Kemp

County: Henderson

What type of custody/facility was the Decedent in at the time of death:

Type of Custody:

Police Custody (pre-booking)

Specific type of custody/facility:

Specific Type of Custody/Facility:

Custody of Peace Officer during/fleeing arrest

Custody Type Facility:

What was the time and date of the deceased's entry into the law enforcement facility where the death occurred (mm/dd/yyyy hh:mm AM/PM):

Entry Date Time:

Entry Date Time N/A: ✓

Where did the death occur?

Death Location: At the crime/arrest scene

Death Location Elsewhere:

Decedent Information

Identity of Deceased

First Name: Anthony

Middle Name: James

Last Name: Bertoni

Suffix:

Date of Birth: 5/30/1959 Sex: Male

Ethnicity: Anglo

Date/Time of Death (mm/dd/yyyy hh:mm AM/PM):

Death Date and Time: 2/10/2016 1:38 PM

Date/Time of Custody (arrest, incarceration) (mm/dd/yyyy hh:mm AM/PM):

Date/Time of Custody or Incident:

2/10/2016 1:38 PM

Manner / Cause of Death

Has a medical examiner or coroner conducted an evaluation to determine a cause of death?

Medical Examiner/Coroner Evaluation?:

Yes, results are available

What was the manner of death? (select only one)

Manner of Death:

Justifiable Homicide

Manner of Death Description:

Death Reason:

Injuries only

Medical Cause of Death:

Medical Cause of Death:

Rifle Wounds

Had the decedent been receiving treatment for the medical condition that caused the death after admission to your jail's jurisdiction?

Medical Treatment:

Not Applicable

If death was an accident, homicide or suicide, who caused the death?

Who caused the death?:

Law enforcement/correctional staff

Death Causer Other:

If a weapon caused the death, what type of weapon caused the death? (mark all that apply)

Type of Death Weapon:

Rifle/Shotgun

Was the cause of death the result of a pre-existing medical condition or did the decedent develop the condition after admission?

Pre existing medical condition?:

Not Applicable; cause of death was accidental injury, intoxication, suicide or homicide

If death was an accident, homicide or suicide, what was the means of death?

Means of Death:

Firearm

General Information

What were the most serious offense(s) with which the deceased was (or would have been) charged with at the time of death?

Offense 1:

Aggravated Assault w/Deadly Weapon

Offense 2:

Aggravated Assault w/Deadly Weapon

Offense 3:

Attempted Capital Murder

Were the Charges::

Not filed at time of death

What were the types of charges or reason for contact?

Type of Offense:

Injuries of Decedent

Injured By: Injured by Officer

At any time during the incident and/or entry into the law enforcement facility, did the decedent:

Appear intoxicated (alcohol or drugs):	No	Exhibit any mental health problems?:	
Exhibit any medical problems?:			

At any time during the incident and/or entry into the law enforcement facility, did the decedent:

Threaten the officer(s) involved:	Yes	Resist being handcuffed or arrested?:	No
Try to escape/flee from custody:	No	Grab, hit or fight with the officer(s):	No

Other Behavior:

Specify Other Behavior:

Use weapon threaten/assault officer(s):	0

Was the deceased under restraint in the time leading up to the death or the events causing the death?

Under Restraint:

No

Summary of Incident

Summary of How the Death Occurred: (max. 30,000 characters)

Summary:

On Wednesday, 02/10/2016, at approximately 7:00 a.m., the Henderson County and Kaufman County Sheriff Offices responded to 20206 State Highway 274, Kemp, Henderson County, Texas, after Henderson County received a 911 call that the occupant of the residence, Anthony James Bertoni, W/M, DOB 05-30-1959, had shot his neighbor. The shooting victim was transported to the hospital with non life threatening injuries. A Search/Arrest Warrant for Aggravated Assault was issued for Bertoni. Henderson County and Kaufman

County Sheriff's Office Special Response Teams (SRT) arrived and created a perimeter around Bertoni's residence. Bertoni barricaded himself inside his residence and refused to comply with orders to surrender. At approximately 9:15 a.m., at the request of the Henderson County Sheriff's Office, the Department of Public Safety (DPS) Region-1 SRT, along with members of DPS-SWAT, including a DPS SWAT-Bearcat armored vehicle, arrived at the scene to provide assistance. Throughout an approximate four hour period, Bertoni refused to surrender and negotiation efforts were unsuccessful. At one point, Bertoni yelled the threat of shooting anyone who entered his property. During the incident, Bertoni fired a weapon, striking the DPS SWAT Bearcat as well as the Henderson County Sheriff's Office Bearcat. Both armored vehicles containedlaw enforcement officers at the time in which Bertoni fired at the occupied vehicles. At approximately 1:38 p.m., Bertoni exited the front door of his residence holding a pistol which was pointed in the direction of law enforcement officers. Three DPS Region-1 SRT members discharged their weapons at Bertoni to stop the threat of Bertoni causing the death or serious bodily injury to a person. Bertoni was struck by the gunfired and died at the scene.