



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: Logan Patton (W)
Date of Activity: 09/03/2023
Activity Location: Lima Police Department – Business – 117 E. Market Street, Lima,
OH 45801, Allen County
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 (I-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 was told the Lima Police Department K-9 unit had been requested during the incident, but the officer had since left the scene. SA Najmulski went to the Lima Police Department and found out the K-9 officer's name was Logan Patton (Officer Patton). SA Najmulski was told Officer Patton was still at the department so SA Najmulski met with him for an interview.

The purpose of the interview was to ascertain what involvement Officer Patton had in the shooting incident. The following is a summary of the interview which was digitally recorded and is attached to the case file.

Officer Patton became aware through dispatch that the Ohio State Patrol was requesting a K-9 unit near the Bluelick/I-75 exit for Lima. Officer Patton said the information relayed was that the pursuit was coming southbound from the city of Beavertown and the subject's vehicle description was given. The subject drove past the Bluelick exit, continuing south on I-75. Officer Patton advised he joined the stack of Ohio State Patrol vehicles. The state patrol allowed Officer Patton to position his vehicle toward the front of the stack in anticipation the pursuit was ending soon due to the subject's vehicle being flat and debris "flying" everywhere.

The state patrol did the pit maneuver near Wapakoneta. Officer Patton saw the subject's vehicle go into an embankment and spin around facing officers' direction. The subject's vehicle caught on fire and the troopers were communicating with the subject to show his hands; however, the subject was not complying. Officer Patton got his K-9 out of the police

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Finalized by SAS Scott A. Stranahan on
09/12/2023

car and got closer to where the subject was. Officer Patton advised he could see the subject moving around in his vehicle, reaching "all over the place". Officer Patton kept his gun pointed toward the subject's location. Officer Patton moved a little closer to be in position in case the subject took off running on I-75 to where motorists were.

When the subject's car engulfed in flames, the subject got out of the vehicle and officers saw he had a gun in his right hand. The subject then began to walk southbound on I-75 and Officer Patton saw him gripping his gun. Officer Patton said he was unsure what the subject's intentions were with the gun. At one point, the subject put the gun to his own head, turned and faced officers and said he did not want to hurt the officers. The subject put the gun down and then back to his head several times. Officers pled for him to put the gun down, but the subject did not comply.

Officer Patton said the subject kept moving closer to where traffic was and there was a concern for crossfire and that "they were running out of time" to protect motorists. Officer Patton said he was concerned that if he deployed his K-9, the subject would drop the gun from his head and start shooting his K-9 because Officer Patton felt he was not able to get close enough to the subject. The plan was if the subject dropped the gun again away from his head, then Officer Patton would sic his K-9 on him for an apprehension.

Officer Patton said he was unsure what communication was going on with the troopers with each other. Ultimately, a shot ended up being fired at the suspect. The subject's gun ended up "flying". Officer Patton and troopers went up to the subject and the subject was still moving around. Once the subject was subdued, medical aid was rendered to him.

At this time, SA Najmulski asked Officer Patton if he had anything else to add. Officer Patton said the concern was that the subject was getting closer to I-75 traffic and a shot was taken to keep motorists safe. SA Najmulski's digital recorder stopped recording the last few seconds of the interview due to a dead battery. Officer Patton was wearing a body cam and his patrol car dash cam was recording. The video footage was obtained and a separate report will be written. Officer Patton had no further information 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: Officer Logan Patton

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