



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 Witness
Involves: Matthew Crow (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 Staff Lt. Matthew Crow (Lt. Crow). The purpose of the interview was ascertain what involvement Lt. Crow 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. Crow said he received a phone call from Lt. Slates that he had been made aware of an individual wanted for homicide out of Chicago, Illinois. Lt. Crow was advised that the subject's phone was pinged around the Toledo, Bowling Green, Ohio area and heading southbound. Lt. Crow said he was on the east side of Findlay, and started heading toward I-75. Lt. Slates found probable cause to pull the suspect over and then the suspect fled from him.

Lt. Crow said the stop sticks were successfully deployed near ST RT 235 near Findlay and took out the two front tires of the subject's vehicle. The subject continued southbound when he reached Auglaize County. Lt. Crow said he was in charge of the scene and gave the order to Trooper Roose to initiate contact and to "pit" the subject's vehicle because they did not want the subject to get closer to the Piqua area where it was more populated. Trooper Roose successfully "pitted" the subject's vehicle. A felony stop procedure was conducted with all Troopers at the location with their weapons in hand.

While the subject was still in his vehicle he was told to show his hands many times and he failed to comply. The subject's vehicle became engulfed in flames and was smoking. The subject exited the vehicle and Troopers saw he had a gun in his hand. The subject began walking southbound on I-75. He would occasionally turn back and look at the Troopers.

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law – a statute, an administrative rule, or any rule of procedure.

Lt. Slates drove his SUV and was "slow rolling" with Lt. Crow behind him and approximately five Troopers behind him. Troopers were continuously telling the suspect to drop the gun. At one point, the subject turned around and was completely facing the Troopers with the gun to his own head. Lt. Crow said the subject was getting closer to where northbound traffic had been stopped on I-75 and Lt. Crow did not want that to happen.

Someone asked about releasing a K-9 that was on location and Lt. Crow said he replied that if the K-9 officer was okay with it then to do it. Lt. Crow said the K-9 officer felt the situation was not conducive to send in the K-9. Lt. Crow said he got on the radio and said that if anyone had a clear shot then to take the shot at the subject.

Sgt. [REDACTED] ended up having a "clean shot" and shot the subject. After the subject was shot, Troopers rendered medical aid to him and cleared his weapon.

Lt. Crow said he did not have any 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: LT. Matthew Crow