



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



2022-0310
Officer Involved Critical Incident – 913 Lebanon Street, Monroe,
Ohio (L)

Investigative Activity: Interview with Officer
Involves: Dustin Booth (S)
Date of Activity: 03/01/2022
Activity Location: Monroe Police Department – Business – 601 South Main Street,
Monroe, OH 45050, Butler County
Author: SA Steven Seitzman

Narrative:

On March 1, 2022, at approximately 1205 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agents Rick Ward (SA Ward) and Steven Seitzman (SA Seitzman) conducted an interview with Monroe Police Department (Monroe PD) Sergeant Caleb Edwin Payne (Sgt. Payne) at the Monroe Police Department. Sgt. Payne's Ohio Patrolmen's Benevolent Association Attorney Joseph Hegedus, was also present. Sgt. Payne was identified by Monroe PD Captain David Chasteen as one of the officers directly involved in the Officer-Involved Critical Incident on February 11, 2022. The interview was recorded on a handheld digital recording device. The details below summarize the pertinent portions of the recorded interview and are not a verbatim account unless noted by quotations.

Sgt. Payne provided agents with a written statement immediately preceding his interview. The written statement was signed by Sgt. Payne was collected and attached to this report. SA Ward read the Notice of Criminal Investigation form to Sgt. Payne. He advised he understood the content of the form and signed it. The signed form will be added to the physical case file. He elected not to review his body-worn camera footage prior to his interview

Sgt. Payne advised he has been employed by Monroe PD for approximately six years. He has served as a sergeant for approximately two and a half years. Prior to his employment with Monroe PD, he worked for the Fairfield Township Police Department as a police officer from 2012 until 2015. He also worked for the Hamilton Police Department as a special officer from 2012 until 2015. He is a standardized field sobriety test instructor and a drug recognition expert. His badge number and radio call sign are #855. He is assigned as a midnight shift road patrol supervisor. His shift is between the hours of 2215 and 0645. He was on the second work night of his rotation.

Sgt. Payne advised he has not been involved in any prior officer-involved critical incidents. He

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stated he has no disciplinary record involving prior uses of force or dishonesty.

Regarding his shift on February 11, 2022, Sgt. Payne advised he was well rested. He did not work any overtime prior to his shift. He advised he did not take any prescriptions or over the counter medications that would have impaired his duties and advised he did not consume alcohol within twenty-four hours of his shift. He was in a marked patrol vehicle and was wearing a Monroe PD issued uniform. His uniform includes an exterior ballistic vest with the word "Police" across the back and a Monroe PD badge on the front. He had a taser and an expandable ASP baton on him and was wearing a body-worn camera. He carried a Monroe PD issued 9 mm Glock 17 with a round in the chamber and a magazine filled to capacity. He also carried two additional magazines filled to capacity. He advised all ammunition was Monroe PD issued duty ammunition. He advised he was current on his firearms qualifications.

Regarding his involvement in the Officer-Involved Critical Incident on February 11, 2022, Sgt. Payne advised agents of the following:

Sgt. Payne arrived for his shift and learned via the call log that the prior shift spent several hours dealing with Dustin Booth (Booth) who was experiencing a mental breakdown. He was informed officers saw Booth inside his residence with a gun earlier. He recognized Booth's name from a dispatch ten days prior to that evening. During that incident, he requested the Butler County Mobile Crisis respond to the Booth residence. The mobile crisis unit responded and "signed a hold" on Booth.

As Sgt. Payne was conducting roll call for his shift, Monroe PD Lieutenant Rosenbalm relayed information to him from Monroe PD Sergeant Eddie Myer (Sgt. Myer). Sgt. Payne understood that Sgt. Myer was at the scene near Booth's residence. He learned Booth had a friend (Justin Duh) with him inside the residence. The friend agreed to drive Booth away from the residence so officers could conduct a traffic stop on the vehicle. Sgt. Myer informed him Booth and the friend were preparing to leave and requested his shift assist. He ended roll call and responded to the area along with Canine Officer Fred Doughman (Officer Doughman) and Officer Micah Day (Officer Day). As he was responding, Sgt. Myer broadcast over the police radio that Booth retrieved a bag containing a gun from his residence.

Sgt. Payne monitored police radio traffic and heard Monroe PD Officer Skylar Halsey (Officer Halsey) initiate a traffic stop on the vehicle containing Booth at the intersection of Lebanon Street and New Garver Road. He also heard over the police radio that Booth and the friend were fighting inside the vehicle. As he arrived on scene, he parked behind several other police cruisers. He walked around the passenger side of the police cruiser in front of him. He saw the driver of the stopped pick-up truck, who he knew was not Booth. The driver "staggered" toward the police officers. He then noticed the passenger door of the stopped pick-up truck was open.

Sgt. Payne saw several officers running toward the intersection of New Garver Road and SR-63. He ran by the stopped pick-up truck and noted it was not occupied. He saw Sgt. Myer toward the front of the stopped pick-up truck looking at a bag on the ground. He remembered Sgt. Myer yelling, "The bag's empty! The bag's empty! Don't fight him! Don't fight him!" He took Sgt. Myer's statements to mean that Booth had the gun with him. He understood Sgt. Myer's statement about not fighting Booth as a warning to the other officers not to fight Booth because he was armed.

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Sgt. Payne proceeded in the direction of the other officers and Booth. He then observed Officer Doughman's canine, Canine Nelson, in a failed attempt to bite Booth. Officer Doughman then grabbed Booth by the shoulders and did a leg sweep to take him to the ground. Both Booth and Officer Doughman went to the ground. As Booth was getting up from the ground, Booth produced a large, chrome revolver. Booth began "waving" the handgun in the direction of the police officers. Sgt. Payne was in fear for his safety and the safety of the other officers, so he fired two shots from his duty pistol. He recalled other officers also fired shots at Booth.

After firing shots at Booth, Sgt. Payne remembered him falling on his back onto a concrete slab. Booth's gun fell to the ground approximately three or four feet to his right. Sgt. Myer then radioed that shots had been fired and requested an ambulance.

Sgt. Payne and other officers advanced toward Booth. As they reached Booth, an unknown officer used his foot to move Booth's gun out of the way. Sgt. Payne was unable to provide aid to Booth as other officers were already doing so. He provided two tourniquets for officers to use. While officers were rendering aid to Booth, he noticed Booth was wearing a cowboy or western-style belt and holster over his left shoulder. He advised the belt had several rounds of ammunition in ammunition loops. He then moved his police cruiser to another location to block traffic. He also assisted officers in securing the scene with crime tape. He maintained scene security until he was removed from the scene by Monroe PD Lieutenant Rosenbalm (Lt. Rosenbalm).

Sgt. Payne returned to Monroe PD where he turned over his firearm "as is" to Lt. Rosenbalm. He was also photographed there by BCI agents.

Sgt. Payne advised he was not injured during the Officer-Involved Critical Incident.

SA Ward presented Sgt. Payne with an overhead view of the Lebanon Street/New Garver Road intersection. He drew his recollection of where certain parts of the incident occurred. The map will be added to the physical case file.

The interview was concluded at 1232 hours. See the attached audio recording of the interview for more information.

Attachments:

Attachment # 01: 2022-03-01 / Sgt. Caleb Payne Interview

Attachment # 02: Ofc Payne OICI Criminal Investigation Notification/Written Statement

References:

Original Diagrams (5)

Exhibit 1

Included as a separate file.

Exhibit 2



Ohio Attorney General's Office
Bureau of Criminal Investigation



Criminal Investigation Notification


1. This investigation is being conducted in order to determine whether any criminal laws have been violated on the part of those involved in this incident. Specifically, to collect facts and information to be provided to the prosecutor and/or grand jury in order for them to determine whether the conduct involved is authorized or prohibited by criminal statutes.
2. Your participation in this interview is voluntary and you may decline to answer or cease the interview at any time. You are entitled to have an attorney present if you wish.
3. The criminal investigation is separate from any internal, administrative investigation which your employer may or may not be independently conducting. You are not being compelled to give any statement or answer any questions. This is **not** a "Garrity" interview (where you could be required to answer).

CALEB PAYNE
Printed Name of Interviewee

03/01/22, 1206 HRS
Date / Time


Signature of Interviewee

Rock Wano
BCI Agent (Printed)


BCI Agent (Signature)

On February 11, 2022, at approximately 2245 hours, I responded to assist officers from second shift with a high risk stop on a vehicle in which Dustin Booth was a passenger. Based on the knowledge I had at the time, I knew that officers from second shift had spent several hours at Dustin's residence while he was armed with a handgun and experiencing a mental health crisis. My understanding was that Dustin's friend had responded to the residence, where he began communicating with officers from second shift via text message. Dustin's friend ultimately indicated by text message that he was going to drive Dustin away from the residence so officers could conduct a stop on the vehicle and take him into custody for a mental health evaluation.

While I was en route, officers from second shift provided a direction of travel and advised over the radio that they were going to attempt to stop the vehicle on Lebanon Street at New Garver Road. From the radio traffic while I was en route, I knew that Dustin's friend had sent a text message to officers from second shift indicating that Dustin had a handgun in a bag, which was in his possession in the vehicle. When I was almost on scene, PTL Halsey advised over the radio that he was initiating a traffic stop. Immediately after PTL Halsey initiated the traffic stop, I heard an officer advising over the radio that Dustin was fighting his friend inside the vehicle.

At that time, I arrived on scene, at which time I parked my patrol vehicle behind several other patrol vehicles that were already on scene. I then exited my patrol vehicle and made my way around the passenger side of the patrol vehicle parked immediately in front of mine. At that time, I observed the driver of the vehicle staggering toward the patrol vehicles on scene from the driver side of his vehicle. I then observed that the passenger side door of the vehicle was open, at which time I observed officers running from the open passenger door toward the intersection of New Garver Road and S.R. 63.

As I made my way past the open passenger door and toward the other officers, I noticed that Dustin was not inside the vehicle. I then observed SGT Meyers looking inside a shoulder bag that was lying on the ground in front of the vehicle. As I passed SGT Meyers, I heard him yelling out, "The bag's empty! The bag's empty! Don't fight him! Don't fight him!" At that time, I believed Dustin had a handgun in his possession as he was fleeing from officers and that he was a threat to himself and others.

As I made my way toward the officers who were chasing after Dustin, I observed K9 Nelson attempting to bite Dustin while trying to subdue him. However, I could see that K9 Nelson was unable to subdue Dustin. I then observed PTL Doughman grabbing Dustin by the shoulders and attempting to take him to the ground. PTL Doughman was able to wrestle Dustin to the ground, at which time Dustin stood up and produced a large chrome handgun. Dustin then began waving the handgun around in the direction of myself and other officers on scene.

Immediately upon seeing Dustin produce the handgun and waving it at myself and other officers, I felt in fear for my life and the lives of the other officers on scene. At that time, I pointed my handgun at Dustin and I fired two shots at him. Other officers on scene also fired shots at Dustin from their handguns. Shortly after I fired my handgun at Dustin, he collapsed onto the concrete partition at the intersection of New Garver Road and S.R. 63, where his handgun fell to the ground approximately three to four feet to his right. Immediately after Dustin collapsed to the ground, SGT Meyers advised over the radio that shots had been fired, and he immediately requested an ambulance for Dustin. I then continued pointing my handgun at Dustin as I advanced toward his location with the other officers. Because Dustin's handgun fell to the ground in such close proximity to him, I believed that he would still be able to access it and use it.

Upon reaching Dustin's location, an officer moved the handgun further away from Dustin, at which time several officers began rendering first aid. As officers were rendering first aid, I observed that Dustin was wearing a western-style belt and holster over his left shoulder in such a fashion that the holster was positioned in the center of his chest where he would have been able to quickly draw the handgun. I observed that the holster was empty, but I noticed that there were numerous rounds of ammunition in the ammunition loops along the back of the belt. Because there were so many officers huddled around Dustin, I was unable to render aid to him. However, I did provide the two tourniquets on my person so the officers rendering first aid could attempt to control Dustin's bleeding.

While other officers continued rendering first aid, I moved my patrol vehicle from its previous location to the intersection of New Garver Road and S.R. 63 to assist with traffic control. I later assisted in securing the scene with caution tape before I was transported away from the scene by LT Rosenbalm.

A handwritten signature in black ink, appearing to read 'Caler Payne', written in a cursive style.

03/01/22

CALER PAYNE