



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 1135 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) Officer Micah Scott Day (Officer Day) at the Monroe Police Department. Officer Day's Ohio Patrolmen's Benevolent Association Attorney, Joseph Hegedus, was also present. Officer Day 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.

Officer Day provided agents with a written statement immediately preceding his interview. The written statement was signed by Officer Day. It was collected and attached to this report. SA Ward read the Notice of Criminal Investigation form to Officer Day. He advised he understood the content of the form and signed it. The signed form will be added to the physical case file.

Officer Day advised he has been employed by Monroe PD for approximately two years. Prior to his employment with Monroe PD, he worked as a police officer for the Blanchester Police Department for approximately two years. His badge number and radio call sign are #870. He is assigned to midnight shift road patrol, which runs from 2245 until 0715 hours. His off days rotate. The night of the Officer-Involved Critical Incident was his first shift back after two off days.

Officer Day advised he has not been involved in any prior Officer-Involved Critical Incidents. He stated he has no disciplinary record involving prior uses of force or dishonesty.

Regarding his shift on February 11, 2022, Officer Day advised he was well rested. Prior to his

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shift, he worked overtime for a basketball game from 1830 until 2130 hours. He advised he did not take any prescriptions or over the counter medications that would have impaired his duties. He 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, pepper spray, 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 and advised he was current on his firearms qualifications.

Regarding his involvement in the Officer-involved Critical incident on February 11, 2022, Officer Day advised agents of the following:

While working overtime at a school basketball game, Officer Day learned information about an incident in the Bridle Creek neighborhood regarding Dustin Booth (Booth). He recognized Booth's name from a prior dispatch where he served as a back-up officer. During that dispatch, Booth was taken to the hospital for a psychological evaluation.

After working the basketball game, Monroe PD Lieutenant Rosenbalm requested Officer Day begin his shift early to assist with the situation involving Booth. Officer Day monitored the police radio. He learned Booth was a passenger in a vehicle and was armed with a gun. He understood the plan was to conduct a "felony traffic stop" on the vehicle.

Monroe PD officers initiated a traffic stop on the vehicle on Lebanon Street near New Garver Road. Officer Day was one of the last officers to arrive at the traffic stop. He exited his police cruiser and went around the passenger side of the police cruiser in front of him. He recalled hearing "a bunch of screaming," but he did not hear what they were saying. He then saw Booth in front of the stopped vehicle walking away from officers. He clearly heard the driver of the stopped vehicle say, "He has a gun, he has a gun."

Officer Day remembered seeing a bag on the ground near the passenger door of the stopped vehicle. As he got closer to the stopped vehicle, he saw Monroe PD Canine Officer Doughman (Officer Doughman) release his canine, which was unsuccessful. He then observed Officer Doughman go "hands on" with Booth. Both Officer Doughman and Booth went to the ground. Officer Day moved closer with his firearm drawn. As Booth got up from the ground, he was facing in the direction of the officers. Officer Day saw Booth's "right arm in the middle of his body and saw his arm go back." He clarified that Booth's hand was somewhere between the center of his chest and his waistline. He next recalled seeing "silver." He realized the "silver" was a handgun. He remembered seeing the gun "coming out" toward officers as Booth was moving it. He feared for his life and the lives of his fellow officers, so he discharged his duty weapon. He was uncertain how many rounds he fired; however, he believed it was more than once. He observed Booth fall to the ground, and his handgun fell out of his hand. He did not observe any of the other officers discharge their weapons.

After officers ceased firing, they gave verbal instructing Booth not to move. Officers then advanced toward Booth and rendered first aid. Officer Day applied a tourniquet to Booth's right leg, as he noticed blood on Booth's right pant leg. He recalled Booth saying something to the

effect of he “wasn’t mad at us, but we were wrong and he was right.”

Officer Day returned to Monroe PD where he turned over his firearm “as is” to Monroe PD Lieutenant Rosenbalm. He was also photographed there by BCI agents.

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

SA Ward presented Officer Day 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 1200 hours. See the attached audio recording of the interview for more information.

Attachments:

Attachment # 01: 2022-03-01 / Officer Micah Day Interview

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

References:

Original Diagrams (5)

Exhibit 1

Included as a separate file.

Exhibit 2



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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).

Michal Day
Printed Name of Interviewee

3-1-22 11:36pm
Date / Time

[Signature]
Signature of Interviewee

Reed Ward
BCI Agent (Printed)

[Signature]
BCI Agent (Signature)

Joe Hegedus

From: micahday96 <micahday96@gmail.com>
Sent: Friday, February 25, 2022 10:26 AM
To: Joe Hegedus
Subject: Revised

I was requested to assist with a traffic stop that other officers were going to perform on a vehicle that contained Dustin Booth to take him into custody. I heard on the radio that Dustin was armed with a firearm and that he was a passenger in the vehicle. Other officers initiated the traffic stop on Lebanon St. @ New Garver. I was the last cruiser and was behind several other cruisers and couldnt see the vehicle. As I exited my cruiser I went around another cruiser that was in front of me. I could hear a lot of screaming but I dont recall what they said. As I saw the truck that Dustin was in I could hear the driver yell he has a gun. I saw Dustin walking away from the truck and saw a bag on the ground by the truck. I saw the k9 run after Dustin and tried to bite Dustin but wasn't succesful. I then saw Officer Doughman go hands on with Dustin and they both went to the ground. Around this time I heard Sgt. Myers alert that Dustins firearm was not in the bag. Dustin got off the ground and was facing our way. I had my weapon displayed and was pointing it at Dustin. Dustin's right hand was around the middle of his body and he moved his arm and I observed a silver item in his hand and saw that it was a handgun. Dustin had brought the handgun completly out and I feared for my life and my fellow officer's lives and discharged my weapon to stop the threat. Dustin then went to the ground and the handgun fell out of his hand. Officers gave him commands not to move and Dustin complied and officers performed first aid. I saw that Dustin had blood that appeared to be coming from his right leg and I applied a tourniquet to his leg and when EMS arrived he was loaded up in the squad. I then stood by the handgun until the scene was secured.

Sent from my Verizon, Samsung Galaxy smartphone

Micah Day

3-1-22

