



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



2024-1376

Officer Involved Critical Incident – Interstate 77 Southbound at
Exit 85 , New Philadelphia, OH 44663

Investigative Activity: Interview with Officer
Involves: Trooper Spencer Day (O)
Date of Activity: 05/17/2024
Activity Location: Day, Trooper Spencer – Business – 2454 E. High Avenue, New Philadelphia, OH 44663
Author: SA Eric Lehnhart, #84

Narrative:

On Friday, May 17, 2024, at 1352 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Eric Lehnhart (SA Lehnhart) and SA John Tingley (SA Tingley) interviewed Ohio State Highway Patrol (OSHP) Trooper Spencer Day (Trooper Day), who was accompanied by his attorney, Lathan Lipperman, from the Ohio Trooper's Coalition. The interview took place at 2454 East High Avenue, New Philadelphia, Ohio 44663. The interview was audio recorded.

Trooper Day was identified as being a police officer who witnessed and/or had some level of involvement in the Friday, May 3, 2024, officer-involved shooting which occurred in the area of Interstate 77 Southbound at Exit 85, Dover, Ohio. Reportedly, Trooper Day did not discharge a firearm during the course of the incident. The purpose of the interview was to obtain all relevant information of the incident known or observed by this officer.

Trooper Day stated his radio call sign on Friday, May 3, 2024, was 763. He has been employed by the OSHP for about one (1) year. He has been a police officer for a total of one (1) year. During the incident, Trooper Day wore his standard police uniform with a metal police badge affixed to it. He also wore a concealed ballistic vest and duty belt. He drove OSHP unit #SP631, a Dodge Durango, marked with OSHP emblems and emergency lights. He considered himself to be well-represented as a police officer during the incident. He stated he was not under the influence of any substance that would impair his memory or judgment during the incident or during the interview with BCI.

Trooper Day advised that he was patrolling southbound on Interstate 77 when he observed a vehicle on the Exit 85 off ramp. As Trooper Day got closer to the vehicle, he noticed that the vehicle was partially blocking the right of way and straddling the "fog line." Trooper Day stated that he witnessed a person in the driver's side front of the vehicle who initially appeared to have been asleep. As he knocked on the rear window, he explained that the

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occupant "woke quickly and appeared to be off."

The vehicle occupant had cracked the window slightly and advised Trooper Day that he had come from the Akron area. Trooper Day stated that the occupant stopped communicating with him and displayed what he called "odd behavior." This behavior was explained by Trooper Day as being more nervous (on edge) and emotional as others he has encountered, showing big or large eyes, looking around as if he was looking for a way out, constantly sighing and wearing only one boot on his feet.

As the occupant wouldn't communicate with him, he called out for assistance from other Troopers working that evening. [REDACTED] ([REDACTED]), the senior Trooper on shift at the time arrived a short time later. According to Trooper Day, [REDACTED] began to engage the vehicle occupant but experienced similar behaviors. As the interaction continued, [REDACTED] asked Trooper Day and others on scene to retreat to the BellStore to the immediate east of the I-77 / Schneider's Crossing interchange.

Trooper Day stated that he stayed at the BellStore with other law enforcement officers until he heard [REDACTED] broadcast "shots fired" over the radio. Once back on scene, Trooper Day stated that he observed the vehicle occupant motionless in the driver's seat with a firearm in his right hand. As others on scene began rendering first aid to the occupant, Trooper Day was instructed by a supervisor to start a log of those on scene.

Trooper Day remained on scene until he was advised that BCI Agents were at Post 79.

The interview concluded at approximately 1416 hours.

The interview was audio recorded. The audio recording was attached to this report. Please see the attachment for further details.

References:

No references.

Attachments:

Attachment # 01: 2024-05-17 Day Spencer Trooper Interview