



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



2024-2255

Officer Involved Critical Incident – 818 Cherryberry Dr.,
Columbus, OH 43228 (L)

Investigative Activity: Interview with Officer
Involves: [REDACTED]
Date of Activity: 08/26/2024
Activity Location: – 2609 McKinley Ave., Columbus, OH 43204
Author: SA Aja Chung, #86

Narrative:

On Monday, August 26, 2024 at 1030 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agents James Poole (SA Poole) and Aja Chung (SA Chung) interviewed Columbus Division of Police (CPD) [REDACTED] regarding a fatal shooting incident between Benjamin Wheeler (Wheeler) and CPD Special Weapons and Tactics (SWAT). The purpose of the interview was to obtain all relevant information of the incident known or observed by [REDACTED]. Also present during the interview was [REDACTED] union attorney, Nicole Wannemacher.

On August 1st, 2024, an Officer-Involved Critical Incident (OICI) occurred at 818 Cherryberry Drive, Columbus, Ohio, where CPD patrol officers responded to a domestic dispute involving Wheeler. A warrant check identified that Wheeler had a felony warrant for child support. Wheeler became irate and barricaded himself inside the residence. CPD SWAT responded to the barricaded situation. During the incident, Wheeler used a knife and stabbed three SWAT officers. [REDACTED] discharged his firearm, striking and killing Wheeler.

The interview was audio recorded and a copy of the recording was saved electronically within the case file. Please refer to the recording for specific quotes. The following is a summation of the interview.

Prior to the beginning of the interview, SA Poole provided [REDACTED] with a BCI Criminal Investigation Notification (CIN) form. SA Poole advised BCI was conducting a criminal investigation separate from any internal investigation CPD may be conducting and read him the CIN form. [REDACTED] was advised his interview was voluntary and that he could stop answering questions at any time. [REDACTED] verbally confirmed he understood, signed the CIN document further acknowledging his understanding and agreed to continue with the interview.

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Approved By SAS James A. Mulford on
10/11/2024

Attorney Nicole Wannemacher provided SA Poole with a written statement from [REDACTED] regarding his involvement in the OICI. SA Poole reviewed the statement upon receipt. [REDACTED] verified the statement was a true and an accurate depiction of the incident and signed his statement. Please refer to [REDACTED] statement for further details. A copy of the signed written statement was saved within the case file and is attached to this report.

[REDACTED] wrote in his statement, "Approximately an hour passed and I do not believe there was any communication or response from the suspect. A group of 4 or 5 SWAT Officers moved up to the suspect's front door to try and deploy a throw-bot. However, the door was locked. At this point, Bearcat 1 moved forward and breached the front door with the ram. I believe SWAT Officer Vass (who was in the driver's seat of Bearcat 1) aired that the suspect was moving furniture into the front door. Once the door was breached, our team moved up to attempt to deploy a throw-bot and phot into the door. I believe the first two SWAT officers ([REDACTED] and [REDACTED] had bunkers and that SWAT [REDACTED] [REDACTED] had less lethal. I believe that I was #4 in the lineup (behind [REDACTED] I had a bunker and SWAT [REDACTED] had lethal cover.

As I approached the front door, I heard someone (I think [REDACTED] say he has a gun. Then I saw SWAT [REDACTED] yell that he had been hit and I saw him backup. Initially, I thought he had been shot because I did not see the knife that the suspect thrown and struck SWAT [REDACTED] arm. We retreated back behind Bearcat 1. SWAT [REDACTED] had a large cut on his upper arm from the knife.

The suspect threw multiple different objects (a knife, a 2x4 board) out the front door. I do not recall exactly who but someone deployed wooden knockers through the front windows. There were also CS canisters, penetrating gas and tri-chambers utilized multiple times. Due to the gas being used, I put on my gas mask. The suspect attempted to throw some of the gas canisters out the door and there was gas emitting from the house.

At some point, the Franklin County Sheriff's Office Drone Team was requested. Once they arrived, they deployed a drone through the front door. I believe the suspect hit it with something, knocking it out of the air, and it was not working. A second drone was deployed through the front door and that was successful. Due to the drone footage, we were able to establish that he was in the kitchen which was towards the back of the house. The first room upon entering the house was a living room. The entryway to the kitchen was on the east wall of the living room and it appeared to be directly in line with the front door. We had been on the scene for several hours. Despite numerous attempts at negotiations and deployment of gas and wooden knockers, nothing was effective, as the suspect was still inside the house. I believe it was a little before 9:30 p.m., when SWAT Sgt. Wilgus gave the order for us to make entry into the house.

I believe the lineup was supposed to be SWAT [REDACTED] with a bunker, SWAT [REDACTED] with a bunker and less lethal, SWAT [REDACTED] with a bunker and less lethal, and myself in the #4 position with a bunker and a flashbang. I believe SWAT Officer Mayberry was supposed to be behind me and that SWAT [REDACTED] had the lethal cover. We lined up on the passenger's side of Bearcat 1. Just before we made entry, I pulled the pin on a flashbang to deploy inside the house in an attempt to disorient the suspect.

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As we entered the house, we encountered a tremendous amount of debris throughout the front room that was blocking our path to the kitchen, where we believed the suspect was located. There were bookshelves, chairs, DVD's books, etc., all over the floor. It was so extensive that the floor of the house was not visible. A cabinet or large bookshelf had been pushed over from the left wall and it was blocking the doorway into the kitchen. This made it incredibly difficult to move through the house and maintain our tactical positions/formation. I shifted to the right (south) and I tried to move some debris out of the way. I believe SWAT [REDACTED] and Mayberry also shifted right due to the debris and a cabinet/shelf that was blocking the entryway into the kitchen.

SWAT [REDACTED] reached the doorway leading into the kitchen. Suddenly, I saw the suspect pop into the doorway and he started throwing stuff at us. I threw the flashbang into the kitchen. As soon as I threw the flashbang, I grabbed another flashbang and pulled the pin. I saw the suspect coming towards SWAT [REDACTED] and I quickly threw the second flashbang into the kitchen and drew my firearm. As I threw the second flashbang, I saw the suspect grabbing the top of SWAT [REDACTED] bunker. I heard him yell something (I think he said help) and I saw the suspect was low and stabbing SWAT [REDACTED] in the leg. I leaned around the corner and fired my weapon at the suspect. As I was firing, I saw the suspect then stab SWAT [REDACTED] (who was to my left and I believe had deployed his taser) in the hand. I saw SWAT [REDACTED] go down and continued firing at the suspect until he retreated into the kitchen and into the basement."

SA Poole asked [REDACTED] when he first saw the knife. [REDACTED] stated he first saw some knives that Wheeler threw at the SWAT team prior to making entry into the house.

SA Poole asked [REDACTED], "Did you see Wheeler do anything with a bunker before [REDACTED] was injured?" [REDACTED] said he saw Wheeler grab the top of the bunker and pull [REDACTED] towards him. [REDACTED] indicated [REDACTED] raised the bunker and that is when Wheeler dropped low/crouched down to the floor and started to stab [REDACTED] legs.

SA Poole asked [REDACTED] to explain why he used deadly force. [REDACTED] stated, "Because I saw Benjamin (Wheeler) using deadly force on the two officers on the ground."

SA Poole asked [REDACTED] if he believed there were multiple chances used for non-lethal force. [REDACTED] said they deployed numerous amounts of gas (canisters), "Matter of fact we almost ran out of gas," knockers, and multiple taser attempts, "and absolutely nothing affected him. He wasn't coughing, he wasn't blinking. Nothing worked on him."

SA Poole asked [REDACTED] if he believed his actions or any fellow team members actions were criminal. [REDACTED] said, "No."

SA Poole asked [REDACTED] if his actions violated any policies or procedures within the department (CPD). [REDACTED] stated, "No."

The interview concluded at approximately 1046 hours.

References:

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No references.

Attachments:

Attachment # 01: 2024-08-26 CPD [REDACTED] Interview

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