



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



2022-1726
Officer Involved Critical Incident – 15266 Gilchrist Rd., Mt.
Vernon (L)

Investigative Activity: Body Camera Review
Involves: Officer Brian Gavaghan (W)
Date of Activity: 11/01/2022
Author: SA John P. Tingley, #154

Narrative:

On November 1, 2022, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) John Tingley (Tingley) reviewed body-camera video footage from Delaware Tactical Unit (DTU) and Westerville Police Department (WPD) Officer (Ofc.) Brian Gavaghan (Gavaghan). The video footage is related to the officer-involved critical incident which took place on August 20, 2022, at 15266 Gilchrist Road, Mt. Vernon, Knox County, Ohio, and involved Randy and Bradley Wilhelm and members of the DTU.

The listed narrative is a synopsis of the activities and conversations recorded on Ofc. Gavaghan's body camera and only documents those activities which the author deems to be the most relevant. Furthermore, the narrative does not cover all of the activities or conversations of Ofc. Gavaghan and the other members of the DTU which were recorded and is not a word-for-word translation of the conversations. It is suggested that the full recordings be reviewed to clarify any content or contextual questions regarding the information documented in the narrative.

It should also be noted that due to the DTU members wearing earpieces, radio traffic cannot be heard.

SA Tingley reviewed the video listed as 090600 and noted the following:

This video is 0:03:48 minutes in length and begins on August 20, 2022, at 09:05:56 hours, as Ofc. Gavaghan is standing outside on the driver's side rear of the stationary DTU BATT armored vehicle with the rear door standing open and other members of the DTU visible. The BATT is parked in the driveway of Randy Wilhelm's residence at 15159 Monroe Mills Road, Mt. Vernon, Ohio, with the BATT facing the garage doors.

At approximately 09:06:30 hours, a gunshot is heard.

At approximately 09:06:32 hours, a gunshot is heard.

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At approximately 09:07:16 hours, a gunshot is heard.

At approximately 09:07:17 hours, a gunshot is heard.

At approximately 09:07:18 hours, a gunshot is heard.

At approximately 09:07:20 hours, a gunshot is heard.

At approximately 09:07:21 hours, a gunshot is heard.

An unidentified DTU member then advises the other DTU members in the BATT that the shots are being fired at the Richland County Allied Special Response (ASORT) tactical team's Bearcat, which is at the rear of Randy Wilhelm's residence.

At approximately 09:09:11 hours, a gunshot is heard.

At approximately 09:09:15 hours, a gunshot is heard.

At approximately 09:09:28 hours, a gunshot is heard.

At approximately 09:09:30 hours, a gunshot is heard.

At approximately 09:09:41 hours, a DTU member is heard saying that a suspect had shot the windows of the BATT.

The video concludes with Ofc. Gavaghan preparing to enter the BATT.

This video recording is attached to this case file as Reference Item A.

ADDITIONAL FACTORS FOR EVALUATING THE VIDEO RECORDINGS

There are numerous other factors that need to be considered when reviewing and evaluating the videos and audio recordings of this incident. Those factors are:

- Video recording devices record within the video and sound capabilities available, and they record objectively. Video recordings lack the history, perspective and interest of the people involved. The positions, angles, obstacles, lighting and distance from the incident are also factors that need serious consideration.
- Video recording devices also record more information about a particular scene or incident than the person(s) involved in the incident can process during the critical incident. Video recording devices rarely record an event from the same perspective of the officer. It captures the action but not the perception, decision making, focus or intent of the officer. Video recordings often miss tactile cues or other actions of a subject.
- The speed of the incident is remarkable. The speed and complexity of rapidly evolving situation(s) that occur during use-of-force encounters are difficult concepts to comprehend by only watching the video.

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