



Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



Officer-Involved Critical Incident – 2023-0408

To: Gary Tyack, Franklin County Prosecutor
From: Kyle Douglass #126, Special Agent, Ohio BCI
Date: April 18, 2023
Involves: CPD SWAT Officers James Ashenhurst, Robert Cutshall, Matthew Liford
BCI Case Numbers: 2023-0408
BCI Laboratory: 23-11636

Investigative Request

On February 11, 2023, the Ohio Bureau of Criminal Investigation (BCI) was requested by Grove City Police Department (GCPD) and Columbus Division of Police (CPD) to investigate an Officer-Involved Critical Incident (OICI) which occurred near 1680 Stringtown Road in Grove City, OH (parking lot of Home Depot). It was reported CPD SWAT officers were executing an arrest warrant for subject Bret J. Andrews (Andrews). During the encounter, multiple CPD SWAT officers discharged their duty weapons. Andrews was transported to Grant Medical Center with alleged gunshot wounds, where he was pronounced deceased.

Preface:

This report serves as a synopsis of the investigation into the February 11, 2023 officer-involved shooting in Franklin County, Ohio. This report only summarizes the information that the investigative team determined to be the most useful in achieving an overall understanding of what occurred in this incident. Every fact and detail are not presented in this summary report. Therefore, it is recommended that each individual report from which this document is derived be read in order to obtain a complete understanding of this investigation. Further, audio and/or video recordings exist for the majority of the interviews conducted, revealing further details of statements given regarding the incident.

This investigation was conducted with the purpose of determining, to the extent possible, the facts and circumstances surrounding this incident. As unbiased collectors of fact, the investigative team has not and will not render any opinion of the legality of officers' actions. Instead, it is anticipated that this investigation will provide the basis of information for decisions to be rendered by the appropriate authorities.



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Investigative Team

Lead BCI Special Agent:

- SA Kyle Douglass

Assisting Investigative BCI Special Agents:

- SA Matt Collins
- SA James Gore

BCI Crime Scene Special Agents/Evidence Technicians:

- SA Sarah Taylor (lead)
- SA Chad Holcomb
- Evidence Tech Amy Gill

BCI Investigative Supervisors:

- Special Agent Supervisor Kevin Barbeau
- Special Agent Supervisor Josh Durst

Summary of Process

The following is a partial list of investigative activities or methods which were employed during the course of this investigation, by the investigative team, in an effort to thoroughly and accurately locate and document all pertinent facts and circumstances regarding this incident:

- Recorded interview of the officers who discharged their weapons
- Recorded interviews of officers who were involved in the incident, at the scene, or otherwise deemed to potentially have relevant information
- Neighborhood canvass of the area surrounding the scene
- Recorded interview(s) of the involved subject and others subjects directly involved in the incident
- Review of all available body cameras involved in the incident
- Review of all available surveillance video which captured any portion of the incident
- Processing of the scene for potential evidence (photographing, searching, measuring, documenting, and collecting)
- Reviewed audio communications on the radio frequencies utilized during the incident
- Review of 911/phone communications related to the incident

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- Review of dispatch/CAD records pertaining to the incident
- Review of Mobile Data Terminal (MDT) communications relative to the incident
- Review of the department's reports, photographs, and investigative materials pertaining to the incident, excluding any Garrity statements or information derived from any compelled statement
- Conducted forensic laboratory examinations to include:
 - Firearm identification testing of involved firearm and casings
- Collected and reviewed the departmental personnel files of the officers involved in the shooting, to include training and disciplinary records (if any)
- Reviewed firearm qualification and training records for involved officers
- Verified the Ohio Peace Officer Training Commission (OPOTC) certification status of the officers who discharged their weapons
- Obtained the department's policies and procedures regarding use of force for prosecutorial review

Incident Summary/Overview

On February 11, 2023 at approximately 1940 hours, CPD SWAT Officer Robert Cutshall (Officer Cutshall) received a call from Detective Goodrich at the Athens County Sheriff's Office. Detective Goodrich reported a woman who knew Andrews would be meeting him at the Hilton hotel on Buckeye Place in Grove City. CPD SWAT was asked to respond to that location and arrest Andrews.

Responding CPD SWAT officers included Officer Cutshall, Matthew Liford (Officer Liford), James Ashenhurst (Officer Ashenhurst), Steve Shope (Officer Shope), and Kerry Cibulskas (Officer Cibulskas). They arrived to the Hilton in Grove City at approximately 2000 hours. CPD was notified by a Grove City Police Department (GCPD) officer that had spoken with the female (CP) meeting Andrews, who reported she was impersonating Andrews's ex-girlfriend. CP informed police Andrews was in the parking lot of the Home Depot. CPD SWAT officers drove to Home Depot to look for Andrews.

CPD SWAT officers arrived at Home Depot, Andrews was located and identified shortly after. Andrews was standing near the passenger side of a white Nissan sedan. CPD SWAT officers then collapsed on the Nissan sedan, preventing the vehicle from fleeing the scene. As they exited their vehicles to apprehend Andrews, who was then seated in the passenger seat of the white Nissan,



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several CPD SWAT officers announced Andrews was reaching for something between his legs. CPD SWAT officers commanded Andrews to show his hands. Andrews did not comply, and at least one officer observed Andrews holding a black handgun. CPD SWAT officers continued to give verbal commands to Andrews to show his hands and drop his weapon, as he began to raise the firearm towards the windshield. Several CPD SWAT officers fired their weapons at Andrews.

Once Andrews had dropped his gun and was no longer considered a threat, CPD SWAT officers moved in to secure Andrews. The passenger door of the Nissan sedan was forced open, and a black handgun was removed from Andrews's person and placed on top of the vehicle. After extracting Andrews from the vehicle, CPD SWAT officers began to render first aid to Andrews. EMS medics arrived seconds later and took over first aid before transporting Andrews to Grant Medical Center, where he was pronounced deceased.

Subsequent Investigation

Physical Evidence and Laboratory Reports

Various items of potential evidence were submitted to the BCI Laboratory for analysis. The actual reports should be consulted as the following synopsis does not include many of the details from the full reports.

The BCI Laboratory Firearms Section performed an analysis of the officer's firearm, as well as the firearm-related evidence collected from the scene and vehicles. By comparing evidentiary cartridge casings/projectiles to known standards from each weapon, identifications were able to be made as to which casings/projectiles were fired from each firearm. Of the casings/projectiles recovered, the following identifications were made:

A total of eleven (11) cartridge cases and twelve (12) fired projectiles were submitted to the lab for analysis. Forensic Scientist Kelsey Cramer (FS Cramer) identified two of the 9mm Luger cartridge cases (Items 7-8) and two fired projectiles (Item 15-16) as being source identified to the Glock model 17 Gen5, 9mm Luger semiautomatic pistol, serial # [REDACTED] (frame and barrel) / # [REDACTED] (slide), assigned to Officer Liford. FS Cramer identified three of the 9mm Luger cartridge cases (Items 1-3) and two fired projectiles (Items 26, 29) as being source identified to the Glock model 17 Gen5, 9mm Luger semiautomatic pistol, serial # [REDACTED] (frame and barrel) / # [REDACTED] (slide), assigned to Officer Ashenurst. FS Cramer identified six of the 9mm Luger cartridge cases (Items 4-6, 9-11) and eight fired projectiles (Items 14, 21-25, 27-28) as being



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source identified to the Glock model 17 Gen5, 9mm Luger semiautomatic pistol, serial # [REDACTED] assigned to Officer Cutshall. One fired cartridge case (Item 13) was source excluded from all firearms collected at the scene.

Investigative Interviews

The following information comprises extremely abbreviated versions of the statements made by the witness and/or participants of this incident deemed by the author to be of most relevance to the overall understanding of the incident. More detailed accounts can be found by reading the separate reports written by the interviewers and by reviewing the recordings of each interview, including those not synopsized below.

CPD SWAT Officer James Ashenhurst:

In his official statement given to BCI regarding the incident, Officer Ashenhurst wrote, "Around 8:30p, the suspect got into the vehicle on the passenger side with the driver still in the car. I asked over the air whether we were going "take him" at that time. Officer Cutshall aired that we were "going". I stated that I would take the front and the Team vehicles moved towards the suspect car to box it in, blocking the driver's ability to leave. I parked in front of the suspect car with my front bumper against the front bumper of the car the suspect was in. As I pulled up, I turned on my lights on quickly to identify myself as law enforcement. The bumper of Officer Cibulskas' vehicle was against the passenger side door- his bumper at an angle and facing slightly towards me. Officer Liford's vehicle was behind Officer Cibulskas on the rear bumper. Officer Cutshall's vehicle was against the driver's side door. I am unsure where exactly Officer Shope was located at this point, but my assumption is that he was at the back of the suspect vehicle. Once I stopped, I could see the suspect trying to open the passenger side door, but he was unable to because Officer Cibulskas' vehicle was only a few inches from the car door. As I was in a vulnerable position directly in front of the suspect, I tried to lean across the center console of my vehicle so that I would have cover behind my vehicle's engine block. Because of my vest and equipment, I could not get low enough in the vehicle and could still see above the dash. I could see the suspect directly ahead of me through the windshield bent down on the passenger side of the car as if trying to reach something on the floor in front of him. I aired that the "suspect was reaching" more than once. I could hear other officers give commands like "put your hands up" and "I want to see your hands." I do not know which Team member was making these commands. The suspect continued to not comply with the officers' directions, and he continued to reach down and appeared to be manipulating something out of my view. I could not see his hands. As I did

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not feel safe in my position in my vehicle. I opened the door of my car with my weapon drawn in my right hand. As I did, I could see Officer Cutshall front and right of my location on the driver's side of the suspect vehicle with his weapon drawn and pointed at the suspect. The suspect was still not complying with orders to show his hands, continued to reach toward the vehicles floor, and manipulate something in his lap out of my sight. Officer Cutshall, who appeared to me to have a clear line of sight of the suspect from his position on the driver's side of the vehicle, fired his weapon at the suspect, as I made my way around my car door. I am unaware of how many times Officer Cutshall fired, but the suspect continued to move- his head and whole torso, coming up in stiff posture from his original position leaning forward towards his lap. As I cleared my car door, I still could not see his hands and feared that the motion the suspect made as he came back up indicated that he was bringing a weapon up. I fired 2 to 3 times at the suspect's center of mass. I quit firing because I saw the suspect's head fall back on the headrest, his body seemingly to relax. At the time, I was unsure if any other officer besides Officer Cutshall and myself had fired. I do not know if Officer Cutshall continued to fire while I was firing. I estimate that it was less than a minute between the time I parked my car on the front bumper of the suspect car until the shooting was over. After the suspect appeared to no longer be a threat, I ran up to the passenger side door with my gun still drawn, saw that the passenger window was still intact, and went back to my car for a window punch. I aired for a medic. I could hear the medic's sirens almost immediately. I realized that though my body worn camera was powered on, it did not appear to be actively recording and I hit the record button. I eventually had to kick the passenger side window out as my window punch did not work effectively. When I opened the passenger door, the suspect was not moving. The suspect had a black handgun in his lap near his right hand. I took the gun and placed it on top of the car. With the help of Officer Cibulskas, I pulled the suspect from the vehicle and checked for gunshot wounds. The medic arrived soon thereafter. Other officers dealt with the driver, who had complied with instructions and who I understand was unharmed. I did not have any further involvement with the incident."

Officer Ashenhurst also wrote, "It is now my understanding that I fired twice at the suspect. I fired from a standing position with my weapon in both hands. I did not fire from cover and was standing at the left front of my vehicle facing the passenger side of the suspect car. I estimate that I was 8 to 10 feet away at all times that I fired at the suspect. Though my weapon had a light, the light was not on at the time of the incident. The Home Depot parking lot was well lit. I fired through the suspect vehicle's windshield on the passenger side at the suspect's center of mass, which was lower than me because I was standing and the suspect sitting. As such, I shot from high to low with the car and eventually the ground as my backdrop. At the time I fired, the suspect



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had continually ignored directions from officers to show his hands. I had seen the suspect reach towards the floor on the passenger's side of the vehicle on multiple occasions. I had seen him manipulate something in his lap just below the dash out of my view. As I was exiting my vehicle, Officer Cutshall, who appeared to me to have a clear line of sight of the suspect through the driver's side window, began firing at the suspect. Once I cleared my door, the suspect, who was facing my direction, sat up and I feared that he may raise a weapon. Once it became apparent to me that the suspect was no longer a threat, I stopped firing. I did not and do not believe that I had any other reasonable alternative other than to fire to protect my fellow officers and myself, as our lives were in imminent danger of being killed or severely wounded by the suspect."

Although he knew the name and identity of Andrews before the encounter, Officer Ashenhurst advised he did not know Andrews and had no previous interactions with Andrews in his official capacity as a police officer.

CPD SWAT Officer Robert Cutshall:

In his official statement given to BCI regarding the incident, Officer Cutshall wrote, "I accelerated south and drove around the suspect's vehicle. I pulled at a northwesterly angle next to the front driver's side of the car; Officer Ashenhurst pulled in front of the vehicle with lights activated; Officer Cibulskas trapped the vehicle from the rear; and Officer Liford pulled next to the passenger side of the suspect's car. Just as I pinned the driver's side door, Officer Ashenhurst yelled or aired that the suspect was doing something with his hands and/or dipping down into the car. I quickly got out, unholstered my weapon, and activated my gun's light/laser sight. I heard Officer Liford yelling several times "show me your hands!" from the passenger side of the suspect's vehicle. Due to the suspect's noncompliance, I moved around the front of my SUV toward the front driver's side of the suspect's vehicle. I got to the front driver's fender and trained my weapon on the suspect. From there, I could clearly see the suspect and the interior passenger compartment: The suspect was sitting in the front passenger seat holding a black semi-automatic handgun in both hands (using a two-handed grip), near his lap. He was manipulating the gun such that he was trying to rack the slide and/or turn off the safety. From my peripheral vision, I also saw someone in the driver's seat that appeared to be a male Black; but that individual had his hands in the air and was complying with commands. Officer Liford continued ordering the suspect to show his hands, and I believe I also ordered him to drop his weapon, but suddenly he raised the weapon towards the windshield. I believed he intended to shoot either me or one of the other officers surrounding the vehicle, and it was at that time I fired. I believe two other officers fired at the moment I fired or the instant after. I stopped shooting a moment later when the gun



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fell from the suspect's hands, and he slumped into the seat. The gun appeared to fall between the suspect's right arm and body. I stayed at the driver's side fender and covered the suspect. I also ordered the driver to keep his hands up. Officer Ashenhurst moved up to the front passenger side of the vehicle. He tried to finish breaking the front passenger window to extract the suspect from the vehicle. But I told him to move Officer Liford's vehicle so the front passenger door could be opened. I also advised Officers Liford and Ashenhurst to render aid once the suspect was removed and secured. TEMS was requested to the scene, and upon arrival moments later, those medics started giving aid to the suspect."

Officer Cutshall also wrote, "I now know I fired 8 rounds during this incident. I fired those rounds in rapid succession in what I would estimate was less than two seconds. My target was the suspect's center mass. I used a one (right) handed grip. I fired in a northeasterly direction and at a downward angle such that the ground comprised my backdrop. My gun's light was activated as well as the laser sight. There was also ambient light from Officer Ashenhurst's headlights (which were pointed toward the suspect's car) as well as multiple overhead lights throughout the parking lot. I would estimate that I was within 5-7 feet of the suspect when I fired. I was standing and not moving. I did not have any concealment and the top half of my body had no cover. I feared for my life and for the lives of the other officers on scene at the time I fired my weapon. I believed he intended to shoot either me and/or one or more of the other officers surrounding his vehicle and that I and possibly others would be struck by those rounds and grievously injured or killed, especially given the extremely close range and lack of concealment or cover. It was then I fired at the suspect. At the times I fired, I did not think I had any other reasonable option to protect my life or the lives of the other officers from the deadly threat presented by the suspect's actions."

Although he knew the name and identity of Andrews before the encounter, Officer Cutshall advised he did not know Andrews and had no previous interactions with Andrews in his official capacity as a police officer.

CPD SWAT Officer Matthew Liford:

In his official statement given to BCI regarding the incident, Officer Liford wrote, "I pulled into the parking lot from Stringtown Road. It was not very crowded and I immediately saw the white car a few spaces south of the contractor pickup area. I drove in front of the car and the suspect, who was still standing outside the car door, and pulled around behind and parked my car in the aisle behind (east) of the suspect. The suspect looked at me, as I drove my car by, and got into the passenger seat of the white car but did not fully close the door (it was open about 6-8 inches).



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Officer Cutshall aired for the team to take him, which means for each of us to pull our car up and box in the suspect vehicle so that he cannot escape. Simultaneously, I pulled my car up to the passenger side door of the white car. Officer Cutshall pulled up to the front driver's side door and Officer Ashenurst pulled up to the front of the car. I believe Officer Cibulskas pulled up to the rear of the vehicle. I placed the front of my car against the passenger's door of the white sedan and the suspect tried to open his car door. As I opened my car door, I unholstered and drew my weapon. As soon as I had my door opened, I yelled "Get your hands up!" I left my door open and I was behind the "A" pillar, with my gun pointed over it, as I continued yelling for him to get his hands up. The suspect was crouching down in the front seat, like he was reaching for something on the floor. I do not believe he said anything but his car window was up. I yelled "he's reaching" to alert the rest of the SWAT members. Suddenly, I saw a gun in the suspect's right hand and he was bringing it up, with the barrel being leveled toward Officer Cutshall and I heard a gunshot. It is at that moment that I fired my weapon and I heard other rounds being fired simultaneously. The suspect collapsed in the seat and I stopped firing. I kept my gun trained on the suspect and I aired shots fired and that we needed TEMS (Tactical Emergency Medics). I held cover while Officer Cutshall approached the driver and Officer Ashenurst approached the passenger. Once we knew the suspect was down and no longer a direct threat, I got into my unmarked car and backed it up so that we could open the passenger's door to reach the suspect. Officer Ashenurst broke out the passenger's side window then he and Officer Cibulskas opened the door and removed the suspect from the car. I looked into the car and I saw a black semiautomatic handgun on the floorboard with a duffle bag. The medics and several other officers were on scene because the TEMS accompanying us on our missions and they began rendering aid to the suspect. The medics stated they were going to transport him to Grant and a Grove City officer (rode) with them. Other officers had secured the individual in the driver's seat of the white sedan and officers were securing the scene. Columbus Police Officer Support arrived on scene. This ended my involvement with this incident. I now know I fired 3 rounds during this incident. I fired those rounds in rapid succession. I would estimate that I fired all 3 rounds in less than two seconds. My target was the suspect's upper right side. I fired using a two-handed grip, from a standing position behind the "A" pillar of my plain car, utilizing it as cover. I fired through the 6-8 inches that the passenger's side door was cracked. The direction of my shots was south to slightly southwest. I fired at a slightly downward angle as the suspect was in the passenger seat of the car. My backdrop was the floor of the car and the blacktop of the parking lot. I believe I was approximately 5-6 feet from the suspect when I fired my weapon. Even though it was dark outside, there were multiple lights throughout the parking lot, as well as ambient light from



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Officer Ashenhurst's headlights which were pointed at the suspect, so I was able to see the suspect and him raise the gun."

Officer Liford also wrote, "This entire encounter was rapidly evolving and occurred in a matter of seconds. I would estimate that from the time we boxed in the car and I opened my door until all the shots were fired was approximately 15 seconds. At the time I fired my weapon, I was directly in fear for the life of Officer Cutshall, as well as the other officers and the civilian in the car with the suspect. The suspect had ignored my repeated commands to show me his hands, crouched down in the front seat, retrieved a gun and was raising it with the barrel coming up towards Officer Cutshall. I was also concerned that Officer Ashenhurst would become a target, as he exited his vehicle and approached the front of the suspect car, as the suspect was raising the weapon. I did not believe I had any other reasonable alternative to protect the life of Officer Cutshall or the lives of the other officers from the deadly threat presented by the suspect's actions."

Although he knew the name and identity of Andrews before the encounter, Officer Liford advised he did not know Andrews and had no previous interactions with Andrews in his official capacity as a police officer.

Summary

All persons known to have relevant information regarding this investigation have been interviewed (or attempted), and all known pertinent records and evidence have been obtained and reviewed. BCI will continue to offer investigative assistance into any newly identified witnesses or information relative to this criminal investigation. BCI's investigation into this Officer-Involved Critical Incident is concluded unless such new information/witnesses is/are identified through grand jury or other means.

Agents remain available for consultation and/or to perform any additional investigation, analysis, processing and/or other assistance/involvement which might be deemed to be necessary to the investigation.

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The preceding information comprises only a portion of facts and circumstances collected during the investigation of the officer-involved shooting incident. For further review of specific information or documentation collected during the investigation, please refer to the individual reports and documents from which this summary was derived. Any questions regarding the content or context of the information contained in this document can be directed to the attention of Special Agent Kyle Douglass. SA Douglass can be reached via email at kyle.douglass@OhioAGO.gov or by telephone, at 614-949-6278.