



**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: Body Worn Camera review

Involves: CPD Sergeant Michael Wilgus and CPD [REDACTED]

Activity Date: 10/17/2023

Activity Location: 818 Cherryberry Drive, Columbus, OH

Authoring Agent: SA Aja Chung, 86

Narrative:

On Monday, August 1, 2024, The Ohio Bureau of Criminal Investigation (BCI) was requested by the Columbus Division of Police (CPD) for assistance in investigating an Officer Involved Critical Incident (OICI) at 818 Cherryberry Drive, Columbus, Ohio. The incident stemmed from a domestic dispute involving Benjamin Wheeler (Wheeler), who had an active felony warrant for child support. Wheeler barricaded himself inside his residence and CPD Special Weapons and Tactics (CPD SWAT) responded to the barricade situation. After hours of unsuccessful negotiation and multiple non-lethal tactics attempts, CPD SWAT entered the residence to arrest Wheeler. An incident between Wheeler and SWAT officers ensued resulting in Wheeler's death.

On October 17, 2024, and several days following, BCI Special Agent (SA) Aja Chung (SA Chung) reviewed numerous video footage recordings that were provided by CPD and are digitally saved via Evidence.com. Please review the video footage in its entirety for specific details.

This report documents body-worn camera (BWC) footage from CPD Sergeant (Sgt.) Michael Wilgus (Sgt. Wilgus) and CPD [REDACTED]

SA Chung reviewed the BWC for CPD Sgt. Wilgus. The following was noted within the case folder, Direct Involved, BWC "Axon Body 3 Video 2024-08-01 1841 X60A8738C".

- The video was 2 hours long and began with Sgt. Wilgus walking towards 818 Cherryberry Drive. As Sgt. Wilgus got closer to the address, commands and announcements being made by CPD Ofc. Robert Vass (Ofc. Vass), and later the negotiator, were heard.

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- The announcements made consisted of, but were not limited to, ordering Wheeler to exit his house with nothing in his hands and that he had a warrant for his arrest.
- For fifty-four minutes, discussions amongst SWAT officers regarding Wheeler, entry tactics, less-lethal options and general discussions were heard.
- At the 55:14 minute mark, BearCat 1 could be heard breaching the front door.
- Wheeler was observed by SWAT officers that were standing behind BearCat 2. Orders for Wheeler to exit the house were heard, but Wheeler did not comply.
- At the 57:50 minute mark, six to seven SWAT officers were observed approaching the front door to 818 Cherryberry Drive.
- At the 57:57 minute mark, [REDACTED] was seen quickly moving back, was heard saying "Fuck," and immediately observed to be walking away from the front door.
- SWAT officers were heard saying, "Back up" to SWAT officers.
- All SWAT officers that approached the front door were seen immediately retreating towards the rear of BearCat 1.
- The negotiator was heard ordering Wheeler to stop throwing things, to drop the knife and slowly exit the house.
- CS gas (gas canisters) and knockers were heard being deployed into the house. CS gas is a form of non-lethal aerosol gas that is dispersed by a grenade. Knockers are non-metal bullets used to subdue subjects without causing injury.
- For the next hour, gas canisters and knockers were heard being shot into the house, as further negotiations were heard being announced. Entry positions were heard being discussed amongst SWAT officers and Sgt. Wilgus was heard providing scene updates on his portable radio.
- At the 1:58:20 hour mark, Sgt. Wilgus was observed walking away from 818 Cherryberry Drive to speak with SWAT commanders.
- The footage ended during that conversation.

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SA Chung reviewed the BWC video from CPD Sgt. Wilgus. The following was noted within the case folder, Direct Involved, BWC "Axon Body 3 Video 2024-08-01 2059 X60A8738C".

- This video was fifty-seven minutes long. The negotiator was heard giving commands and announcements in the background as SWAT officers were heard discussing entry and less-lethal tactics near a BearCat parked at 818 Cherryberry Drive.
- The announcements made consisted of, but were not limited to, ordering Wheeler to exit his house with nothing in his hands and that he had a warrant for his arrest.
- Ofc. Vass was observed providing Sgt. Wilgus and SWAT officers with Wheeler's location and the amount of debris that was in the entryway to the residence.
- At the 14:15 minute mark, deputies from the Franklin County Sheriff's Office (FCSO) drone team were observed arriving to the scene.
- At the 18:47 minute mark, the first drone was heard taking flight.
- At the 19:42 minute mark, a SWAT officer was heard saying, "He's in the kitchen."
- At the 20:41 minute mark, a SWAT officer stated Wheeler was "stuck in the kitchen right now. He can't get down the hallway."
- SWAT officers were heard saying that Wheeler knocked the first drone down. Nothing was recorded from the first drone.
- At the 22:50 minute mark, the second drone was heard taking flight, and seven to eight SWAT officers were seen moving into formation for entry into the house.
- At the 24:11 minute mark, entry through the front door was observed being made. Sgt. Wilgus was observed to be last in the line of SWAT officers.
- SWAT officers were observed to stop-halting entry into the house and then observed to continue making entry.
- A taser was heard being deployed.

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- SWAT officers were observed to momentarily stop entry advancement again due to the debris in the pathway.



Photograph of living room and debris on floor.

- A SWAT officer was heard saying, "Give me another taser."
- A flash grenade was heard and observed detonating.
- At the 25:21 minute mark, five gunshots were heard being fired as well as a taser that was deployed.
- Three SWAT officers were observed on the floor in the living room.
- Sgt. Wilgus was observed to enter the kitchen by climbing over the couch that was in the living room.
- SWAT officers were seen standing at the top of the stairs and heard shouting orders to Wheeler.

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- At the 26:08 minute mark, Sgt. Wilgus was heard saying, two officers are down, and they are being removed from the house. Some radio transmissions were inaudible due to his gas mask.
- At the 27:47 minute mark, Sgt. Wilgus was heard providing a status update over his radio, regarding Wheeler's location inside the basement.
- For ten minutes, communication with Wheeler was attempted with no success. Approach tactics were heard being discussed.
- A SWAT officer is heard saying that Wheeler has lost a lot of blood.
- At the 36:26 minute mark, a long gun was observed on top of the counter by the kitchen sink.
- At the 39:09 minute mark, a SWAT officer brought the camera pole inside where it was deployed down the stairs.
- At the 42:56 minute mark, a SWAT officer was heard saying, "He's down, it looks like," explaining Wheeler's position inside the basement.
- At the 43:45 minute mark, SWAT officers were observed moving into basement.
- At the 45:08 minute mark, a request for medics was heard, and one second later medics were seen entering the basement.
- At the 47:20 minute mark, one medic exited the basement and was observed to give a "thumbs down" gesture.
- At the 47:52 minute mark, Sgt. Wilgus was heard asking a medic, "Is he 18?" (code for deceased) and the medic replied, "Yeah" with an inaudible statement, due to the gas mask being worn.
- After the 48:10 minute mark, nothing of investigative value occurred.

SA Chung reviewed the BWC video from CPD [REDACTED] The following was noted within the case folder, Direct Involved, BWC, "Axon Body 3 Video 2024-08-01 1851 X60A8487H".

- The video was just over three hours long and began with [REDACTED] standing with SWAT officers behind BearCat 2 at 818 Cherryberry Drive.

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- For forty-four minutes, general conversations, entry tactics and less-lethal options are discussed. Commands and announcements over the loudspeaker by Ofc. Vass and the negotiator were heard.
- The announcements heard over the loudspeaker consisted of, but were not limited to, advising Wheeler there was a warrant for his arrest and for Wheeler to exit his house with nothing in his hands.
- At the 44:15 minute mark, BearCat 1 was heard breaching through the front door.
- Wheeler was observed by SWAT officers that were standing behind BearCat 2. Orders for Wheeler to exit the house were heard, but Wheeler did not comply.
- A SWAT officer was heard telling other SWAT officers that Wheeler "Ran to the "2" (side of the house designated by a number).
- At the 46:34 minute mark, [REDACTED] with his rifle, was seen approaching the front door with three other SWAT officers in front of him.
- At the 46:40 minute mark, a voice could be heard saying, "Come on in (inaudible).
- [REDACTED] was heard saying, "He's got a gun" and [REDACTED] repeated what he heard, "He's got a gun, back up."
- [REDACTED] took a position behind [REDACTED] and said, "Go lower". Due to the camera angle being blocked by [REDACTED] helmet and bunker, and only part of the front door was seen.
- At the 46:50 minute mark, a kitchen knife with a red handle was seen flying through the air from within the front door towards the SWAT officers. Simultaneously, [REDACTED] quickly ducked down and away, and blood on his right forearm was seen.

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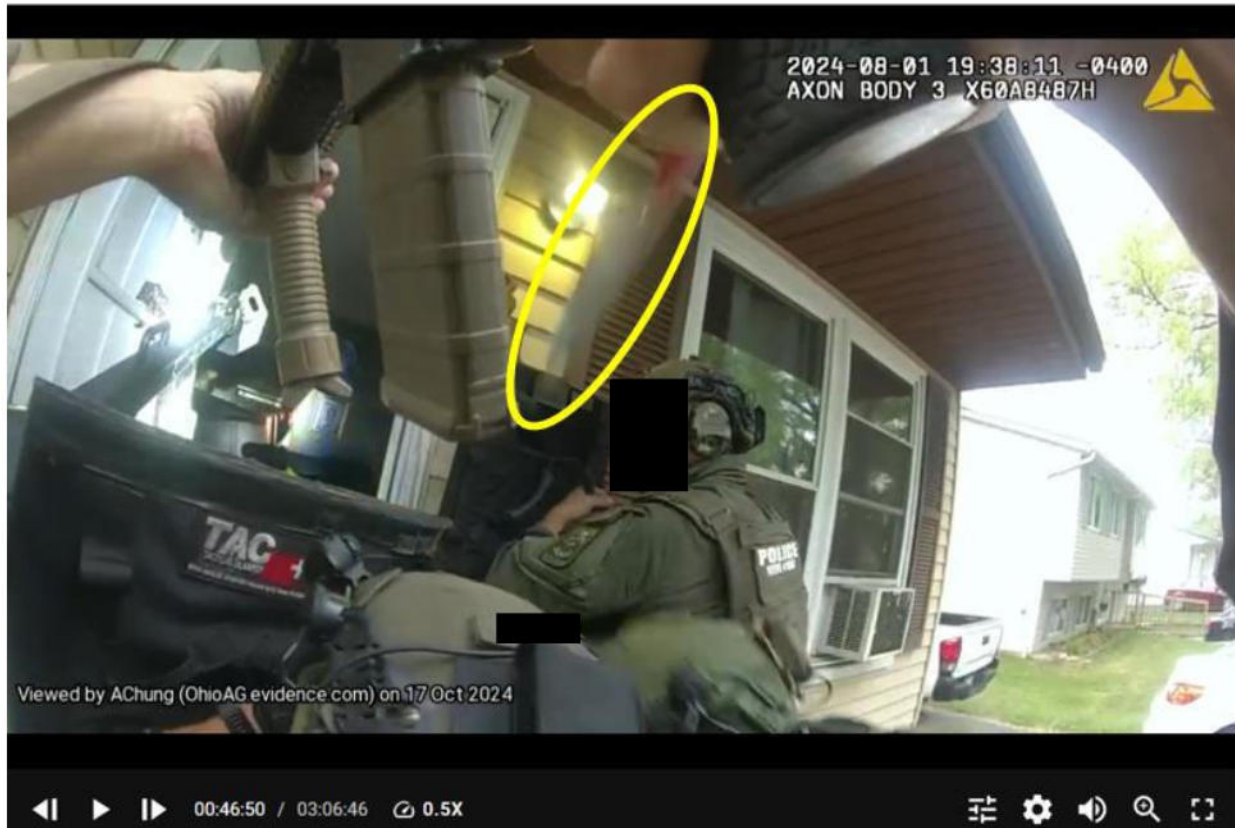


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Photograph of knife flying through the air.

- [REDACTED] was heard asking, "What was that?".
- [REDACTED] can be heard saying, "Fuck" and a SWAT officer was heard saying, "A knife."
- Immediately following [REDACTED] getting injured, SWAT officers can be heard saying, "Back up".
- All SWAT officers were observed to retreat to the rear of the BearCats.
- The negotiator was heard giving orders to Wheeler to stop throwing things.
- SWAT officers can be heard discussing options to deploy CS gas (gas canisters) and knockers into the house.

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- At the 53:22 minute mark, [REDACTED] and [REDACTED] moved closer to the front door of the house. [REDACTED] was seen throwing a gas canister into the front door.
- For the next twelve minutes, conversations about less lethal and approach tactics were heard as the negotiator continued to make announcements.
- At the 1:05:00 hour mark, [REDACTED] and three SWAT officers approached the west side of the house and deployed gas canisters and knockers through the basement window.
- All four SWAT officers were observed to immediately fall back to the rear of BearCat 2.
- For the next twenty-six minutes, conversations regarding the first approach, communication attempted with Wheeler, and waiting for the gas to settle before making entry into the house were heard. Further commands ordering Wheeler to exit his house were heard over the loudspeaker.
- At the 1:32:40 hour mark, [REDACTED] with his rifle and one SWAT officer holding a bunker, were observed providing cover for [REDACTED] as he was seen throwing a gas canister into the front door.
- A SWAT officer was heard asking Ofc. Vass, Wheeler's position inside the house when Wheeler was observed throwing a gas canister out of the house.
- At the 1:35:58 hour mark, [REDACTED] provided cover to a SWAT officer as more gas canisters were seen being thrown into the house.
- For the next twenty-five minutes, further commands were announced and muffled discussions about entry tactics were heard.
- The decision to make entry after the gas dissipated was made. A discussion regarding SWAT assignments was heard.
- At the 2:02:55 hour mark, BearCat 1 can be heard moving objects at the front doorway with its ram.
- At the 2:08:17 hour mark, Ofc. Vass was seen explaining the pathway into the house that leads to the kitchen, to SWAT officers.
- At the 2:10:23 hour mark, due to the time of day, it was difficult to observe what SWAT officers were present in the following discussion.

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- A SWAT officer was heard asking, "Who's leading?" One SWAT officer is seen raising his right hand as someone says, [REDACTED]"
- A SWAT officer can be heard asking, "Who's got less lethal?"
- One SWAT officer can be heard saying, "I'll have the taser." Another SWAT officer was heard saying, "I'll have my gun out."
- [REDACTED] was heard saying, "I'm rifle." A SWAT officer was heard saying, [REDACTED] has rifle."
- A SWAT officer can be heard saying, "As soon as I see him, the taser is getting deployed."
- For the next fifteen minutes, general conversations amongst SWAT officers could be heard until deputies from the Franklin County Sheriff's Office (FCSO) drone team arrived.
- Both BearCats were observed providing scene lighting with the spotlights, due to it becoming dark outside.
- At the 2:25:26 hour mark, the first drone was seen flying into the house.
- SWAT officers were seen looking at a hand-held monitor.
- At the 2:25:37 hour mark, SWAT officers could see Wheeler inside the kitchen and was last seen throwing an object at it, knocking the drone down. Nothing was recorded.
- At the 2:29:00 hour mark, the second drone was heard and seen taking flight. The drone was observed flying towards the front door of the house.
- Knockers can be heard and seen being deployed into the house.
- At the 2:29:45 hour mark, five SWAT officers including [REDACTED] were seen forming a line on the passenger side of BearCat 1.
- At the 2:30:10 hour mark, entry was observed being made into the house. [REDACTED] [REDACTED] was fourth in the line of SWAT officers.
- Three SWAT officers were seen holding their bunkers up, and a flash grenade was seen and heard detonating.

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- SWAT officers were observed to stop at the front door and then continued moving further inside the house. Furniture could be seen in the pathway.
- Two SWAT officers were seen moving to the right, into the living room.
- At the 2:30:45 hour mark, a taser being deployed was heard and a SWAT officer saying, "I'm out, I'm out".
- At the 2:31:10 hour mark, a SWAT officer was heard saying, "Give me another taser."
- [REDACTED] was seen holding on to the SWAT officer directly in front of him with his left hand while his rifle was secured with his right hand.
- [REDACTED] was observed approaching the kitchen first. The camera view was briefly blocked as a SWAT officer fell into [REDACTED]
- A flash grenade detonating was heard, and a flash was seen inside the kitchen.
- A SWAT officer was observed falling into another SWAT officer causing both of them to fall.
- At the 2:31:23 hour mark, five gunshots were heard, with the last two shots observed coming from the officer in front of [REDACTED]

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Photograph of SWAT officer firing pistol towards kitchen area.

- Wheeler was heard screaming and [REDACTED] was seen climbing over the couch and into the kitchen.
- Another SWAT officer can be heard saying, "He's shot. He's hit."
- [REDACTED] took a position at the top of the basement stairs with two SWAT officers. Less lethal options were heard being discussed that included a throwbot, pole camera, drone of how to take Wheeler into custody.
- At the 2:33:40 hour mark, [REDACTED] observed the stock of a long gun on the kitchen floor and could be heard telling a SWAT officer what he saw.

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Photograph of a buttstock of a long gun observed on the kitchen floor.

- For approximately twenty minutes, numerous attempts to make contact with Wheeler were heard.
- A SWAT officer was heard saying that throw-bot was sent down attempting to see Wheeler's position. Wheeler could not be seen.
- At the 2:45:42 hour mark, a camera pole was sent down the stairs and Wheeler was observed to the right at the bottom of the stairs.
- [REDACTED] BWC was partially blocked due to his rifle position for roughly six minutes until he was observed to enter into the basement.
- [REDACTED] cleared the basement while the medics were seen tending to Wheeler.
- There was nothing of investigatory value after the 2:54:00 hour mark.

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References:

B - CPD body-worn camera (Evidence.com)

Attachments:

1-Wilgus BWC

1 [REDACTED] BWC

2 [REDACTED] BWC

3 [REDACTED] BWC

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