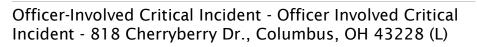


**Prosecutor Summary** 





To: G. Gary Tyack, Franklin County Prosecutor

Cc: SAS Kevin Barbeau, Special Agent Supervisor, Ohio BCI

From: SA James Poole, Special Agent, Ohio BCI

Date: December 12, 2024

Involves: and Benjamin Wheeler

Case Title: Officer Involved Critical Incident - 818 Cherryberry Dr., Columbus,

OH 43228 (L)

BCI Case Numbers: Special Investigations (SIU): 2024-2255

Crime Scene (CSU): 2024-2255 BCI Laboratory: 24-111028

## **Investigative Request**

On Thursday, August 01, 2024 at 2230 hours, Sergeant Terry McConnell (Sergeant McConnell) of the Columbus Division of Police (CPD) requested the assistance of the Ohio Bureau of Criminal Investigation's (BCI) Special Investigations Unit (SIU) and Crime Scene Unit (CSU) in conducting an independent investigation into the facts and circumstances surrounding an officer-involved critical incident. The incident reportedly occurred on August 1, 2024 in the area of 818 Cherryberry Dr. Columbus, Ohio 43228 and resulted in the death of Benjamin Wheeler (Wheeler).

#### Preface:

This report serves as a synopsis of the investigation into the August 1, 2024 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 is 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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Officer-Involved Critical Incident - Officer Involved Critical Incident - 818 Cherryberry Dr., Columbus, OH 43228 (L)

## **Investigative Team**

BCI Special Agent James Poole (SA Poole) was assigned as the lead SIU case agent. SA Poole received assistance in the investigation from SA Jonathan Scale (SA Scale), SA Kyle Douglass (SA Douglass), SA Aja Chung (SA Chung), and SA Ryan Scheiderer (SA Scheiderer). BCI Special Agents Aja Chung (SA Chung), Sarah Taylor (SA Taylor), and Dylan Wical (Technician Wical) of the Crime Scene Unit processed the scene of the incident, documenting, preserving, and collecting possible evidence. The investigation was supervised by Special Agent Supervisor Kevin Barbeau (SAS Barbeau). Additionally, various personnel from the BCI crime laboratory performed scientific analyses on submitted items of potential physical evidence.

## **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(s) of officer who discharged their weapon.
- Recorded interviews of eleven (11) CPD SWAT 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
- Interviews of two (2) civilian witnesses to the incident
- Interviews of three (3) family members or associates of the decedent
- Obtained and reviewed post-mortem examination (autopsy) and toxicology reports
- Obtained and reviewed police reports of prior law enforcement contacts with the subject
- Obtained and reviewed open and closed-source biographical information on the involved subjects, to include criminal history reports, OHLEG, driving records, etc.
- Review of all available dash cameras involved in the incident
- Review of all available body cameras involved in the incident
- Review of all available drone cameras involved in the incident used by the Franklin County Sheriff's Office (FCSO)
- Processing of the scene for potential evidence (photographing, searching, measuring, documenting, and collecting)



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- 3D scans / model of incident area
- Reviewed audio communications on the radio frequencies utilized during the incident were not conducted due to Columbus' data breach
- Review of 911/phone communications related to the incident were not conducted due to Columbus' data breach
- Review of dispatch/CAD records pertaining to the incident were not conducted due to Columbus' data breach
- Review of Mobile Data Terminal (MDT) communications relative to the incident were not conducted due to Columbus' data breach
- 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:
  - 1. Firearm identification testing of involved firearms, casings, and bullets
  - 2. Firearm operability testing
- Collected and reviewed the departmental training files of the officers involved in the shooting
- Reviewed firearm qualification and training records for involved officers
- Verified the Ohio Peace Officer Training Commission (OPOTC) certification status of the officer(s) who discharged their weapons
- Obtained the department's policies and procedures regarding use of force for prosecutorial review
- Obtained subpoenas for medical records
- Reviewed medical records of those injured, obtained through Subpoenas and patient consent
- Reviewed EMS records pertaining to their response and the treatment administered

#### **Incident Summary/Overview**

On August 1, 2024, the Columbus Division of Police (CPD) responded to 818 Cherryberry Drive, Columbus, OH, on a domestic dispute involving a Benjamin Wheeler (Wheeler). While conducting a warrant check on Wheeler, officers identified that Wheeler had a felony warrant for child support. Wheeler became irate and began throwing household items at the officers, barricading himself inside the residence. CPD Special Weapons and Tactics (SWAT) responded to the barricaded situation arriving around 1800 hours and ended their response around 2230. During this incident, it was found that CPD SWAT Officers tried to make contact with Wheeler by using a loudspeaker system but received no response. Information was given to SWAT officers



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from the family that there were possible weapons inside the house. A plan was devised
to breach the front door with a BearCat vehicle, where they could see Wheeler
barricading himself in the back kitchen. A plan was then established to make entry and
subdue Wheeler with non-lethal force by using a Taser. As the SWAT officers
approached the front door to make entry, was struck by knife that was
thrown from Wheeler and sustained injuries requiring him to immediately be
transported to the hospital. The SWAT team retreated and used multiple knee knockers
to break the exterior windows and used multiple CS-gas canisters in the house to get
Wheeler to surrender. After a couple hours of those tactics not working a plan was
devised to re-enter through the front door with shields and subdue Wheeler with non-
lethal force by using a Taser. SWAT officers then entered the residence through the
front door. As officers were navigating through the barricaded furniture,
, while having a shield, tried to use a Taser twice on Wheeler who kept hiding
behind the kitchen wall but was unsuccessful both times. As
approached Wheeler's last known position, was stabbed in his left
knee by Wheeler, causing him to be later transported to the emergency room. Shortly
after, Wheeler was seen stabbing was in the hand while was
attempting to Taser Wheeler but was unsuccessful.
Wheeler four (4) times at 2122 hours, causing Wheeler to flee back into the kitchen and
down the basement stairs. Officers held the basement stairs until a pole camera was
used to identify Wheeler who was not responding. Medics were called where they
pronounced Wheeler at the scene.

#### **Decedent**

Wheeler was identified as having a felony warrant for child support by officers who were originally called to the domestic call for service. After interviewing the family BCI Agents identified that Wheeler was staying with his parents while he got back on his feet and got a job. Christine Beane (Christine), Wheeler's mother, stated that Wheeler had mental issues which include having delusions of being in the military and that Wheeler had once been diagnosed with Schizophrenia. Christine also stated Wheeler was prescribed medication but never took it. Christine advised Wheeler tried to commit suicide two or three years ago and self-admitted himself to the hospital because of it.

#### **Autopsy Report**

The autopsy report for the decedent (Benjamin Wheeler) was obtained from the Franklin County Coroner's Office. A review of those documents revealed the following information:



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The cause of death for Benjamin Wheeler w	as determined to be
. The manner of death was ruled	. The toxicology report indicated that
Wheeler	

#### **Physical Evidence**

The BCI Crime Scene Unit was requested to respond to the scene of the shooting in order to document and preserve any items of potential evidence. Multiple agents responded and processed the scene, to include photographing and mapping the area, as well as the search for, documentation, and collection of items of possible evidence. Detailed crime scene reports were completed with the below information only summarizing some of the more significant findings.

In the kitchen near where Wheeler was barricaded a shotgun - Sears Roebuck & Co. with an empty chamber located on the stove and a Rifle - Sears Roebuck & Co. with an empty chamber located on the floor were located. Next to Wheelers body was located a red handled knife with suspected blood. In the front yard was located a knife with a red handle, a frying pan, a candle, and another knife.

A Taser prob with wires were located on Wheeler's body, a fired Taser cartridge was found in the kitchen area, a Taser was located in the Living room area, four (4) 9mm cartridge casings, and another Taser was located with deployed wires and probes in the living room area.

Glock Model 17 gen5, 9mm Luger Semi-Automatic Pistol, Serial Number with Holosum Optic, one magazine, and fifteen (15) unfired cartridges. was recovered.

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 Firearms Section performed an analysis of the officers' firearms, as well as the firearm-related evidence collected from the scene, vehicles, and autopsies (casings and bullets). 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:

Glock Model 17 gen5, 9mm Luger Semi-Automatic Pistol, Serial Number was found to be source identified to four (4) fired 9mm cartridge cases and one (1) fired



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projectile recovered from Benjamin Wheeler.

## **Witnessing Officers**

The following paragraphs are extremely abbreviated versions of each officer's account of his or her actions pertaining to this incident and/or discharging their weapon. More detailed accounts can be found by reading the separate reports written by the interviewers and by reviewing the recordings of each interview.

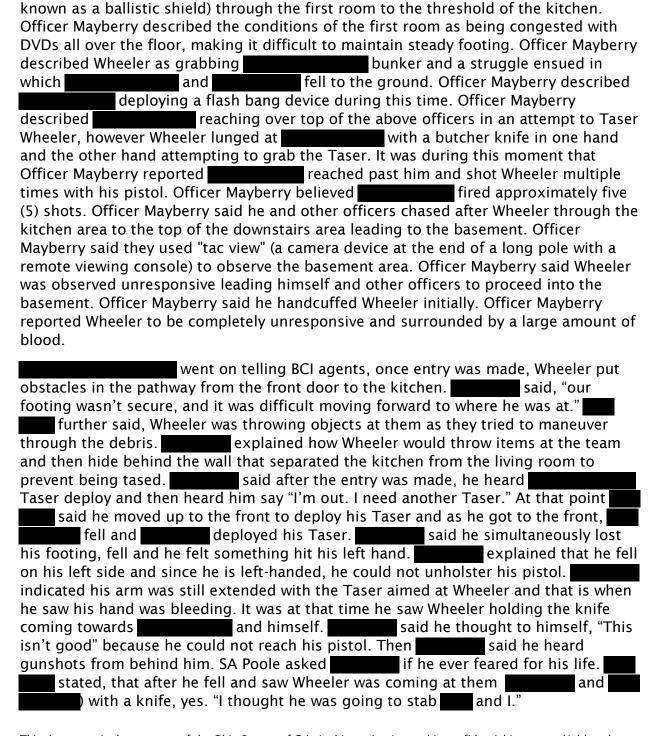
explained on August 1st, 2024, the
received a call out for a subject refusing to exit his residence, referred to as a
"barricade." Once all members of the team had arrived, they provided containment.
confirmed he knew the subject had a warrant and that he was alone inside
the house. further confirmed little movement was observed by the subject,
but the subject was seen shutting a window. advised that a decision was
made to breach the front door with the BearCat (SWAT armored vehicle). Once the front
door was breached, Wheeler was exposed and SWAT could see the subject and his
movements. advised Wheeler was shirtless and tried to shut the door.
advised a plan was set that two SWAT members would approach with
bunkers (heavy ballistic shield) and would be positioned between said
bunkers. Once Wheeler exposed himself, would deploy his Taser and take
Wheeler into custody. explained, "Once we got up to the front door, one of
the guys, was like 'there he is. He's got a gun.'" At this point indicated
he stuck his arm out between the two bunkers and was looking for him but never saw
him. went on to explain, "It was simultaneous when said, "he's got a
gun", then I got hit with something and honestly, at first, I thought I got shot because
we have our ear pros (protection) on and they cancel out the gunshots."
said he looked at his arm, saw that he was bleeding and said "FUCK!" and moved back
to the rear of the BearCat to get medical attention and eventually went to
Officer Rodney Mayberry recalled the following officers, in addition to himself, to be
involved with the second entry attempt:
Officer Mayberry said the officers were all wearing gas
masks during the entry making verbal communication nearly impossible. Officer
Mayberry described leading the entry team with a "bunker" (also



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## Interview

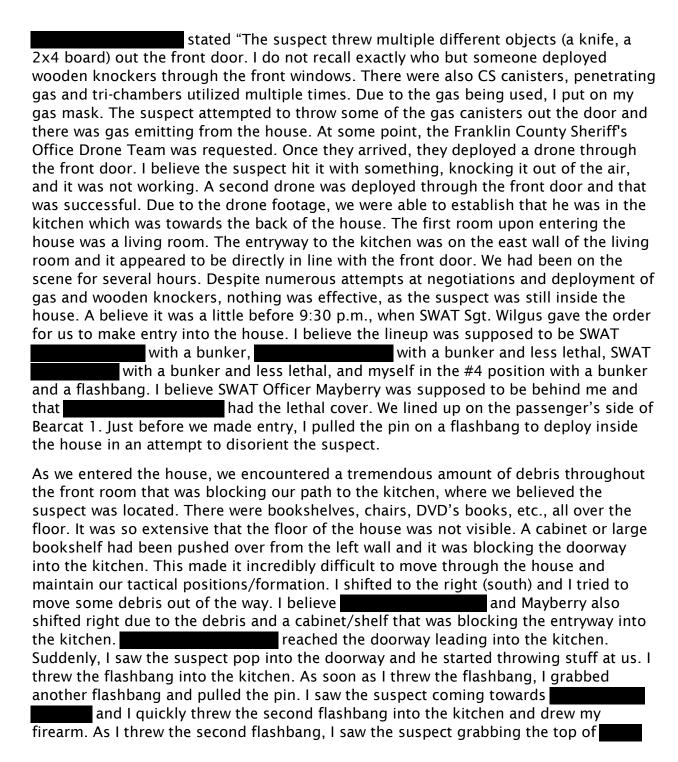
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bunker. I he	ard him yell something (I t	hink he said help) and I saw
the suspect was low and stabb	ping	in the leg. I leaned around the
corner and fired my weapon at	t the suspect. As I was firir	ng, I saw the suspect then stab
(who was to my left and I believe had deployed his Taser) in the		
hand. I saw	go down and continued fi	ring at the suspect until he
retreated into the kitchen and	into the basement."	

## **Video Recordings**

Multiple body worn cameras, helmet cameras, drone cameras. and vehicle cameras were reviewed. Please see the investigative reports for more details.





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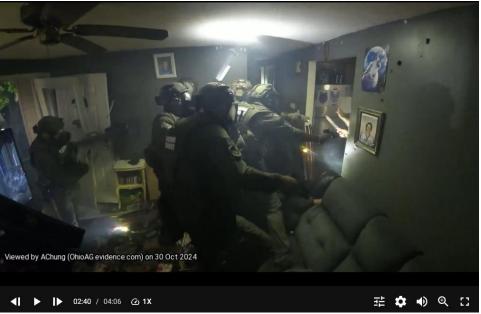


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## Summary

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 you might deem to be necessary.

#### **Contact Information**

The preceding information comprises only a portion of facts and circumstances collected during the investigation of the officer-involved critical 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 James Poole. SA Poole can be reached via email at james.poole@OhioAGO.gov or by telephone, at 614-370-4820.