



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



2023-0408
Officer Involved Critical Incident – 1680 Stringtown Rd., Grove
City 43123 (L)

Investigative Activity: Interview with Officer
Involves: Officer James Ashenhurst (S)
Date of Activity: 03/06/2023
Author: SA Kyle Douglass, #126

Narrative:

On March 6, 2023, at approximately 1219 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agents Jim Mulford (SA Mulford) and SA Kyle Douglass (SA Douglass) interviewed Columbus Division of Police (CPD) Officer James Ashenhurst (Officer Ashenhurst) regarding an Officer-Involved Critical Incident (OICI) which occurred at 1680 Stringtown Road in Grove City, OH (parking lot of Home Depot). On February 11, 2023, it was reported that CPD officers were attempting to execute an arrest warrant on Bret Andrews (Andrews). During the encounter, multiple CPD officers discharged their firearms. Andrews was transported to Grant Medical Center with alleged gunshot wounds, where he was pronounced deceased. BCI was notified of the shooting by CPD; however, this event occurred in the jurisdiction of Grove City Police Department (GCPD) and BCI was officially requested by GCPD to investigate the incident. The purpose of the interview was to obtain all relevant information of the incident known or observed by this individual. Also present for the interview was Officer Ashenhurst's FOP legal counsel, Cathrine Harshman.

This 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 beginning the interview, SA Douglass provided Officer Ashenhurst with a BCI "Criminal Investigation Notification" form. SA Douglass advised BCI was conducting a criminal investigation separate from any internal investigation that CPD may be conducting. Officer Ashenhurst was told his interview was voluntary and that he could stop answering questions at any time. Officer Ashenhurst verbally confirmed he understood the contents of the form and signed the document, acknowledging his understanding. A copy of the signed Criminal Investigation Notification (CIN) is attached to this report.

Attorney Cathrine Harshman provided SA Douglass with a written statement from Officer Ashenhurst regarding the OICI. Agent Douglass reviewed the statement upon receipt. SA Douglass provided a printed map of the location of the OICI scene to reference throughout

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the interview. Officer Ashenhurst signed his statement provided to BCI, and he verified the statement was a true and accurate depiction of the OICI incident. Please refer to Officer Ashenhurst's statement for further details. A copy of the signed written statement and the map was saved within the case file and is attached to this report.

SA Douglass and SA Mulford asked Officer Ashenhurst several follow-up questions and had him confirm where he fired his weapon based on the printed map of the OICI location. Officer Ashenhurst's answers appeared to be consistent with his written statement.

Officer Ashenhurst wrote in his statement, "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 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

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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 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 Andrews' name 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.

Interview concluded at approximately 1232 hours.

Attachments:

Attachment # 01: 2023-03-06: CPD Officer James Ashenhurst Interview Audio

Attachment # 02: BCI CIN - CPD Officer James Ashenhurst

Attachment # 03: Officer Statement - CPD Officer James Ashenhurst

Attachment # 04: Scene Sketch Map - CPD Officer James Ashenhurst

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Criminal Investigation Notification

1. This investigation is being conducted in order to determine whether any criminal laws have been violated on the part of those involved in this incident. Specifically, to collect facts and information to be provided to the prosecutor and/or grand jury in order for them to determine whether the conduct involved is authorized or prohibited by criminal statutes.
2. Your participation in this interview is voluntary and you may decline to answer or cease the interview at any time. You are entitled to have an attorney present if you wish.
3. The criminal investigation is separate from any internal, administrative investigation which your employer may or may not be independently conducting. You are not being compelled to give any statement or answer any questions. This is not a "Garrity" interview (where you could be required to answer).

JAMES N. ASHENHURST
Printed Name of Interviewee

3/6/23 12:21pm
Date / Time


Signature of Interviewee

Kyle Douglass
BCI Agent (Printed)


BCI Agent (Signature)



STATEMENT OF OFFICER JAMES N. ASHENHURST, BADGE #1204

This statement is regarding my involvement in an incident that occurred Saturday, February 11, 2023 between 8:00p and 9:00p. I understand that this is a voluntary statement.

My date of hire as a police officer with the Columbus Division of Police is December 12, 1999. My regular assignment is SWAT Gold Team #532. I work 7p to 3a with Sundays and Mondays off. I have been in that assignment for close to six (6) months. On Saturday, February 11, I was in my regular assignment. My immediate supervisor was Sergeant Scott Siford.

At the time of the incident, I was dressed in standard SWAT gear- green pants and a tactical vest marked COLUMBUS POLICE across the front and back in reflective lettering with a CPD badge printed on the left front. I was armed with a department-issued Glock 17 9mm with standard department-issued ammunition and a light. I was current in my range qualification with my weapon and my light. I was not carrying any backup weapons.

I was in good health at the time of this incident. I was not taking any medication that would in any way affect my ability to carry out my responsibilities and duties as a police officer. I had consumed no alcohol or drugs in the twenty-four (24) hour time period prior to this incident, nor had I worked any special duty. I was not under any unusual stress. I do not wear a hearing aid, nor do I have any problems with my hearing. I do not wear glasses or contacts and have no issues with my vision.

On or about December 10, 2022, SWAT had previously been made aware by a detective with the Athens County Sheriff's Office that a suspect by the name of Bret Andrews was wanted regarding a rape charge and was likely in the Columbus area. SWAT had previously put a GPS tracker on a car in Columbus that was associated with the suspect. We were unsuccessful in determining his location due to non-movement of the vehicle.

On February 11, 2023 at approximately 8:00p, Gold Team drove from the SWAT building located at 2609 McKinley Avenue, Columbus to the Hilton Garden Inn located at 3928 Jackpot Road just off Stringtown Road in Grove City. The team included Officers Kerry Cibulskas, Robert Cutshall, Matthew Liford, Steven Shope, and myself. Gold Team members drove separately to the Hilton. I was driving a Black Kia Sedona, which has lights and sirens but no dash camera. That day, the Gold Team had been made aware by authorities in Athens County that the Bret Andrews was allegedly meeting with a woman, who was in touch with law enforcement, at the Hilton. I arrived at the Hilton at approximately 8:15p. Over the radio, I heard that Grove City Police were talking to the woman the suspect was supposed to meet in the parking lot beside the Hilton. The woman relayed that she was in contact with the Mr. Andrews via text. She stated that the suspect was at the Home Depot located at 1680 Stringtown Road, Grove City and trying to get a ride back to the Hilton.

Gold Team then left the Hilton and drove to the Home Depot, which was less than a mile away. We remained in separate vehicles. It was radioed that there were Grove City Police units in the parking lot of the Home Depot. Once I arrived, I identified myself as CPD SWAT and asked the Grove City officers to clear the lot. Officer Cibulskas aired that the suspect was wearing a blue hoodie, had a beard, and was standing outside the passenger side of a white car in the parking lot texting on his phone. There was another individual in the driver's seat of the car. At the time, I was driving between the store and the parking lot. I could see the suspect to my left. I drove by him and turned to my left, parking in a spot a few rows over from the suspect vehicle facing the vehicle. Team members were in their individual cars in various locations throughout the parking lot.

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 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.

I was taken to Ohio Health at 1375 Stringtown Road for my breathalyzer and urine screening by Officer Support Mark Dilello.

According to the round count done by BCI after the shoot, I was told that I had 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 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.

Though I had professional knowledge of Mr. Andrews prior to this incident, I had never had any in-person interactions with him either personal or professional. I have now reviewed the video provided of my body worn camera, which did show the entire incident, and it does not materially change my recollection of the incident.



JAMES N. ASHENHURST, BADGE #1204

Google Maps



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