



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 Robert Cutshall (S)
Date of Activity: 03/06/2023
Author: SA Kyle Douglass, #126

Narrative:

On March 6, 2023, at approximately 1140 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 Robert Cutshall (Officer Cutshall) 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 Cutshall's FOP legal counsel, Lathan Lipperman.

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 Cutshall 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 Cutshall was told his interview was voluntary and that he could stop answering questions at any time. Officer Cutshall 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 Lathan Lipperman provided SA Douglass with a written statement from Officer Cutshall 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 the

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

Officer Cutshall wrote in his statement, "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 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

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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 Andrews' name 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.

Interview concluded at approximately 1206 hours.

Attachments:

- Attachment # 01: 2023-03-06: CPD Officer Robert Cutshall Interview Audio
- Attachment # 02: BCI CIN - CPD Officer Robert Cutshall
- Attachment # 03: Officer Statement - CPD Officer Robert Cutshall
- Attachment # 04: Scene Sketch Map - CPD Officer Robert Cutshall



**Ohio Attorney General's Office
Bureau of Criminal Investigation**



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).

OFF ROBERT CRISWELL #1930
Printed Name of Interviewee

3/6/23 11:43 AM
Date / Time

OFF R Criswell #1930
Signature of Interviewee

Kyle Douglass
BCI Agent (Printed)

Lathon Lippman
[Signature]

[Signature]
BCI Agent (Signature)

STATEMENT OF OFFICER ROBERT CUTSHALL, BADGE NO. 1930

This statement concerns my involvement in an incident that occurred on Saturday, February 11, 2023, between about 7:40 p.m. – 8:40 p.m. I am voluntarily providing this statement as part of the investigation being conducted by the Ohio Bureau of Criminal Investigation (BCI).

My date of hire with CPD is May 19, 1996. I have been assigned to SWAT for four years. Within SWAT, there are several “teams,” each assigned a different color. Currently, I am on the Gold Team as the Assistant Team Leader—an aid to the sergeant assigned to my team. My call sign is #533. My regular duty hours are from 7:00 p.m. until 3:00 a.m. with Sunday and Monday off. On the day of this incident, though, my hours were modified to 4:00 p.m. until 12:00 a.m.

At the time of this incident, I was wearing olive drab pants, a black jacket, and an outer vest carrier that displayed my badge, the CPD emblem, and stated POLICE on the front and back. My body worn camera (BWC) was also mounted to my external vest, specifically on my right side near my abdomen. I was carrying my service weapon: a Division-issued Glock 17 9mm handgun, loaded with Division-issued ammunition. It carries seventeen rounds in the magazine plus another round in the chamber. That gun was also equipped with a Division-approved TLR-2 tactical light with red laser sight attached to the underside of the frame. My range qualifications were current for that weapon. I was not carrying a backup firearm.

There were several other Gold Team members present when this incident occurred: Matt Liford, Steve Shope, James Ashenhurst, and Kerry Cibulskas. I was operating out of my unmarked SWAT SUV. The other SWAT members were also using their unmarked vehicles.

I am in good health. I do not suffer from any disabilities. I sometimes wear reading lenses, but I do not otherwise need contacts or glasses. Nor do I require hearing aids. I did not take any medication that could impair the performance of my duties. I also did not consume any alcohol in the 24 hours before this incident. I worked about an hour and a half of overtime on the day before this event. But I got plenty of rest and arrived at my shift well-rested and in good spirits.

I was familiar with the suspect out of this incident, Bret Andrews, before this event occurred. On December 10, 2022, a detective with the Athens County Sheriff's Office contacted SWAT regarding the arrest of Mr. Andrews, who had a felony arrest warrant stemming from the rape of his then-girlfriend's minor child. The detective believed Mr. Andrews may have stolen his ex-girlfriend's vehicle (a gold Chevy Suburban) and fled to Columbus, where he had lived previously.

I believe on the same day we received this arrest request, several SWAT members, including myself, searched for Mr. Andrews. Before doing so, SWAT completed an arrest workup on the suspect. Included in that workup was Mr. Andrews' current driver's license and photo. According to that information, he was described as a male white, standing 5'7", weighing two hundred pounds, and bald. The workup also included several pictures taken from Mr. Andrews' social media account which showed he had tattoos on his hands.

Athens County Sheriff's Office had an active ping on Mr. Andrews' phone. SWAT searched several locations based in part on those GPS pings, but the suspect was not found. Several weeks later, though, the ex-girlfriend's vehicle was found in a parking lot off Lockbourne Road. After securing a warrant, a GPS device was placed onto that vehicle; however, it did not move for several weeks, and SWAT removed the GPS tracker at the request

of the Athens County Sheriff's Office. Several days before the GPS tracker was removed, I found an additional address used previously by Mr. Andrews: an apartment located near the abandoned vehicle believed to have been dumped by the suspect. I and several other SWAT officers checked that apartment for Mr. Andrews. I spoke with the resident, but they had no knowledge or information about the suspect. By the day of this incident, Mr. Andrews had still not been apprehended.

On February 11, I arrived at SWAT headquarters around 4:00 p.m. At about 7:40 p.m., I received a call from Detective Goodrich with the Athens County Sheriff's Office. He told me a woman who knew the suspect reported that she would be meeting Mr. Andrews within the next hour, specifically at the Hilton on Buckeye Place in Grove City. He asked if SWAT could respond to that location and arrest the suspect. I replied yes and passed on the information about the suspect to SWAT members Shope, Ashenhurst, Cibulskas, and Liford as well as two CPD K9 officers. I also informed Columbus Fire Department (CFD) TEMS medics and requested them to respond to the area. CFD TEMS are tactical medics specially trained to standby in the vicinity where SWAT is operating so they can render aid immediately to civilians, officers or suspects, if necessary.

I put on my tactical gear and mounted my BWC to my external vest and powered it on. SWAT officers Liford, Ashenhurst, Shope, Cibulskas and I left SWAT headquarters a short time later, each in our unmarked vehicles. The other SWAT officers and I got to the Hilton shortly after 8:00 p.m. I believe the two K9 officers and medics were staging in the immediate vicinity. I also believe it was around that time that the Athens County detective texted me that the female meeting with the suspect was his cousin, Chelsea Pitts. He also provided Mr. Andrews' cell phone number and a picture of Ms. Pitts.

Within moments of arriving, Officer Liford aired that he saw a Grove City police officer talking to a woman at the Fairfield Inn next to the Hilton. He went to speak with that officer, and minutes later aired that the woman was the suspect's cousin and that she had been impersonating the suspect's ex-girlfriend, who the suspect thought he was meeting. She also reported that the suspect had walked to the Home Depot up the street and that he might have started walking back to the hotel. I aired over the radio that I wanted two SWAT officers to respond up the road to look for him; but Officer Liford clarified that according to the woman the suspect was still at the Home Depot so all officers should respond. I concurred.

I and the other officers left the hotel moments later. I believed the two K9 officers and the TEMS medics staged near the Home Depot. I recall Officer Liford airing around that time that Grove City officers were stationed in the Home Depot parking lot, but that once we got there he would ask those officers to clear out. Officer Liford also added that the suspect was wearing a blue hoodie.

I turned onto Buckeye Place then north onto Parkway Centre Drive. I drove up that road then turned right (east) onto Stringtown Road. After about a quarter mile, I turned left (north) and drove into the Home Depot parking lot. I parked in front of the store on the eastern side of the building. Specifically, I pulled into the contractor pickup area under the awning and parked in a spot facing south. From there, I could see into one of the entrances of the store as well as most of the parking lot.

Moments after I parked, Officer Cibulskas aired that he thought he saw the suspect standing outside of a white sedan with the passenger door open just south of my location. I could not see the suspect due to a column that held up the awning, so I moved my SUV about 5 yards east, outside of the contractor's pickup area. From there, I could see the white car about 20 yards

south. It was parked in a spot facing west, and there were no vehicles parked on any side of it. I also saw a male white in a blue hoodie outside the front passenger door of that car. I believed that was the suspect and the individual Officer Cibulskas had identified. Officer Ashenhurst had parked west of the suspect's car. Officers Cibulskas and Liford had parked east of the suspect's car. And though I could not see him, I believed that Officer Shope was south of the suspect.

The moment I identified the suspect, he started to get into the front passenger seat of the white car. Officer Cibulskas also aired that information to the other officers. I did not want the suspect to become mobile and escape. I aired for officers to move in and collapse on the vehicle. This is a trained SWAT technique which traps the vehicle and prevents it from driving away. I recall Officer Ashenhurst responding that he would approach from the front. I also recall double-tapping my BWC record button at that time.

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 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 Ashenurst 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 Ashenurst 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.

I ordered the driver to roll down his window and stick his hands out through the window. He was compliant and was repeatedly saying, "Thank God. Thank you." I had Officer Shope handcuff the driver, and I moved my SUV so that he could be removed from the vehicle. By that time, several Grove City officers had arrived on scene, and I believe the driver was placed into one of their cruisers after he was removed from the vehicle and secured.

Around that time, I switched my radio from the encrypted SWAT SW3 channel to the regular SWAT channel and aired shots fired and gave our location. I also requested a SWAT supervisor to call me. CPD K9 officers requested CPD patrol officers to respond to assist in securing the scene. Medics transported the suspect from the scene minutes later.

I waited until an Officer Support member arrived and transported me from the scene. This ended my involvement with this incident. I later met with a BCI investigator at SWAT headquarters who took photographs and collected evidence.

I realized immediately after this incident that my BWC did not capture the entire event. At the first safe opportunity (the moment after I fired and the suspect dropped his weapon), I quickly glanced down to ensure my BWC was recording and observed it was not functioning. I recalled double-tapping the record button just as officers converged on the suspect; but apparently my camera had not turned on when I activated it before I left SWAT headquarters. I immediately repowered my BWC and double clicked the record button. I was not able to double check that my BWC was functioning before then since the suspect got into the white vehicle the moment after I saw him, and I was focused on ensuring he did not escape. And the instant officers converged, the suspect presented a deadly threat, and it was not safe for me to divert my attention away from him to my camera. Nonetheless, the instant I realized this, I ensured my camera was turned on and recording even as I continued covering the suspect and driver. I am at a loss to explain why the camera did not activate when I initially powered it on at SWAT headquarters.

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.

At the time officers converged on the suspect's car, I did not see any civilians either near or around the car or even in the parking lot generally. I believe that Home Depot closes at 9:00 p.m., and this incident occurred around 8:30 p.m. Nor were there any other vehicles parked in any direction within several spaces of the suspect's car, leaving ample room for officers to trap the vehicle. If the suspect were allowed to leave the Home Depot, officers could only effectuate an arrest by pulling over the vehicle or following the suspect to his next destination. I believed, however, that the suspect would very likely flee if officers attempted an arrest by pulling over the vehicle, which would result in a dangerous pursuit—placing civilian and officer lives in jeopardy—or the suspect could escape and continue to evade apprehension as he had done for months. I was also unsure where exactly the suspect intended to go after Home Depot, so even if officers were able to tail him without the need for a pursuit, I did not know whether we could safely arrest the suspect at his next stop.

I feared for my life and for the lives of the other officers on scene at the time I fired my weapon. First, I was aware that Mr. Andrews had an active felony arrest warrant stemming from the rape of a child. I also knew that he had apparently fled Athens County once that warrant issued and had evaded apprehension for several months. Before we arrived at Home Depot, the suspect's cousin had reported he was at that location and wearing a blue hoodie. And before officers converged, Officer Cibulskas had identified Mr. Andrews standing outside of the white

car. I had also observed that same individual and saw that his hoodie matched the description relayed by his cousin. After I approached the suspect's vehicle and trained my weapon on the suspect, I also recognized the individual as Bret Andrews from reviewing his photos.


In the moments before I fired, officers had converged on the suspect's car from all angles. Officer Ashenhurst had also activated his red and blue lights. I and the other SWAT officers were readily identifiable as law enforcement officers. As described above, SWAT routinely makes arrests by boxing in a suspect's vehicle, preventing escape. In nearly every execution of that trained technique, the suspect peacefully surrenders. And in fact, here the instant officers converged, the driver of the vehicle threw up his hands and complied with commands. But instead, Officer Ashenhurst aird that the suspect was reaching for something and/or dipping down. Officer Liford was also repeatedly yelling commands for the suspect to show his hands, but he refused to comply. Instead, I saw him holding a semi-automatic handgun near his lap while appearing to either rack the slide (to chamber a round) and/or deactivate the safety. In either case, the suspect appeared as though he was readying his gun to fire. At that time, however, the barrel of the gun was pointed toward the dashboard/engine block.

But a second or so later, instead of complying with officers' commands and peacefully surrendering, the suspect in fact began raising and leveling the barrel of his weapon towards the windshield. 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. Though I

learned of Mr. Andrews on December 10, 2022 and searched for him after that date, I had never previously encountered him. I did not hear the suspect say anything during this incident. The driver identified himself and repeatedly thanked me and the other officers, but I do not recall him saying anything else during this event.

This concludes my statement.


Officer Robert Cutshall, Badge #1930

Google Maps



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