



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



2023-3023
 Officer Involved Critical Incident - 6235 Hathaway Rd.,
 Garfield Heights, Cuyahoga County, Ohio 44125

Investigative Activity: Body Camera Review
 Activity Date: 12-19-2023
 Authoring Agent: Special Agent Joseph Goudy #83

Narrative:

On Thursday, December 14, 2023, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Joseph Goudy (Goudy) received video footage from the Garfield Heights Police Department (GHPD) Sergeant (Sgt.) Todd Cramer (Cramer). SA Goudy was informed that the videos contained footage from the body cameras recorded by the Garfield Heights Police Department (GHPD).

SA Goudy reviewed the video recordings and noted the following:

██████████ ██████████

(Duration: 23 minutes and 02 seconds)

At the 01:30 mark, ██████████ ██████████ is seen walking up to the front door of 6235 Hathaway to make contact with the homeowner.



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At the 02:23 mark, a female opens the door from the residence. The female was later identified as Wilma Russell (Wilma). The wife of the decedent Benard Russell.



At the 02:48 mark, Wilma lets [REDACTED] and [REDACTED] into the residence. After [REDACTED] advised Wilma of the 911 call received from someone in the residence asking for the suicide hotline, Wilma said it could be her husband and that he's alone in the basement. When Wilma was asked if there were any weapons in the house, she said no.



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At the 03:14 mark, [REDACTED] [REDACTED] and [REDACTED] approach the interior door to the basement from the kitchen. When [REDACTED] [REDACTED] tries to gain entry, the door is locked. [REDACTED] [REDACTED] calls out Benard's name but there was no response.



At the 03:25 mark, [REDACTED] [REDACTED] asked Wilma if Benard was having any troubles. Wilma stated they had a conversation about divorce earlier in the morning.



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At the 03:51 mark, after Wilma provided the keys to ██████████ ██████████ to enter the basement through a rear exterior door, her and ██████████ ██████████ made there way to the entrance.



At the 04:05 mark, ██████████ ██████████ rings the doorbell and knocks on the door to get Russell's attention. ██████████ ██████████ also tries looking in the small window of the door.



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At the 04:49 mark, [REDACTED] [REDACTED] used the keys and opened the door to the basement where Russell was located. [REDACTED] [REDACTED] is heard yelling Russell's name and identifying herself as Garfield Heights Police prior to her entering through the doorway.



At the 05:09 mark, [REDACTED] [REDACTED] is seen walking into the basement where she encountered Russell in another room sitting in a chair at the far end of the room.



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At the 05:11 mark, [REDACTED] [REDACTED] has her flashlight on Russell which reveals Russell holding a handgun to the right side of his head. At this point, [REDACTED] [REDACTED] is pleading with Russell to put the gun down.



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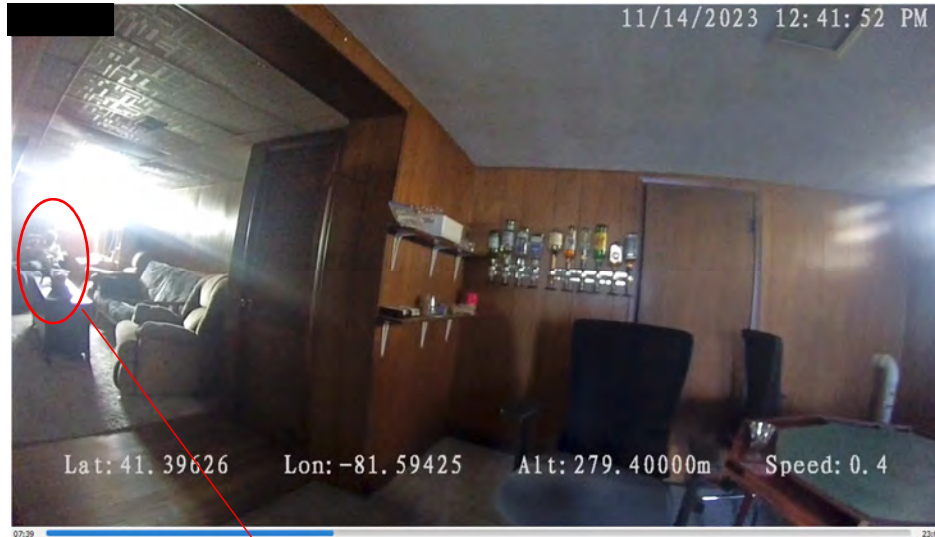


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At the 07:39 mark, While [REDACTED] [REDACTED] is pleading with Russell to put the gun down, Russell is heard saying, "We all die, we all die." Russell is saying this while still holding the handgun to the right side of his head.



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At the 0845 mark, as [REDACTED] [REDACTED] continues to try and get Russell to put the gun down, Russell is heard saying, "we all die" multiple times. Russell appears to be leaning.



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At the 11:55 mark, as [REDACTED] is still trying to get Russell to lower the gun, Russell is heard saying, "we all die" continuously, followed by, "it's time to die." [REDACTED] tells Russell, "It's not time for you to die Benard."



At the 14:47 mark, after several attempts of negotiations with Russell by [REDACTED] [REDACTED] Russell lowers his gun towards [REDACTED] [REDACTED] which resulted in [REDACTED] [REDACTED] firing her duty weapon at Russell.



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At the 14:50 mark, [REDACTED] [REDACTED] is seen firing her duty weapon in the direction of where Russell was located.



At the 15:03 mark, it appeared that Russell was struck and is heard yelling in pain. [REDACTED] [REDACTED] is heard telling Russell to drop the gun.



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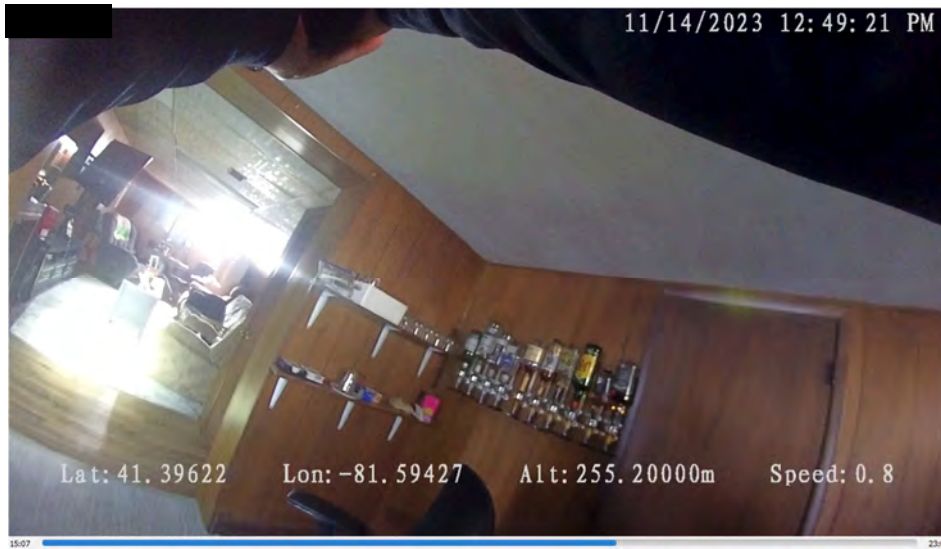
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At the 15:07 mark, as [REDACTED] is heard yelling for Russell to put his hands up, one additional gunshot was fired by [REDACTED] which appeared to be the fatal shot.



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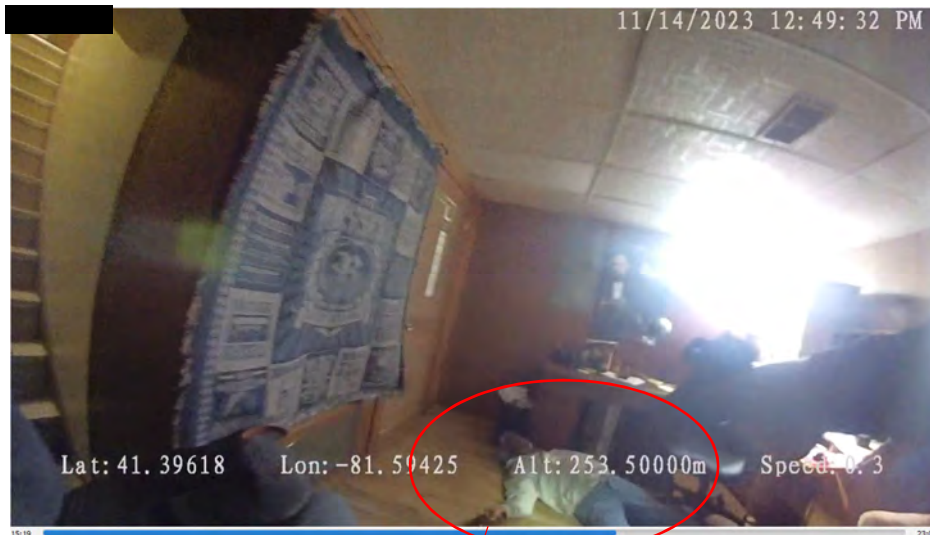
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At the 15:19 mark, [REDACTED] [REDACTED] along with other responding officers move in to provide emergency aid to Russell. The handgun is seen still in Russell's right hand.



(The handgun still in Russell's right hand)

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At the 15:21 mark, Officer Cwiklinski is seen stepping on the right wrist to prevent Russell from raising the gun and so he could retrieve and secure it.



At the 15:21 mark, once Russell was secured, [REDACTED] is seen putting a tourniquet on Russell's right leg.



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At the 16:37 mark, [REDACTED] [REDACTED] was pulled away from the scene and is seen exiting the residence while the other officers are providing emergency first aid.



Nothing further to report from [REDACTED] [REDACTED] s body camera footage.

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██████████

(Duration 28:50)

At the 03:14 mark, ██████████ ██████████ is seen and heard making contact with a female in the residence identified as Wilma Russell (Wilma). Wilma is heard allowing ██████████ ██████████ and ██████████ ██████████ into the residence to speak with Russell.



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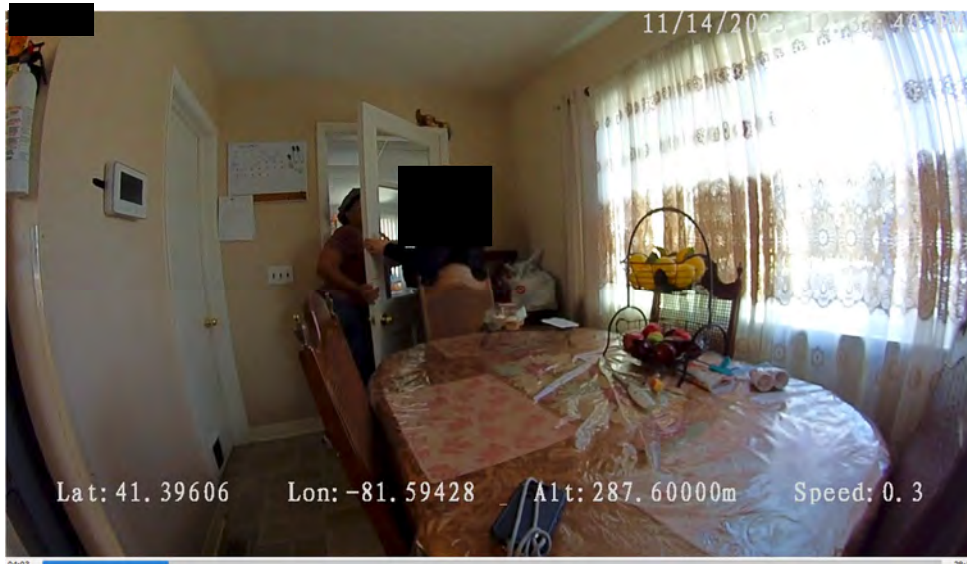


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At the 03:46 mark, [REDACTED] [REDACTED] is seen approaching the door to the basement where Russell was located. The door to the basement was locked.



At the 04:03 mark, Wilma is heard talking to [REDACTED] [REDACTED] saying that her and Russell had a conversation about divorce earlier in the day.



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At the 04:35 mark, Wilma already provided the keys to [REDACTED] [REDACTED] to enter the basement from the rear exterior door. [REDACTED] [REDACTED] n at the door while [REDACTED]. [REDACTED] stands by from up top.



At the 05:43 mark, [REDACTED] [REDACTED] and [REDACTED] [REDACTED] are seen entering the basement. [REDACTED] [REDACTED] is heard yelling for Russell.



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At the 06:31 mark, [REDACTED]. [REDACTED] entered another room to the left of where [REDACTED] [REDACTED] was positioned. [REDACTED]. [REDACTED] was able to view Russell sitting with a gun to his head. [REDACTED]. [REDACTED] is heard relaying the information to dispatch and the other responding units. At this time, [REDACTED] [REDACTED] is heard talking with Russell.



At the 08:07 mark, [REDACTED]. [REDACTED] is heard asking for a less lethal and a shield over the police radio. [REDACTED] [REDACTED] is still heard trying to negotiate with Russell.



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At the 14:32 mark, [REDACTED] [REDACTED] is heard still negotiating with Russell. From [REDACTED].
[REDACTED]'s view, Russell is seen with what appeared to be the handgun held to the right
side of his head.



(Russel sitting with gun to his head)

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At the 15:24 mark, [REDACTED] raises his gun up and moves forward as [REDACTED] is heard beginning to engage Russell.



At the 15:26 mark, [REDACTED] is seen firing his duty weapon towards Russell. The smoke from the muzzle flash is visible.



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At the 15:26 mark, a second shot is seen fired by [REDACTED] due to the smoke from the muzzle flash of his duty weapon.



At the 15:26 mark, a third shot is seen fired by [REDACTED] due to the smoke from the muzzle flash of his duty weapon.



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At the 15:30 mark, [REDACTED]. [REDACTED] is heard yelling over the radio, "shots fired, shots fired."
[REDACTED] [REDACTED] is heard yelling for Russell to drop the gun. Russell is heard moaning in
pain on the floor.



(Russell lying on the floor)

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At the 15:42 mark, [REDACTED]. [REDACTED] is heard yelling, "Drop the gun Benard, drop it!" Immediately after yelling for Russell to drop the gun, [REDACTED]. [REDACTED] fired a fourth round at Russell which appeared to be the fatal shot as mentioned by the Cuyahoga County Medical Examiner's office and the BCI Firearms lab.



(Russell lying on the floor)

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At the 16:46 mark, [REDACTED] [REDACTED] along with other responding officers moved in to provide emergency medical aid to Russell.



At the 17:31 mark, [REDACTED]. [REDACTED] exits the residence at EMT's arrive to provide further emergency aid.



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At the 21:59 mark, [REDACTED]. [REDACTED] meets up with his supervisor outside of the residence after the incident. SA Goudy stopped reviewing [REDACTED]. [REDACTED] s body camera due to Garrity rights.

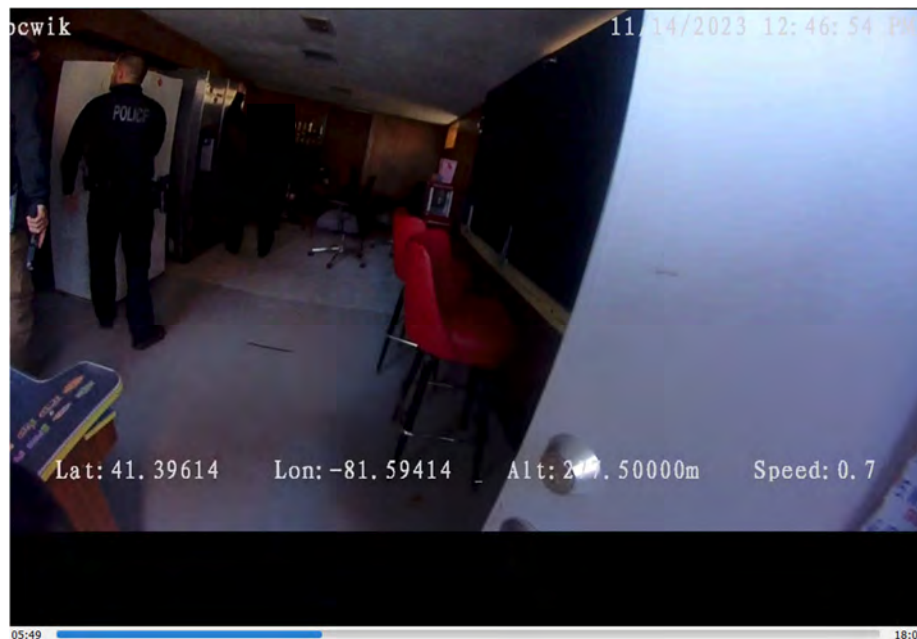
Nothing further to report from [REDACTED]. [REDACTED] s body camera.

Officer Bryan Cwiklinski

(Duration: 18 minutes and 5 seconds)

When Officer Cwiklinski and other officers arrived in the area, initially there was some confusion as to the exact whereabouts of the residence.

At the 05:49 mark, after officers arrived at the location, Officer Cwiklinski and other officers began to enter the rear exterior door of the basement. During this time, [REDACTED] [REDACTED] could be heard negotiating with Russell.



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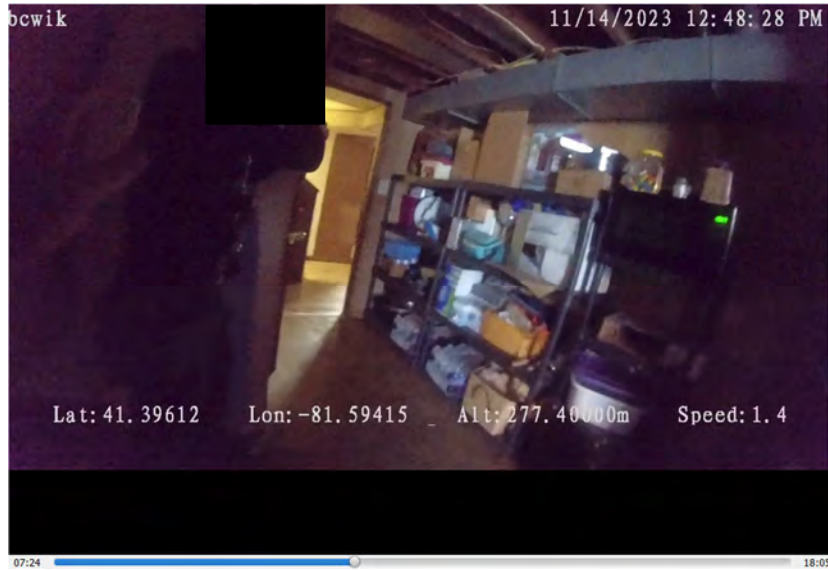


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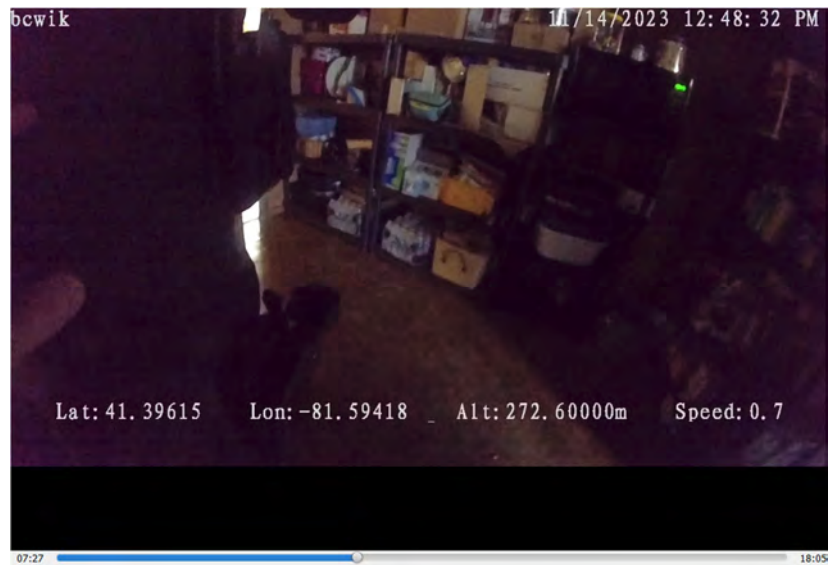


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At the 07:24 mark, Officer Cwiklinski approaches [REDACTED] [REDACTED]. During this time, [REDACTED] [REDACTED] can still be heard negotiating with Russell.



At the 07:27 mark, as Officer Cwiklinski approached [REDACTED] [REDACTED] [REDACTED] is heard whispering, "I have a very minor shot." [REDACTED] [REDACTED] is still heard negotiating with Russell. Russell is heard telling [REDACTED] [REDACTED] to get everyone out of there.



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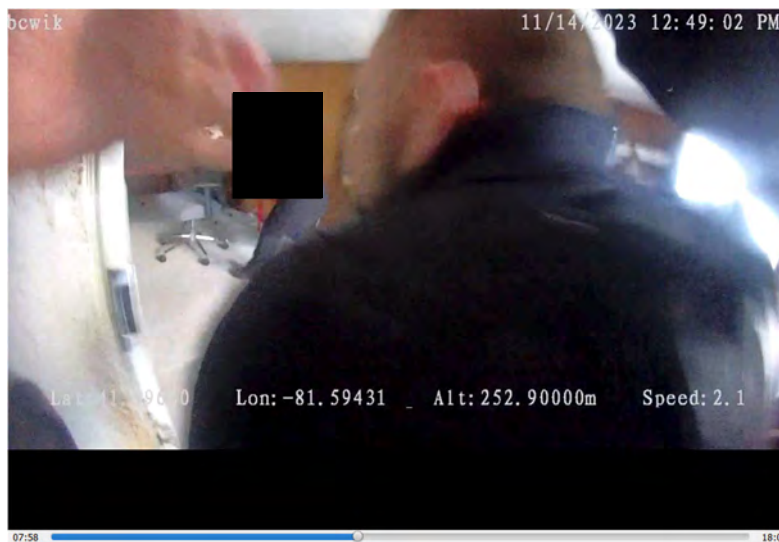


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At the 07:35 mark, Lieutenant (Lt) Berdyz is heard whispering for Officer Cwiklinski and [REDACTED] to exit the residence. [REDACTED]. [REDACTED] initially refused to leave because he didn't want to leave [REDACTED] [REDACTED] behind. Lt Berdyz is heard advising [REDACTED] [REDACTED] that he was going to have all officers exit the residence, including [REDACTED] [REDACTED]



At the 07:58 mark, [REDACTED] [REDACTED] is seen engaging Russell with her duty weapon as Lt Berdyz and Officer Cwiklinski appear to fall back.



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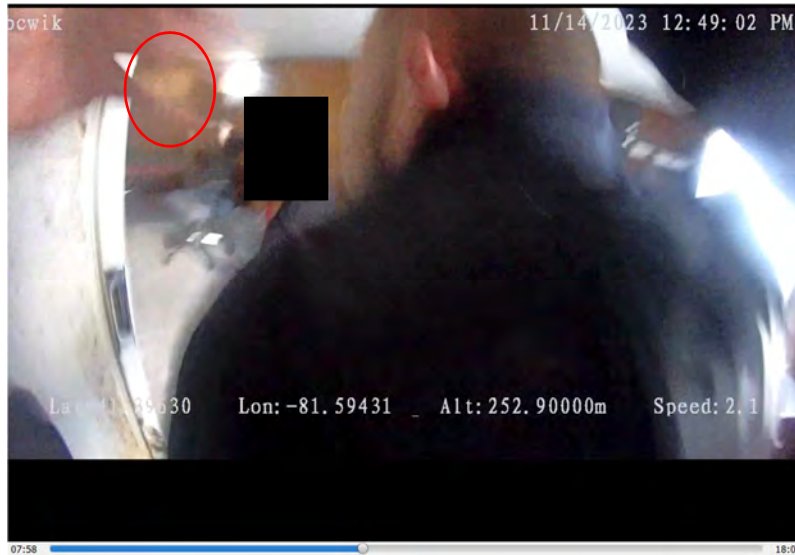


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At the 07:58 mark, [REDACTED] [REDACTED] can be seen firing her duty weapon due to the muzzle flash.



(Muzzle flash from [REDACTED] [REDACTED] s duty weapon)

At the 07:59 mark, another muzzle flash can be seen from [REDACTED] [REDACTED] s duty weapon as she fired at Russell.



(Muzzle flash from [REDACTED] [REDACTED] s duty weapon)

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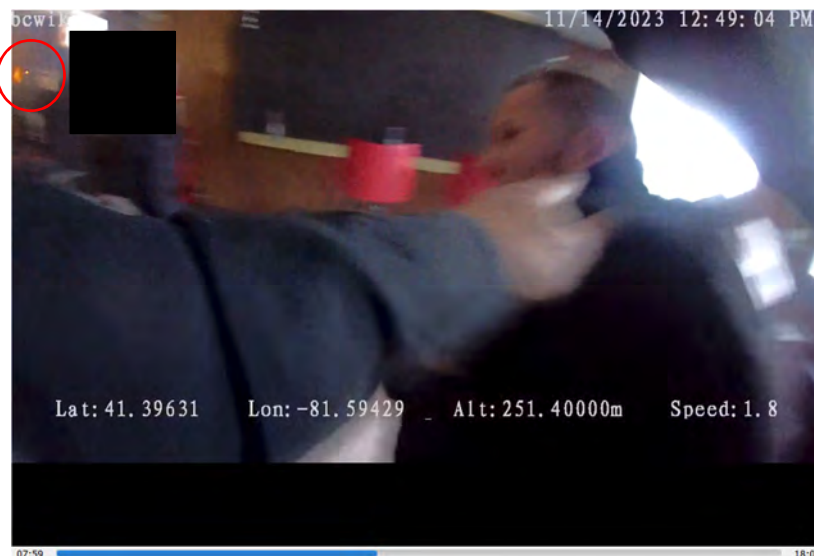
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At the 07:59 mark, another muzzle flash can be seen from [REDACTED] [REDACTED] s duty weapon as she fired at Russell.



(Muzzle flash from [REDACTED] [REDACTED] s duty weapon)

At the 07:59 mark, another muzzle flash can be seen from [REDACTED] [REDACTED] s duty weapon as she fired at Russell.



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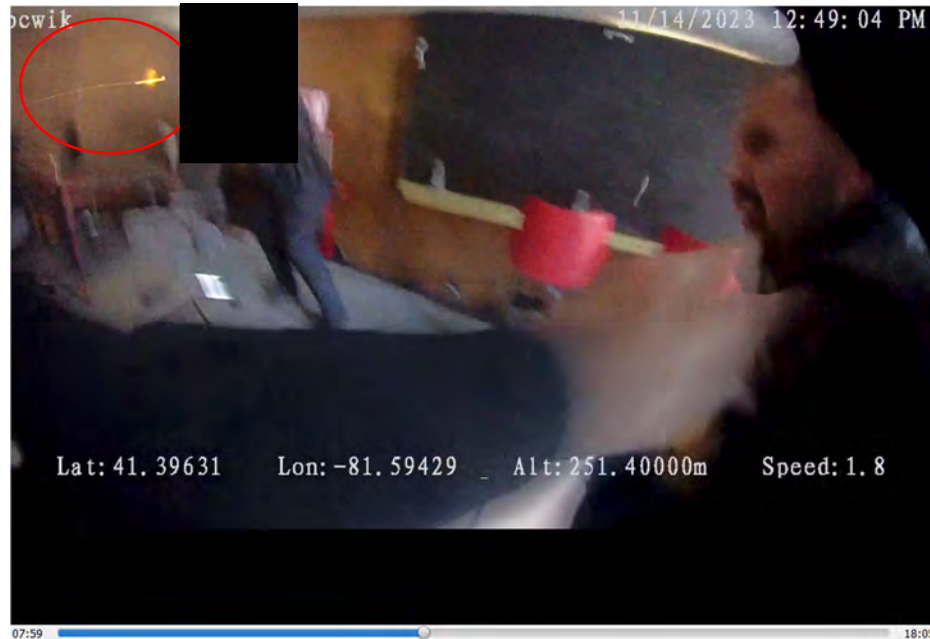


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At the 07:59 mark, another muzzle flash can be seen from [REDACTED] [REDACTED] s duty weapon as she fired at Russell.



(Muzzle flash from [REDACTED] [REDACTED] s duty weapon)

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At the 08:01 mark, Officer Cwiklinski moves forward to where [REDACTED] [REDACTED] initially fired from. During this time, Officer Cwiklinski, [REDACTED], [REDACTED] and [REDACTED] are heard yelling for Russell to drop the gun. Russell is also heard moaning in pain.



At the 08:15 mark, a final gunshot is heard, which according to statements, was fired by [REDACTED], [REDACTED] from the room to the left where he was originally positioned. The moaning from Russell became less than what it was previously.



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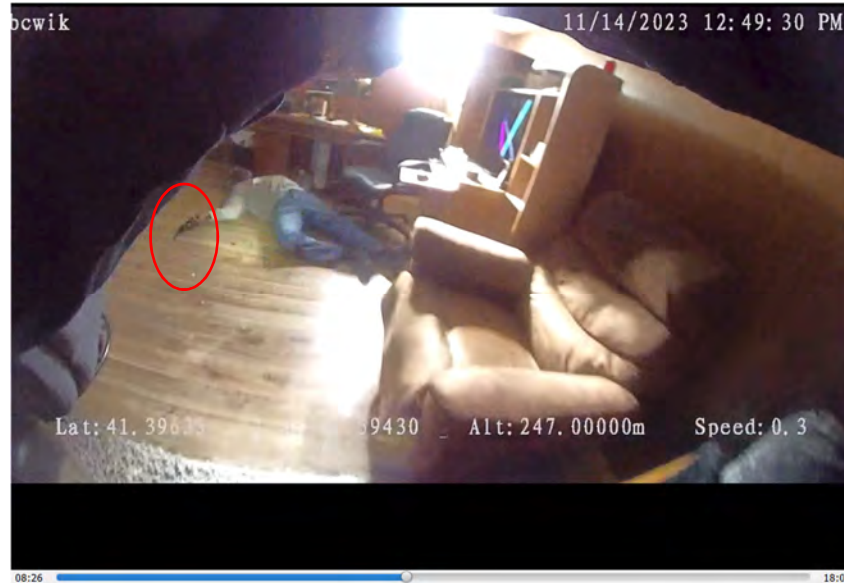


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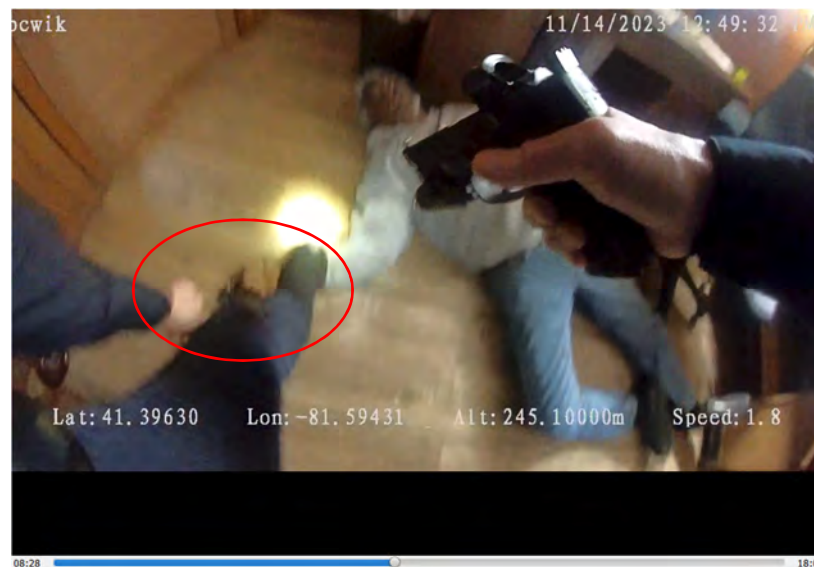


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At the 08:26 mark, [REDACTED]'s [REDACTED] Cwiklinski and Lt Berdyz move up to where Russell was lying on the floor. Russell still had the handgun in his right hand as officers approached.



At the 08:28 mark, Officer Cwiklinski is seen stepping on the right wrist of Russell as he reaches down to remove the handgun from Russell's right hand.



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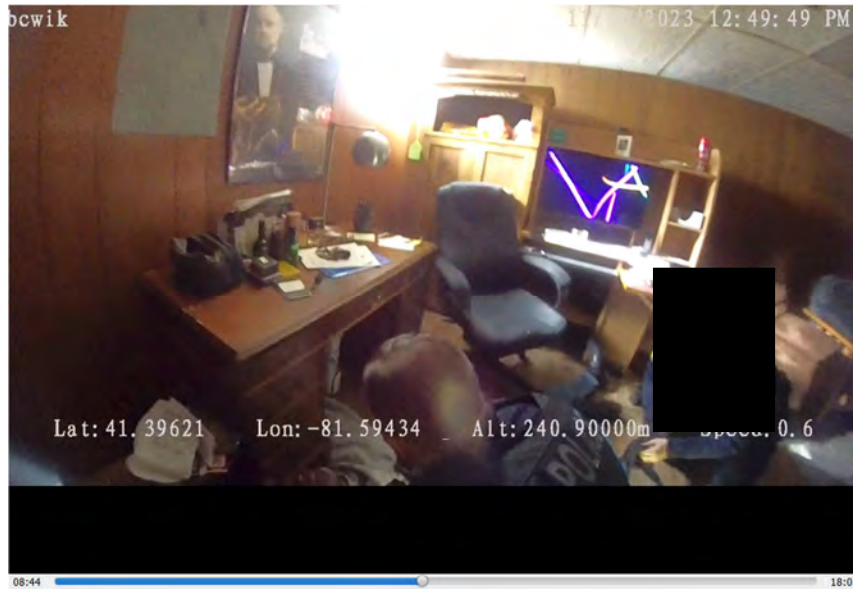
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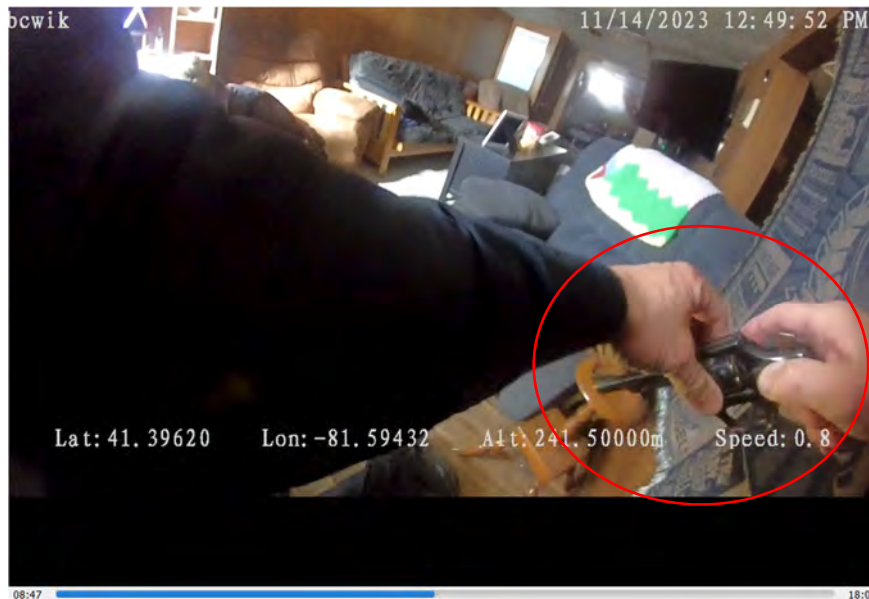
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At the 08:44 mark, once the handgun was secured, [REDACTED] and Lt Berdyz is seen beginning to administer emergency first aid to Russell.



At the 08:47 mark, Officer Cwiklinski is seen trying to secure the handgun previously possessed by Russell, by attempting to open up the action to remove the ammunition.



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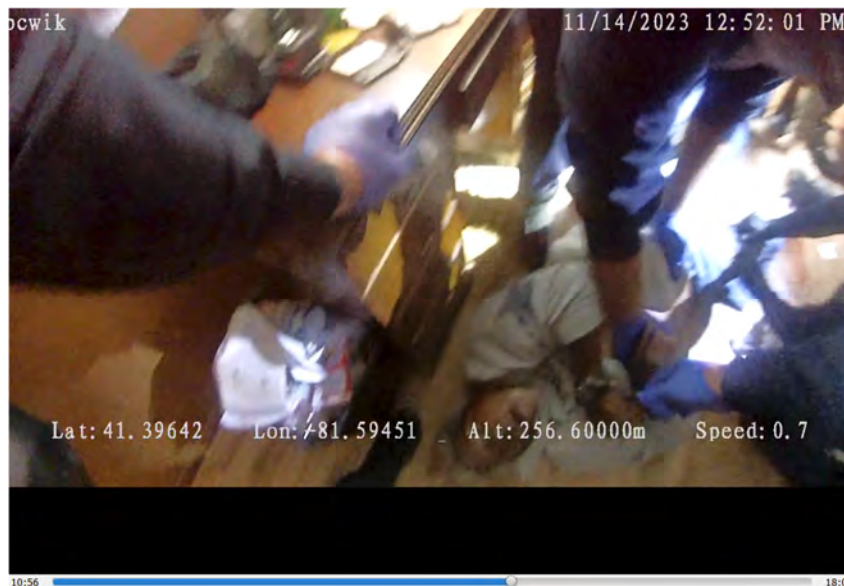


2023-3023
Officer Involved Critical Incident - 6235 Hathaway Rd.,
Garfield Heights, Cuyahoga County, Ohio 44125

At the 08:50 mark, Officer Cwiklinski still attempting to unload the revolver originally possessed by Russell. This snippet depicts an overall view of the revolver previously removed from Russell's right hand.



At the 10:56 mark, Officer Cwiklinski is seen assisting with emergency first aid on Russell. At this point, the EMT's have arrived on scene.



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██████████ Involved Critical Incident - 6235 Hathaway Rd.,
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Soon after the EMT's arrived, Officer Cwiklinski assisted with carrying Russell up the steps to the outside for him to be placed into the ambulance and transported to Marymount hospital for additional emergency treatment. Nothing further to report from Officer Cwiklinski's body camera.

Lieutenant Berdysz

(Duration: 35 minutes and 55 seconds)

At the 06:21 mark, Lt. Berdysz is seen walking into the basement of the residence with ██████████ ██████████ in position and speaking with Russell.



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At the 06:27 mark, Lt Berdysz walks into the room to the left where [REDACTED] was positioned. Lt. Berdysz is heard asking for the keys to retrieve a shield from [REDACTED]'s vehicle.



At the 08:41 mark, [REDACTED] is seen backing up and firing her duty weapon at Russell.



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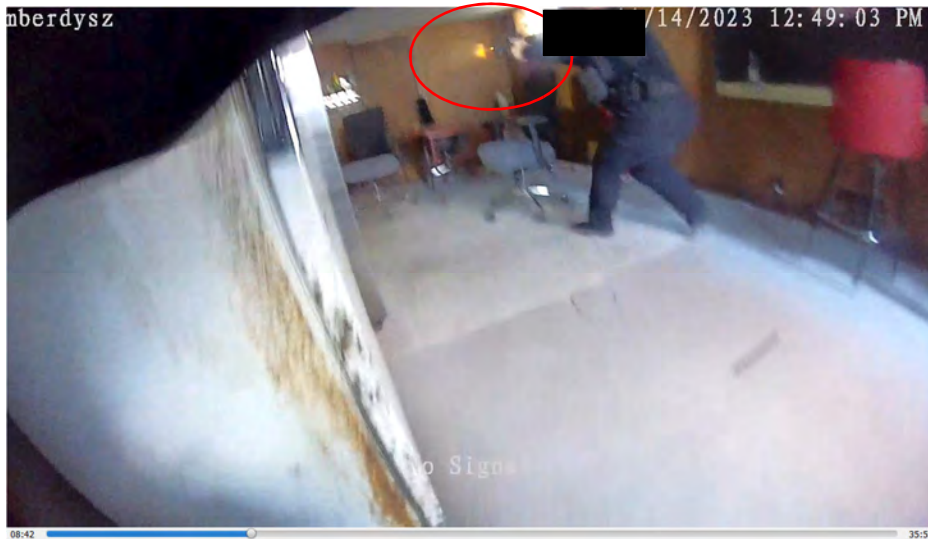


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At the 08:42 mark, [REDACTED] [REDACTED] is seen firing her duty weapon at Russell. The muzzle flash indicates a round being fired.



At the 08:42 mark, while [REDACTED] [REDACTED] is firing her duty weapon, a magazine is seen being ejected from Lt. Berdysz' duty weapon.



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At the 08:43 mark, another round is seen being fired from [REDACTED] [REDACTED] s duty
weapon due to the muzzle flash.



At the 08:43 mark, another round is seen being fired from [REDACTED] [REDACTED] s duty
weapon due to the muzzle flash.



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At the 08:45 mark, ██████████ ██████████ stopped firing her duty weapon. Officer Cwiklinski is seen moving up and Russell is heard in the background moaning in pain. Officers are heard yelling for Russell to drop the gun.



At the 08:45 mark, Officers are still yelling for Russell to drop the gun. At this point, one final gunshot is heard which, according to interviews, was fired by ██████████. ██████████ due to Russell not dropping the handgun.



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At the 09:12 mark, as officers move in on Russell to provide emergency aid, Officer Cwiklinski is seen stepping on Russell's right wrist and reaching for the handgun from Russell's right hand to secure it.



At the 10:00 mark, Officer Cwiklinski is seen securing Russell as Lt Berdysz and [REDACTED] are beginning to administer emergency first aid.



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Shortly thereafter, EMT's arrived for additional emergency aid. Lt. Berdysz assisted with carrying Russell up the stairs for him to be placed into the ambulance. After Russell was placed into the ambulance, Lt. Berdysz went over to check on [REDACTED] [REDACTED]

Nothing further to report from the body camera of Lt Berdysz.

ADDITIONAL FACTORS FOR EVALUATING THE VIDEO RECORDINGS There are numerous other factors that need to be considered when reviewing and evaluating the videos and audio recordings of this incident. Those factors are:

A. Video recording devices record within the video and sound capabilities available, and they record objectively. Video recordings lack the history, perspective, and interest of the people involved. The positions, angles, obstacles, lighting, and distance from the incident are also factors that need serious consideration.

B. Video recording devices also record more information about a particular scene or incident than the person(s) involved in the incident can process during the critical incident. Video recording devices rarely record an event from the same perspective of the officer. It captures the action but not the perception, decision making, focus, or intent of the officer. Video recordings often miss tactile cues or other actions of a subject.

C. The speed of the incident is remarkable. The speed and complexity of rapidly evolving situation(s) that occur during use of force encounters are difficult concepts to comprehend by only watching the video.

For further details, please refer to the body camera footage of [REDACTED] [REDACTED] Officer Bryan Cwiklinski, [REDACTED] [REDACTED] and Lieutenant Berdysz. This information is referred to as Matrix reference item C which is stored in the BCI SIU physical case file.

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Lat: 41.39620

Lon: -81.59417

Alt: 269.60000m

Speed: 1.4



Lat: 41.39609

Lon: -81.59429

Alt: 272.00000m

Speed: 0.2

11/14/2023 12:49:00 PM



Lat: 41.39621

Lon: -81.59425

Alt: 257.80000m

Speed: 1.0

14:47

23:03

11/14/2023 12:49:03 PM



Lat: 41.39622

Lon: -81.59425

Alt: 258.50000m

Speed: 0.7

14:50

23:03



Lat: 41.39625 Lon: -81.59426 Alt: 68.90000m Speed: 0.5



Lat: 41.39622

Lon: -81.59427

Alt: 255.20000m

Speed: 0.8

11/14/2023 12:49:32 PM



Lat: 41.39618

Lon: -81.59425

Alt: 253.50000m

Speed: 0.3

15:19

23:03

25

Alt: 253



11/14/2023 12:49:34 PM



Lat: 41.39619

Lon: -81.59424

Alt: 253.40000m

Speed: 1.

15:21

23:03

11/14/2023 12:50:04 PM



Lat: 41.39610

Lon: -81.59423

Alt: 257.10000m

Speed: 0.4

15:21

23:03

11/14/2023 12:50:51 PM



Lat: 41.39640

Lon: -81.59430

Alt: 244.10000m

Speed: 2.1



Lat: 41.39608 Lon: -81.59434 Alt: 273.90000m Speed: 0.8



Lat: 41.39614

Lon: -81.59461

Alt: 293.80000m

Speed: 0.4



Lat: 41.39614

Lon: -81.59464

Alt: 295.90000m

Speed: 0.0

11/14/2023 12:37:27 PM

Lat: 41.39610

Lon: -81.59437

Alt: 280.60000m

Speed: 0.3

03:14

23:03

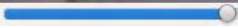


Lat: 41.39610

Lon: -81.59432

Alt: 276.90000m

Speed: 0.5





Lat: 41.39608

Lon: -81.50418

Alt: 276.90000m

Speed: 1.0



Lat: 41.39611

Lon: -81.59413

Alt: 279.30000m

Speed: 0.2

MAN CAVE RULES
1. NO ONE BY RULES
2. DON'T TOUCH MY STUFF
3. NO JOKING IN MY CHAIR
4. DON'T COMPLAIN ABOUT THE SMELL I WON'T ALL YEAR
5. WOMEN IN INVITATION ONLY
6. NO DRINKS, ONLY A WELL
7. IF YOU HATE THE RULES PLEASE REFER TO RULE #1

Lat: 41.39611

Lon: -81.59409

Alt: 287.20000m

Speed: 0.0

11/14/2023 12:39:23 PM



Lat: 41.39616

Lon: -81.59406

Alt: 291.40000m

Speed: 0.5

05:09

23:03



Lat: 41.39618

Lon: -81.59404

Alt: 292.30000m

Speed: 2.6





Lat: 41.39626

Lon: -81.59425

Alt: 279.40000m

Speed: 0.4





Lat: 41.39613 Lon: -81.59423 Alt: 264.00000m Speed: 1.1

11/14/2023 12:49:03 PM



Lat: 41.39613 Lon: -81.59421 Alt: 264.00000m Speed: 0.9

15:26

28:50

11/14/2023 12:49:03 PM



Lat: 41.39613

Lon: -81.59421

Alt: 264.00000m

Speed: 0.9

15:26

28:50

11/14/2023 12:49:04 PM



Lat: 41.39614

Lon: -81.59420

Alt: 264.50000m

Speed: 1.6

15:26

28:50

11/14/2023 12:49:08 PM



Lat: 41.39614

Lon: -81.59420

Alt: 267.70000m

Speed: 0.2

15:30

28:50





Lat: 41.39618 Lon: -81.59421 Alt: 268.2000m Speed: 0.9



11/14/2023 12:50:24 PM



Lat: 41.39604

Lon: -81.59426

Alt: 251.40000m

Speed: 2.2

16:46

28:50

11/14/2023 12:51:09 PM



Lat: 41.39611

Lon: -81.59426

Alt: 245.10000m

Speed: 0.3

17:31

28:50

11/14/2023 12:36:52 PM



Lat: 41.39610

Lon: -81.59435

Alt: 275.90000m

Speed: 0.9

03:14

28:50



Lat: 41.39606 Lon: -81.59438 Alt: 287.40000m Speed: 0.6

11/14/2025 2:32:40 PM



Lat: 41.39606

Lon: -81.59428

Alt: 287.60000m

Speed: 0.3

04:03

28:50

11/14/2023 12:38:13 PM



Lat: 41.39610

Lon: -81.59414

00m

Speed: 0.7

04:35

28:50

11/14/2023 12:39:20 PM



Lat: 41.39611

Lon: -81.59407

Alt: 288.40000m

Speed: 0.2

05:43

28:50

11/14/2023 12:40:09 PM



Lat: 41.39602 Lon: -81.59409 Alt: 284.70000m Speed: 1.0

06:31

28:50

11/14/2023 12:41:45 PM



Lat: 41.39604 Lon: -81.59422 Alt: 258.5000m Speed: 1.5

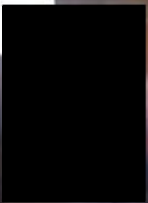
08:07

28:50



Lat: 41.39613 Lon: -81.59424 Alt: 250.40000m Speed: 0.6





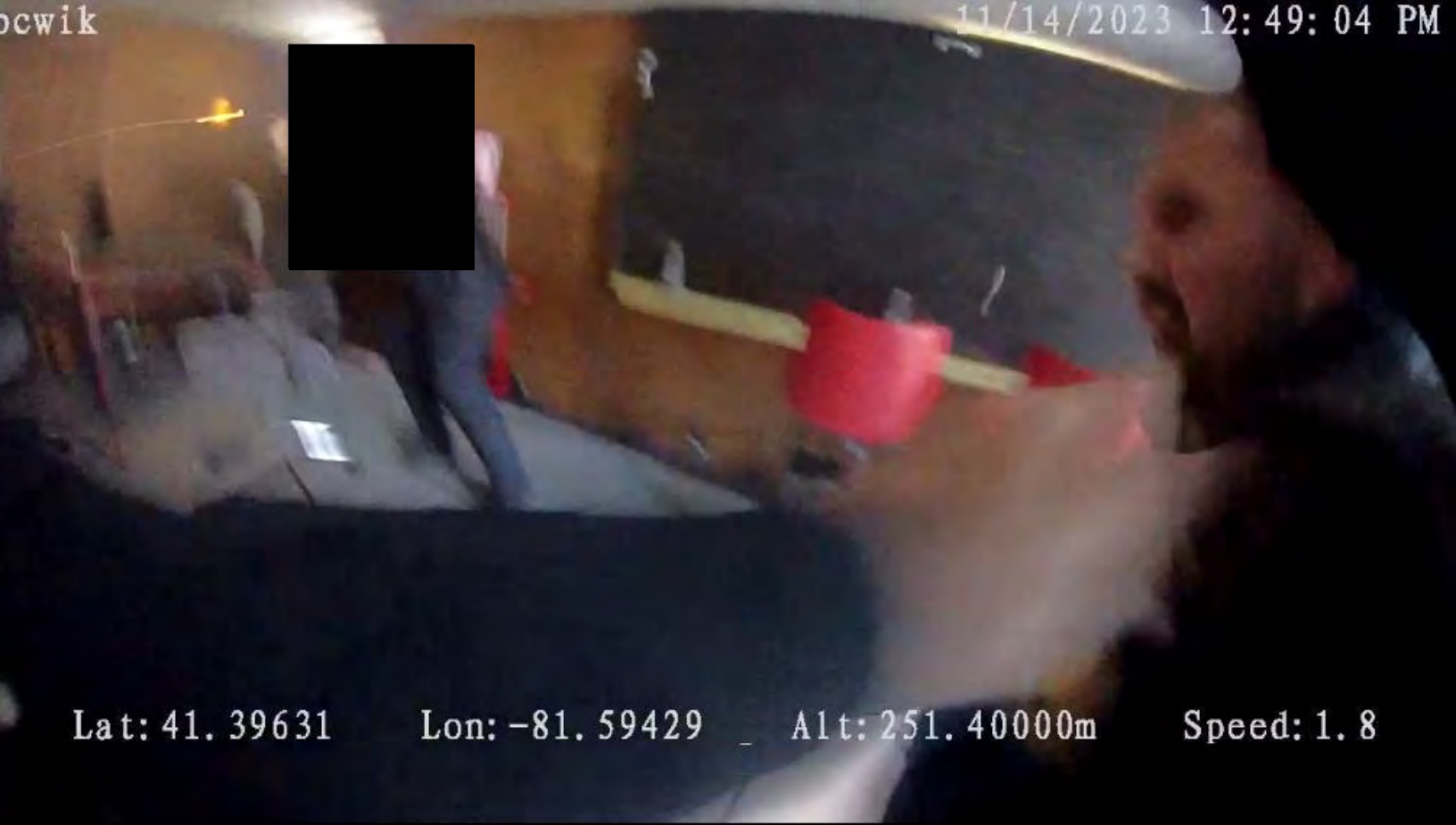
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Lon: -81.59429

Alt: 251.40000m

Speed: 1.8





Lat: 41.39631

Lon: -81.59429

Alt: 251.40000m

Speed: 1.8





Lat: 41.39633

Lon: -85.59433

Alt: 250.00000m

Speed: 1.5



Lat: 41.39633 Lon: -81.59433 Alt: 249.40000m Speed: 1.2



Lat: 41.39835 Lon: -85.9430 Alt: 247.00000m Speed: 0.3



Lat: 41.39630

Lon: -81.59431

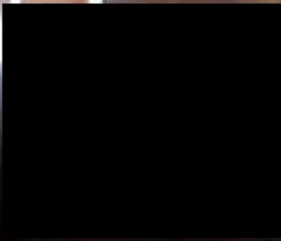
Alt: 245.10000m

Speed: 1.8





Lat: 41.39621 Lon: -81.59434 Alt: 240.90000m speed: 0.6



Lat: 41.39620

Lon: -81.59432

Alt: 241.50000m

Speed: 0.8



Lat: 41.39619 Lon: -81.59432 Alt: 242.30000m Speed: 0.3



Lat: 41.39642

Lon: -81.59451

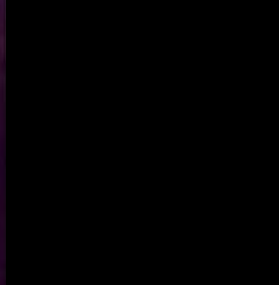
Alt: 256.60000m

Speed: 0.7





Lat: 41.39614 Lon: -81.59414 Alt: 207.50000m Speed: 0.7



Lat: 41.39612

Lon: -81.59415

Alt: 277.40000m

Speed: 1.4



07:24

18:05



Lat: 41.39615

Lon: -81.59418

Alt: 272.60000m

Speed: 0.7





Lat: 41.39621

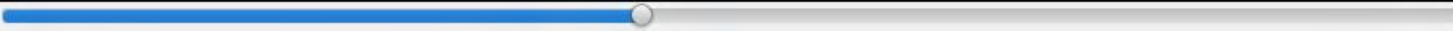
Lon: -81.59421

Alt: 268.10000m

Speed: 1.6



Lat: 41.9610 Lon: -81.59431 Alt: 252.90000m Speed: 2.1





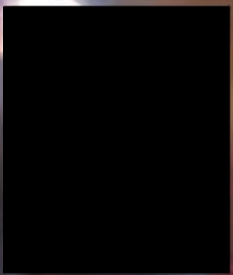
Lat: 41.89530 Lon: -81.59431 Alt: 252.90000m Speed: 2.1





Lat: 41.39630 Lon: -81.59430 Alt: 252.30000m Speed: 1.9





Lat: 41.39630 Lon: -81.59430 Alt: 252.30000m Speed: 1.9





No Signal



No Signal





No Signal



No Signal



No Screen 1



No Signal



No Signal





to Signal

