



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



2024-4066
 Officer Involved Critical Incident – 1004 Park Lane, Apartment A,
 Middletown, Ohio (Butler County) (L)

Investigative Activity: Interview with Officer
Involves: [REDACTED] (S)
Date of Activity: 01/09/2025
Activity Location: Middletown Police Department – Business – One Donham Plaza,
 Middletown, OH 45042
Author: SA Steven Seitzman

Narrative:

On Thursday, January 9, 2025, at 1134 hours, Ohio Bureau of Criminal Investigation Special Agents Steven Seitzman and Dave Hornyak interviewed Middletown Police [REDACTED] [REDACTED] [REDACTED], who was accompanied by his attorneys Jennifer Knight and Robb Stokar from Front Line Advisors, LLC. The interview took place in a conference room in the administrative section of the Middletown Police Department. The interview was audio recorded.

SA Seitzman read the BCI Criminal Investigation Notification form to [REDACTED] [REDACTED] [REDACTED]. [REDACTED] said he understood the form and did not have any questions. He then signed the form.

The details below summarize what the author believed to be the pertinent portions of the recorded interview and are not a verbatim account. Further, this report was placed in a chronology to aid the reader’s overall understanding of the information elicited during the interview and may not be reflective of the actual sequencing of questions. It is suggested that the full audio recording be reviewed.

Preliminary and Demographic Information:

Name: [REDACTED]	Rank: [REDACTED]
Badge Number: [REDACTED]	Cruiser/Vehicle Number: Click here to enter text.
Radio Call Sign: [REDACTED]	Immediate Supervisor: Sergeant Lindsey Schwarber
Radio Channel Utilized: Law Main	Mobile Data Terminal: Present & Utilized
Cruiser Description: White 2007 Ford	Occupants of Cruiser and Seating

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Explorer marked with MPD/ [REDACTED] graphics	Positions: None
Assignment: [REDACTED]	Normal Shift: [REDACTED]
In-Car Camera: Operational, But Not Used	Spotlight: Present; Not utilized
Emergency Lights: Present; Not Utilized	Siren: Present; Not Used
Shift Day of Incident: [REDACTED]	Duty Status: On-Duty
Days Off: [REDACTED]	Prior Overtime or Extra Details within Preceding 48 Hours: Traffic overtime 1045-1445 on December 23, 2024
Hours of Sleep Prior to Incident: 8-10 hours	Consider Self Well Rested?: Yes
Total Length as Officer: [REDACTED]	Length at Current Agency: [REDACTED]
Physical Disabilities (to include hearing aid): N/A	Corrective Lenses: No Corrective Lenses
Uniform Worn: Navy blue uniform, MPD badge, name plate, MPD shoulder patches, exterior ballistic vest matching uniform shift. Photographed by BCI after the OICI as it was worn during the incident.	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: TASER & OC spray
Ballistic Vest: External Armor	Body Worn Camera: Present & Used
Other Recording Devices: No	Partner: No
Injuries: No	Equipment Damage: No
Training or Areas of Specialty: [REDACTED], CIT certified, stops and approaches instructor	OPOTC Certification: Greene County Career Center; graduated [REDACTED]
Military Experience/Training: [REDACTED]	Use-of-Force Training: At least twice annually
Prior Shooting Incidents: Yes, two prior incidents in 2023.	Prior Discipline or Use-of-Force Complaints: No
Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident: No	Medications, Prescriptions, or Drugs that might Impair You Now for Interview: No
Alcohol in Past 24 Hours? No	Last Consumed Alcohol Prior to Incident: No

Officer's Firearm(s):

Weapon #1

Make: Glock	Model: 45 w/ weapon-mounted light and Holosun 509T red dot optic
Caliber/Gauge: 9 mm	Serial: N/A
Type: Semi-Auto Handgun	Method of Carry: Right side; duty holster

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Magazine Capacity: 21	Total Rounds as Carried (including chamber): 22
Extra Magazines: Two	Number of Rounds in Extra Magazines: 21
Discharged During Incident? Yes	Primary or Backup Weapon: Primary
Rounds Remaining After Incident: 18	Number of Rounds Fired: 4
Right/Left-Handed Carry: Right-Handed	Ownership: Department Owned
Last Qualification Date: November 2024	Type of Holster, if any: Safariland level 3

██████████ confirmed that he prepared a typed statement prior to the interview. He reviewed the statement and confirmed it was his and signed it. He read his statement into the record, stating, in relevant part:

"On December 24, 2024, following roll call, I began my regular patrol shift. The weather on the day of the incident was cloudy and temperatures were moderate. At approximately 1900 hours, while patrolling the city, I heard Dispatch air a call for service over the radio as a 60, active physical disturbance, at 1004 Park Lane. Dispatch advised an officer was being sent to the call from the east end of the city. I made the decision to respond because I was closer in proximity, only a few minutes away, and I responded from the police station at 1 Donham Plaza.

1004 Park Lane is a building in a residential apartment complex where I have previously responded to calls for service in my capacity as a Middletown Police Officer. The buildings have entrances at the front and back of each building and house several units on three (3) floors. I do not believe I have previously responded to a call for service at the particular apartment at which the incident occurred, and I do not believe I have had previous contact with the male involved in this incident.

Officer Jacob Swanger, Officer Ryan Rawlins with his partner trainee Officer Marc Hunt, and I arrived nearly in unison. I parked my patrol car at the back door of apartment building 1004. Dispatch advised the disturbance was occurring on the second floor and in the rear of the building. As I exited my patrol car and began to approach the building, I activated my body worn camera. Officer Swanger and I led Officer Rawlins and Officer Hunt up the interior stairs of the building and to the second-floor landing outside the entry to the apartments. On the second-floor landing there were two apartment doors. I began listening to the door on our left for sounds of a disturbance. Officer Swanger positioned himself on the steps (leading upstairs) near the apartment on the right and began listening for sounds of a disturbance. Officers Rawlins and Hunt remained on or near the landing and steps behind my position.

I could hear a male arguing in the apartment I was listening to. The subject sounded upset and made the comment "you cannot treat me like this." I was aware of another voice inside the unit but could not make out what the other person was saying because they were talking in quieter voice. Officer Swanger did not indicate he could hear a disturbance in the apartment to the right where he was listening. The decision was made that the apartment on the left was the apartment where the disturbance was occurring. I do not recall hearing the fire alarm prior to the contact with the suspect.

I positioned myself to the side of the door, closest to the door's hinges, at the top of the staircase. I knocked on the door with my left hand and loudly announced "Middletown Police." I paused and did not hear a response from inside the apartment or any sound indicating the someone was opening the door. I then used my flashlight for a more distinct and louder knock on the apartment door and loudly announced "Middletown Police." Again, I did not hear any acknowledgement or sound at the door, so I loudly knocked a third time, using my left hand, and again made the loud announcement of "Middletown Police." After knocking the third time and making the announcement, I could hear a muffled and indiscernible statement about "the door." I could not make out exactly what the occupant stated.

I glanced at Officer Rawlins and Officer Hunt, in an effort to determine if they had

heard what was being said from inside the apartment. I then heard the rattling of the door, as if the occupant was trying to unlock and open it. I had my hand resting on my duty issued handgun, a Glock model 45 chambered in 9mm. I have a Level III retention duty holster which requires several movements to extract the weapon from the holster. I had lowered the locking hood and disengaged the safety lever, lifting the firearm slightly to prohibit the lock from re-engaging, after the occupants had refused to respond to several announcements and loud knocking on the door. While my hand was positioned on the weapon, it remained in the holster. I found this failure to respond concerning, and the suspect's actions heightened my awareness, and I did not know what would be on the other side of the door when it opened. The door opened into the apartment, with the hinges closest to my position.

When the door opened, I immediately observed an adult male subject holding a black, semi-automatic handgun in his left hand. The subject had the handgun positioned torso level, and his left arm was at an approximate 90-degree angle. The barrel of the man's weapon was pointing at Officer Swanger, who was positioned opposite the man's door, one or two stairs up from the second floor landing. Officer Swanger was positioned directly in line with the subject as he opened the door. The muzzle of the firearm appeared to be in a position to immediately fire upon Officer Swanger, myself and the other officers in the stairwell.

I believed Officer Swanger's life was in imminent danger, as were the lives of Officer Hunt, Officer Rawlins, and mine if I did [not] act immediately. I was aware we were positioned in a confined, well-lighted stairwell without the benefit of cover or concealment. Based on my training and experience, the use of deadly force was a proportional and appropriate response to the man answering the door with a firearm and pointing the muzzle of his pistol at another officer. I had a fraction of a second to visually identify the weapon and respond to the threat. There was no time to provide verbal commands to drop the gun, as it was already pointed in the direction of Officer Swanger and was an imminent lethal threat. At the time I fired rounds from my weapon, I fired in response to the subject's deadly threat to protect other officers, namely Officer Swanger who was in the direct line of fire, and to stop the threat of serious physical harm from the subject.

I drew my firearm with my right hand, pointing it at the subject, and discharging it four times in a fast, rapid succession. I stopped firing when I observed the subject fell to the ground. When I fired my weapon at the suspect, he had failed to respond to repeated loud knocks on the door and several loud announcements that Middletown Police were at the door. I was aware there was a Dispatch call for police to respond to an active physical disturbance at an unknown apartment at 1004 Park Lane. I clearly observed the suspect answer the door to the apartment, after notification that police were outside, with a black semi-automatic handgun in his left hand at torso level and positioned at approximately a 90-degree angle. When I fired my weapon at the suspect, I clearly observed the suspect had the weapon pointed towards Officer Swanger. I fired my weapon to stop the threat.

At the time I fired my weapon, the suspect was standing approximately 2-4 feet from

my position outside the open doorway of the apartment on the second floor of building 1004. I believe I fired four shots in rapid succession. My target was the suspect's center mass. The backdrop for my shots was the interior of his apartment. I was in a standing position when I fired my duty weapon. At the time I fired my weapon, I was responding to an immediate and deadly threat of serious physical harm. I fired my weapon to protect others and believed that an immediate response was the only means to stop an imminent threat of death or serious injury to officers or civilians.

Officer Rawlins and I both attempted to advise Dispatch of the "Shots Fired" and to have Dispatch activate an emergency response, including medical assistance, to the location. I then informed the other officers in the hallway that the subject still had the gun, indicating the subject remained a threat and the weapon needed to be secured. Officer Rawlins informed me that they would handle securing the scene and stated I should go outside. I re-holstered my duty weapon and exited the building. After exiting the building, I did not re-enter the building and was eventually transported to the police station by Officer Renner."

After [REDACTED] finished reading his statement, SA Seitzman asked him if he believed his rounds struck the involved subject, Christopher Gorak. He answered in the affirmative, but he was uncertain where they impacted Gorak's body, as his partners advised him to leave the building after the incident. SA Seitzman asked him if he ever saw Gorak drop his weapon, to which he answered in the negative.

SA Seitzman asked [REDACTED] [REDACTED] if he ever felt that the gun was pointed in his direction. He answered in the negative. His attorney, Ms. Jennifer Knight, asked him to clarify whether he felt that all officers in the stairwell were in danger. He answered that he believed they were because he observed that Gorak had the gun pointed at Officer Swanger, and based on his training and experience, it only takes a fraction of a second for a subject to change their point of aim.

The interview was concluded at 1202 hours. The audio recording, signed statement, and signed BCI Criminal Notification form are attached below.

References:

No references.

Attachments:

- Attachment # 01: 2025-01-09 Interview of MPD [REDACTED]
- Attachment # 02: BCI Criminal Investigation Notification- [REDACTED]
- Attachment # 03: MPD [REDACTED] Signed Statement

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Exhibit 1

Included as a separate file.

Exhibit 2



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).

 Printed Name of Interviewee

1-9-24 1136
 Date / Time

STEVEN SEITZMAN
 BCI Agent (Printed)

[Signature]
 BCI Agent (Signature)

Exhibit 3

STATEMENT OF [REDACTED] BADGE NO. [REDACTED]

This statement is regarding an incident that occurred on Tuesday, December 24, 2024, at approximately 7:00 p.m. I am making this statement voluntarily as part of the investigation concerning this matter.

My date of hire as a police officer with the Middletown Division of Police is [REDACTED]. I am a Police [REDACTED] with [REDACTED] off, and I was equipped with my assigned [REDACTED]. My assignment on Dec. 24, 2024, was as a city-wide "utility" car, with [REDACTED] off. The utility car operates as a mobile back-up officer on calls for service. My regular duty hours are from [REDACTED] and on Dec. 24, 2024, I was working from [REDACTED]. I have been assigned to the [REDACTED] shift since approximately September 2021. On the day of the incident, I was working as a single-officer [REDACTED] in a marked police cruiser/SUV, and I was identified as unit [REDACTED]. At the time this incident occurred, I was in my regular duty uniform, and I was wearing my navy uniform shirt with a police badge and Middletown Police patches. I was carrying my Division issued Glock 45, 9mm caliber pistol, loaded with Division issued duty ammunition. I had most recently qualified with this weapon sometime on Nov. 6, 2024. I was not carrying a backup firearm. I do not have prescription glasses or contact lenses. My uncorrected vision and hearing are good. I am in good health, and I do not take any medications that would impair my ability to perform my duties. I had not consumed any alcohol in the twenty-four hours prior to my shift.

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This concludes my statement, and I am prepared to answer additional clarifying questions.

Badge No. [REDACTED]

1-9-24 1138