



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



2023-0557
Officer Involved Critical Incident – 2900 Towne Boulevard,
Middletown, OH 45044 (L)

Investigative Activity: Interview with Officer
Involves: Officer Jonathan Hilgendorf (S)
Date of Activity: 03/01/2023
Activity Location: Middletown Police Department – Business – 1 Donham Plaza,
Middletown, OH 45042
Author: SA Lauren Frazier, #129

Narrative:

On Saturday, February 25, 2023, the Ohio Bureau of Criminal Investigation (BCI) was contacted by the Middletown Police Department in Butler County, Ohio to assist with an Officer-Involved Critical Incident (OICI) that occurred at the Walmart, located at 2900 Towne Boulevard, Middletown, OH (Warren County) between Victor Lykins and the Middletown Police Department.

On March 1, 2023, BCI Special Agents Lauren Frazier and Kenneth Smith interviewed Officer Jonathan Hilgendorf reference his involvement related to the OICI. The interview took place at the Middletown Police Department and began at approximately 1452 hours. Present for the interview was Attorney Stewart Matthews and Attorney Jennifer Knight. Officer Hilgendorf was read the BCI Criminal Investigation Notification form (see attachment #01). This report only includes the pertinent portions of the interview. Please refer to the audio recording for additional information.

Officer Hilgendorf stated that he has been a police officer at Middletown Police Department for approximately a year and a half and previously served six years in the Air Force military police. He stated that he works 2nd shift from 1500 to 2300 hours. On the day of the incident, Officer Hilgendorf's radio call sign was 2L18, using radio channel LE main. He stated that he was wearing a clearly marked navy blue police uniform and a ball cap, all with the Middletown police badge clearly visible. Officer Hilgendorf was driving a marked police cruiser, which he indicated was a Ford SUV with cruiser #804. He stated that he carries a Glock 45 duty pistol, loaded to capacity with 17 plus 1 round in the firearm and two additional magazines with 17 rounds.

On February 25, 2023, Officer Hilgendorf stated that he was travelling westbound on Lefferson Road at Cincinnati Dayton Road, when he observed a silver SUV. Officer Hilgendorf noticed that the driver of the vehicle avoided eye contact with him and the passenger looked over at him,

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then immediately covered his face. Based on his training and experience, he stated that these are indicators of criminal activity.

Officer Hilgendorf got behind the vehicle and ran the registration, which came back to a younger female, which he did not observe inside the vehicle. He stated that the vehicle made a turn, crossed over onto the center line, and did not fulfill the immediate right turn nor use a turn signal to signal a lane change. Based on the turn violation and turn signal violation, Officer Hilgendorf followed the vehicle in to the parking lot of Walmart to initiate a traffic stop. He waiting until the vehicle found a parking spot to avoid blocking commuter traffic at Walmart.

Officer Hilgendorf said that he initiated his overhead lights, once the vehicle pulled into a parking spot and he advised dispatch of the vehicle's license plate. Officer Hilgendorf initially approached on the passenger side of the vehicle and spoke to the driver. He asked for the driver's license and insurance and the driver advised him that his license was suspended.

Officer Hilgendorf asked for the passenger's social security number, which the passenger stated he did not know. Officer Hilgendorf said that the passenger appeared to be an older male. Based on his experience, he stated that people typically know their social security numbers at his age and this was a red flag for him. Officer Hilgendorf asked the passenger for his name and date of birth. The passenger told him that his name was "Les Lykins" and his date of birth was the month "7," which he changed to "10", the day "23," and an unknown year, which Officer Hilgendorf recalled was in the 1970's.

Officer Hilgendorf returned to his cruiser to run the occupants information. He stated that he ran the driver's social security number and was able to confirm him as the driver because there was a LEADS photograph that matched the individual and his license showed suspended. Officer Hilgendorf entered the information that the passenger gave him. He was able to find a Leslie Lykins, with the date of birth "11/23," but the passenger did not match his physical description. Officer Hilgendorf described that the passenger had a hood up, with sunglasses on, and facial hair.

At this time, he stated that Middletown Police Officer Austin Renner arrived on scene to assist with the traffic stop. Officer Hilgendorf told Officer Renner that he was trying to figure out the passenger's information and that the passenger was acting nervous. Officer Renner approached on the passenger side to attempt to speak with the passenger.

Officer Hilgendorf re-approached on the driver's side and asked the driver to step out of the vehicle. He told the driver that he knew the passenger was not Leslie, and the driver said that his correct name was "Vic." The driver was placed in the back seat of his cruiser. He asked the driver for the passenger's information and he told him that his name was "Victor Lykins" and that he is his brother. Officer Hilgendorf ran a name query and located a Victor Lykins who resides in Middletown. Victor's date of birth began with a "7", which is what the passenger originally told him. Officer Hilgendorf said that the LEADS photograph matched the passenger's description and it showed that he had an active warrant for tampering with evidence, which he believed was typically a felony offense.

Officer Hilgendorf told Officer Renner signal "35," which meant that he has a warrant. Officer Renner looks back at him and nods his head, indicating that he was clear that the passenger

had a warrant. Officer Hilgendorf begins approaching on the passenger side and Officer Renner asks the passenger to get out and unlocks the door through the open passenger window. Officer Hilgendorf stated that he heard Victor say, "no, I'm not gunna do that." He then described that he saw "Victor lean forward and as he leaned back up, he was brandishing and holding a silver revolver." He said that Victor was holding the gun chest level, as Officer Renner jumped in, on top of Victor inside the car, and Officer Hilgendorf drew his firearm.

Officer Hilgendorf stated that Officer Renner is a larger stature male, and he filled the entire door frame. Officer Hilgendorf stated that he positioned himself at the rear passenger door which had the window up. He stated that he could see Officer Renner and Victor struggling in the passenger seat and he believed that Victor was trying to shoot at Officer Renner or him. Officer Hilgendorf stated that he pointed his gun at the rear window and waited until Officer Renner made a pull away from Victor, and fired one shot at the back of Victor's head. Officer Hilgendorf recalls the glass shattering and Officer Renner moving away from the door. Officer Hilgendorf said that the subject had his hood up, making it difficult for him to tell if he had hit him or not.

Officer Hilgendorf stated that the subject continued moving and he did not know if Victor still had the gun. Officer Hilgendorf stated that he readjusted his sights and fired a second round at the subject's lower back, "to stop the threat." Officer Hilgendorf said that he observed that the subject was no longer moving, before he checked on himself and checked on Officer Renner to make sure neither of them were shot. Officer Hilgendorf stated that he advised on the radio that shots had been fired, signal 10 (emergency duress call), requested a medic, advised that officers were not hit, and that the subject had a gun and was down.

Officer Hilgendorf said that he went back to his cruiser and put the driver in handcuffs to make sure the scene was secure. Then, Officer Hilgendorf and Officer Renner pulled Victor out of the car, lowered him to the ground, checked for a pulse, and Officer Hilgendorf began administering CPR. Shortly after, Officer Renner took over CPR until medics arrived on scene.

Officer Hilgendorf stated that he saw that the revolver was on the ground, which he described as silver, with a longer barrel, tape around the grip, and the hammer back. Officer Hilgendorf secured the gun by standing over it until he was relieved by other officers.

SA Frazier asked if any verbal commands were given and he stated there were not, due to how quickly everything happened. Officer Hilgendorf drew a rough sketch of the scene (see attachment #02). The interview concluded at 1525 hours. A copy of the audio recording is attached (see attachment #03).

Attachments:

Attachment # 01: 2023-03-01 Criminal Investigation Notification (Hilgendorf)

Attachment # 02: 2023-03-01 Officer Hilgendorf Rough Sketch

Attachment # 03: 2023-03-01 Officer John Hilgendorf Audio Interview

Exhibit 1



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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).

Jonathan Hilgendorf
Printed Name of Interviewee

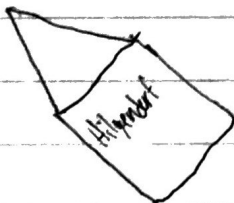
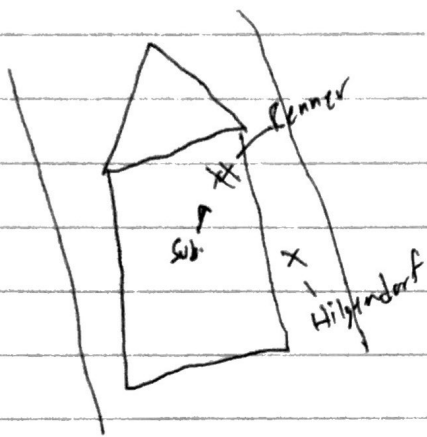
3-1-23 1453
Date / Time

[Signature]
Signature of Interviewee

SA KEN SMITH
BCI Agent (Printed)

[Signature]
BCI Agent (Signature)

Exhibit 2



3-1-23

Exhibit 3

Included as a separate file.