



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: Document Review
Involves: Victor L. Lykins (S), Middletown Police Department (O)
Date of Activity: 03/16/2023
Author: SA Lauren Frazier, #129

Narrative:

To: Warren County Prosecutor David Fornshell
CC: SAS William Jones
From: SA Lauren Frazier
Date: 03/16/2023
Case Title: Officer Involved Critical Incident
Location: 2900 Towne Boulevard, Middletown, OH 45044
Case Number: 2023-0557

Investigative Request:

The following prosecutor summary serves as an overview of the criminal investigation of an Officer-Involved Critical Incident (OICI) that occurred on Saturday, February 25, 2023. Chief David Birk with the Middletown Police Department, requested the Ohio Bureau of Criminal Investigation (BCI) conduct an independent investigation into the facts and circumstances surrounding the OICI. The incident occurred at the Walmart, located at 2900 Towne Boulevard, Middletown, Ohio (Warren County). The incident stemmed from a traffic stop involving a passenger with a firearm.

Preface:

This report only summarizes the investigative activity and information gathered by BCI. Not all facts and details are presented in this report. Therefore, it is recommended that each

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individual report, from which this document is derived, be reviewed in order to obtain a complete understanding of this investigation. Audio and/or video recordings exist for some of the interviews conducted, revealing further details of the statements made regarding the incident.

Investigative Team:

BCI Special Agent Lauren Frazier was assigned as the lead Special Investigations Unit (SIU) case agent. BCI Special Agents Kenneth Smith, Douglas Eveslage, and Sean Zint were assigned as assisting agents. BCI Crime Scene Special Agent Chad Holcomb processed the scene of the incident and BCI Special Agent Sarah Taylor processed the involved officers. The investigation was supervised by Special Agent Supervisor William Jones. Additionally, personnel from the BCI Crime Laboratory performed scientific analysis on submitted evidentiary items.

Synopsis of Incident:

The following information is based on the statements of the involved law enforcement officers, witnesses, cruiser camera footage, and dispatch and CAD information.

On February 25, 2023 at approximately 1730 hours, Middletown Police Officer Jonathan Hilgendorf initiated a traffic stop for an improper turn on a 2008 Jeep Commander bearing OH license plate# JVA2156. The vehicle pulled into a parking spot in the lot of Walmart, located at 2900 Towne Boulevard, Middletown, OH (Warren County). The driver, later identified as Robert Lykins, was found to have a suspended drivers license. A male front passenger in the vehicle gave false identifying information to Officer Hilgendorf. Middletown Police Officer Austin Renner arrived on scene to assist with the traffic stop. The driver was asked to exit the vehicle and told Officer Hilgendorf the passenger's correct name, Victor Lykins. The officer learned that Victor had active warrants.

Shortly after, a physical altercation began in the passenger seat, involving Officer Renner and Victor, who was armed with a black handgun. Officer Hilgendorf was approaching on the passenger side of the vehicle when he observed the altercation and fired one round through the rear passenger window, which struck the subject's head. The subject was reported to still be a threat as Officer Hilgendorf fired an additional round, striking the subject in the back. Officers attempted to render aid before Victor was pronounced deceased at the scene.

Summary of Investigative Process:

The following is a partial list of investigative activities or methods that were used during the course of this investigation:

- Search warrant written for the involved vehicle
- Processing of the scene and involved officers by BCI Crime Scene Unit
- Obtained a request for assistance from the Middletown Police Department
- Recorded interviews with involved officers from the Middletown Police Department
- Recorded interview with the civilian driver of the vehicle, Robert Lykins
- Recorded interview with the civilian owner of the vehicle, Kelsey Barker
- Recorded interview with Middletown Fire Department personnel

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- Obtained and reviewed closed-source biographical information on Victor Lykins, to include criminal history and OHLEG
- Collected and reviewed cruiser video footage from the Middletown Police Department
- Collected and reviewed exterior surveillance video from Walmart
- Attended the autopsy of Victor Lykins at the Montgomery County Coroner's Office
- Received and reviewed Warren County Coroner's Office reports for Victor Lykins and autopsy photographs from Montgomery County Coroner's Office
- Collected and reviewed Middletown Communication Center radio traffic and CAD reports
- Obtained Middletown Fire Department incident report
- Obtained and reviewed Middletown Police Departments Use of Force Policy & Procedure
- Reviewed the personnel file of the involved officer, Officer Jonathan Hilgendorf
- Search warrant written for Victor Lykins cell phone recovered on scene, which was downloaded and reviewed
- Obtained eTrace from the Bureau of Alcohol, Tobacco and Firearms (AFT) for the firearm possessed by Victor Lykins
- BCI Firearms Laboratory Examination of Ballistic Evidence and firearms

The below listed interviews best summarize the events that occurred on Saturday, February 25, 2023.

Interview of Robert Lykins

On February 25, 2023, Robert stated that him and his brother, Victor, were at his house. Robert said that he has been helping to support Victor for several years after their mother passed away in 2021. Robert asked his roommate if he could borrow her car to go get Victor groceries at Walmart. On their way to Walmart, Robert saw a cop turn and get behind him. As he was getting ready to park, the officer turned his lights on and initiated a traffic stop. He said that the officer approached on passenger side of the vehicle and asked for his license and insurance and Robert told him he didn't have a license. The officer asked for the driver and passenger's name and Victor lied and gave the officer, their other brother's name.

Robert recalled that Victor got in trouble approximately a year ago and was put in jail. He said that a friend, Stevie Eldridge, paid approximately \$1,800 in bail to bond him out and then Victor never went to court. Robert said that the friend was upset and had thrown bricks through his front door, so Victor had been hiding out. Robert stated that Victor was known to use drugs, specifically cocaine and suboxone. Robert also said that Victor had a race gun that shot blanks and a few weeks ago he got another gun.

Robert stated that when the officer walked back to his cruiser, Victor started saying that he would not go back to jail and that he would kill himself first. Robert stated that Victor reached into the backseat, into a black jacket, and got the gun out. Robert said that he pleaded with him not to do anything. Another officer approached on the passenger side of the vehicle, and Robert stated that Victor put the gun in between his legs.

The original officer had Robert get out of the vehicle and asked him who the passenger was. Robert told him that the passenger's name was Victor Lykins. Robert said that he was trying to figure out a way to alert officers that Victor had a gun, without getting his brother killed. Before

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he could say anything, he said that the officer pulled up Victor's information and went back up to the vehicle. Next thing he knew, Robert said the officer was shooting through the back window. Robert recalls hearing two shots fired, but was unsure who had fired. Robert stated that he couldn't see what took place inside of the vehicle. Shortly after, Robert said that the officer placed him in handcuffs.

Interview of Officer Jonathan Hilgendorf:

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, 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 and 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 waited 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 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.

Interview of Officer Austin Renner:

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On February 25, 2023, Officer Renner stated that he heard Officer Hilgendorf make a traffic stop at Walmart and he began that way. Once he arrived on scene, he made contact with Officer Hilgendorf, who was sitting in his cruiser. Officer Renner stated that Officer Hilgendorf told him that the driver didn't have a license and that the passenger was nervous and didn't know his social security number. Both occupants were still in the vehicle, when Officer Renner approached on the passenger side.

Officer Renner described the passenger was an older male with facial hair, who had a ball cap and hood on, with sunglasses. He stated that he had both of his hands out and kept rubbing up and down on his legs. Officer Renner stated that the passenger's body was stiff but his arms were jittery and he appeared nervous. Officer Renner said that the passenger continued looking straight ahead, and would not make eye contact with him.

Officer Hilgendorf approached the vehicle, asked the driver to get out, and placed him in the back of his cruiser. Officer Renner said that he knew that he would attempt to talk with the driver about the passenger's identity. Officer Renner stated that he kept observing the passenger's behavior and said that he appeared to be breathing abnormally. Shortly after, Officer Hilgendorf announced to him "35," which is their signal code for warrant. Officer Renner said that he looked back and nodded his head, indicating that he understood.

Officer Hilgendorf began approaching the car and Officer Renner unlocked the door through the open window and asked the passenger to get out. The passenger stated, "no, no I'm not gunna do that." Officer Renner said that the passenger rocked his upper body forward and as he came up, he had "a silver revolver in both of his hands." Officer Renner felt that he was too close to try to get his gun out, so he put his hands on top of the gun and shoved the passenger to the center of the car. Officer Renner said that "he was trying to get the gun away from him" and that "he kept trying to rotate towards [him] with the gun."

Officer Renner recalls hearing a loud bang, before the gun came loose from the passenger, and Officer Renner realized he was holding the gun and dropped it to the ground. He said that there was an abundance of blood coming from the passenger and he appeared to be deceased. Officer Renner checked on himself and checked on Officer Hilgendorf because he did not know who had shot. Officer Renner stated that Officer Hilgendorf got on the radio and let dispatch know that they needed a signal 10 (emergency response), the suspect was down, to start an ambulance, and that officers were not hurt.

Officer Renner stated that they secured the driver and began rendering first aid. They got the subject down on the ground and Officer Hilgendorf began CPR and Officer Renner took over shortly after. Officer Renner described the gun as a silver revolver with something around the handle. He said that Officer Hilgendorf secured the firearm by standing over it until he was relieved by other officers.

BCI Firearms Laboratory Report Number 23-12098:

One (1) Burgo 22 LR double action revolver, serial number 27894. Inoperable as received. Rendered operable. The grips of the Burgo revolver were removed to reveal the hammer strut/main spring was out of proper alignment (This condition prevented spring tension on the hammer). The hammer strut/main spring was moved upward into proper position rendering

the Burgo revolver operable.

One (1) Glock model 45, 9mm Luger semi-automatic pistol, serial number [REDACTED] Two (2) fired 9mm Luger cartridge cases and two (2) fired bullets were identified being fired from Officer Hilgendorf's Glock pistol.

Review of Cruiser Video:

BCI Special Agent Lauren Frazier conducted a review of the cruiser video for Officer Hilgendorf and Officer Renner from February 25, 2023. To note, there is no audio associated with this video. Middletown Police Chief Birk stated that the audio equipment is inoperable and they are working on replacing equipment.

Officer Hilgendorf Cruiser Video:

Officer Hilgendorf's cruiser video is approximately 32 minutes and 35 seconds long. The video begins with Officer Hilgendorf following a light colored Jeep SUV through the parking lot of Walmart. Once parked, Officer Hilgendorf approaches on the passenger side. Officer Hilgendorf appears to be writing down information on a handheld notebook, then returns to his cruiser. Officer Renner arrives and walks up to the passenger window and speaks with the occupants for several minutes. Officer Hilgendorf approaches on the drivers side and walks the driver back to his cruiser, while Officer Renner remains at the front passenger door.

Approximately 6 minutes and 25 seconds into the video, Officer Renner looks back at Officer Hilgendorf and nods his head. Officer Hilgendorf approaches on the passenger side and Officer Renner opens the front passenger door. Officer Renner is seen lunging into the front passenger seat. Approximately 6 minutes and 33 seconds in, Officer Hilgendorf is seen drawing his duty weapon near the rear passenger door and shoots one round through the rear passenger window, which shatters. Officer Hilgendorf gets on the radio with his left hand, while holding his firearm in his right hand, and fires an additional round at approximately 6 minutes and 36 seconds. Both officers move back, assess the situation, and check themselves for injury. Officers attempt to administer medical aid on the subject prior to back up arriving on scene.

Officer Renner Cruiser Video:

Officer Renner's cruiser video is approximately 43 minutes and 4 seconds long. The video begins with Officer Renner arriving at Walmart and parking behind Officer Hilgendorf's cruiser. Officer Renner walks up to the drivers door and speaks with Officer Hilgendorf, before approaching the passenger side of the subject's vehicle. Officer Renner stays at the front passenger window and Officer Hilgendorf is seen placing the driver in the back of his cruiser.

Approximately 3 minutes and 37 seconds into the video, Officer Renner looks back at Officer Hilgendorf and nods his head. Officer Hilgendorf approaches on the passenger side and Officer Renner opens the front passenger door. Officer Renner is seen lunging into the passenger seat. At approximately 3 minutes and 45 seconds, Officer Hilgendorf draws his duty weapon near the rear passenger door, and shoots one round through the rear passenger window, which shatters. Officer Hilgendorf is seen getting on the radio with his left hand, while holding his firearm in his right hand, and fires an additional round at approximately 3 minutes and

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48 seconds. Both officers move back, assess the situation, and check themselves for injury. Officers attempt to administer medical aid on the subject prior to back up arriving on scene.

Autopsy Review:

Montgomery County Coroner's Office Autopsy Findings: Victor Lykins postmortem examination conducted on February 26, 2023, revealed cause of death: [REDACTED]

Summary:

All persons known to have relevant information regarding this investigation have been interviewed, and all known records have been obtained and reviewed. BCI has striven to conduct a thorough and impartial investigation into this OICI. BCI will continue to assist in the investigation of any newly identified witnesses or information related to this criminal investigation. At this time, it appears that BCI's investigation into this OICI has concluded, unless new information or witnesses are identified through the grand jury or other processes. As always, BCI remains available for consultation, and we look forward to your assessment of this investigation and your decision as to any additional efforts, processes, or further assistance you might determine to be necessary.

End of Summary.