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In the Matter of the of Use of Deadly Force by Peace Officers During February 18, 2024, Incident in Burnsville

I. Introduction

On February 18, 2024, Burnsville Police Officers Paul Elmstrand and Matthew Ruge; and Burnsville Firefighter/Paramedic Adam Finseth were killed in the line of duty while responding to an incident at a residence in Burnsville, Minnesota. In addition, Sergeant Adam Medicott of the Burnsville Police Department sustained a gunshot wound to his arm. During the event, Burnsville Police Officers Javier Jimenez and Daniel Wical; and Sergeant Medicott discharged their firearms which constitutes “deadly force” under Minn. Stat. § 609.066. The Independent Use of Force Investigations Unit of the Minnesota Bureau of Criminal Apprehension (“BCA”) was the lead investigative agency. The BCA submitted its investigation to the Dakota County Attorney for a determination whether the above-named officers were legally justified under Minn. Stat. § 609.066 in using deadly force. As more fully described below, there is absolutely no doubt the officers were justified in doing so.

II. Case Summary

A Summary of Facts.

On February 18, 2024, at approximately 1:50 a.m., Burnsville Police Officers Peter Mueller and Lucas Teske were dispatched to an in-progress domestic disturbance at a house located at 12605 33rd Ave. S. in Burnsville. (“the house”). The house was rented by Shannon Gooden (“Gooden”). Also living in the residence was Gooden’s girlfriend Ashley Dyrdaahl (“Dyrdaahl”) and seven children ranging in age from 5 to 15. On the above date and time, Dyrdaahl called 911 and screamed “Help me” after which the call was abruptly disconnected by Gooden. Multiple attempts by dispatch to re-initiate contact with Dyrdaahl were unsuccessful.

Throughout the course of this incident, several officers from the Burnsville Police Department as well as other law enforcement agencies responded to the scene. Officer Mueller was the first officer to arrive. Upon his arrival he exited his squad car and spoke with Dyrdaahl who he encountered outside the house on the driveway. Officer Mueller instructed Dyrdaahl to walk to the road to speak with other responding officers which she did. The first officer she encountered was Burnsville Police Officer Brandon Rodriguez. Dyrdaahl spoke with Officer Rodriguez and advised him of the following: (1) she believed Gooden was sexually abusing one of the children (“the Child”) residing in the home and had been suspicious of this for approximately 2 weeks prior; (2) Gooden had access to guns inside the residence including handguns and rifles; (3) Gooden

begged Dyr Dahl not to call 911; and (4) in the past Gooden had threatened he would “take everyone out with him.” During this conversation, Dyr Dahl had the Child’s cell phone in her possession and showed Officer Rodriguez text messages between Gooden and the Child. They were sexual in nature and indicated a sexual act had just occurred between the two.¹ This information was relayed to other responding officers.

Officer Mueller entered the attached garage of the house – both the garage door and service door into the residence were open. He was joined in the garage by Burnsville Police Officers Cody Johnson and Alex Wurst. While in the garage, Officer Mueller called out to Gooden identifying himself as a police officer and informing Gooden he was under arrest. Officer Mueller instructed Gooden to exit the residence with his hands up and nothing in them. Gooden acknowledged Officer Mueller’s presence, but did not verbally acknowledge the instructions nor did he exit the residence.

Officer Mueller informed Gooden police wanted to ensure the children in the home were safe and instructed Gooden to have the children exit the home. Gooden did not comply with this instruction. Officer Mueller advised Gooden officers were entering the house and Gooden told them not to. Officers Mueller, Johnson, and Wurst, along with Sergeant Medicott entered the residence through the garage service door and stopped in a dining room adjacent to the garage. They were equipped with two ballistic shields and had their duty pistols drawn. The officers could not see Gooden because it was dark in the house but heard his voice coming from in front of them. Located directly ahead of the officers was a stairwell to the upper level of the house and a stairwell to a lower level. Gooden was located on the upper level.

Burnsville Police Officers Ruge and Wical also entered the house and stood with the other officers in the dining room. At this time, Officer Mueller observed one of the children standing in a doorway off the upper level landing. The child moved from the doorway to a hallway and then back. Because of the known presence of this child, the officers decided they should initiate negotiations with Gooden instead of advancing further into the house to apprehend Gooden.

Both Officers Mueller and Ruge were members of the Burnsville Police Department’s Crisis Negotiation Team. Officer Ruge assumed the role of primary negotiator. The negotiations started at approximately 2:00 a.m. During the negotiations Gooden acknowledged he was on the upper level and that children were present with him. Officers observed at least two children walking upstairs between rooms. Through the course of the negotiations, Gooden repeatedly reminded the officers he was near his children and officers should not shoot due to the risk to the children. When asked, Gooden denied he possessed or had access to any firearms. At one point, Officer Wurst indicated he believed Gooden was holding a firearm but was uncertain due to darkness and shadows on the upper level landing. Officer Ruge addressed this concern with Gooden who reiterated he was unarmed. Gooden expressed the negotiations would last several hours

¹ In a later interview conducted by BCA Senior Special Agents Bastil and Mooney, Dyr Dahl reported she became suspicious approximately 2 weeks prior that Gooden was sexually abusing the Child. On February 18th, Gooden had left the bedroom he shared with Dyr Dahl and when he returned, he was only wearing a towel. She found this suspicious because there was an attached bathroom to their bedroom and he hadn’t just taken a shower. Dyr Dahl got out of bed and went to the Child’s bedroom. The Child was awake and was texting on her cell phone. Dyr Dahl took the cell phone from the Child and went to the garage where she read the text messages exchanged between Gooden and the Child. After reading the text messages, Dyr Dahl called 911.

In a subsequent search of Gooden’s cell phone, approximately 976 images of the Child were found, the majority of which were “pornographic work” involving a minor as defined in Minn. Stat. § 617.246.

because he wanted to spend time with his children. He voiced his belief he would be imprisoned and prohibited from seeing them; or because police would shoot him “like other unarmed black men.” Gooden also frequently inquired about how many officers were present, what they were doing, and the tools they deployed to the scene. Officer Ruge repeatedly gave Gooden instructions for safely resolving the situation by descending the stairs with his hands up and nothing in them. Gooden was told he would be handcuffed by officers and then given the opportunity to address “the allegations.” Gooden did not comply with the repeated instructions to surrender.

Officers maintained this position inside the house, switching officers in and out during the course of the negotiations. Sergeant Medicott was periodically in and out of the house speaking with officers about progress and options. At 2:49:50 a.m., Sergeant Medicott exited the house and went into the garage. At 2:49:53 a.m., Officer Elmstrand entered the house and replaced Sergeant Medicott.

At 3:46 a.m., Sergeant Samuel Lehmann of the Burnsville Police Department requested Burnsville’s Emergency Action Group (“EAG”) be paged out to the scene. The EAG Tactical Team consists of Burnsville police officers and two Burnsville Fire Department paramedics skilled in tactics and equipped with weapons and gear beyond that issued to individual patrol officers. Officer Jimenez responded to the scene in his capacity as a sniper assigned to the EAG. The two paramedics assigned to respond in their capacity as EAG members were Firefighters/Paramedics Adam Finseth and Justin Gibbish. At 4:10 a.m., Sergeant Lehmann requested South Metro SWAT to respond to the scene with their Bearcat vehicle (“Bearcat”). The Bearcat arrived at the scene at approximately 4:50 a.m. and was initially staged out of view of the house so as not to escalate Gooden.

Sergeant Medicott called Detective Patrick Gilligan, the Team Leader for the Burnsville Crisis Negotiations Team, and provided him with an update on the negotiations. The decision was made to page out the crisis negotiation team. Detective Gilligan responded to the scene. He entered the garage where he conferred with Sergeant Medicott. Detective Gilligan asked Sergeant Medicott to swap out with Officer Mueller in the house so he could brief with Officer Mueller and develop a negotiations game plan moving forward.

Officer Mueller exited the residence into the garage to speak with Detective Gilligan. They conferred and the decision was made to allow Officer Ruge to continue to negotiate with Gooden as he was seemingly building rapport with Gooden, but that if the incident continued on longer, other options of communications or a switch out of negotiators would be considered. After they finished their discussion, Detective Gilligan went to retrieve the team’s negotiator gear which was located on a couch in the garage near the service door; and Officer Muller began to walk towards the service door to re-enter the residence to relay the plan to Officer Ruge. At that moment, Gooden fired multiple gun shots from the upper level hallway towards the officers present in the residence. At the time, the following Burnsville Police Officers were present inside the house: Elmstrand, Johnson, Medicott, Ruge, Wical, and Wurst.

Based on body worn camera video, Gooden started firing the shots at 5:25:46 a.m. Sergeant Medicott suffered a gunshot wound to his right forearm. After being shot, Sergeant Medicott fell to the floor and used the ballistic shield he was holding to cover his head. He looked behind him and saw an officer down bleeding badly from his head (i.e., Officer Elmstrand) and knew they had to evacuate him. Based on body worn camera video, Officer Elmstrand fell to the floor after

suffering a gunshot wound to his head at 5:25:59 a.m. One of the officers yelled to “get him out of here” referring to Officer Elmstrand. As other officers evacuated Officer Elmstrand, Sergeant Medlicott maintained his position on the floor. According to Sergeant Medlicott, to provide protection for the evacuating officers, he discharged his pistol approximately five times up the stairway towards where he believed Gooden was shooting from. Sergeant Medlicott evacuated from the residence when he believed Gooden was reloading. He ran to the Bearcat which was now located in the driveway of the residence. At this point, Officers Wical and Johnson were the only remaining officers in the house.

The volley of shots fired by Gooden caused debris from sheetrock, wooden building materials and insulation to fill the air. When Gooden started shooting, Officers Wical and Johnson dropped to the floor. Officer Wical was armed with a rifle and moved to the left side exit of the kitchen. He positioned his rifle up the stairs towards the room he believed Gooden was in. Officer Wical heard the sounds of magazines being loaded into firearms by Gooden and actions being manipulated. Officer Wical believed Gooden was preparing to re-engage officers with more gunfire thereby placing his life, the lives of officers, the children and the general public at risk. Officer Wical also heard officers attempting to drag Officer Elmstrand out of the house and feared if Gooden returned to the top of the stairs, the evacuating officers would be unable to protect themselves. While holding his position, Officer Wical observed Gooden’s legs at the top of the stairs from the knees down and further observed what he believed to be the barrel of the long gun in Gooden’s hand. Fearing for his safety and those of the retreating officers, Officer Wical fired multiple rounds at the person’s legs. He heard what sounded like a male grunting as if he’d been shot.²

After it was reported gunshots were fired inside the house, the Bearcat moved and positioned in the driveway of the residence. When the Bearcat arrived in the driveway, the occupants of the vehicle could hear gunfire. Firefighter/Paramedic Gibbish (“Gibbish”) exited the vehicle and ran to the rear of the Bearcat. Officer Elmstrand was brought to the Bearcat and Firefighter/Paramedic Finseth started providing him with medical care. Gibbish called for an ambulance. While doing so, Officer Ruge approached Gibbish and told him he’d been shot. Gibbish and another officer checked Officer Ruge for injuries and determined a bullet had hit his vest because they didn’t observe an entrance wound. After checking Officer Ruge, Gibbish turned to check on Officer Elmstrand. As he did so, Gooden started firing shots at the Bearcat out a window from an upper level room in the house.³ Based on body worn camera video, Gooden started firing these shots at 5:31 a.m. During this initial barrage of fire, both Officer Ruge and Firefighter/Paramedic Finseth were shot.

Gooden continued to fire on officers from varying upper level rooms in the house. The shooting spanned over a time period of approximately 13 minutes. During that time, officers deployed several distraction devices in an attempt to distract Gooden while the injured were loaded into the Bearcat and driven to awaiting ambulances. After being loaded into the ambulances, the injured were transported to the Hennepin County Medical Center.

While Gooden was shooting at officers, Officer Jimenez took cover behind a patrol vehicle at the southwest corner of 33rd Avenue and Burnsville Parkway with his sniper rifle. While positioned there, he observed flashes of gunfire coming from the top left window of the house. He placed

² During the autopsy of Gooden, it was determined he suffered a nonfatal gunshot wound to his right thigh.

³ In a subsequent search of the Bearcat, it was determined that a minimum of 41 projectiles impacted the vehicle creating at least 45 defects. (See BCA Lab Report No. 19).

his sniper rifle on the top of the rear of the patrol vehicle and scanned the upper windows of the house. Moments later he observed through his sniper rifle scope an individual (i.e., Gooden) leaning slightly out of the top left window with what appeared to be a rifle. Gooden began shooting rounds in high succession at the officers in the driveway as they attempted to take cover behind the Bearcat. According to Officer Jimenez, he feared for the safety of the officers and medics positioned on the driveway, as well as citizens in the nearby residences, so he fired one round at Gooden. After firing the round, Officer Jimenez observed Gooden retract back into the room. Thereafter he did not observe or hear any more gunfire being directed at officers.

Officer Jimenez subsequently repositioned inside a second floor bedroom of a house located across the street in order to obtain a clear view of the front of Gooden's residence. He continued to scan the windows of Gooden's residence and provided updates. After a period of time, Officer Jimenez heard a single gunshot come from Gooden's residence but was unable to locate where the gunshot originated from. A short time later (i.e., 6:54 a.m.) a 911 call was received by dispatch from one of the children in the home reporting Gooden had shot himself in the head. The children were instructed to get dressed and exit the house. All seven children safely exited the residence at 7:00 a.m.

B. Autopsies

Autopsies of Officer Elmstrand, Officer Ruge, Firefighter/Paramedic Finseth, and Gooden were performed at the Hennepin County Medical Examiner's Office. A brief summary of the findings of each autopsy are below.

1. Officer Paul Elmstrand

During the autopsy of Officer Elmstrand, it was determined he suffered four gunshot wounds: (1) a perforating gunshot wound⁴ to his head; (2) a penetrating gunshot wound⁵ to his pelvis; (3) a perforating gunshot wound of his left leg that entered his knee; and (4) a perforating gunshot wound of his left leg that entered his calf. The manner of death was determined to be homicide and the cause of death was multiple gunshot wounds.

A bullet was recovered from the gunshot wound to the pelvis. The bullet was collected by the BCA and submitted to its forensic lab. (Lab Item 230).

2. Officer Matthew Ruge

During the autopsy of Officer Ruge, it was determined he suffered a penetrating gunshot wound that entered his right upper chest; an apparent perforating gunshot wound of his left chest; and a graze gunshot wound of his left forearm. The manner of death was determined to be homicide and the cause of death was the gunshot wounds to his chest.

A bullet was recovered from the gunshot wound to the right upper chest. The bullet was collected by the BCA and submitted to its forensic lab. (Lab Item 229).

⁴ A "perforating gunshot wound" means the bullet passed completely through the body.

⁵ A "penetrating gunshot wound" means the bullet entered the body and remained inside the body.

3. Firefighter/Paramedic Adam Finseth

During the autopsy of Firefighter/Paramedic Finseth it was determined he suffered a gunshot wound of his right arm and torso that entered his right shoulder and exited on his left mid back. No projectiles were recovered. The manner of death was determined to be homicide and the cause of death was the gunshot wound.

4. Shannon Gooden

During the autopsy of Gooden, it was determined he suffered a perforating, contact range of fire⁶, gunshot wound to his head; and a perforating gunshot wound to his right thigh. The manner of death was determined to be suicide and the cause of death was a self-inflicted gunshot wound to his head.

A deformed bullet fragment was recovered from Gooden's brain; and additional deformed bullet fragments were recovered from his mouth and chin/beard. These fragments were collected by the BCA and submitted to its forensic lab. (Lab Items 224, 225, and 236).

C. BCA Incident Investigation and Forensic Analysis Summary

A BCA Crime Scene Team arrived at the scene on February 18, 2024, at 10:35 a.m. The team forensically processed the incident scene and collected several items of evidence. Inside the residence, a large amount of blood was observed just inside the house near the service door, in the garage, and on the driveway.

The upper level of the house consisted of two kid's bedrooms, a main bathroom, and a primary bedroom with a connected bathroom. In total, the crime scene team collected 119 rifle cartridge cases and one 9mm cartridge from the upper level as follows: (1) 29 cartridge cases in the upper level hallway; (2) 1 cartridge case from the floor of the main bathroom; (3) 11 cartridge cases from the north kid's bedroom; (4) 1 cartridge case from the south kid's bedroom; (5) 32 cartridge cases from the primary bedroom; and (6) 46 cartridge cases from the bathroom of the primary bedroom.

In the primary bedroom, the crime scene team observed firearms, gun cases, gun parts, magazines and ammunition throughout the entire room and bathroom. Three rifles located on the bed and one Glock frame pistol on the floor located next to decedent Gooden were collected. Additional firearms were observed in the primary bedroom and collected by BCA agents. Also found on the floor underneath the window in the primary bedroom were two metal ammo cans containing hundreds of cartridges. Both the window in the primary bedroom and window in the connected bathroom were broken.

Several items of evidence collected during the course of the investigation of this incident were submitted to the BCA forensic laboratory for analysis. Some of the forensic analysis is summarized below.

⁶ "Contact range of fire" means the muzzle of the firearm was in contact with the target, in this case Gooden's head.

Firearm Analysis

- A Palmetto State Armory rifle (Lab Item 111) collected from the primary bedroom was determined to have fired the following items:
 - Lab Item 229 – projectile recovered from soft back tissue during Officer Ruge's autopsy.
 - Lab Item 238 – bullet fragment recovered from the vest of Sergeant Medicott.
 - Lab Item 35 – a bullet fragment collected from the dining room floor.
 - Lab Item 45 – a 223 Remington caliber cartridge case collected from the upper level hallway.
 - Lab Item 190 – a bullet jacket fragment collected from the front entrance floor.
 - Lab Item 193 – a bullet behind a mirror in the staircase.
 - Lab Item 201 – a bullet collected from a dining room shelf.
 - Lab Item 202 – a bullet jacket fragment collected from the kitchen pantry.
 - The bullet jacket fragment from Lab Item 203 collected from the kitchen pantry.
 - Lab Item 205 – a bullet jacket fragment collected from a kitchen wall.(See BCA Lab Reports Nos. 9 and 16).
- A Franklin Armory Model rifle (Lab Item 112) collected from the primary bedroom was determined to have fired the following items:
 - Lab Item 230 – bullet recovered from the left femoral during the autopsy of Officer Elmstrand.
 - Lab Item 237 – bullet recovered from the vest of Office Ruge.
 - Lab Item 243 – bullet recovered from the taser of Officer Mueller.
 - Lab Item 22 – a bullet collected from a backpack inside the garage.
 - Lab Item 24 – a bullet collected from the entryway from the garage to the house.
 - Lab Item 32 – a bullet collected from the kitchen floor.
 - Lab Item 34 – a bullet collected from the dining room floor.
 - Lab Item 41 – a bullet fragment collected from the front entrance floor.
 - Lab Item 44 – a 300 AAC Blackout caliber cartridge case collected from the upper level hallway.
 - Lab Item 196 – a bullet collected from a kitchen drawer.
 - Lab Item 197 – a bullet collected from a kitchen drawer.(See BCA Lab Reports Nos. 9 and 16).
- The examination and test firing of BCA Lab Item 112 (Franklin Armory Model rifle) showed it to function as a semi-automatic firearm with a binary trigger mechanism. Binary trigger mechanisms are designed to fire one cartridge with the pull of the trigger, then fire a second cartridge with the release of the trigger. (See BCA Lab Report No. 9).
- BCA Lab Items 224, 225, and 226 collected during the autopsy of Gooden were unsuitable for comparative examinations. (See BCA Lab Report No. 9).
- A 308 Winchester caliber cartridge case (Lab Item 1) collected from the street (Burnsville Parkway) near a squad car was determined to have been fired by a rifle collected from Officer Jimenez (Lab Item 207). (See BCA Lab Report No. 11).
- A Glock Model 17 Gen4 9mm Luger caliber pistol (Lab Item 235) collected from Sergeant Medicott was determined to have fired the following items:
 - Lab Items 28, 29, and 31 – 9mm Luger caliber cartridge cases collected from the kitchen floor.
 - Lab Item 198 – a bullet collected from the front entry closet.
 - Lab Item 199 – a bullet collected from the kitchen counter.
 - Lab Item 200 – a bullet collected from the kitchen wall.

- (See BCA Lab Reports Nos. 11 and 16).
- A Heckler & Koch Model HK 416 5.56 NATO/223 Remington caliber rifle (Lab Item 244) collected from Officer Wical was determined to have fired the following items:
 - Lab Items 36-40 - Five 223 Remington caliber cartridge cases collected from the dining room.
 - Lab Item 176 – a bullet collected from the upper level hallway.
 (See BCA Lab Reports Nos. 11 and 16).
- A 9mm Luger caliber cartridge case (Lab Item 114) collected from the floor of the primary bedroom was determined to have been fired by a 9mm Luger caliber pistol with a Glock brand frame collected from the floor of the primary bedroom (Lab Item 113). (See BCA Lab Report No. 16).

DNA Analysis

- Several areas of the Palmetto State Armory rifle (Lab Item 111) collected from the primary bedroom were swabbed for DNA and analyzed. (See BCA Lab Report No. 13).
 - Textured grips and handhold (Lab Item 111A). It was determined to be a mixture originating from five people. Gooden was indicated to be a contributor to the mixture. According to the lab report, the probability of observing this DNA mixture is greater than 100 billion times more likely if Gooden and four unknown, unrelated individuals are the source than if five unknown, unrelated individuals are the source. Dyrdaahl and one of the children residing in the home could not be excluded from being possible contributors. According to the lab report, the probability of observing this DNA mixture is greater than 100 billion times more likely if Gooden, Dyrdaahl and the child and two unknown, unrelated individuals are the source than if five unknown, unrelated individuals are the source.
 - Trigger (Lab Item 111B). It was determined to be a mixture originating from two individuals. Gooden could not be excluded as a contributor. According to the lab report, the probability of observing this DNA mixture is greater than 100 billion times more likely if Gooden and one unknown, unrelated individual are the source than if two unknown, unrelated individuals are the source.
- Several areas of the Franklin Armory Model rifle (Lab Item 112) collected from the primary bedroom were swabbed for DNA and analyzed. (See BCA Lab Report No. 13).
 - Textured grips and handhold (Lab Item 112A). It was determined to be a mixture originating from four individuals. The major male DNA profile matched Gooden.
- Lab Item 226B. A penile swab obtained during Gooden's autopsy was submitted to the BCA forensic lab for DNA analysis. DNA analysis was performed on Item 226B (non-sperm cell fraction) and it was determined the DNA was a mixture originating from two individuals. Gooden was indicated to be a contributor to the mixture; and the Child could not be excluded from being a possible contributor. According to the lab report, the probability of observing this DNA mixture is greater than 100 billion times more likely if Gooden and the Child are the source than if Gooden and one unknown, unrelated individual are the source. (See BCA Lab Report No. 14).
- Lab Item 240/240A. During the execution of a second search warrant of the house conducted on February 23, 2024, a pair of girl's pink underwear (Lab Item 240) found in a hamper in one of the bedrooms was seized and submitted to the BCA forensic laboratory for analysis. A cutting was taken from the crotch of the underwear (Lab Item 240A) and DNA analysis was performed. It was determined there was a DNA mixture originating from two individuals. The Child's DNA found in the analysis of Lab Item 226B was indicated to

be a contributor to the mixture; and Gooden could not be excluded from being a possible contributor. According to the lab report, the probability of observing this DNA mixture is greater than 100 billion times more likely if the Child and Gooden are the source than if the Child and one unknown, unrelated individual are the source. (See BCA Lab Report No. 14).

III. LEGAL ANALYSIS AND DETERMINATION

A. Legal Standard.

The use of deadly force⁷ by a peace officer in the line of duty is justified only if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary:

- (1) to protect the peace officer or another from death or great bodily harm, provided that the threat:
 - (i) can be articulated with specificity;
 - (ii) is reasonably likely to occur absent action by the law enforcement officer; and
 - (iii) must be addressed through the use of deadly force without unreasonable delay; or
- (2) to effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in clause (1), items (i) to (iii), unless immediately apprehended.⁸

In order to bring charges against a peace officer for using deadly force in the line of duty, the State must be able to prove beyond a reasonable doubt the use of force was not justified.

In evaluating the reasonableness of peace officer use of force, the proper inquiry “requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the [suspect] is actively resisting arrest or attempting to evade arrest by flight.”⁹ The reasonableness of a particular peace officer’s use of force is to “be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”¹⁰ In making this determination, allowance must be made for the fact peace officers are often forced to make split-second decisions – under circumstances that are tense, uncertain and rapidly evolving – about the amount of force necessary in a particular situation.¹¹ The reasonableness inquiry is an objective one: the question is whether the peace officer’s actions are “objectively reasonable” in light of the facts and circumstances confronting the peace officer without regard to

⁷ The term “deadly force” means force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing, death or great bodily harm. The intentional discharge of a firearm, other than a firearm loaded with less lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force. Minn. Stat. § 609.066, subd. 1 (2021).

⁸ Minn. Stat. § 609.066, Subd. 2 (2021).

⁹ *Graham v. Connor*, 490 U.S. 386, 396, 109 S.Ct. 1865, 1872 (1989) (citations omitted). See also Minn. Stat. § 609.066, Subd. 1a(2) (2021).

¹⁰ *Graham*, 490 U.S. at 396; Minn. Stat. § 609.066, Subd. 1a(3) (2021).

¹¹ *Graham*, 490 U.S. at 396-97; Minn. Stat. § 609.066, Subd. 1a(3) (2021).

the officer's underlying intent or motivation.¹²

B. Determination as to the lawful use of deadly force by Officer Jimenez, Officer Wical, and Sergeant Medicott.

As detailed above, Sergeant Medicott and Officer Wical discharged their firearms towards Gooden while inside the house in response to Gooden firing gunshots from the upper level of the house towards officers who were located one level down. Both Sergeant Medicott and Officer Wical stated they did so because they feared for their own lives and the lives of the other officers attempting to evacuate from the house with Officer Elmstrand. Sergeant Medicott himself was shot in the arm by Gooden during this initial barrage of gunfire in the house.

Thereafter Gooden started shooting from upper level rooms of the house at officers and medics located outside the house during which he shot and killed Officer Ruge and Firefighter/Paramedic Finseth. When Gooden was shooting, Officer Jimenez took cover behind a patrol vehicle with his sniper rifle. While positioned there, he observed flashes of gunfire coming from the top left window of the house. He placed his sniper rifle on the top of the rear of the patrol vehicle and scanned the upper windows of the residence. Moments later he observed through his sniper rifle scope Gooden leaning slightly out of the top left window with what appeared to be a rifle. Gooden began shooting rounds in high succession at the officers and other first responders in the driveway as they attempted to take cover behind a Bearcat located in the driveway. Officer Jimenez fired one round at Gooden. He stated he did so because he feared for the safety of the officers and medics positioned on the driveway, as well as citizens in the nearby residences.

The use of deadly force by a peace officer is justified to protect the officer or another person from death or great bodily harm. It is my conclusion that given the facts and circumstances of this incident, most notably that Gooden fired first and continued firing causing the tragic loss of life of Officers Elmstrand and Ruge and injury to Sergeant Medicott, it was objectively reasonable for Officer Jimenez, Officer Wical, and Sergeant Medicott to believe Gooden posed a deadly threat to them, other officers and first responders present at the scene, and to members of the public when they fired their respective weapons. Accordingly, all three were legally justified in using deadly force in this extremely harrowing incident.

Dated: July 2, 2024

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¹² *Graham*, 490 U.S. at 397, 109 S.Ct. at 1872 (citations omitted).