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November 13, 2019

**NEWS RELEASE**

**EAGAN AND BLOOMINGTON POLICE OFFICERS WERE LEGALLY JUSTIFIED  
IN USING DEADLY FORCE IN SHOOTING DEATH OF ISAK ADEN**

Dakota County Attorney James Backstrom announced that he has concluded, after a thorough review of the facts surrounding the death of Isak Abdirahman Aden (DOB: 01/01/1996) on July 2, 2019, that Eagan Police Officer Jacob Peterson and Bloomington Police Officers Matthew Ryan, Anthony Kiehl, Adam Stier, and Daniel Nelson were legally justified when they used deadly force during this incident.

**FACTS**

On July 2, 2019, at 6:05 p.m., a woman later identified as T.A., called 911 and reported her ex-boyfriend had “just pulled out a gun” on her. T.A. identified the suspect as Isak Aden (“Aden”) and described him as an African male wearing an orange shirt. During the 911 call, T.A. reported she and Aden were in her vehicle outside of her residence in Eagan having a “tense” conversation, at which point Aden pulled out a gun and instructed her to drive away from the residence. T.A. complied. When she got to an intersection near the Eagan Outlet Mall, she purposely drove her car into oncoming traffic at an intersection to create “a scene.” When she did this, Aden “hopped out” of the vehicle and started running. T.A. described the location where Aden fled the vehicle and went on to tell the dispatcher: “I know you don’t expect me to remember all these things. I literally had a gun pointing at me.”

Another person who called 911 said he saw a vehicle traveling the wrong way down the road near the intersection of Silver Bell Road and Highway 13 in Eagan. He said the vehicle stopped and a young African American woman and a young African American man both “jumped out” of the car and started running. He said the woman came over to his vehicle and stated: “He’s got a gun.” The witness observed the male run towards McDonald’s. When the woman saw that the man (Aden) was leaving the area, she returned to her car and drove away. Two other witnesses near this same intersection provided similar information to the police.

Officers from the Eagan Police Department and Minnesota State Patrol responded to the area and set up a perimeter to attempt to apprehend Aden. While doing so, Trooper Justin Armstrong received information from an employee of Anytime Fitness. The employee reported that while outside the business, she heard a gunshot in a wooded area near the strip mall in which the business is located. This information was shared with other officers at approximately 6:17 p.m. Surveillance video from July 2, 2019, was subsequently obtained from a business located adjacent to Anytime Fitness which captured Aden running from the west to the east along the farthest north side of the parking lot, paralleling Highway 13 at approximately 6:05 p.m.

At approximately 6:23 p.m., two Eagan officers were in an unmarked squad in a residential area near the intersection of Burgundy Drive and Highway 13 searching for Aden. While driving, they spotted a male walking towards them on the road matching Aden's description. Upon seeing the officers in the vehicle, Aden ran from them, cutting into a yard between two townhomes. Because the area was wooded and knowing Aden was armed, the officers did not pursue him on foot. At this time, the Eagan Police Department requested assistance from the Bloomington Police Department for a K9 unit to assist in the search for Aden. The Bloomington K9 unit arrived at 6:34 p.m.

At approximately 6:44 p.m., Aden was spotted running across Highway 13 onto Seneca Road. Officers pursued him in squad cars and on foot. A Minnesota State Patrol SUV and three other squad cars pursued Aden onto Seneca Road and stopped their vehicles near a building located at 1971 Seneca Road. Upon reaching 1971 Seneca Road, Aden stopped running and immediately put a gun to his head. Aden walked to the parking lot located behind and adjacent to 1971 Seneca Road; and sat down on the curb of the parking lot with the gun to his head.

Eagan Officer Jeff Thul exited his vehicle as did other officers and several times commanded Aden to drop the gun. Aden did not comply with the orders and instead repeatedly stated, "F...in' shoot me." Until trained negotiators arrived at the scene, Officer Thul was instructed to be the only officer to speak with Aden. Officer Thul took cover behind the passenger door of his squad and continued talking to Aden trying to convince him to drop the gun. At some point, Aden requested that T.A. be brought to the scene. In response, Officer Thul told Aden if he put the gun down and surrendered, he would bring her to the scene if she was willing to come, but that he wasn't bringing anyone else to the scene as long as he was in possession of the gun.

While Officer Thul was talking to Aden, other police agencies, including SWAT teams from Eagan and Bloomington, and a tactical team from Burnsville were summoned to the scene. BearCats (armored vehicles) were also summoned to the scene from Bloomington, Edina and South Metro SWAT. A command post was set up near the scene. As the scene coordination was being conducted, Officer Thul continued talking to Aden from outside his squad car and repeatedly requested Aden to put the gun down. At approximately 7:07 p.m., Aden complied by placing the gun down on the parking lot pavement close to his right foot. After putting the gun down, Officer Thul told Aden that he made a "good decision" and instructed Aden to stand up and place his hands up. Aden did not comply. Officer Thul again asked Aden to stand up several times and to walk towards him and lay on the grass. Aden did not comply with these directives. At approximately 7:10 p.m., Aden picked the gun up and again pointed it at his head.

For purposes of officer safety and so that Officer Thul could use a PA system to speak to Aden, the decision was made to bring a BearCat vehicle into the inner perimeter of the scene. Bloomington's BearCat was first to arrive at the scene and was utilized for this purpose. At approximately 7:25 p.m., Officer Thul advised Aden he was getting into the BearCat and would continue to speak to him from that vehicle. Officer Thul got into the BearCat and commenced communicating with Aden using the PA system at that time.

Following the arrival of Eagan Police Department negotiators at the scene around 7:21 p.m., Officer Joseph Moseng was designated to be the lead negotiator and he took over communications with Aden, first through another BearCat at the scene and ultimately through a telephone that was thrown in a box to Aden from another BearCat vehicle. In speaking with Aden, Officer Moseng repeatedly told him officers wanted to help him and make sure he was safe. Officer Moseng repeatedly asked Aden to put the gun down and to listen to the commands of the officers at the scene. Aden did not comply with these directives. Officer Moseng continued talking to Aden, and at approximately 8:56 p.m., Aden set the gun down on the pavement between his legs. This was the first time Aden had set the gun down since approximately 7:07 p.m. when Officer Thul was speaking to him.



While Officer Moseng engaged in phone conversations with Aden, Aden also used the phone to call someone else (later determined to be T.A.) on several occasions. Aden continued to demand T.A. be brought to the scene to talk with him. Officer Moseng repeatedly told Aden he should put the gun down and after he eventually did so, he was asked to move further away from the gun. Aden did not comply. Further details of the police contacts with Aden and one conversation he had with T.A., as well as details about what started the argument between Aden and T.A. can be found in the attached memorandum.

When SWAT teams initially arrived at the scene, they were advised of the rules of engagement set by command staff of the Eagan Police Department. In the early evening hours of this incident when Aden was still holding the gun to his head, officers were directed that if Aden did not surrender, but stood up with the gun, officers were to subdue him by shooting him with less lethal munitions and deploying K9 units. The use of deadly force was authorized depending on the actions of Aden. If Aden stood up without the gun and attempted to run from the scene, officers were directed to deploy K9 units.

When Aden put the gun down while negotiations were being conducted by Officer Moseng, command officers at the scene devised a tactical plan to apprehend Aden. If Aden was far enough away from the gun, the plan was to use flashbangs to distract Aden followed by the firing of less lethal munitions to get Aden further away from the gun and take him into custody. As part of the plan, they wanted Aden on the phone with the negotiator at the time the flashbangs were deployed to serve as an additional distraction from the gun. This plan was reviewed with and approved by Eagan Police Chief Roger New with the proviso that Aden had to be far enough away from the gun. Thereafter, Chief New instructed the negotiators to get Aden to move away from the gun.

Following approval of the plan, steps were taken to implement it. A two officer sniper team was positioned on the rooftop of a building across the road from Aden's location. Other officers were assigned to deploy flashbangs and less lethal munitions from two of the nearest BearCats and another nearby vehicle, while other officers stationed in or near these vehicles were assigned to provide lethal cover to the officers deploying these less lethal ordinances. It was hoped once the plan was initiated and the flashbangs and less lethal munitions were deployed, Aden would surrender and be apprehended without the need to use lethal force.

At approximately 10:32 p.m., it was reported Aden was about 18 inches away from the gun. The decision was made by command staff to initiate the tactical plan to apprehend Aden. At approximately 10:36 p.m., command staff verified with all units that they were ready. At this time, Aden was on the phone with Officer Moseng and at approximately 10:38 p.m. it was reported Aden had the phone to his ear. At this time the order to initiate the tactical plan was given.

Three flashbangs were ignited and thrown towards Aden. Less lethal munitions were also fired by two officers and it is believed two of these struck Aden. Unfortunately Aden did not surrender and instead got up from a seated position, lunged for the gun near him, picked it up and began to raise his right hand with the gun in it. It was later determined Aden fired the gun after he picked it up. Fearing for the life of the numerous law enforcement officers at the scene, five police officers at that time fired lethal rounds, a number of which struck and killed Aden. This entire incident, from the time of the deployment of the first flashbang until the lethal rounds were fired, occurred within about six seconds.

The police officers who fired lethal rounds at Isak Aden were:

1. Eagan Officer Jacob Peterson
2. Bloomington Officer Matthew Ryan
3. Bloomington Officer Anthony Kiehl
4. Bloomington Officer Adam Stier
5. Bloomington Officer Daniel Nelson



Officer Peterson told investigators at the time the tactical plan was initiated, he was located in the turret of a nearby BearCat vehicle and was assigned to provide lethal cover to nearby officers. Officer Peterson said he saw the suspect jump up from his seated position and grab the gun with his right hand. Officer Peterson said he saw the suspect start to lift the gun up off the ground. Officer Peterson said he believed the suspect was starting to point the gun in the direction of officers located to Peterson's left. Believing the suspect was "imminently going to start shooting" at his partners, Peterson fired his weapon at the suspect. Peterson believed he shot three or four times.

Officer Ryan told investigators at the time the command was given, he was located on the passenger side of a nearby BearCat vehicle and was assigned to provide lethal cover to nearby officers. Officer Ryan said he saw the suspect put the phone to his ear just before the flashbangs were deployed. He estimated he was located 15 to 25 yards from the suspect. When the first flashbang was deployed, Officer Ryan said he saw the suspect look up to the north with a look of surprise on his face. When the second flashbang was deployed, Officer Ryan said he observed the suspect still had the phone in his hand and had "kind of covered" up his head. Ryan also observed less lethal rounds being fired, but was unsure of the number. Officer Ryan said he next saw the suspect grab the gun from the ground and raise it to his mid-waistline and point it towards where a nearby BearCat was parked and where he knew officers were located. Ryan heard someone on the radio call out that the suspect had the gun in his hand. Thereafter, Ryan heard numerous shots fired. Ryan fired his rifle two or three times at which point it jammed. Ryan stated he fired his weapon because he did not want the suspect to shoot at officers.

Officer Kiehl told investigators at the time the tactical plan was initiated, he was one of two snipers positioned on the roof of a building across the road from the suspect's location, approximately 84 yards away. Officer Kiehl said he heard the command to initiate the plan. Officer Kiehl saw the first flashbang go off and when it did, he observed the suspect get up, grab the gun and point it towards a BearCat in the parking lot. Officer Kiehl said he observed a muzzle flash from the suspect's gun. Officer Kiehl said he heard rounds fired and saw the suspect stagger backwards towards the steps of the building he had been sitting by. As the suspect was falling, Officer Kiehl fired one round. When asked what his thoughts were when the flashbang went off and the suspect got up, Officer Kiehl stated that when he saw the "gun come up" he was immediately in fear for the officers that were on the ground.

Officer Stier told investigators at the time the tactical plan was initiated, he was one of two snipers positioned on the roof of a building across the road from the suspect's location. When it was initiated, he was "on his gun" looking through the scope at the suspect. While in that position, he said he saw a flashbang go off near the suspect's feet. He also saw what he believed to be a 40 mm baton round (i.e., less lethal munition) strike the suspect's leg. When the suspect was struck by the less lethal round, Officer Stier saw the suspect stand and lunge to his right and pick up the handgun with his right hand. The suspect moved very fast so while Stier was trying to track the suspect in his scope, he heard officers on the ground shooting and heard someone yell the suspect had the gun. He saw the suspect stagger and observed the suspect appeared to be "going down" as if he'd been hit by the initial gunfire. However, Officer Stier observed the suspect still had his arm extended and still appeared to have the gun in his hand. At this point, Stier fired one round and observed the suspect drop to the ground. He said he shot because he knew there were multiple officers out of the armored vehicles to execute the plan and he believed they were in danger of being shot when the suspect grabbed the handgun.

Officer Nelson told investigators he had been assigned to the reaction/arrest team and at the time the command was given to implement the tactical plan, he was located on the back passenger side of a nearby Dakota County armored vehicle and assigned to provide lethal cover to a nearby officer deploying less lethal munitions. Officer Nelson said he saw a less lethal round fired nearby and believed it hit the suspect in his left hip area. Based on his training and experience, after being hit with less lethal munitions, Officer Nelson expected the suspect to fall backwards, scream and give up, and officers would move in and arrest him. Unfortunately, that did not happen. Officer Nelson said he saw the suspect lunge right and grab the handgun and start to stand up



with the gun pointed as if he was going to shoot. Officer Nelson said he believed the suspect was going to start shooting, or was going to try and run toward officers and shoot them as he ran by because that was the closest avenue of escape. Officer Nelson said he believed he needed to shoot the suspect. He fired one shot and was approximately 30 to 35 yards from the suspect when he did so. He saw the suspect on the ground so he did not fire any additional shots.

Further details of the statements given by each of these police officers during the course of this investigation are contained in the attached memorandum. Each of these officers gave their statements to investigators prior to reviewing any video from body or squad cameras at the scene of this incident and before discussing any details of the incident with other law enforcement officers who were directly involved.

Numerous body cam and squad car videos of the scene of this incident, as well as recordings of some conversations of officers, Isak Aden and others were taken into evidence in this case. The most pertinent of these items of evidence was the squad car video from a nearby Minnesota State Trooper's vehicle which provides the clearest view of the area where Isak Aden was located when the tactical plan to secure his capture and arrest was implemented. The BCA also used its computer technology to slow down this video to allow the scene to be viewed more clearly, as the deployment of the less lethal devices and the firing of the lethal rounds occurred extremely fast. The slow motion version of this video shows that Isak Aden did pick up his gun and fired a round from it after less lethal devices were deployed.

The autopsy performed on Aden determined he died as a result of multiple gunshot wounds. The medical examiner determined Aden sustained 11 gunshot wounds. Further details of the location of these gunshot wounds can be found in the attached memorandum.

Further details of cartridge casings recovered, materials recovered from less lethal munitions fired or deployed, and other evidence gathered by the BCA at the scene of this incident can be found in the attached memorandum.

## **LEGAL ANALYSIS AND DETERMINATION**

### **A. Legal Standard**

Under Minnesota law, the use of deadly force by a peace officer is justified in the line of duty when necessary:

- (1) to protect the peace officer or another from apparent death or great bodily harm;
- (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 involving the use or threatened use of deadly force; or
- (3) to effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony if the officer reasonably believes that the person will cause death or great bodily harm if the person's apprehension is delayed.<sup>1</sup>

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.<sup>2</sup> The intentional discharge of a firearm constitutes deadly force.<sup>3</sup>

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<sup>1</sup> Minn. Stat. § 609.066, subd. 2

<sup>2</sup> *State v. Johnson*, 719 N.W.2d 619, 629 (Minn. 2006) citing *State v. Basting*, 572 N.W.2d 281, 286 (Minn. 1997)

<sup>3</sup> Minn. Stat. § 609.066, subd. 1

In determining whether a legal justification exists for a peace officer to use deadly force, the facts and circumstances must be reviewed from the perspective of what would a reasonable peace officer have done at the time of the incident. The proper inquiry requires careful attention to the facts and circumstances of each particular case. In making this determination, allowance must be made for the fact peace officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. The question is whether the peace officer's actions are "objectively reasonable" in light of the facts and circumstances confronting the officer without regard to the officer's underlying intent or motivation.<sup>4</sup>

**B. Determination as to the lawful use of deadly force by Eagan Police Officer Jacob Peterson and Bloomington Police Officers Matthew Ryan, Anthony Kiehl, Adam Stier and Daniel Nelson**

As noted above, Eagan Police Officer Peterson and Bloomington Police Officers Ryan, Kiehl, Stier and Nelson were all deployed at various locations and assigned to provide lethal cover to other officers at the time the tactical plan to effectuate the capture and arrest of Isak Aden was implemented. Each of these officers described observing Aden picking up his gun after the less lethal munitions were deployed. They all believed at the time they fired their service weapons that Aden posed a risk to the lives of other officers at the scene.

As stated above, 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 our conclusion that it was objectively reasonable for these five police officers to subjectively believe Aden posed a deadly threat to other officers at the scene of this incident at the time they fired their service weapons and, therefore, they were legally justified in using deadly force in this instance.

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Backstrom commented: *"Although I have concluded that the use of deadly force by the law enforcement officers was legally justified in this instance, any loss of life is a tragic occurrence, and I wish to express my sympathy to the family and friends of Isak Aden, whose life was lost in this incident."*

Backstrom thanked the Minnesota Bureau of Criminal Apprehension (BCA), which served as the lead investigative agency regarding this incident. Access to any public data compiled in this case, including body cam video, squad car video, and other evidence and investigative reports may be accessed by contacting BCA Public Information Officer Jill Oliveira at 651-793-2726.

If you have any questions, please contact James Backstrom at 651-438-4440.

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<sup>4</sup> *Graham v. Connor*, 490 U.S. 386 (1989)