



OFFICE OF THE RAMSEY COUNTY ATTORNEY  
JOHN J. CHOI, COUNTY ATTORNEY

**MEMORANDUM**

TO: John Choi, Ramsey County Attorney

FROM: John Kelly, First Assistant Ramsey County Attorney and  
Richard Dusterhoft, Trial Division Director

DATE: February 1, 2020

SUBJECT: In the Matter of the Death of Ronald Kerry Davis  
CA File No. 062-0419573

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**I. Summary**

On Sunday, September 15, 2019, at approximately 5:50 p.m., Officer Steven Mattson of the Saint Paul Police Department ("SPPD") was on patrol, driving eastbound on Thomas Ave. in his SPPD Ford Explorer SUV as he approached the Griggs St. intersection. He was alone in the Explorer. The weather conditions at that time were sunny and dry with the temperature near 80 degrees.

Officer Mattson's Explorer had the name and logos of SPPD on its rear trunk and side doors and was equipped with visible emergency lights on its roof. Officer Mattson was dressed in his standard issue blue-colored SPPD police uniform bearing SPPD shoulder patches, badge and duty belt, and was also wearing a body worn camera ("BWC") positioned on the chest area of his uniform shirt. His BWC was activated as he approached the Griggs St. intersection.

While Officer Mattson was stopped at the stop sign at the intersection of Thomas Ave. and Griggs St., his vehicle was rear-ended by a 1999 Nissan Altima sedan. The force of the impact of this collision resulted in significant damage to the front end of the Altima and pushed Officer Mattson's Explorer into the intersection. Since there were no tire skid marks found on the street near the Altima, it is likely that the driver did not brake the vehicle before striking Officer Mattson's vehicle.

Immediately upon exiting his Explorer, Officer Mattson's video from his BWC shows a black male wearing a white T-shirt, dark colored pants and black and white colored tennis shoes running from near the damaged Altima towards the officer clenching a knife in his right hand with his right arm raised as if in an attacking position.

Video and audio from Officer Mattson's BWC also show within an approximately 20 second time period, the following sequence of actions:

- Officer Mattson being startled by the man's oncoming advance and the officer extending his left arm in effort to hold him off. As he is attempting to retreat from the male, Officer Mattson falls backward in the middle of the intersection causing his flashlight to dislodge from his duty belt and fall to the street.
- Officer Mattson quickly picking himself up from the street while the male stops to pick up the officer's flashlight with his left hand. With the knife clenched in his right hand and Officer Mattson's flashlight in his left hand, the male again charges at the officer.
- Officer Mattson continuing his attempt to retreat from the male while he draws his service firearm with his right hand, points it at the male and loudly yells at him to "Get away from me!" and to "Drop the knife! Drop the knife! Drop the fucking knife! Drop the knife!" The male does not comply with the commands and continues to quickly charge towards the retreating Officer Mattson.
- With the male a few feet away and rapidly closing in on him, Officer Mattson fired his Glock 17 9mm handgun twice at the male, striking him with both shots and causing him to fall to the ground. Officer Mattson quickly retreats across the street to a position of safety behind his Explorer.
- Officer Mattson immediately reports "shots fired" on the radio attached to his uniform and requests medical assistance for the male that "...has been shot...he is still at gunpoint, he's on the ground, he's bleeding, have medics stage nearby..."

SPPD Officers Alexander Graham and Robert Lokhorst arrived at the scene shortly after the shooting and began administering emergency medical care to the male, including creating an airway for him and performing chest compressions on him. They were assisted by two other SPPD officers. Paramedics from the Saint Paul Fire Department arrived at 5:56 p.m. to replace the officers in continuing to provide medical care to the male. After assessing the male's medical condition and vitals, paramedics pronounced him dead at 5:57 p.m. A black-handled, six-inch knife and Officer Mattson's flashlight were found approximately 2 feet away from the male's head.

Although there was no identification found on the deceased male, the Altima was registered to his wife, B.C. Later that evening B.C. identified the deceased male as her husband, Ronald Kerry Davis, age 31. B.C. told investigators from the Minnesota Bureau of Criminal Apprehension (“BCA”) that Mr. Davis had taken the Altima on September 14 and that she had not seen or heard from him since then. Before Mr. Davis left their home, B.C. said he “was just acting really weird” including telling her that “you’re going to be a widow.” At the time of his death, methamphetamine and THC were found in Mr. Davis’ system.

This Memorandum contains a description of the relevant evidence gathered by the BCA during its investigation of the shooting of Mr. Davis. As set forth below, the evidence gathered by the BCA includes statements given by officers and other witnesses; physical, DNA and ballistics evidence; and audio and video recordings taken from both the BWC worn by Officer Mattson and the camera in his patrol vehicle.

Based on our review of the evidence presented to us by the BCA, and for the reasons explained in this Memorandum, it is our opinion that the use of deadly force by Officer Mattson in this incident was justified by Minn. Stat. § 609.066, Subd. 2(1). Accordingly, we recommend that no criminal charges be brought against Officer Mattson related to this incident.

## **II. Summary of the Relevant Evidence Presented**

### **A. Video and Audio Taken from Officer Mattson’s BWC**

The BWC worn by Officer Mattson on the outside of his chest area of his uniform shirt recorded video and audio of the incident. Pursuant to SPPD policy, Officer Mattson, together with his attorney, were allowed to view and listen to the video and audio prior to being interviewed by BCA Investigators.

The video begins without audio and shows the dash board and steering wheel of the squad car. At 22:49:29 hours, the video jolts consistent with the vehicle being involved in a collision. At 22:49:34 hours, Officer Mattson opens the driver’s door of the squad and one second later the audio recording begins.

At 22:49:37 hours, as Officer Mattson exits the vehicle, he turns toward the rear of the squad car. The video shows Mr. Davis, already at the back of the squad car, running toward Officer Mattson with his right hand at shoulder level and his left arm by his side. A still photo taken from the BWC at 22:49:37 hours shows Mr. Davis advancing towards Officer Mattson holding a knife in his upraised right hand (both the damaged Altima just exited by Mr. Davis and the left rear, quarter panel of Officer Mattson’s Explorer are visible).

The audio and video show Officer Mattson expressing surprise at what is happening, and his scrambling to get away from Mr. Davis. A still photo taken from the BWC at 22:49:38 hours and attached to the Memorandum as "Attachment A" shows Mr. Davis in very close proximity to the Officer Mattson holding a knife in his upraised right hand.

At 22:49:42 hours, the video shows Officer Mattson fall backward onto the street in his attempt to get away. A still photo taken from the BWC at 22:49:43 hours and attached to this Memorandum as "Attachment B" shows Mr. Davis holding a knife in his upraised right hand standing in very close proximity to Officer Mattson.

The video shows Officer Mattson quickly regain his footing and the audio continues to capture Officer Mattson screaming loudly at Mr. Davis to "Get away from me!" and to "Drop the knife! Drop the knife! Drop the fucking knife! Drop the knife!" as Officer Mattson retreats. A still photo taken from the BWC at 22:49:43 hours and attached to this Memorandum as "Attachment C" shows Mr. Davis holding a knife in his right hand standing very close to Officer Mattson (whose left hand is visible in the foreground) with the officer's flashlight laying on the street.

At 22:49:44 hours, the video shows Davis stopping to reach down and pick up with his left hand, the large flashlight that fell from the officer's duty belt. A still photo taken from the BWC at 22:49:43 hours and attached to this Memorandum as "Attachment D" shows Mr. Davis reaching down to pick up the flashlight from the street with his left hand, and Officer Mattson pointing his handgun towards Mr. Davis with his right hand.

The video then shows Mr. Davis resuming his pursuit of Officer Mattson with the knife in his right hand and now holding the flashlight, like a club, in his left hand. In his attempt to evade Mr. Davis, Officer Mattson has retreated across Griggs St. A still photo taken from the BWC at 22:49:46 hours and attached to this Memorandum as "Attachment E" shows Mr. Davis holding a knife in his right hand and the flashlight in his left hand, aggressively closing in on Officer Mattson.

At 22:49:46 hours, the video shows Davis pulling his right arm back, appearing to prepare to stab or slash forward with the knife. At 22:49:48 hours, the audio recording captures two gunshots and Davis falls to the ground. A still photo taken from the BWC at 22:49:49 hours and attached to this Memorandum as "Attachment F" shows Officer Mattson holding his handgun and Mr. Davis apparently falling to the street while holding the knife in his right hand.

The video then shows that Officer Mattson has taken cover next to the squad car. He immediately radios that shots have been fired, requests back up and medics, then orders some unknown person, apparently a bystander, to stay back.<sup>1</sup>

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<sup>1</sup> Video and audio of the incident taken from Officer Mattson's BWC were released to the public by the SPPD on September 24, 2019.

## **B. BCA Interview of Officer Mattson**

On September 17, 2019, BCA Investigators interviewed Officer Mattson.

Officer Mattson said that on September 15 at approximately 5:00 p.m., he was in full SPPD uniform on single-officer patrol, driving his fully-marked SPPD Ford Explorer SUV that bore the name and logos of SPPD on its rear trunk and side doors and equipped with visible emergency lights on its roof. He described the weather and road conditions at that date and time as sunny, warm and dry.

Officer Mattson said he was not responding to any call but was simply driving on Thomas Ave. when he stopped in the right lane (on the southern side of Thomas Ave.) at the stop sign at the Griggs St. intersection. While stopped, Officer Mattson said he heard a loud bang and felt his Explorer being "launched forward" into the intersection. He described the impact of the collision as "pretty strong."

Realizing his vehicle had just been rear-ended by another vehicle, Officer Mattson looked at his driver's side rearview mirror and saw the driver's side door of the vehicle that hit him "fly open" and Mr. Davis exit the car. Thinking that "was very strange," Officer Mattson immediately exited his vehicle and activated his BWC.

Officer Mattson said he then saw Mr. Davis approximately five feet away and quickly approaching him in "an aggressive manner" with his right arm raised in a 90° angle and holding "something" in his closed fist. He said that Mr. Davis' eyes were "really wide" and that he was making noises that sounded like "little grunts." Although he could not identify exactly what he held in his right hand, Officer Mattson described the way that Mr. Davis held his right arm and hand was consistent with a person holding a knife and that Mr. Davis looked as if "he was getting ready to stab me."

Officer Mattson said that he attempted to create distance between him and the rapidly approaching Mr. Davis by quickly moving away from him. He said he gave verbal commands to Mr. Davis ordering him to "get away from me and drop the knife." As he attempted to evade Mr. Davis, Officer Mattson fell backward onto the street. The impact of the fall caused scrapes to Officer Mattson's wrists and left knee and caused his flashlight to fall from his service belt.

Officer Mattson saw Mr. Davis stop and pick up his flashlight and then he began to "still com[e] at me with both items in his hands." Officer Mattson said he quickly picked himself up from the ground, drew his Glock 17 9mm handgun from its holster and he again attempted to evade the advancing Mr. Davis by running north across Thomas Ave. At the same time, Officer Mattson said that he also continued to order Mr. Davis to "get away from me" and to "drop the knife."

Officer Mattson said that Mr. Davis did not comply with any of his commands and continued to charge towards him before he fired his handgun twice at Mr. Davis. Officer Mattson said that Mr. Davis fell to the street near the curb on the northern side of Thomas Ave. Officer Mattson told investigators that he then retreated south across Thomas Ave. where he took up a secured position behind the right rear, quarter panel of his Explorer. He also told investigators that had he not fired at Mr. Davis, he “thinks [Mr. Davis] would have killed me.”

From his secured position, Officer Mattson said he used his shoulder microphone to report “shots fired” with a person “bleeding” and for “medics to stage nearby.” Very soon thereafter, Officer Mattson recalled being relieved of his position by a fellow SPPD officer and being escorted to an empty SPPD squad vehicle.

### **C. Summary of Key BCA Interviews of Neighborhood Witnesses**

1. C.C. - C.C. was visiting her parents’ home at 12xx Thomas Ave. when she heard a collision that sounded “like a car explosion.” She saw a police officer and a black male “going at each other” with the “cop trying to get away from the guy.” She heard the cop “say ‘stop, drop it’ or something, but the guy just kept doing what he was doing.”
2. A.S. – A.S. was doing some work outside her home at 11xx Thomas Ave. when she heard what sounded like a car crash but did not hear any preceding tire skidding sounds. A.S. thought the absence of hearing any such skidding sounds as “kinda weird.”
3. D.B. – D.B. was parked outside of her son’s home at 12xx Thomas Ave. when she heard “cars collide.” She looked and saw a man exit the vehicle that rear-ended the police SUV “very quickly, hell bent on you know, he rushed the” police officer in the SUV... I didn’t know if it was road rage...I heard the police officer to tell him to stop...he was just chasing after the officer who kept telling him to stop and then the next thing I heard was pop, pop and the guy kinda ...collapsed...” D.B. described the incident as being “clearly provoked” by the person who was “rushing [the officer] with possibly a weapon...”
4. C.G. – C.G. was driving eastbound on Thomas Ave. when she approached the Griggs St. intersection and saw smoke coming from a car that appeared to have just collided with the rear of a police car. She saw the police officer exit his car and a black male immediately “jump out” of the other car “and start coming at the officer with something long in his hand. I don’t know if it was a knife or what it was. But he was attacking the officer.”

C.G. said the long object was black in color and was in his right hand and that "it was a weapon of some sort." She said that as the man was "attacking the officer" she said the "officer like did a drop and roll... and come back up on his feet...the officer did tell him...to put it down or stop, or I don't know. But he did yell out. The guy still came at him. And then the officer shot. And the guy fell."

C.G. said the "cop had every right to shoot. I'm gonna say that right now, like he gave the guy every, you know, he did the right thing."

#### **D. BCA Interview of B.C.**

On September 15, 2019, BCA investigators interviewed Mr. Davis' wife, B.C.

B.C. told investigators that she and Mr. Davis were married on May 24, 2019. She said that the last time she saw or spoke to Mr. Davis was "yesterday" when he "just walked out the door" and took her 1999 Nissan Altima around 1:00 a.m. B.C. said that she had worked that day, was tired and was just trying to sleep when Mr. Davis "kept waking her up" and "was trying to get her attention." She said that "he did not want me to sleep."

B.C. described Mr. Davis at that time as being "upset" and "just acting really weird." She remembered him saying "some crazy stuff." B.C. said that among the things Mr. Davis said to her was that "you're going to be a widow." When B.C. was asked what Mr. Davis' statement meant to her, B.C. replied "It didn't mean anything to me." She also said that Mr. Davis had recently received an OSHA 30 Construction Outreach Training Industry certification and "was doing good." B.C. told investigators that she believed that Mr. Davis had suffered from mental illness and that she tried "to get him to go to the hospital before."

#### **E. Other Relevant Evidence**

##### **1. Evidence Collected at the Intersection of Thomas Ave. and Griggs St.**

The BCA's Crime Scene Team responded to the incident at the intersection of Thomas Ave. and Griggs St. to document and collect evidence.

The BCA recovered two, 9mm cartridge casings from the scene at Griggs St. and Thomas Ave. Officer Mattson's 9mm Glock firearm was test fired by the BCA. Test fired expended cartridge casings were compared to the casings found at the scene. The BCA concluded that Officer Mattson's Glock fired the casings found at the scene. The two expended projectiles were received by the BCA from the Ramsey County Medical Examiner and compared to test fired expended casings. The BCA concluded that Officer Mattson's Glock fired the two expended projectiles recovered from the body of Mr. Davis.

Because of the low speeds involved in the collision between the 1999 Nissan Altima driven by Mr. Davis and the SPPD Ford Explorer SUV driven by Officer Mattson, no crash reconstruction was possible. Crime scene photos taken by the BCA in the area of Thomas Ave. behind the Altima, do not show any motor vehicle tire skid marks.

Officer Mattson's squad car's rear bumper cover was dislodged and was hanging from the rear of the squad car. The Altima was severely damaged in the front end, consistent with having rear-ended the Explorer and is visible in Officer Mattson's BWC. The front bumper cover was almost completely dislodged and resting on the ground, and the collision ruptured the cooling system. The Nissan's coolant was shown in photographs spilled on the ground at Griggs St. and Thomas Ave. The vehicle could not have been driven to Griggs St. and Thomas Ave. in that condition and indicates that the damage occurred in the collision with the Explorer driven by Officer Mattson.

2. Medical Intervention and Autopsy Results of Mr. Davis

Video from the BWC worn by SPPD Officer Alexander Graham showed that he arrived at the scene approximately three minutes after the shooting at approximately 22:52:34 hours. Immediately upon exiting his squad vehicle, Officer Graham asked other officers on the scene if "we have got him first aid?" He is next heard saying "Okay, let's get him first aid."

Video and audio from Officer Graham's BWC show him, along with SPPD Officer Rob Lokhorst and two other SPPD officers beginning to administer first aid to Mr. Davis at approximately 22:53:00 hours. A knife approximately two feet away from the top of Mr. Davis head is visible on the BWC.

The officers created an airway for Mr. Davis and checked him for gunshot wounds. At 22:55:34 SPFD paramedics arrived at the scene as Officer Graham began applying bandages to his gunshot wounds and applying two rounds of CPR chest compressions to Mr. Davis, before he was relieved by paramedics from the Saint Paul Fire Department ("SPFD").

According to a SPFD report, there was no movement or breathing from Mr. Davis and he was pronounced dead by a paramedic on the scene at 5:57 p.m., and his body was transferred to the Ramsey County Medical Examiner's Office.

The Ramsey County Medical Examiner's Office recovered the body of Davis from the scene at Griggs St. and Thomas Ave. Their report noted that a knife and a flashlight were near the body at that time.

The autopsy on the body of Mr. Davis was performed by Dr. Victor Froloff on September 16, 2019. Mr. Davis had two gunshot entrance wounds, one to the left cheek, left to right and slightly downward, and another to the abdomen, front to

back, downward. There were no exit wounds and two expended projectiles were recovered from his body. The cause of death was exsanguination due to gunshot wounds, and the manner of death was homicide.

Post-mortem toxicology testing showed that Mr. Davis was positive for THC, amphetamine and methamphetamine.

### 3. Training Records and Toxicology Test Results of Officer Mattson

Officer Mattson told investigators that he was hired as a police officer by the SPPD in August 2018. Prior to joining the SPPD, Officer Mattson had five years of previous law enforcement experience. He also has a bachelor's degree in Criminal Justice. Among the training classes he has taken since he began employment with the SPPD, include classes in firearms training and crisis intervention team training.

Shortly after the shooting, Officer Mattson voluntarily submitted to a toxicology test collected on September 15, 2019, which showed that he was not under the influence of alcohol or controlled substances at the time of the shooting.

### 4. Expert Opinion

To help us better understand whether the tactics and use of force used by Officer Mattson was consistent with generally accepted police practices and thus objectively reasonable under the specific facts and circumstances presented in this matter, the Ramsey County Attorney's Office (RCAO) sought the observations and perspectives of Jeffrey Noble, an independent and highly experienced retired peace officer who is an expert in police training, tactics and use of force. All evidence presented to the RCAO by the BCA was presented by this office to Mr. Noble to facilitate his review.

- a. Jeffrey Noble – Mr. Noble was a licensed peace officer in California for 28 years, rising to the rank of Deputy Chief of Police prior to his retirement in 2012. He is a widely published author of articles, chapters for textbooks and a textbook on police practices, tactics and use of force. A copy of his Curriculum Vitae, together with a copy of his letter dated January 31, 2020, describing his observations and perspectives of the relevant evidence related to the tactics and use of force used by Officer Mattson in this matter, are attached to this Memorandum as "Attachment G."

While the written opinion provided to us by Mr. Noble describes his own observations and perspectives in great detail and is deserving of close reading, we note for summary purposes only, that based on his review of the evidence, Mr. Noble believes the tactics and use of force used by Officer Mattson was objectively reasonable and consistent with generally accepted police practices .

### III. Legal Analysis and Recommendation

#### A. Applicable Law

Minn. Stat. § 609.066, Subd. 2(1)-(3) provides that the use of deadly force by a peace officer is justified only when necessary in certain situations, including the following:

- (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 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."

To bring charges against a peace officer for using deadly force in the line of duty, a Minnesota prosecutor must be able to prove beyond a reasonable doubt that the use of force was not justified.<sup>2</sup>

The United States Supreme Court has recognized in the case of Tennessee v. Garner, 471 U.S. 1 (1985) that the use of deadly force by a peace officer is justified where the officer has probable cause to believe that the suspect poses a threat of serious bodily harm either to the officer or to others. In Graham v. Connor, 490 U.S. 386 (1989), the Court further held that an objective reasonableness standard should be used to evaluate an officer's use of force. The determination of reasonableness requires "careful attention to the facts and circumstances of each particular case."

In Graham, the Court outlined a non-exhaustive list of factors for balancing an individual's rights versus an officer's rights. Among the factors identified by the Court include: 1) the severity of the crime at issue; 2) whether the suspect poses an immediate threat to the safety of the officers or others; and 3) whether he is actively resisting arrest or attempting to evade arrest by flight. The Court also made clear that whether an

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<sup>2</sup> RCAO charging policies provide that charges should only be filed in any criminal case "when credible admissible evidence creates a reasonable probability of obtaining a conviction at trial. This is similar to both the American Bar Association's Minimum Requirements for Filing and Maintaining Criminal Charges 3-4.3(a) ("A prosecutor should seek or file criminal charges only if the prosecutor reasonably believes that the charges are supported by probable cause, that admissible evidence will be sufficient to support conviction beyond a reasonable doubt, and that the decision to charge is in the interests of justice) and the National District Attorneys Association Charging Standard 4-2.2 ("a prosecutor should file charges that...[the prosecutor] reasonably believes can be sustained by admissible evidence at trial").

officer used reasonable force “must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” The Court held that allowance must be made for the fact the law enforcement officers are often required to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving. See also, City and County of San Francisco v. Sheehan, \_\_\_ U.S. \_\_\_, 135 S.Ct. 1776-77 (2015).

When taken together, Minn. Stat. § 609.066 and the above-referenced constitutional standard, establish that if the officer’s use of deadly force was objectively reasonable in the face of the danger of death or great bodily harm, no criminal charges can be brought against the officer.

**B. Analysis and Recommendation – The Use of Deadly Force Against Mr. Davis Was Justified Under Minnesota Law**

After carefully considering the evidence presented by the BCA to this office and the objective legal standard recognized by the U.S. Supreme Court and Minnesota law, we believe for the following reasons that the use of deadly force by Officer Mattson against Mr. Davis was objectively reasonable and necessary under the circumstances of this case, and is therefore justified under Minn. Stat. § 609.066, Subd. 2(1).

1. Minn. Stat. § 609.066, Subd. 2(1)

From the time the vehicle driven by Mr. Davis collided with Officer Mattson’s police vehicle to the time of the shooting, we find the evidence presented to our office shows the following:

- While stopped at a stop sign on a residential street, the clearly marked SPPD vehicle driven by Officer Mattson was rear-ended by a vehicle driven by Mr. Davis. The impact of the collision was enough to cause significant damage to the front of Mr. Davis’ vehicle. Crime scene photos taken of the area of Thomas Ave. where the collision occurred do not show any motor vehicle tire skid marks typically associated with the sudden application of brakes. Weather was also not a likely cause of the collision since it was unseasonably warm with clear skies and the road conditions were neither wet nor slippery.
- Before exiting his vehicle, Officer Mattson looks at his driver’s side rearview mirror and sees Mr. Davis quickly exit his driver’s side door. Believing this reaction somewhat strange, Officer Mattson activates his BWC.
- Immediately after exiting his vehicle, video from Officer Mattson’s BWC shows Mr. Davis rapidly and aggressively approaching him with his right forearm raised in the air and clenching a six-inch knife with a black handle with his right hand. The posture taken by Mr. Davis resembles a posture taken by a person who is attempting to stab someone or something.

- Officer Mattson's BWC shows him being startled by Mr. Davis' oncoming advance and extending his left arm to attempt to hold him off. As he is trying to retreat from Mr. Davis, Officer Mattson falls backward in the middle of the intersection causing his flashlight to dislodge from his duty belt and fall to the street.
- Officer Mattson's BWC shows him quickly picking himself up from the street while Mr. Davis stops to pick up the officer's flashlight with his left hand. With the knife clenched in his right hand and Officer Mattson's flashlight in his left hand, Mr. Davis again aggressively charges at the officer.
- Video and audio from the BWC show that Officer Mattson has drawn his Glock 17 9mm handgun from his holster and points it at Mr. Davis while loudly ordering him to "Get away from me!" and to "Drop the knife! Drop the knife! Drop the fucking knife! Drop the knife!" Mr. Davis does not comply with the commands and pursues the retreating Officer Mattson across Thomas Ave.
- With Mr. Davis still brandishing the knife in a threatening manner only a few feet away while rapidly closing in on him, Officer Mattson fired his Glock 17 9mm handgun twice at Mr. Davis, striking him with both shots and causing him to fall to the ground. The time that elapsed between the time that Officer Mattson exited his vehicle and saw Mr. Davis advancing on him to the time he fired the two shots at Mr. Davis was approximately 11 seconds.
- Officer Mattson told investigators that had he not fired at Mr. Davis, he believes Mr. Davis "would have killed me."

None of the foregoing findings were contradicted by any known witness or other evidence presented to this office. To the contrary, the video and audio taken from Officer Mattson's BWC, together with the statements from eyewitnesses and other physical evidence corroborate the unprovoked and dangerous attack of the officer by Mr. Davis.

At no time did Mr. Davis relent in his pursuit of Officer Mattson. Despite multiple orders from Officer Mattson to "drop his knife" and "get away from me," Mr. Davis refused to do so. Instead, he chased the retreating Officer Mattson across Thomas Ave. all while manifesting an obvious intent to stab the officer with the knife in his hand. The statements given to BCA investigators by two separate civilian eyewitnesses to the incident, D.B. and C.G., corroborate the aggressive and threatening actions taken against Officer Mattson by Mr. Davis.

Moreover, according to police training and use of force expert, Jeffrey Noble, Officer Mattson's use of deadly force in these circumstances was objectively reasonable and consistent with generally accepted police practices. Among other things, Mr. Noble found that "Officer Mattson was suddenly and unexpectedly confronted by Mr. Davis who was armed with a knife, who held the knife overhead in a threatening manner, and was quickly moving at Officer Mattson...Officer Mattson gave Mr. Davis commands to get back and drop the knife, but Mr. Davis continued to rush toward

him holding the knife in a threatening manner...It is my opinion that a reasonable police officer in this situation would have used deadly force as Mr. Davis was an immediate threat of death or serious bodily injury. I believed that Officer Mattson's use of deadly force in these circumstances was objectively reasonable and consistent with generally accepted police practices."

2. Minn. Stat. § 609.066, Subd. 2(2) and (3)

Mr. Davis' attempted assault of Officer Mattson by use of a knife is a felony crime involving the use of deadly force. This crime was directly experienced by Officer Mattson as a victim and captured on his BWC. It was also witnessed by D.B. and C.G.

Based on the above-described facts, it is our opinion that it is reasonable to consider that Officer Mattson's use of deadly force as justified to effect the arrest of a person he knows to believe has committed a felony involving the use of deadly force.

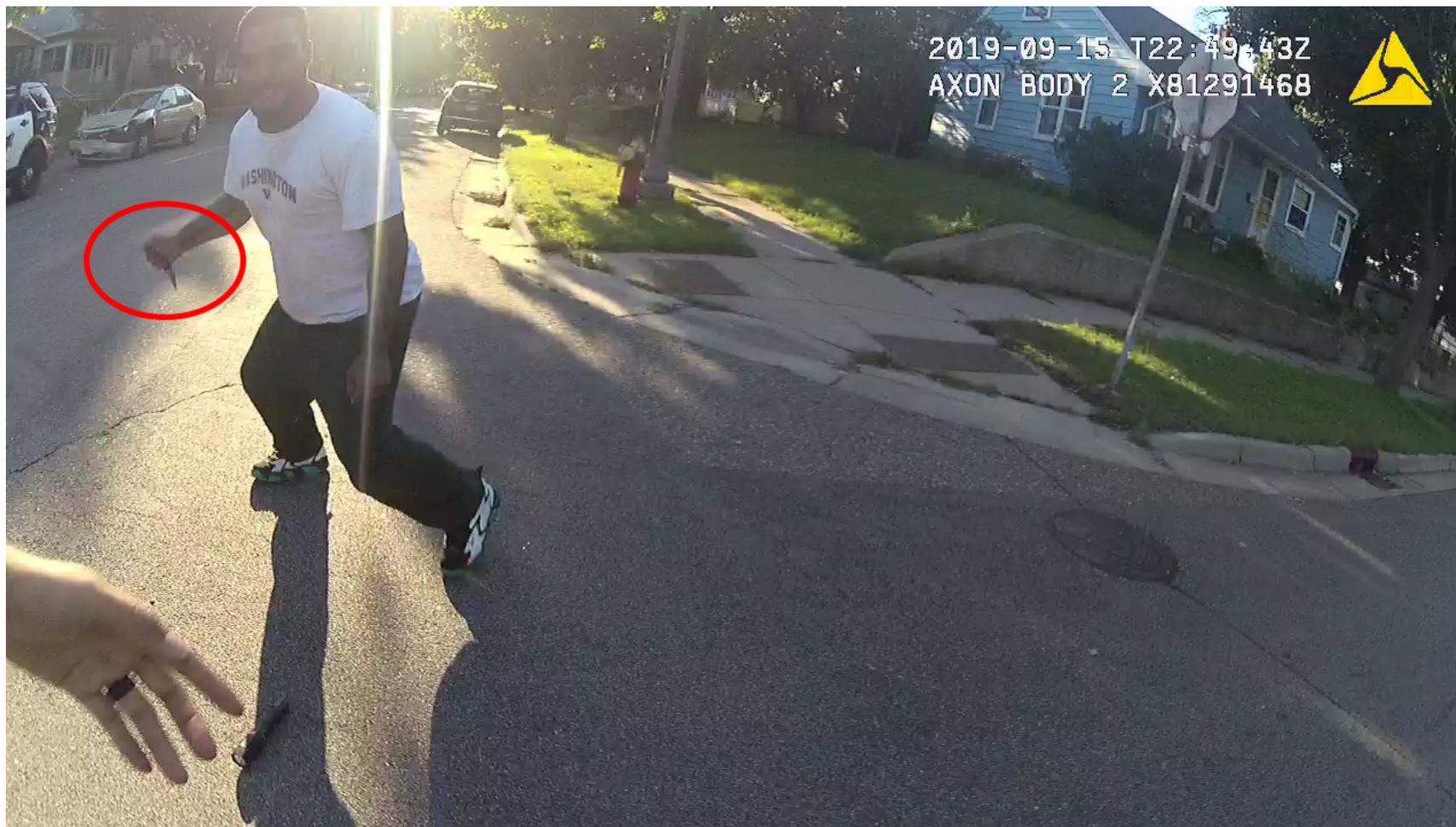
For these reasons, it is also our opinion that the use of deadly force by Officer Mattson in this matter was also necessary and thus justified under Minn. Stat. § 609.066, Subd. 2(2).



Attachment A



Attachment B



Attachment C



Attachment D



Attachment E



Attachment F

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Consulting and Expert Witness Services, LLC

January 31, 2020

Richard J. Düsterhöft  
Criminal Division Director  
Office of the Ramsey County Attorney  
345 Wabash Street North, Suite 120  
St. Paul, MN 55102-1432

Re: Officer Involved Shooting Death of Ronald Kerry Davis

Dear Mr. Düsterhöft:

At your request, I materials<sup>1</sup> relating to the September 18, 2019 officer involved shooting death of Ronald Kerry Davis. After reviewing the materials, I am of the opinion, based on the totality of the circumstances, that the use of deadly force by Officer Mattson was objectively reasonable and consistent with generally accepted police practices.

## Incident

On September 15, 2019, at about 5:49 pm, Officer Mattson was on patrol in a marked police vehicle wearing a police uniform. Officer Mattson was driving westbound on Thomas Avenue and came to a stop at a stop sign at the intersection of Thomas Avenue and Griggs Street, in the city of St. Paul. As he came to a stop, he was suddenly rear-ended by Mr. Davis who was driving a tan, 4-door, 1999 Nissan Altima. Officer Mattson was not on a call, he did not know Mr. Davis, and he was not aware of Mr. Davis until the moment of the collision.

Officer Mattson said he looked at his driver's side mirror and saw the driver's door of the Nissan "fly" open which he thought was "strange." Officer Mattson said he activated the audio on his body worn camera, then immediately exited his vehicle and saw Mr. Davis who was coming at him with his arms raised. Officer Mattson said he saw something in Mr. Davis' hand and it appeared that Mr. Davis was about to stab him with the knife. Officer Mattson tried to create distance by stepping back, and as he did, he tripped and fell to the ground. Officer Mattson said he rolled away on the ground, drew his handgun, was able to get up, and yelled commands at Mr. Davis to get back and to drop the knife.

Officer Mattson said he grabbed his radio microphone which was on the front of his uniform as he was screaming at Mr. Davis to get away and to drop the knife. Officer Mattson said as he tried to run away to create distance, Mr. Davis ran toward him with a knife raised in his hand. Officer

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<sup>1</sup> See attachment A.

Mattson said he shot his handgun two times at Mr. Davis and Mr. Davis fell to the ground. Officer Mattson then retreated to his patrol car and radioed for assistance. Officer Mattson said he believed if he had not shot Mr. Davis, Mr. Davis would have killed him.

This incident was captured on Officer Mattson's body worn camera and, on his front and rear facing, mobile video cameras.

*Body Worn Camera (BWC)* (Times indicated are those times on the video which do not correspond to the correct time of day)

- 22:49:29: The BWC camera is jolted and Officer Mattson grabs the steering wheel consistent with his vehicle being rear-ended.
- 22:49:34: Officer Mattson opens his driver's door.
- 22:49:35: Officer Mattson activates the audio on his BWC.
- 22:49:37: As Officer Mattson exits his driver's door, his upper body turns toward the rear of his vehicle. Mr. Davis is seen running toward Officer Mattson with his right hand raised to shoulder level and his left arm by his side. Mr. Davis is holding a knife in his right hand.
- 22:49:39: Officer Mattson says, "Halt, halt, halt," or something similar and his upper body turns to the right as though he is trying to get away from Mr. Davis. Mr. Davis lunges at Officer Mattson and Officer Mattson falls to the ground. The video does not show if Mr. Davis made contact with Officer Mattson, but it is apparent that he is within arm's reach.
- 22:49:41: Officer Mattson falls on his back and his arms and legs can be seen going into the air. Officer Mattson exclaims, "Holy fuck!"
- 22:49:44: Officer Mattson quickly gets to his feet, draws his handgun and points his handgun with two hands at Mr. Davis. Officer Mattson yells, "Get the fuck, get away from me. Drop the knife," as he is retreating from Mr. Davis. Mr. Davis reaches to the ground and picks up Officer Mattson's flashlight that had fallen to the ground when Officer Mattson fell.
- 22:49:46: Mr. Davis is running toward Officer Mattson, holding the knife in his right hand and Officer Mattson's flashlight in his left hand.
- 22:49:46: Mr. Davis has his left arm extended toward Officer Mattson and he raring back with his right hand that is holding the knife as though he is about to strike Officer Mattson with the knife.

22:49:48: As Mr. Davis continues to rush toward Officer Mattson brandishing the knife, Officer Mattson yells, "Drop the knife." Two gunshots are heard and Mr. Davis falls to the ground.

*Front and Rear Facing Mobile Video Cameras*

The front and rear facing video cameras recorded the audio of the incident, but the incident did not occur in view of either camera.

**Standard of Review/Police Training**

Police officers are trained about the U.S. Supreme Court's landmark decisions in *Graham v. Connor* and *Tennessee v. Garner*. Those decisions held that to determine whether the force used to affect a particular seizure is reasonable, one must balance the nature and quality of the intrusion on the individual's rights against the countervailing government interests at stake. This balancing test is achieved by the application of what the Court labeled the objective reasonableness test. The factors to be considered include in *Graham* and *Garner*: 1.) The severity of the crime, 2.) Whether the suspect poses an immediate threat to the safety of the officers or others, and 3.) Whether the suspect is actively resisting or attempting to evade arrest by flight.

Whether one's actions were objectively reasonable cannot be considered in a vacuum, but must be considered in relation to the totality of the circumstances. The standard for evaluating a use of force reflects deference to the fact that peace officers are often forced to make split-second judgments in tense circumstances concerning the amount of force required. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. Police officers are trained and prepared to assess dangerous situations and respond accordingly. Police officers are trained that for their force to be appropriate the level and manner of force must be proportional to the level of resistance and threat with which they are confronted. Proportionality is best understood as a range of permissible conduct based on the totality of the circumstances, rather than a set of specific, sequential, predefined force tactics arbitrarily paired to specified types or levels of resistance or threat.

Whether or not the suspect poses an immediate threat to the safety of the officer or others is the most important of the *Graham* and *Garner* factors. There must be objective factors to justify an immediate threat, as a simple statement by an officer that he fears for his safety or the safety of others is insufficient. There is no requirement that a police officer wait until a suspect shoots to confirm that a serious threat of harm exists, but merely a subjective fear or a hunch will not justify the use of force by police. To determine if there was an immediate threat that would justify the use of deadly force, one must consider whether a reasonable police officer in Officer Mattson's position, knowing only the information know at the time by Officer Mattson would believe Mr. Davis posed an immediate threat of death or serious bodily injury to Officer Mattson

or others.

### **Opinions**

Here, Officer Mattson was in uniform in a marked police vehicle stopped at a stop sign when he was suddenly rear-ended by Mr. Davis. Officer Mattson immediately exited his car and was confronted by Mr. Davis who was running toward him, holding something in a threatening manner. Although Officer Mattson said he could not identify the object in Mr. Davis' hand that was later determined to be an opened folding knife, he did see an object in Mr. Davis' hand and believed that Mr. Davis was going to try to stab him. Moreover, while Officer Mattson said in his interview that he could not identify the item in Mr. Davis' right hand, he did yell at Mr. Davis to "Drop the knife" two times before he used deadly force.

Officer Mattson fell to the ground but was able to quickly raise to his feet, draw his handgun, and began to give Mr. Davis commands to get away and drop the knife. As Mr. Davis reached down to the ground to pick up Officer Mattson's flashlight, Officer Mattson was able to retreat to try to create distance. However, once Mr. Davis picked up the flashlight, he again began to run toward Officer Mattson while holding the knife in a threatening manner.

Officer Mattson again yelled, "drop the knife," but Mr. Davis continued to move toward him and was well within striking distance when Officer Mattson fired two rounds striking Mr. Davis and Mr. Davis fell to the ground. Officer Mattson said he believed if he did not shoot Mr. Davis that Mr. Davis would have killed him. Mr. Davis suffered two gunshot wounds: one to the left cheek and a second gunshot wound to his abdomen, causing his death.

Police officers are accorded deference some for split-second use of force decision, but every use of force decision is not made in a split-second. Often police officers have some information and opportunity to employ tactics to create time and distance or to make efforts to de-escalate a potential violent encounter. That was not the case here. Officer Mattson had no warning of Mr. Davis until Mr. Davis suddenly rear-ended his vehicle. A reasonable officer in these circumstances would not believe they were about to encounter a violent subject, rather they would be focused on their safety and the safety of the other motorist involved in the traffic collision. It was not until Officer Mattson opened his driver's door and saw Mr. Davis approach with a knife overhead that he was provided any notice of an immediate threat and the decisions that followed were all necessarily made in haste under the pressure of death or serious bodily.

Approximately 19 seconds elapsed from the time that Officer Mattson's vehicle was rear-ended until the time that Officer Mattson use deadly force. Only about 11 seconds elapsed from the time that Officer Mattson first saw that Mr. Davis was a deadly threat who was charging towards him armed with a knife until the time that Officer Mattson used deadly force.

Officer Mattson was suddenly and unexpectedly confronted by Mr. Davis who was armed with a knife, who held a knife overhead in a threatening manner, and was quickly moving at Officer

Mattson. Officer Mattson immediately retreated and fell to the ground, but was able to quickly draw his handgun and return to his feet. Officer Mattson gave Mr. Davis commands to get back and to drop the knife, but Mr. Davis continued to rush toward him holding the knife in a threatening manner. Officer Mattson was able to retreat a short distance when Mr. Davis bent down to pick up Officer Mattson's flashlight, but once he retrieved the flashlight, Mr. Davis again began charging toward Officer Mattson holding the knife overhead in a striking position. It is my opinion that a reasonable police officer in this situation would have used deadly force as Mr. Davis was an immediate threat of death or serious bodily injury. I believed that Officer Mattson's use of deadly force in these circumstances was objectively reasonable and consistent with generally accepted police practices.

Sincerely,

A handwritten signature in black ink, appearing to read "JEFF NOBLE", with a stylized, cursive flourish.

JEFF NOBLE