

Executive Summary  
Special Prosecutors' Report and Recommendations  
*in State v. Ryan Patrick Londregan*  
Submitted to the Hennepin County Attorney's Office

June 2, 2024

## Executive Summary

### Introduction

On July 31, 2023, at approximately 1:50 am, Trooper Brett Seide of the Minnesota State Patrol was on routine patrol on Interstate Highway 94. Seide observed a vehicle driven by Ricky Thomas Cobb II pass his location. Cobb's rear lights were not illuminated, a minor traffic violation. Seide pulled out from his stationary location and activated his emergency lights, which caused Mr. Cobb to pull over onto the right shoulder of the highway. This was the initial sequence that led, less than an hour later, to the death of Mr. Cobb. He was killed by two shots fired by a second Minnesota State Trooper, Ryan Londregan.

Minnesota's Bureau of Criminal Apprehension (BCA) launched a criminal investigation and, on September 19, 2023, shared the results of its investigation with the Hennepin County Attorney's office (HCAO). On January 24, 2024, the Hennepin County Attorney charged Londregan by criminal complaint with three crimes – unintentional 2<sup>nd</sup> degree murder while committing the felony of assault in the 2<sup>nd</sup> degree; 1<sup>st</sup> degree assault causing great bodily harm; and 2<sup>nd</sup> degree manslaughter – culpable negligence by Londregan that created an unreasonable risk of death or serious bodily injury.

Over the last four months, there has been pervasive media coverage and intense politicization of the case by law enforcement organizations and political officials disrupting the normal progression of the case. On April 22, 2024, the HCAO engaged a team of former federal prosecutors possessing vast experience in matters relating to use of deadly force and law enforcement misconduct. As Special Prosecutors brought in to handle this prosecution, our initial task was to conduct an independent assessment of the relevant facts and make a recommendation whether to proceed with the prosecution. At the time the charges were brought, based on the evidence available at that time, the charges were an appropriate exercise of prosecutorial discretion.

After an extensive review of the evidence provided to the Special Prosecutors by HCAO, including the body worn camera and dash camera footage that captured the shooting, opinions of use of force experts, and, most notably, the significant new evidence not previously available to the HCAO when it filed the criminal complaint, and only made available recently, we have concluded that the charges against Londregan cannot be proven by admissible evidence to a jury beyond a reasonable doubt. Accordingly, we have recommended that the charges be dismissed, and the Hennepin County Attorney agrees with this recommendation. This lengthy report contains a detailed description and analysis of the facts that support that recommendation. It also includes an analysis of the poor tactics and inadequate training that contributed to the tragic result, which we believe was entirely avoidable.

We have provided recommendations that we believe would, if adopted and implemented, significantly reduce the risk of similar tragedies in the future.

### Analysis of the Case

To prove its case at trial, the State must prove beyond a reasonable doubt that Trooper Londregan's use of deadly force was not justified. "[A] peace officer's use of deadly force in the line of duty is justified only when 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 to: protect the peace officer or another from death or great bodily harm, provided the threat (i) can be articulated with specificity by the officer; and (ii) is reasonably likely to occur absent action by the officer; and (iii) must be addressed through the use of deadly force without unreasonable delay." *See* Minn. Stat. § 609.066(2).

In addition to eyewitness accounts, video evidence, and the opinions of use of force experts, criminal prosecution of a law enforcement officer for the use of unjustified deadly force may be informed, in part, by the officer's training and the existence of evidence establishing that the officer disregarded his training or acted in a manner inconsistent with the use of force training he received. Here, what began as an ordinary traffic stop developed into a poorly executed and ultimately deadly attempt by Troopers Seide and Londregan to extract Mr. Cobb from his vehicle, in order to arrest him for a suspected felony order for protection violation. The State's investigation revealed that the MSP provided limited training to its state trooper cadets, less than one hour during the academy, on performing extractions and the use of force during extractions. As explained below and more thoroughly in our full report, because the training inadequately prepared troopers for the dangerous and predictable risks of extracting individuals from moving vehicles, and because Trooper Londregan's trainers very recently provided sworn declarations confirming that Londregan followed his training and MSP's policies, the State lacks evidence that Londregan acted in a manner inconsistent with his training. In other words, because they were poorly trained on extractions, the evidence does not establish that Seide or Londregan disregarded their training during their encounter with Mr. Cobb.

Rather, the evidence suggests the troopers committed a series of tactical errors that likely and unnecessarily surprised Mr. Cobb, which in turn led to his impulsive reaction to move his car forward while Trooper Seide (and Trooper Londregan to a lesser extent) were partially inside of the vehicle. For Troopers Seide and Londregan, this created the risk or perceived risk of death or serious bodily harm from dragging for the troopers. As the video of the shooting revealed, at the same time that Trooper Seide began moving forward involuntarily with Mr. Cobb's car, Trooper Londregan shot into the vehicle, striking Mr. Cobb twice. The only eyewitnesses to the shooting were the three troopers involved in the stop. Troopers Erickson and Seide told

investigators originally through written reports provided by their attorneys (a week or more after the shooting), that they believed Seide's life was in danger as the car moved forward. Then, on April 29, 2024, during an in-court proffer of Londregan's testimony by his attorney, the State finally learned the details of Londregan's account. His attorney said Londregan would testify that at the moment he fired his weapon, Londregan feared Cobb's vehicle would either drag or run over Trooper Seide, necessitating his use of deadly force on Mr. Cobb. According to his attorney, Londregan would also testify that he observed Mr. Cobb reaching for Londregan's firearm. According to an expert recently retained by the Special Prosecutors, who had access both to Trooper Londregan's anticipated testimony and the other recently-obtained evidence, an officer in the circumstances Londregan described could have, with objective reasonableness, perceived that he and Trooper Seide were in imminent danger of serious bodily injury or death because they were partially inside of a fleeing vehicle.<sup>1</sup> One of the defendant's experts, an MSP major responsible for developing the agency's policies, recently rendered a similar opinion in a sworn declaration filed just weeks ago. Suffice it to say, the ability of the State to rebut Londregan's justification for his use of deadly force diminished substantially in the months since he was charged. As a result, the charges can no longer be proven beyond a reasonable doubt.

#### a) The Traffic Stop

The troopers' initial stop and discussion with Mr. Cobb were appropriate and lawful. Later, once the troopers decided to arrest Mr. Cobb, the tactics they employed to extract Mr. Cobb from his vehicle were "horribly executed," according to the assessment of our use-of-force expert, and deeply flawed, according to the State's initial use of force expert. Even so, those tactics were not demonstrably contrary to their training. Had the Minnesota State Patrol established sounder policies and provided more effective training, the three troopers directly involved in the incident would likely not have chosen to extract Mr. Cobb from his running vehicle the way they did, and may well have decided not to do so at all. More fundamentally, had the Minnesota State Patrol established sounder policies and provided more effective training, Troopers Seide and Londregan would not have helped to create a situation which led to Mr. Cobb's death.

---

<sup>1</sup> A use of force expert retained early on by the HCAO, who did not have access to Londregan's anticipated testimony and the other recently-obtained evidence, indicated that he could not make a final determination, but that the shooting could be justified depending on Londregan's testimony.

b) The Extraction Attempt

The decision to arrest Mr. Cobb was the direct result of a “pick-up” order from the Ramsey County Sheriff’s Office, which in turn stemmed from an alleged violation by Mr. Cobb of an Order for Protection. Despite having sufficient time to formulate a plan for how to effectuate Mr. Cobb’s potential arrest, Troopers Seide and Erickson failed to do so. Nor was there any such discussion once Londregan arrived on the scene. Even so, the three troopers walked in silence towards Mr. Cobb’s vehicle, and did not say another word to one another between this time and when Trooper Londregan shot and killed Mr. Cobb. This decision to proceed in silence, without a plan, led to multiple tactical failures. The troopers failed to consider their options or dismissed them with little to no analysis. Nor did they take the time to clarify their respective roles.

The troopers also failed to discuss whether they should let Mr. Cobb drive away in the event that he refused to voluntarily get out of his vehicle. The car’s engine was running. A reasonable trooper would have recognized the potential that Mr. Cobb would refuse to exit the vehicle, place the car in drive, and attempt to drive away. Had the troopers discussed their options, they would have likely recognized that they had Mr. Cobb’s identity, they knew his address, and they (or a different agency) could arrest him at a later time. Unfortunately, MSP training did not cover or warn against extracting a driver from a moving vehicle. As a result, there is no evidence that Seide or Londregan’s actions contravened their training. And because there was no legal requirement that Trooper Londregan (and the others) formulate a plan or choose a different option, such as using stop sticks, which is considered a best practice, according to our expert, his actions in failing to do so do not amount to a crime.

When the three troopers approached Mr. Cobb’s vehicle, Seide went to the driver’s side door and immediately instructed Mr. Cobb to step out of the car. Mr. Cobb did not do so and Seide repeated his command without divulging a reason. After a brief but intense conversation, Seide demanded the keys to Cobb’s car, and repeated the command after Cobb did not comply. After additional back and forth, Seide responded, “Ok. You need to step out of the vehicle,” and “I’m gonna explain it all when you step out. . . . This is now a lawful [arrest]. Hey, man, you’ve been super cool.”

Just as Seide uttered those words, Londregan opened the passenger side door without warning. Londregan’s move appeared to have surprised both of the other troopers, underscored by the fact that Erickson was looking away from the vehicle at that precise moment, and Seide himself has stated that, “When Trooper Londregan opened the passenger door . . . I *decided* to open the driver’s side door to *assist* with Cobb’s apprehension and entered the vehicle.” (Emphasis added.) In other words, Seide acted unilaterally at that moment because of Londregan’s unexpected move and

apparently believed – *wrongly* – that he would be assisting Londregan in the latter’s effort to extract Mr. Cobb. However, there is no indication that Londregan entered the vehicle to extract Mr. Cobb because he did not reach for Cobb’s seat belt and did not attempt to push Cobb out of the vehicle.

Londregan’s action in precipitously unlocking and opening the passenger door of the running vehicle was a dangerous tactical blunder, because it appeared to surprise Mr. Cobb and led him to reflexively shift the car into drive, causing it to lurch forward. Trooper Londregan’s grievous error also led to Trooper Seide opening his door and launching his torso into a running vehicle. Even so, Trooper Londregan’s tactical failure does not amount to criminal conduct. As our expert has opined, there is no requirement – in law, MSP policy, or MSP training--that troopers continue to try to de-escalate a situation for a set period of time. Furthermore, Trooper Londregan was permitted by MSP policy and training to open Mr. Cobb’s passenger side door in an effort to extract Mr. Cobb, even if there were multiple – and better – options available.

Less than one second after Londregan opened the passenger side door, in quick succession, Mr. Cobb reached the gear selector with his right hand, shifted the car into drive, the car lurched forward, and then abruptly stopped. Mr. Cobb’s car again lurched forward slightly and again abruptly stopped. Almost simultaneously, Seide began to enter the vehicle. Londregan unholstered his service weapon, pointed it at Mr. Cobb and yelled, “Get out of the car now!” In response, Mr. Cobb took his hand off the gear shift and lifted his arm in an upward motion.

During this sequence, the troopers made multiple mistakes that led to the tragic shooting of Mr. Cobb. MSP training does not cover teaching troopers how to extract a driver from a vehicle with the car engine running and the driver’s foot on the accelerator. This scenario is not trained because an extraction under these circumstances is too risky, according to MSP training personnel. As a result, the troopers apparently failed to consider the inherent risks to themselves and the driver in performing an extraction under these circumstances, just as they seemingly failed to consider what would have happened to passersby if they had actually removed Mr. Cobb from a vehicle while that car was still in drive on an interstate highway. Nevertheless, the troopers’ decision to attempt to extract Mr. Cobb while the car was in drive – while dangerously and fatally misguided – was not contrary to their training or any policy in place at that time.

c) Sustainability of the Charges

As explained in detail in our report, the troopers' missteps helped to create a deadly situation. However, none of the steps they could have taken or should have taken were required by law, policy, or training, according to the expected testimony of MSP academy trainers – which was provided to the State after the charging decision – and the Special Prosecutors' use of force expert. The legal standard applicable to this case does not permit the fact-finder to use the benefit of hindsight or an after-the-fact identification of better options available to the involved officer. Therefore, the critical issue is whether the evidence is sufficient to establish beyond a reasonable doubt that at the moment that Trooper Londregan shot Mr. Cobb, he lacked justification to do so under Minnesota law. The answer is no.

The evidence at trial would likely show support for the defense theory that Trooper Londregan acted in defense of himself and others. Specifically, testimony would describe that at the time of the shooting, Trooper Seide was partially inside Mr. Cobb's vehicle as it began to move forward. Recently, through counsel, Londregan asserted that he believed Mr. Cobb, at the moment immediately before the shooting, was reaching for Trooper Londregan's weapon. Accordingly, we would anticipate that Trooper Londregan would testify at trial that he believed it was necessary for him to shoot Mr. Cobb to protect Trooper Seide and himself from death or great bodily harm. According to our use of force expert, "a reasonable officer may have made the same decision as Trooper Londregan if his/her partner's poor tactics placed him/her in such a precarious position."

Given the recent statements from MSP trainers, which highlight the insufficient training and policies provided by the MSP academy, Trooper Londregan's proffered testimony, which is not contradicted by other evidence, the opinions of one of the defense experts, and our expert's opinion, we believe that the State could not prove its case on any of the three charges beyond a reasonable doubt. The County Attorney agrees. Prosecutors may not, under the applicable rules of professional ethics, pursue a criminal prosecution unless they reasonably believe they can do so. The totality of the evidence, much of which only became available after the initial charging decision was made, prevents this prosecution from moving forward. We have conveyed this view to the HCAO.

## Conclusion

Ricky Cobb II should be alive today. His death was entirely avoidable. It was precipitated by the most minor of traffic violations – the failure by Mr. Cobb to turn on his vehicle lights at night – and yet within approximately 25 minutes of that traffic stop, Ricky Cobb was lying dead from two gunshots fired at close range by Londregan. It did not have to end that way – but it did.

We have concerns about many of the events leading up to Mr. Cobb’s death and those that unfolded thereafter: the tactics employed by the three troopers, the method by which they tried to extract Cobb from the vehicle, the lack of cooperation with the BCA’s investigation by MSP members, and the delayed in-court proffer of Trooper Londregan’s account which could have been provided months earlier before a charging decision had been made. But in the end, based on all the evidence developed during the BCA’s investigation, information provided in discovery, our independent review of that evidence, consultation with a use of force expert, and Londregan’s affirmative defense, we have concluded that there is insufficient evidence to prove the charges beyond a reasonable doubt. That conclusion compels our recommendation that the charges against Ryan Londregan be dismissed.

Based on our careful review of the evidence, and other issues surrounding the investigation and prosecution, we have developed a set of recommendations that we believe, if implemented, would substantially reduce the risks of a similar event occurring again. The factual basis for these recommendations is addressed in the Special Prosecutors’ more than 60-page report.

### **Recommendation No. 1**

The Minnesota Commissioner of Public Safety must ensure that in investigations involving deaths caused by the use of deadly force, or other deaths that occur to individuals in the custody of State law enforcement personnel, prompt and complete cooperation be provided to the Bureau of Criminal Apprehension.

### **Recommendation No. 2**

The Minnesota State Patrol should require its members who witness uses of force to submit written reports promptly and provide voluntary interviews within 48 hours of the event.



### **Recommendation No. 3**

The Minnesota State Patrol should conduct an administrative investigation of this matter to determine whether any agency policies were violated and whether any changes in policy or training are necessary to minimize the chances that this type of incident happens again.

### **Recommendation No. 4**

The Minnesota State Patrol should place greater emphasis on de-escalation in its use of force policies and training.

### **Recommendation No. 5**

The Minnesota State Patrol's use of force policy should be amended to prohibit shooting into or from a moving vehicle.

### **Recommendation No. 6**

The Minnesota State Patrol should sharpen its policies and training regarding vehicle extractions, with greater emphasis on the risks involved.

### **Recommendation No. 7**

The Minnesota State Patrol should adopt and implement the Integrating Communications, Assessment, and Tactics™ (ICAT) training curriculum currently being taught in law enforcement agencies throughout the country.

### **Recommendation No. 8**

The Minnesota State Patrol should build a training module for recruits and experienced troopers centering on this incident to learn from the mistakes and poor tactics that were used.