



**OFFICE OF THE HENNEPIN COUNTY ATTORNEY**  
**MARY F. MORIARTY COUNTY ATTORNEY**

**COMPLAINT DENIAL**

**C.A. Case No. 24A13183**

**Date:** May 1, 2025  
**Referring Agency:** Minnesota Bureau of Criminal Apprehension  
**Police Case No.:** 24000598  
**Subject:** In re: Death of Mustafa Mohamed

**Introduction**

On May 30, 2024, Mustafa Mohamed shot and killed Mohamed Aden and Osman Jimale inside an apartment complex. After leaving the complex and going outside, he shot and killed Minneapolis Police Officer Jamal Mitchell, who was the first officer to arrive at the scene. Mr. Mohamed remained a danger to the public and first responders until he was shot and killed by Minneapolis Police Officers.

The Minnesota Bureau of Criminal Apprehension conducted a thorough investigation of the crime scenes. Once they completed their review, they provided the investigative file to the Hennepin County Attorney's Office. The large volume of evidence across multiple crime scenes led both agencies to take more than their aspirational 60-day timelines to investigate and review the case.

The BCA's investigation revealed substantial detail about what happened in the apartment complex and on the street. Due to the fact that Mustafa Mohamed died during this incident, no charges were considered related to the multiple deaths and injuries that he caused. As such, the only remaining legal analysis is whether the use of force by officers against Mustafa Mohamed was lawful.

The HCAO concludes that no criminal charges are warranted in this case. The evidence shows that Minneapolis Police Officers Nicholas Kapinos and Luke Kittock acted lawfully when they used deadly force on Mustafa Mohamed to end the threat of death or great bodily harm to themselves and others.

Short summaries of the events before and after Officer Mitchell's death give a full glimpse into the violence leading up to that use of deadly force and are included here for context of the HCAO's analysis.<sup>1</sup>

## **Scene Summaries**

### **Crime Scene 1: Double Homicide**

The violence on May 30, 2024 began inside an apartment on the 2200 block of Blaisdell Avenue South. Mustafa Mohamed, Mohamed Aden, Osman Jimale, and eight other individuals were inside the apartment, which was rented by someone who was not present but allowed others to gather there.

At some point there was a dispute in the apartment and Mustafa Mohamed shot Mohamed Aden and Osman Jimale. A woman in the apartment called 911 to report the shooting. This was the call that Officer Mitchell responded to.

Once officers were able to access the apartment, Osman Jimale was declared dead at the scene and Mohamed Aden was transported to the hospital, where he died. The BCA took statements from the witnesses in the apartment who indicated that Mustafa Mohamed was solely responsible for the shooting. Later forensic analysis linked the ballistic evidence found in the apartment to the handgun recovered from Mustafa Mohamed.

### **Crime Scene 2: Attempted Aggravated Robbery**

After the shooting, Mustafa Mohamed fled the apartment and tried to take an electric scooter from an unknown male on the street. N.A., who was driving in the area, saw Mustafa Mohamed trying to forcibly take the scooter. While still in his car, N.A. went to assist the unknown male and struck Mustafa Mohamed in the leg, breaking his femur. The unknown man on the scooter left and was never identified despite efforts by the BCA to find him. After N.A. saw Mustafa Mohamed brandish a gun, he drove away from the scene. N.A. was cooperative with law enforcement throughout the investigation.

### **Crime Scene 3: Attempted Murder**

Another motorist, A.H., was driving down the street after having picked up his child from daycare when he observed Mustafa Mohamed lying on the street with a leg injury. A.H. got out of his vehicle and went to help Mustafa Mohamed. Mustafa Mohamed then shot A.H, who fell to the ground near his vehicle. Mustafa Mohamed continued to shoot at A.H. from the ground.

---

<sup>1</sup> This public decline has deliberately avoided a substantial recitation of the evidence uncovered. The BWC from the incident has been released publicly, and the investigation by the BCA, including additional video, witness statements, and forensics, only corroborates what has been released. Further dissection of the facts within this document does nothing to further the legal analysis and poses a risk of further traumatization to the numerous people impacted by this incident. Certain investigative data will become public with the release of this decline. Those who choose to access said materials are urged to use the same discretion in disseminating details of this case.

Remarkably, A.H. was able to muster sufficient strength to re-enter his vehicle and drive his child to safety where he was later aided by officers and other emergency personnel.

#### Crime Scene 4: Murder and Attempted Murder

Officer Jamal Mitchell was the first responding officer to the original 911 call made from the apartment. Officer Mitchell's body worn camera (BWC) fully captures his response to the scene as well as his death at the hands of Mustafa Mohamed. The BWC evidence shows both Mustafa Mohamed and A.H. lying on the street as Officer Mitchell approaches. As Officer Mitchell prepares to render aid, Mustafa Mohamed shot him. Tragically, Officer Mitchell's injuries were fatal.

A short time later, Minneapolis Firefighters arrived and attempted to render aid to Officer Mitchell, in spite of the fact that the scene had yet to be declared secure. Mustafa Mohamed shot at them as well. One firefighter was struck in the boot, and all fire personnel took cover behind their fire truck.

At this time, additional Minneapolis Police Department Officers began to arrive on scene, including Officers Nicholas Kapinos and Luke Kittock.

### **Officer-Involved Use of Force**

#### Officer Nicholas Kapinos

Officer Kapinos provided a written statement to the BCA and remained cooperative throughout the investigation. On May 30, 2024, Officer Kapinos, who was working with his partner, Officer G.S., was dressed in his department issued uniform and was assigned to patrol duties. Officer Kapinos was wearing his BWC during the duration of his response to the scene, including his use of force.

According to Officer Kapinos' statement, he and his partner were initially responding to a different call when dispatch aired that an officer needed assistance. Officer Kapinos and his partner immediately headed to the scene. While in route, radio traffic updated responding officers to include that someone had been shot in an apartment and that an officer was down. Officers already at the scene updated other officers that there was still an active shooter.

Officer Kapinos' BWC footage reveals that he arrived on scene at 17:21:49 and took shelter behind the parked fire truck with others. Eight seconds after Officer Kapinos exited his squad car, a gunshot was heard in the background of the video. Additional gunshots are heard at 17:22:08 and 17:22:43. At 17:22:48, Officer Kapinos fired three rounds from his handgun toward Mustafa Mohamed.

He was later observed on BWC approaching Mustafa Mohamed with other officers. He subsequently disclosed that he fired his weapon and was appropriately met by an escort officer to begin the critical incident investigation.

## Officer Luke Kittock

Officer Kittock provided a written statement to the BCA and remained cooperative throughout the investigation. On May 30, 2024, Officer Kittock, who was working with this partner, Officer E.W., was dressed in his department issued uniform and was assigned to patrol duties. Officer Kittock was wearing his BWC during the duration of the response to the scene, including his use of force.

According to Officer Kittock's statement, he and his partner heard the initial call of a double shooting, which was updated to an "officer down" call. Officer Kittock and his partner began to respond to the scene. Officer Kittock, who was the passenger in the vehicle, prepared his department-issued rifle for deployment. Officer Kittock and his partner arrived on scene and Officer Kittock noted Officer Mitchell laying in the street as well as firefighters taking cover.

Officer Kittock's BWC footage reveals that he was on scene at 17:21:23. The sound of gunshots was captured at 17:21:30 and 17:21:57. At 17:22:01, Officer Kittock discharged his rifle firing multiple shots. The BWC captured Officer Kittock's movements forward as he continued to engage Mustafa Mohamed. He additionally fired his rifle at 17:22:43 and 17:23:08. At 17:23:15, Officer Kittock noted that the subject was down, and officers approached Mustafa Mohamed to begin medical care.

Officer Kittock was informed he had blood on his face and was checked for other injuries. He provided his rifle to a supervisor and went to HCMC for evaluation.

## **Legal Analysis**

In the United States, police officers are authorized to use deadly force in the line of duty to protect themselves and members of the public from death or great bodily harm. In 1985, the United States Supreme Court recognized the use of deadly force by a police officer is justified where the officer has "probable cause to believe that the suspect pose[s] a threat of serious bodily harm either to the officer or to others."<sup>2</sup> The Court also addressed the use of force by a police officer in its 1989 decision, *Graham v. Connor*,<sup>3</sup> holding that an objective reasonableness standard should be used to evaluate the use of force (as a search or seizure under the Fourth Amendment) in a federal civil rights action involving a police officer. The assessment of reasonableness requires careful attention to the facts and circumstances of each case.

The *Graham* Court outlined a non-exhaustive list of factors for evaluating an officer's decision to use force: 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 the suspect is actively resisting arrest or attempting to evade arrest by flight.<sup>4</sup>

---

<sup>2</sup> *Tennessee v. Garner*, 471 U.S. 1, 11 (1985).

<sup>3</sup> *Graham v. Connor*, 490 U.S. 386 (1989).

<sup>4</sup> *Graham*, 490 U.S. at 396

The Minnesota use of deadly force statute, Minn. Stat. § 609.066, incorporates the factors the United States Supreme Court set forth in *Graham*, and provides that an officer's use of deadly force, including the intentional discharge of a firearm,<sup>5</sup> does not constitute a crime when the officer's act is necessary:

(1) to protect the officer or another from apparent 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 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 listed above, unless immediately apprehended.

In addition to being necessary, the officer's use of force must be proportional to the threat the officer faces and, therefore, not excessive. To determine if the actions were reasonable, case law requires an analysis of the facts known to the officer at the precise moment he acted with force, including any and all information the officer has prior to using the deadly force. This may include but is not limited to: (1) information the officer receives prior to arriving on scene from any source, including other officers and civilians; (2) things the officer experiences prior to arriving on the scene; (3) information learned at the scene; and (4) the officer's training and previous experience. Information unknown to the officer at the time he used deadly force but learned after the fact may well be relevant to the investigation as a whole but does not directly bear upon the objective reasonableness of the officer's decision to use deadly force.

If an officer's use of deadly force was necessary for one of the reasons specified in Minn. Stat. § 609.066, proportional to the threat facing the officer, and objectively reasonable considering the totality of the facts and circumstances, no criminal charges against any such officer is supported.

The BCA's investigation revealed substantial evidence from BWC, squad car video, surveillance footage, bystander video, and witness statements that all demonstrate that Mustafa Mohamed posed a clear and immediate danger of death or greatly bodily harm to civilians, firefighters, and officers alike. Responding officers were already headed to the scene of a violent crime, namely a shooting, and had received updated information on the way that shots were still being fired. Once on scene, both Officers Kapinos and Kittock observed Officer Mitchell's state and heard gunfire. Additionally, firefighters and civilians had taken shelter. Immediate action was required and Officers Kapinos and Kittock acted appropriately by using deadly force to stop the threat to life posed by Mustafa Mohamed.

### **Conclusion**

The evidence reviewed in this matter clearly demonstrates that Minneapolis Police Officers Nicholas Kapinos and Luke Kittock acted lawfully when they used deadly force on Mustafa

---

<sup>5</sup> Minn. Stat. § 609.066, subd. 1.

Mohamed to end the threat of death or great bodily harm to themselves and others. For that reason, no criminal charges are appropriate in this matter.