



## OFFICE OF THE SAINT LOUIS COUNTY ATTORNEY

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### PRESS RELEASE

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**FOR IMMEDIATE RELEASE:**

### **No Charges in Officer-Involved Shooting Death of Zachary James Shogren**

BCA File No. 2023-184

The Cook County Attorney's Office<sup>1</sup> has found no basis for criminal charges in connection with the February 24, 2023, officer-involved shooting (OIS) that occurred in Duluth, Minnesota, and resulted in the death of Zachary James Shogren. The incident involved undercover law enforcement officers<sup>2</sup> employed by the Duluth Police Department (DPD) and assigned to the Lake Superior Violent Offender Task Force (the "Task Force").

On February 13, 2023, DPD received a report that Mr. Shogren had made threats against a family member. After investigation of the report, DPD determined that Mr. Shogren was eligible for arrest on probable cause. For the next several days, Mr. Shogren was not located or arrested.

On or about February 24, 2023, the Task Force received a report that Mr. Shogren had made additional threats against a family member. Given the violent and graphic nature of the new threats, the Task Force designed an operations plan to apprehend Mr. Shogren.

The Task Force planned to arrest Mr. Shogren outside his home to reduce the potential of injury to him and others. In accordance with their plan, Task Force members parked near Mr. Shogren's residence. Due to the undercover nature of their assignment, they

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<sup>1</sup> The St. Louis County Attorney's Office asked the Cook County Attorney's Office to review the case to avoid any perception of or concern regarding impermissible conflict or bias due to the regular contact between members of the St. Louis County Attorney's Office and the Task Force.

<sup>2</sup> Under Minnesota law, the identities of undercover officers are protected from disclosure.

drove unmarked vehicles and wore street clothes, but carried law enforcement-issued weapons and tactical vests and/or clothing marked clearly with “POLICE.”

Eventually, a Task Force member radioed the others that he had spotted Mr. Shogren speaking to someone. Once the third party had left the area, a member of the Task Force (“Officer 1”) directed the team to move in. Officer 1 stood at the West end of the alley, commanding Mr. Shogren to put up his hands, identifying themselves as “Police,” and drawing their weapon. Upon hearing the command, Mr. Shogren turned his head to face Officer 1 and said, “F\*\*\* off,” before resuming his path of travel easterly and away from Officer 1.

While walking away from Officer 1, Mr. Shogren encountered two more officers who identified themselves as police and directed him to put his hands up. Mr. Shogren reached in his pocket and removed a tactical knife with a black handle and a 4–5-inch blade. He held the knife at his side with the blade extended, ignoring commands that he drop the knife. One of the officers facing Mr. Shogren was holding a TASER (“Officer 2”) and the other officer was holding a less lethal munitions launcher (“Officer 3”), both in the ready position.

Officer 2 told Mr. Shogren that he was going to use the TASER against Mr. Shogren and commanded that Mr. Shogren drop the knife. Mr. Shogren, continuing to hold the knife and facing Officer 2 from a car-length away, looked behind him towards Officer 1, then advanced slowly towards the officers in front of him. Officer 2 deployed the TASER against Mr. Shogren, but Mr. Shogren appeared unaffected and continued to advance at an accelerated pace, holding the knife out from his body pointing at the officers. Officer 3 then discharged all four less lethal rounds at Mr. Shogren as Mr. Shogren advanced towards him, knife held in front as if he was readying to attack Officer 3. The less lethal rounds did not appear to have any effect on Mr. Shogren as he ran toward Officer 3 with the knife extended forward. Officer 3 quickly moved backwards, trying to retreat from Mr. Shogren.

A fourth officer (“Officer 4”) then fired their duty weapon twice at Mr. Shogren as Mr. Shogren drew back his arm holding the knife in a pre-strike position and advanced towards Officer 3. Mr. Shogren fell to the ground only after he was hit with the gunfire. He was within feet of Officer 3. Mr. Shogren continued to grasp the knife even after falling to the ground, despite commands to drop the knife. Eventually, Mr. Shogren dropped the knife into the snow beside him.

Members of the Task Force immediately radioed for medical assistance and began providing medical aid to Mr. Shogren until an ambulance arrived. Mr. Shogren was

declared deceased at the hospital shortly after he arrived. An autopsy determined Mr. Shogren died as a result of the gunshot wounds.

When a law enforcement officer uses force and a person dies or is seriously injured, the Minnesota Bureau of Criminal Apprehension (BCA) investigates the officer's actions and refers the investigation to a prosecutor without recommendation for review under Minnesota law. The BCA referred this OIS investigation to the Cook County Attorney's Office in May of 2023. The evidence in this case included, but was not limited to, body-worn camera and squad car dash camera video footage, law enforcement reports, and medical examiner reports.

Under Minnesota law, the use of deadly force by a peace officer in the line of duty is justified only if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary to protect the peace officer or another from death or great bodily harm, provided that the threat can be articulated with specificity, is reasonably likely to occur absent action by the law enforcement officer, and must be addressed through the use of deadly force without unreasonable delay.

After analyzing the evidence and applicable law, the Cook County Attorney's Office has concluded that there is no basis for criminal charges against Officer 4 who fired the fatal shots because the evidence is sufficient to establish that an objectively reasonable officer in their position would believe there was a threat of death or great bodily harm to another law enforcement officer.

"We extend our deepest condolences to Zachary Shogren's family for their loss. We also thank the BCA for conducting a thorough investigation and Cook County Attorney Molly Hicken for conducting an exhaustive review of this case," said St. Louis County Attorney Kim Maki.

Maki continued, "Law enforcement officers must use deadly force judiciously and with respect for human rights and dignity. Here, while we mourn the loss of Mr. Shogren, the actions taken by law enforcement in this incident were in accordance with the deadly force standard set forth in Minnesota law."

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