

BCA: Eagan suspect was shot in head, but did he or police fire the fatal shot?

PAUL WALSH AUGUST 31, 2016

The man shot at by police in Eagan this week suffered a bullet wound to the head, but investigators have yet to disclose whether it was police or the suspect himself who fired the fatal shot.

Also Wednesday, state authorities identified the two officers who opened fire in the shooting late Sunday morning: Sgt. Nathan Tennessen, who has been on the force for 18 years, and Alison Burstein, who has been an Eagan officer for four years.

Police spokesman Aaron Machtemes said neither officer has had any disciplinary actions against them since they joined the force and they “have many letters from the community and department members showing appreciation.” In 2003, Tennessen received an award of merit from the department for his community relations work at a substation in a high-crime area.

The officers were responding Sunday morning to a 911 call about a man, later identified as Justin Kulhanek-Derks, reportedly sitting in his car firing a handgun into the air and toward the Forest Ridge apartments in the 1200 block of Ironwood Lane.

After police arrived, the officers “were immediately fired upon” by 37-year-old Kulhanek-Derks, according to a statement from the state Bureau of Criminal Apprehension (BCA).

Kulhanek-Derks was then shot and pronounced dead at the scene. The Hennepin County medical examiner’s office said he died from a gunshot to the head.

BCA spokeswoman Jill Oliveira was asked Wednesday afternoon whether it remains an open question for investigators whether the police gunfire killed the suspect or whether he shot himself.

“That is correct,” she said.

Kulhanek-Derks was a divorced single dad who lived at the apartment complex and had only minor offenses on his criminal record. A neighbor said he had been despondent over a recent breakup with his fiancée.

The BCA, in releasing the officers’ identities, said both were placed on paid administrative leave, which is standard procedure.

Eagan police said a third officer who was at the scene, Mike Reuss, also was placed on leave. He’s been with the department and has no disciplinary actions against him.

The BCA is investigating the shooting and will turn over its findings to the Dakota County attorney’s office for consideration of charges once its work is complete.

This was the first fatal officer-involved shooting in Eagan since 1992.

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