



Teresa J. Nelson
Legal Director
tnelson@aclu-mn.org
Office: 651.529.1692

Tuesday, April 13, 2021

Governor Tim Walz

Attorney General Keith Ellison
Keith.Ellison@ag.state.mn.us

Hennepin County Attorney Michael O. Freeman
Michael.Freeman@hennepin.us

By email

Re: Request for special prosecutor in killing of Daunte Wright

Dear Governor Walz, Attorney General Ellison and County Attorney Freeman,

The purpose of this letter is to request the appointment of an independent special prosecutor to investigate, charge, and prosecute the Brooklyn Center police officer involved in killing Daunte Wright.

The horrific extrajudicial killing of Daunte Wright by the police has once again focused a national spotlight on racial bias and use of excessive force by police in Minnesota, particularly against Black, Indigenous, and other people of color. Many communities feel a deep chasm between themselves and the police who are supposed to serve them, deepened by a history of failures to hold police accountable for their misconduct.

County Attorney Freeman, you have taken a step in the right direction by referring the matter to another County Attorney. However, County Attorneys work closely with the police agencies in their jurisdiction, relying on those officers to investigate crimes and serve as witnesses. It is untenable for people to investigate and prosecute a police officer when they are also daily working with and relying on police officers. Having them do so fosters distrust and suspicion in the community.

For these reasons, appointing an independent prosecutor is necessary in this case. Doing so would send a strong message to the community that a third party who

Governor Tim Walz
Attorney General Keith Ellison
County Attorney Mike Freeman
April 13, 2021
Page 2

does not have a working relationship with the police will vigorously pursue justice and police accountability.

Attorney General Ellison, last year, you recognized the need for accountability, transparency and justice when you stepped up to pursue the prosecution of the officers who killed George Floyd. Now, we respectfully urge transferring this matter to the Attorney General and appointing a Special Assistant Attorney General who is qualified to prosecute cases of this magnitude but who is not currently a prosecutor who works with any Minnesota police agencies.

This is something Minn. Stat. § 8.01 gives you the power to do:

Upon request of the county attorney, the attorney general shall appear in court in such criminal cases as the attorney general deems proper.

Whenever the governor shall so request, in writing, the attorney general shall prosecute any person charged with an indictable offense, and in all such cases may attend upon the grand jury and exercise the powers of a county attorney.

Having assumed jurisdiction, the Attorney General has the authority under Minn. Stat. § 8.02, subd. 1, to appoint a Special Assistant Attorney General. See *Conant v. Robins, Kaplan, Miller & Ciresi, L.L.P.*, 603 N.W.2d 143, 148 (Minn. Ct. App. 1999); Minn. Stat. § 8.06.

Finally, the Governor has broad authority to appoint special state employees not otherwise provided for by law. Minn. Stat. § 4.04, subd. 1.

Community distrust in the police has been steadily growing in the Twin Cities, in Minnesota, and around the nation. And for good reason: Black, Indigenous and other people of color are twice as likely as white people to be killed by police. Even more startling, since the year 2000, 207 people have died at the hands of Minnesota law-enforcement officers.¹ Of those killed, 46% were Black Indigenous and other people of color, even though over 83% of Minnesota's population is white.² Only three of those deaths resulted in criminal charges against any officer.

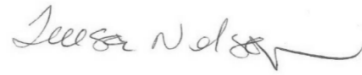
¹ <https://www.startribune.com/every-police-involved-death-in-minnesota-since-2000/502088871/>

² <https://www.census.gov/quickfacts/MN>

Governor Tim Walz
Attorney General Keith Ellison
County Attorney Mike Freeman
April 13, 2021
Page 3

An independent special prosecutor will bring to the role needed credibility and objectivity. For these reasons, we respectfully urge you to act on this request.

Very truly yours,

A handwritten signature in black ink, appearing to read "Teresa Nelson", with a stylized flourish at the end.

Teresa Nelson