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May 29, 2020

Governor Tim Walz
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Attorney General Keith Ellison
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Hennepin County Attorney Michael O. Freeman
Michael.Freeman@hennepin.us

By email

Re: Request for special prosecutor in killing of George Floyd

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 Minneapolis police officers involved in killing George Floyd.

The horrific extrajudicial killing of Mr. Floyd 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.

Mayor Frey and Chief Arradondo have done the right thing by firing the officers involved and turning the criminal investigation of them over to the FBI and the BCA. County Attorney Freeman, you have also promised a swift investigation by your office. But the people in all of these agencies work closely with the Minneapolis Police Department, relying on its officers to investigate crimes and serve as witnesses. It is untenable for people to investigate the same officers they work with and rely on daily. Having them do so fosters distrust and suspicion in the community.

American Civil Liberties Union of Minnesota
P.O. Box 14720, Minneapolis, MN 55414 • T/651.645.4097
www.aclu-mn.org

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

Attorney General Ellison, you have affirmed that your “office stands ready to assist in any way we can” and that “...the values of accountability, transparency, and justice will be upheld.” 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 the Minneapolis Police Department.

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.

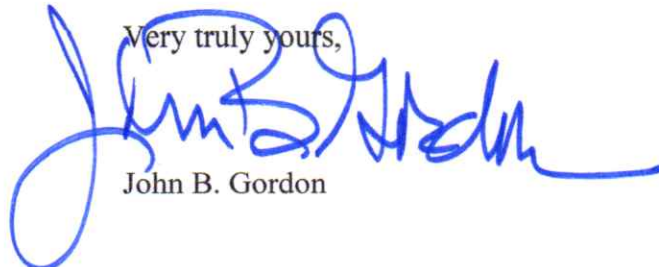
Having assumed jurisdiction, the Attorney General has the authority under Minn. Stat. § 8.02, subd. 1, to appoint a Special Assistant Attorney General. *See Conant v. Robins, Kaplan, Miller & Ciresi, L.L.P.*, 603 N.W.2d 143, 148 (Minn. Ct. App. 1999); Minn. Stat. § 8.06.

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, the Minneapolis Police Department, according to mappingpoliceviolence.org, kills Black people at a rate 13 times that of white people.

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 blue ink, appearing to read "John B. Gordon". The signature is fluid and cursive, with a large initial "J" and "G".

John B. Gordon