
T H E M I N N E S O T A
C O U N T Y A T T O R N E Y S
A S S O C I A T I O N

MCAA Statement on Prosecution of Officer-Involved Death Cases

June 4, 2020

The Minnesota County Attorneys Association (MCAA) is an independent, voluntary organization of County Attorneys dedicated to improving the quality of justice in the State of Minnesota. The MCAA represents all 87 Minnesota County Attorneys and focuses on legal and policy issues of statewide significance.

First and foremost, we recognize the unmistakable shattering of trust in our criminal justice system which has occurred as a result of the recent death of George Floyd which was a profound and preventable tragedy and an affront to justice everywhere. We extend our heartfelt sympathy to George Floyd's family and to the collective community that mourns his loss and advocates for honest dialogue and real and immediate change in his name.

As Minnesota County Attorneys we are charged with upholding justice and protecting the safety of all members of our communities regardless of their race, color, religion, national origin, sex, economic status, or any other protected class or factor, including whether they wear a badge. The indispensable value of justice is the notion of treating all cases with the utmost fairness and impartiality.

In light of recent civil unrest, MCAA recognizes the importance of taking quick and meaningful steps to promote, affirm, and instill the values of justice. Enforcement of our laws, including criminal prosecutions, must be done in an equal, fair, and balanced way as to every citizen and such enforcement must conform to truth, fact, reason and the law.

Earlier this year we welcomed the leadership of Minnesota Department of Public Safety Commissioner John Harrington and Attorney General Keith Ellison who co-chaired the Police-Involved Deadly Force Encounters Workgroup. Our Association participated in this workgroup and have followed through on an important recommendation of convening conversations with county attorneys and the Attorney General to discuss options to improve the handling of use of force cases that result in death.

Minnesota County Attorneys have worked tirelessly to be fair and impartial ministers of justice. Our colleague, Hennepin County Attorney Mike Freeman, has some of the best trained and experienced lawyers in the state who, just last year, secured an all too difficult conviction of a police officer's wrongful use of deadly force.

It is with this backdrop we acknowledge that our work for justice demands we rise to this important moment and stand for criminal justice reform that improves transparency, accountability and community trust. That reform must also ensure expertise, professionalism, and a commitment to the principles of law, equity before the law, accountability to the law, and fairness in the application of the law.

As prosecutors, we have always handled cases involving officer-involved deaths in an unbiased manner with the utmost fairness and impartiality. We understand the seriousness and importance of these cases and, as in all cases we handle, we are bound by our ethical duty to only file criminal charges in those cases where there is a reasonable likelihood of proving the case beyond a reasonable doubt to a jury at trial.

When we have had conflicts of interest in these cases and others we have sought other county attorney offices or the Attorney General's Office to handle the cases. While we do not believe that there is an inherent conflict of interest in reviewing officer-involved death cases occurring within our jurisdictions, we recognize that there is a growing sentiment that such a conflict of interest exists.

In recognition of the importance of ensuring that everyone has faith in the process of these extremely important criminal investigations, MCAA today voted to support the transfer of prosecutorial jurisdiction in these matters to the Minnesota Attorney General's Office. MCAA also voted to encourage the Minnesota Legislature to provide additional resources to the Attorney General's Office to enable that Office to secure the best and brightest trial lawyers to handle these critical cases with expediency and expertise. MCAA further recommends legislation that would authorize the Attorney General to request the assistance of local prosecutors to assist in these cases if needed.

MCAA also recommends the designation and financial support of a special investigative unit within the Minnesota Bureau of Criminal Apprehension (BCA) to independently investigate these cases in all situations, unless the officer involved is a BCA agent.

The offices of the Attorney General and BCA are in the best position to bring consistency and uniformity to the investigation and prosecution of any officer-involved incident which results in death in our state. We have the utmost confidence in the ability of these statewide offices to serve the interests of justice in these extremely important cases.