

SPEECH
INTRODUCTION OF DECISION
Michael O. Freeman
Hennepin County Attorney

Good morning. We have a good deal of very important information to share and I ask for your patience and cooperation during the next 30 minutes.

First, I want to extend my personal condolences to the Clark Family. Jamar Clark deserved an opportunity for a full, and productive life. We are saddened that this tragic incident means he will not have that chance.

Second, let me thank the BCA for a very thorough and professional investigation. Along with help from the FBI, this is a very complete job done in an expedited time frame of four months.

After this introduction, I'll share a brief summary of the legal standard by which we must evaluate the evidence in this or any other homicide.

Second, I'll share a chronology of the events that occurred the night of November 14 and the morning of November 15, 2015. This will be followed by a detailed review of the evidence concerning, **A**) whether or not Jamar Clark was handcuffed and **B**) the evidence surrounding the use of force by the police.

Third, I will announce my decision whether there is probable cause to criminally charge Officers' Ringgenberg and Schwarze.

Fourth, we will then show key parts of the relevant videos.

Fifth, I'll take questions.

As you depart, you may obtain a hard copy of my remarks. In the interest of transparency, by later today our website www.hennepinattorney.org will post all information related to this case that can legally be made available. It will include my remarks, a report detailing a factual analysis of this case, various video recordings, and copies of citizen interviews and police reports. This way, you can review virtually all the evidence we reviewed before making our charging decision and draw your own conclusions. This level of transparency is unprecedented.

And finally - Every governmental entity, especially those in public safety and justice, must continually evaluate their procedures to make sure they meet the challenges of today and not merely reflect how we have done things in the past. This office has undertaken such an analysis in our in-depth review and decision not to use the grand jury in police-involved shootings. By making this tough charging decision ourselves, we are increasing the level of accountability and transparency our community deserves from us.

Police have a very difficult job. They are often required to make split-second judgements in circumstances that are tense, uncertain and rapidly evolving. Nationally, this job has only become more challenging due to the lack of trust between community members and the police. That is why I believe police departments must regularly review their practices and procedures to make sure they are more effective and just in serving all of our communities.

In late January, police chiefs from the major cities across this country, including Minneapolis, gathered in Washington, D.C. at the Police Executive Research Forum. In their own words, they called for “drastic change” in training and policies within police departments in order to dramatically cut the number of officer-involved fatal shootings. I support the efforts of the Minneapolis Police Department to review their past practices and strive for improvement through enhanced training and revised procedures.

This case and the other recent police shooting cases around the country reinforce my belief that revised police training and practices must emphasize the de-escalation of disruptive situations by non-lethal means whenever possible. Police must use discussions, negotiations and peaceful interventions first. They must be willing to tactically withdraw and slow down volatile situations. And, if force is necessary, use the lowest level first – physical restraint, mace or tasers for example – before threatening to use or actually using deadly force. We simply must reduce the number of situations where guns are discharged by police. This will not only save the lives of members of our communities but save the psychological lives of officers, who are forever changed and haunted when they take a life.

I want to be clear that these remarks are not a reflection upon the actions of Officers Ringgenberg and Schwarze on November 15, 2015. This case is not at all similar to some of those seen around the country in Chicago, Cleveland or North Charleston, South Carolina. These officers were called to respond to a person who had assaulted his girlfriend and interfered with paramedics caring for the girlfriend. These officers did not have the opportunity to negotiate or tactically withdraw.

Finally, all of us have a role to play in reducing community violence. This responsibility rests with us individually and collectively. We know that violence only begets violence. The genius of Mahatma Gandhi and Martin Luther King is they saw the old ways did not work, that only non-violence could defeat violence. We all must stop using violence against those we love and against those we do not love. We must be more civil when we speak to each other and this includes interactions between the community and the police. Please--lower the volume. Let us show respect towards every person, no matter how much we may dislike them. All of us--prosecutors, police and the community--have much work to do to reduce the violence that plagues us. Only by working together can we accomplish this critical goal.

Now, let me turn to the law that controls a prosecutor’s review of this or any other homicide. I will begin with the controlling Minnesota Statutes and case law.