



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

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**Remarks of Michael O. Freeman, Hennepin County Attorney
Charging Officer Noor in Shooting Death of Justine Damond Ruszczyk
March 20, 2018**

Good afternoon, I am Mike Freeman, Hennepin County Attorney.

Today I announce that the Hennepin County Attorney's Office has filed charges of third-degree murder and second-degree manslaughter against Minneapolis Police Officer Mohamed Noor in the shooting death of Justine Damond Ruszczyk. The criminal complaint was sealed by Hennepin County District Court Judge Todd Barnett until Officer Noor was apprehended. That happened recently and now, for the first time, we are allowed to talk about the case.

First, I want to extend my deepest sympathies, as I have personally, to the members of the Damond and Ruszczyk families. To lose a family member to violence is always wrenching and painful. But to lose it when she was acting as a concerned and caring citizen, and at the hands of the person she called for help, is inexplicable.

Second, I want to extend my appreciation to the several law enforcement agencies for the hard work done in investigating the case over the past eight months. I also want to thank the members of the grand jury who worked diligently these past six weeks helping to ascertain the truth of what happened on the night of July 15, 2017. Finally, I want to thank the members of the prosecution team. They guided the investigation and helped me review the evidence and determine the appropriate charges in this case.

Because the investigation was thorough, we have a nearly second by second understanding of what happened from the moment Ms. Damond Ruszczyk called 911 until she was fatally shot by Officer Noor 13 minutes later.

Despite the fact that no body-worn cameras were operating at the time of the shooting, we know that less than a minute before firing the fatal shot, Officer Noor was sitting in the passenger seat of the police cruiser. Noor had just typed into the squad car's computer "Code 4." That message, which went to the police dispatcher, meant that the officers had completed their investigation, were safe and needed no assistance.

According to the complaint, Officer Noor's partner, Officer Matthew Harrity, was driving the squad car that night. Harrity said that just 5 or 10 seconds after Noor entered Code 4, Harrity heard a voice, a thump somewhere behind him on the squad car and caught a glimpse of a person's head and shoulders outside his driver side window. Harrity was unable to say what the noise was, how loud it was, what the person's voice sounded like or what the person said. Harrity characterized the voice as a muffled voice or a whisper. Harrity said he could not see whether the person was a man or a woman, an adult or a child. Importantly, he could not see the person's

hands and estimated the person was at least two feet away from him. Harrity saw no weapons. However, Harrity claimed he was startled, took his gun outside its holster and held it against his rib cage pointed downward. Harrity said from the driver's seat he had a better vantage point to determine a threat on his side of the car than Officer Noor in the passenger seat.

Officer Harrity said he then heard a sound he described like a light bulb dropping on the floor and saw a flash. Harrity checked to make sure he was not shot, then looked to his right and saw Officer Noor's right arm extended across him towards Officer Harrity's open window. Officer Harrity then looked out his window and saw a woman. Ms. Damond Ruszczyk put her hands on the wound on her left side and said "I'm dying," or "I'm dead." Officer Harrity could see both of her hands, believed there was no threat and got out of the car.

Ms. Damond Ruszczyk was far enough away from the car that Officer Harrity was able to open his door and get out. Officer Noor came around from the passenger side and Officer Harrity told him to holster his gun and turn on his body-worn camera. One minute and 10 seconds after getting out of the car, the officers began CPR.

In his first conversation moments after the shooting, captured on body camera footage now operating, Officer Harrity told his supervising sergeant that they were ready to clear and go to another call when "she came up on the side out of nowhere." Harrity said, "we both got spooked," and then he got his gun out. However, Officer Harrity did not mention hearing a voice or hearing a noise before the shot was fired.

Time stamps on surveillance cameras of witnesses who heard the shot and the activated body cameras showed both officers standing over Ms. Damond Ruszczyk, indicate that the shot was fired between 11:40:15 p.m. and 11:40:29 p.m.

In the short time between when Ms. Damond Ruszczyk approached the squad car and the time that Noor fired the fatal shot, there is no evidence that Officer Noor encountered a threat, appreciated a threat, investigated a threat or confirmed a threat that justified his decision to use deadly force. Instead, Officer Noor recklessly and intentionally fired his handgun from the passenger seat, in disregard for human life. Noor was sitting, where he was less able than Officer Harrity to see and hear events on the other side of the squad car. Such action violates the criminal law.

Before becoming police officers, Officers Harrity and Noor were trained in the classroom and at the gun range. The training included numerous scenarios intended to teach identifying a target and its threat, if any, before shooting at it. They were trained with multiple types of targets and taught decision-making based on the threat before them.

Those are the facts as we detailed them in the criminal complaint. But, they are only allegations and Officer Noor is presumed innocent and we must prove the charges beyond a reasonable doubt to a jury.

As I have said numerous times over the past few months, we would not be rushed to a decision by any outside pressure. We would take our time, use all possible tools to gather all possible evidence and then apply the law to that evidence.

Much has been written and said about my use of a grand jury after announcing almost exactly two years ago that I would no longer use the grand jury in deciding officer-involved shootings. I said at the time that because of the secrecy in grand jury deliberations, the people of the county were unable to know what went into a decision and that lack of transparency was not acceptable. Nor did county residents have someone to hold accountable for grand jury decisions. I still believe that.

Let me be clear. The decision to charge Officer Noor is my decision and mine alone. Many officers cooperated and came forward when we asked – some did not. When we did not receive the cooperation we, and the citizens of Hennepin County, expect from police officers to do their duty and voluntarily report what they saw and did at the scene of the shooting, or in the training of officer Noor, it left us no other choice than to use the investigative powers of the grand jury. And we did so.

We were methodical in reviewing this case for another reason. The men and women of the Minneapolis Police Department, and in all the police agencies in Hennepin County, are brave, hardworking and committed to our safety. We ask much of them. They go into places and encounter situations most of us will never, if we are lucky. As a result, the laws of Minnesota and the rulings of the United States Supreme Court, have given police officers protections that civilians do not have. Chief among them, police officers may use deadly force in certain rare circumstances. Unless the officer was unacceptably reckless, no charges can be brought. I agree with that.

We know from a study by Philip Stinson at Bowling Green State University and the Department of Justice, that in the years of 2005 through 2017, there were estimated to be more than 12,000 police-involved shootings. Of those, 80 officers were charged with murder or manslaughter. Only 35 percent of those charged were convicted of the crime.

So, we gathered every piece of information, no matter how minute. We looked at that tragic night from every perspective. Finally, when we realized that the evidence clearly conformed to the statutory definitions of third-degree murder and second-degree manslaughter, then and only then, did we charge Officer Noor with these crimes.