



**OFFICE OF THE RAMSEY COUNTY ATTORNEY**

John J. Choi

**September 28, 2016**

**Why did it take so long for the case to get to the Ramsey County Attorney's Office (RCAO)?**

In Minnesota, officer-involved shootings typically take up to six months to investigate. As of today, the Minnesota Bureau of Criminal Apprehension's (BCA) ongoing investigation has been presented to the RCAO within a period of 12 weeks. Each police-involved shooting incident has a unique set of facts and related investigative challenges. The job of the investigative agency assigned to the case is to thoroughly gather all of the facts that will be helpful in determining whether any criminal charges are warranted.

**What has your office been doing to prepare to handle the case?**

In anticipation of receiving this case, Ramsey County Attorney John Choi appointed a special prosecutor, Don Lewis, to bring independent perspective to our prosecution team, which has been meeting regularly. We are currently in the process of retaining additional expertise in the form of national use-of-force consultants to assist in our prosecution review and evaluation of the BCA investigation. A use-of-force expert will help identify further areas of investigation and answer prosecutors' questions around the reasonableness of the officer's actions from an objective standpoint. A key point of inquiry is whether the officer's subjective belief that deadly force was necessary, was objectively reasonable and justified under the totality of the circumstances.

**What happens now that the case has been presented to the RCAO?**

In Minnesota, each crime has elements which are established by the state legislature. In order for a defendant to be found guilty of a crime, the prosecutor must prove each and every element beyond a reasonable doubt. In addition, in an officer-involved shooting incident that results in death, the prosecutor must prove, beyond a reasonable doubt, that the use of deadly force was not justified as established by Minnesota law and the United States Supreme Court. Our prosecution review will first focus on ensuring all of the facts of this case have been adequately gathered to make a charging decision.

**When will you make a formal charging decision?**

Our office will work as efficiently as possible, while ensuring we conduct a diligent and thorough prosecution review of the BCA investigation, in order to determine what justice requires in this case. It is very likely that we will be requesting further investigation from the BCA, as is typical in these types of cases. We cannot provide an estimated timeline for our work until we review the entire investigative file and meet with national use-of-force consultants. By way of reference only, in the case of the officer-involved shooting incident of Jamar Clark in Hennepin County, the prosecution review took a total of seven weeks.



**Are you going to present the case to a Grand Jury?**

Whether our office makes a charging decision or we turn it over to the grand jury to enable our community to decide, there are benefits to both approaches. I outlined some of the considerations around whether to use a grand jury during a July 8, 2016 appearance on Almanac, which I encourage you to watch. When a decision is made, we will notify both the Castile family and the public.

**When will you release the (dash cam) video?**

We understand that many in our community are anxious to see more evidence as quickly as possible. We will release the video to the public once we are confident that the timing in doing so won't adversely affect the ongoing investigation or possible prosecution.