



Drew Evans
Superintendent
Bureau of Criminal Apprehension
Minnesota Department of Public Safety
1430 Maryland Ave. East
St. Paul, MN 55106
USA

14 April 2021

Dear Superintendent Drew Evans

CASE OF DAUNTE WRIGHT: USE OF LETHAL FORCE BY BROOKLYN CENTER POLICE OFFICER

Amnesty Internationalⁱ is writing to you to convey its deep concern about the fatal shooting of Daunte Wright, a 20-year-old man, on 11 April 2021 by an officer of the Brooklyn Center Police Department (BCPD). We urge your office to undertake a prompt, thorough, independent and impartial investigation into the circumstances on the use of lethal force in this case.

Amnesty International is concerned about the lawfulness of the initial stop and shooting involving the BCPD Officer Kimberly Potter. According to media reports and official statements, Daunte Wright was shot and killed following a traffic stop at approximately 2:00 pm on 11 April 2021. Once stopped, a records search informed the officers of an outstanding arrest warrant for Daunte Wright. According to the body-camera footage that was released on 12 April, two officers can be seen approaching Daunte Wright's white vehicle, with a third officer. A third officer, whose body camera captured the incident, is standing behind the back of the driver's side of the vehicle. One officer then pulls Daunte Wright out of the vehicle and turns him around, attempting to handcuff him against the car. Wright tries to get back inside the car, and a struggle ensues. The third officer, Kimberly Potter, maneuvers herself next to the driver's door and says twice, "I'll Tase you" before yelling "Taser, taser, taser" before firing one shot from her firearm. In the video, Officer Potter confirms that she used her firearm instead of her taser. Then Brooklyn Center Police Chief, Tim Gannon, confirmed the shooting as "an accidental discharge." Officer Potter was placed on administrative leave pending the investigation. On 13 April, Officer Potter resigned from the force.ⁱⁱ She has since been charged with second degree manslaughter by the Washington County Attorney.ⁱⁱⁱ There is conflicting information about whether the stop was initiated based on the placement of an air freshener on the rear-view mirror, a misdemeanor under Minnesota law, or expired registration tags. Regardless, any investigation of this incident must include a review of the purpose of the traffic stop and whether the violations cited were a pretext for conducting the stop.

The UN Human Rights Committee is the expert body established under the International Covenant on Civil and Political Rights (ICCPR) to monitor implementation of this core human rights treaty. The USA ratified the ICCPR in 1992. In its General comment 6 on the right to life under the Covenant, the Committee stated that "The deprivation of life by the authorities of

the State is a matter of the utmost gravity” and that states must take measures to prevent arbitrary killing by their own security forces. Such measures are set out in the United Nations Basic Principles on the use of Force and Firearms by Law Enforcement Officials, Principle 9 of which states:

“Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life” (emphasis added).

Amnesty International seeks your assurance that the investigation into this incident will conform to the highest standards for investigating officer-involved shootings, and that all relevant evidence, including body-worn camera videos of the incident, the autopsy report and witness testimony, will be made available to it. The thoroughness of the investigation is of particular concern considering issues raised regarding the Bureau of Criminal Apprehension’s investigation into the death of George Floyd. According to testimony by a forensic scientist of the Bureau, she photographed but did not collect a number of pills found in the Minneapolis Police Department vehicle when she first processed the vehicle in May 2020 – only at the request of defense team in January 2021 did she reprocess the vehicle and collect and test the pills found in the backseat of the vehicle.^{iv} Due to the high tensions and public scepticism surrounding investigations of police involved shootings and deaths, it is imperative that your office ensure that the investigation meets the highest possible standards to ensure public confidence in the results, regardless of the outcome.

Furthermore, the family of Daunte Wright should be updated on the progress of the investigation throughout. We urge that a report of the findings be made public as soon as possible, with information on the scope of the investigation, procedures and methods used to evaluate evidence, as well as conclusions and recommendations. We also seek your assurance that any officer found responsible for unlawful use of force will be held accountable in disciplinary and criminal proceedings as appropriate.

Accountability is also an essential part of redress. Under international law, anyone whose rights have been violated has the right to remedy. In a case involving death in custody or as a result of lethal force, the family has that right to remedy. The UN Human Rights Committee has stated:

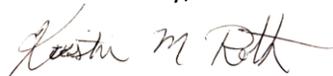
Article 2, paragraph 3, requires that in addition to effective protection of Covenant rights States Parties must ensure that individuals also have accessible and effective remedies to vindicate those rights. ... Administrative mechanisms are particularly required to give effect to the general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies. A failure by a State Party to investigate allegations of violations could in and of itself give rise to a separate breach of the Covenant...

Where the investigations referred to [above] reveal violations of certain Covenant rights, States Parties must ensure that those responsible are brought to justice. As with failure to investigate, failure to bring to justice perpetrators of such violations could in and of itself give rise to a separate breach of the Covenant. These obligations arise notably in respect of those violations recognized as criminal under either domestic or international law, such as ... summary and arbitrary killing...

Finally, as the investigation into the killing of Daunte Wright is underway, the legality of the use of force in accordance with the state's laws must also be examined.^v Based on what is publically available as of my writing, Daunte Wright was reportedly pulled over for a misdemeanor violation. Officers then sought to arrest him after learning of a pending arrest warrant for failing to appear in Court for a gross misdemeanor and a second misdemeanor offenses.^{vi} This context must be accounted for in reviewing the totality of the circumstances of whether an objectively reasonable officer at the time and with the benefit of hindsight, determined that such force was necessary to effect the arrest of a person resisting arrest. When Daunte Wright sought to get back in his car, whether by accident or not, Officer Potter used deadly force. The state's law that authorizes deadly force by a peace officer also requires that to use deadly force to effect the arrest or capture, or prevent the escape of a person, an officer must reasonably believe that the person has or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person, based on an articulated threat with specificity, and is likely to occur without action by the officer. This conflicts with the known fact pattern about the pretext for this traffic stop, the reason for the officers' attempt to arrest Daunte Wright, and the events that ensued thereafter.

I thank you for your serious consideration of our concerns and look forward to your response. If you have questions or wish to discuss these matters further, please contact Kristina Roth, kroth@aiusa.org, and 202.945.2021.

Yours sincerely,



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ⁱ Amnesty International is a global movement of more than ten million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights. We have hundreds of thousands of supporters, members and activists in the U.S. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

ⁱⁱ Kim Potter letter of resignation screenshot, 13 April, 2021, twitter.com/ChristianeWCCO/status/1382019514527809536/photo/1

ⁱⁱⁱ W. Wong, Ex-officer Kim Potter to be charged with second-degree manslaughter in Daunte Wright case, NBC News, 14 April 2021, www.nbcnews.com/news/us-news/ex-officer-kim-potter-be-charged-2nd-degree-manslaughter-daunte-n1264025

^{iv} E. Donaghue, *Derek Chauvin Trial 4/7/21: Forensic scientist found George Floyd's blood, pills with his DNA in squad car*, CBS News, 8 April 2021, www.cbsnews.com/live-updates/derek-chauvin-trial-george-floyd-death-day-8-2021-04-07/

^v Minn. Stat. § 609.066

^{vi} A. Mannix, S. Montemayor, and L. Navratil, *Chief: Officer meant to use Taser, not firearm, on Daunte Wright*, 13 April 2021, www.startribune.com/police-chief-officer-meant-to-use-taser-not-firearm-on-daunte-wright-brooklyn-center-shooting/600045076/