

**OFFICE OF THE HENNEPIN COUNTY ATTORNEY****MICHAEL O. FREEMAN** COUNTY ATTORNEY

August 7, 2020

*VIA EMAIL ONLY*

Jeffrey S. Paulsen  
Assistant United States Attorney  
District of Minnesota  
[jeff.Paulsen@usdoj.gov](mailto:jeff.Paulsen@usdoj.gov)

Re: Chief Medical Examiner Andrew Baker

Dear Counsel:

I am writing in response to your email dated August 6, 2020, to my colleague Patti Jurkovich, in which you confirmed our shared goal of ensuring that the FBI completely and accurately summarizes the July 8 interview of Chief Medical Examiner Andrew Baker. When you and I spoke by phone on August 4, 2020, you made clear that you were willing to work with Dr. Baker to ensure that you get the substance right. I appreciate your openness to accomplishing this goal in ways other than asking Dr. Baker to submit to another interview or issuing a subpoena for Dr. Baker to appear before the United States grand jury.

From our phone call on August 4, I understand that your office elected not to record the July 8 interview and therefore no transcript will be available. Instead, you advised that FBI agents are using their own notes to prepare a written summary, which you referred to as a 302. As you noted in our phone call, the attorneys who questioned Dr. Baker, and the FBI agents who attended the interview, are laypeople, and I know that you understand how difficult it will be for a layperson – even an experienced prosecutor or FBI agent – to summarize an expert medical opinion regarding a complex, multi-factorial cause of death.

In your conversation with Ms. Jurkovich on July 31, and with me on August 4, you outlined four topics on which you wanted to be certain that the FBI had accurately summarized Dr. Baker's opinions. As you know, Dr. Baker answered questions on each of these topics during the July 8 interview.

C-2000 GOVERNMENT CENTER 300 SOUTH SIXTH STREET MINNEAPOLIS, MINNESOTA 55487

PHONE: 612-348-5550 [www.hennepinattorney.org](http://www.hennepinattorney.org)

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1. Whether law enforcement subdual and restraint was a but-for cause of George Floyd's death;

The written summary of the July 8 interview should reflect that Dr. Baker concluded that Mr. Floyd's cause of death was cardiopulmonary arrest complicating law enforcement subdual, restraint, and neck compression. As noted above, this is a multi-factorial, complex cause of death, and the written summary should also reflect that Dr. Baker cannot answer whether Mr. Floyd would still have died that day, if the law enforcement subdual, restraint, and neck compression had not occurred. The written summary should also reflect Dr. Baker's responses regarding whether the law enforcement subdual, restraint, and neck compression made Mr. Floyd's death more probable, given his underlying health conditions and toxicological status.

2. What was the mechanism of death;

As noted above, the written summary of the July 8 interview should reflect Dr. Baker's conclusion regarding Mr. Floyd's cause of death, as well as Dr. Baker's explanation that Mr. Floyd's heart and lungs stopped due to the combined effects of his underlying heart disease, his toxicological status, and the stress and exertion during law enforcement subdual, restraint, and neck compression. In our phone call on August 4, you suggested that Dr. Baker had ruled out anything that occurred when Mr. Floyd was on the ground as a factor or cause, but as noted above, Dr. Baker included subdual, restraint, and neck compression in the cause of death, and the subdual, restraint, and neck compression included the time that Mr. Floyd was on the ground.

3. Whether a prone position is more dangerous than other positions;

The written summary of the July 8 interview should reflect Dr. Baker's answer that his understanding of the medical literature on this topic is that a prone position in and of itself is not more dangerous than other positions, as the prone position alone is not detrimental to a person's ventilation.

4. When Mr. Floyd became critical or near death.

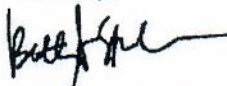
The written summary of the July 8 interview should reflect that Dr. Baker cannot pinpoint when Mr. Floyd's condition became critical or near death.

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The information provided here for each topic is consistent with Dr. Baker's recollection of the July 8 interview. I trust that this letter will provide you with the information you need to ensure that the written summary is an accurate and complete record of the July 8 interview, without any need for another interview or a grand jury subpoena.

Sincerely,



BETH A. STACK  
Managing Attorney - Civil Division  
Beth.Stack@hennepin.us  
Telephone: (612) 543-1357  
FAX: (612) 348-8299

BAS  
cc: Andrew M. Baker, MD

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