

MINNESOTA COALITION ON GOVERNMENT INFORMATION
Informational brief on body camera data

Analysis of data status

1) Body camera video is currently handled pursuant to Minn. Stat. 13.82

All law enforcement data are classified under Minn. Stat., section 13.82. As such, data in body cameras are classified pursuant to that section. Some law enforcement data are always public under section 13.82, subdivisions 2, 3, and 6 (certain arrest data, request for service data, and response or incident data) in all circumstances, even in the event of an active criminal investigation. The legislature has made a specific determination that the data elements listed in subdivisions 2, 3, and 6 are public. If any of the data elements in subdivisions 2, 3, and 6 are in body camera videos, those data are always public. Data not specifically listed as public in section 13.82, and not otherwise classified as not public, are presumptively public.

2) Under certain circumstances, specific body camera data could be classified as "confidential" or "protected nonpublic" data.

There are certain circumstances under which body camera data (other than arrest, incident, or request for service data) could be temporarily changed to a "confidential" or "protected nonpublic" status. "Confidential" is a data status applying to individuals that does not permit the public or the individual data subject to see the data. "Protected nonpublic" data is data "not on individuals" that cannot be accessed by the public or by the data subject.

Circumstances under which this change could occur include the following:

a) The opening of a criminal investigation. Under Minn. Stat. 13.82 Subd. 7, data that are collected or created by a law enforcement agency in order to prepare a case against a person for the commission of a crime are "not public" while the investigation is active. Once the investigation becomes inactive, such data revert to their formerly public status, with some exceptions.

b) The opening of an investigation related to a civil lawsuit. Once the investigation becomes inactive, investigative data revert to their formerly public status, with some exceptions.

3) Certain elements contained within body camera data can always be withheld as "not public" data.

Images of certain persons and items recorded by body cameras can be withheld as "not public" data under any circumstance, including images contained on body camera data that were part of inactive investigative files.

These persons and images include, but are not limited to, the following specifics, which are set out in the "Comprehensive Law Enforcement Data" section of Chapter 13:

- a) The identity of child abuse victims - including inactive investigative data - are private. (13.82 Subd. 8)
- b) The identity of vulnerable adult victims - including inactive investigative data - are private. (13.82 Subd. 10)
- c) Data that would reveal the identity of undercover officers can be withheld as private data - including inactive investigative data. (13.82 Subd. 17(a))
- d) Data that would reveal the identity of a victim of criminal sexual conduct can be withheld as private data - including inactive investigative data. (13.82 Subd. 17(b))
- e) Data that would reveal an informant's identity can be withheld as private data - including inactive investigative data. (13.82 Subd.17(c))
- f) Data that would reveal the identity of a crime victim can be withheld as private data upon the request of the victim - including inactive investigative data. (13.82 Subd. 17(d))
- g) Data that would reveal the identity of a deceased person removed from a cemetery can be withheld as private data - including inactive investigative data. (13.82 Subd. 17(e))

h) Data that would reveal the identity of a juvenile witness can be withheld as private data if police believe that release of the data would endanger the witness - including inactive investigative data. (13.82 Subd. 17(g))

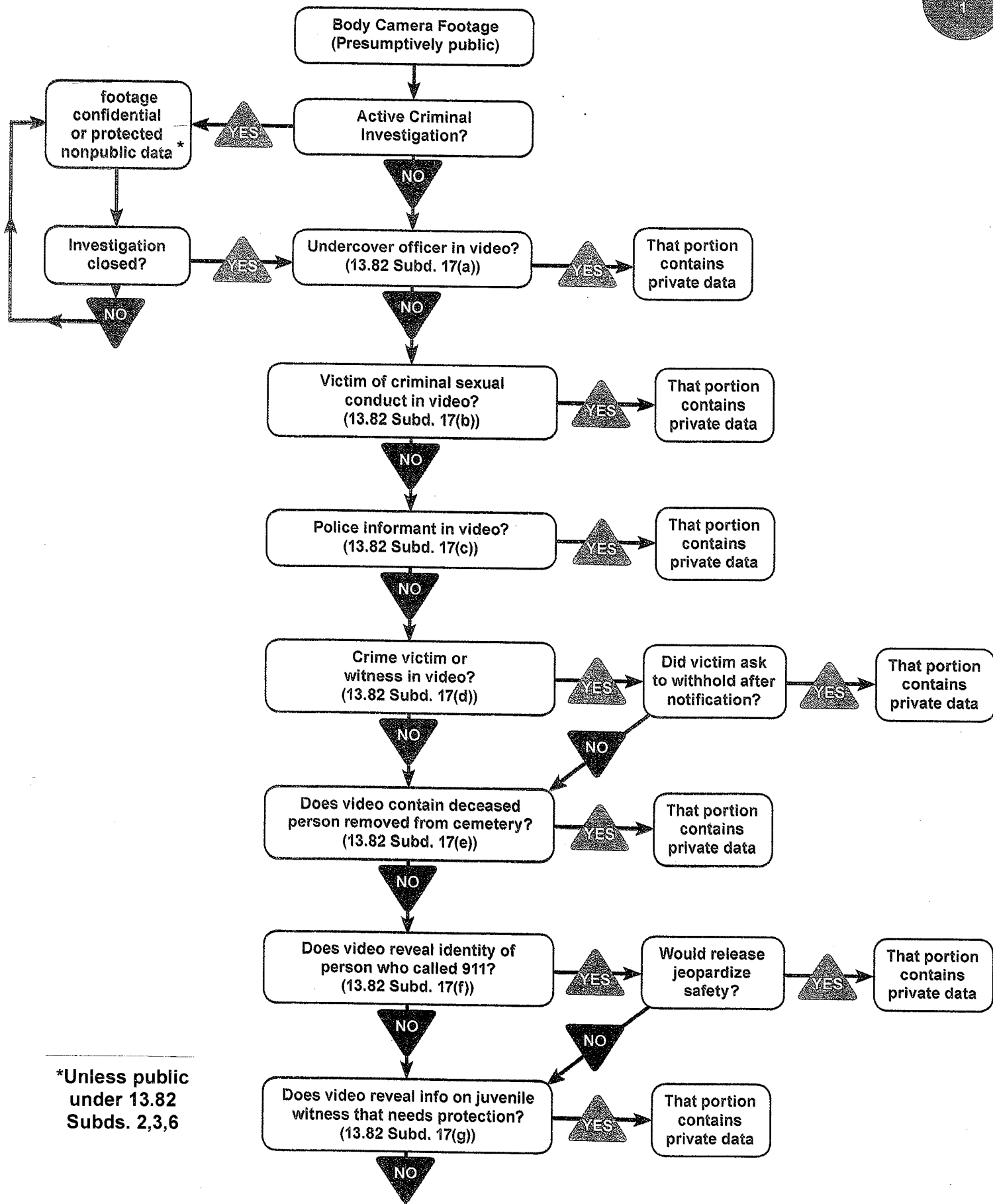
i) Data that would reveal the identity of a mandated reporter can be withheld as private data - including inactive investigative data. (13.82 Subd. 17(h))

j) Data that describe stolen property are private or nonpublic data - including inactive investigative data. (13.82 Subd. 20)

k) Data that would reveal the customers of pawnshops, scrap metal dealers, and second hand goods dealers are private data - including inactive investigative data. (13.82 Subd. 27)

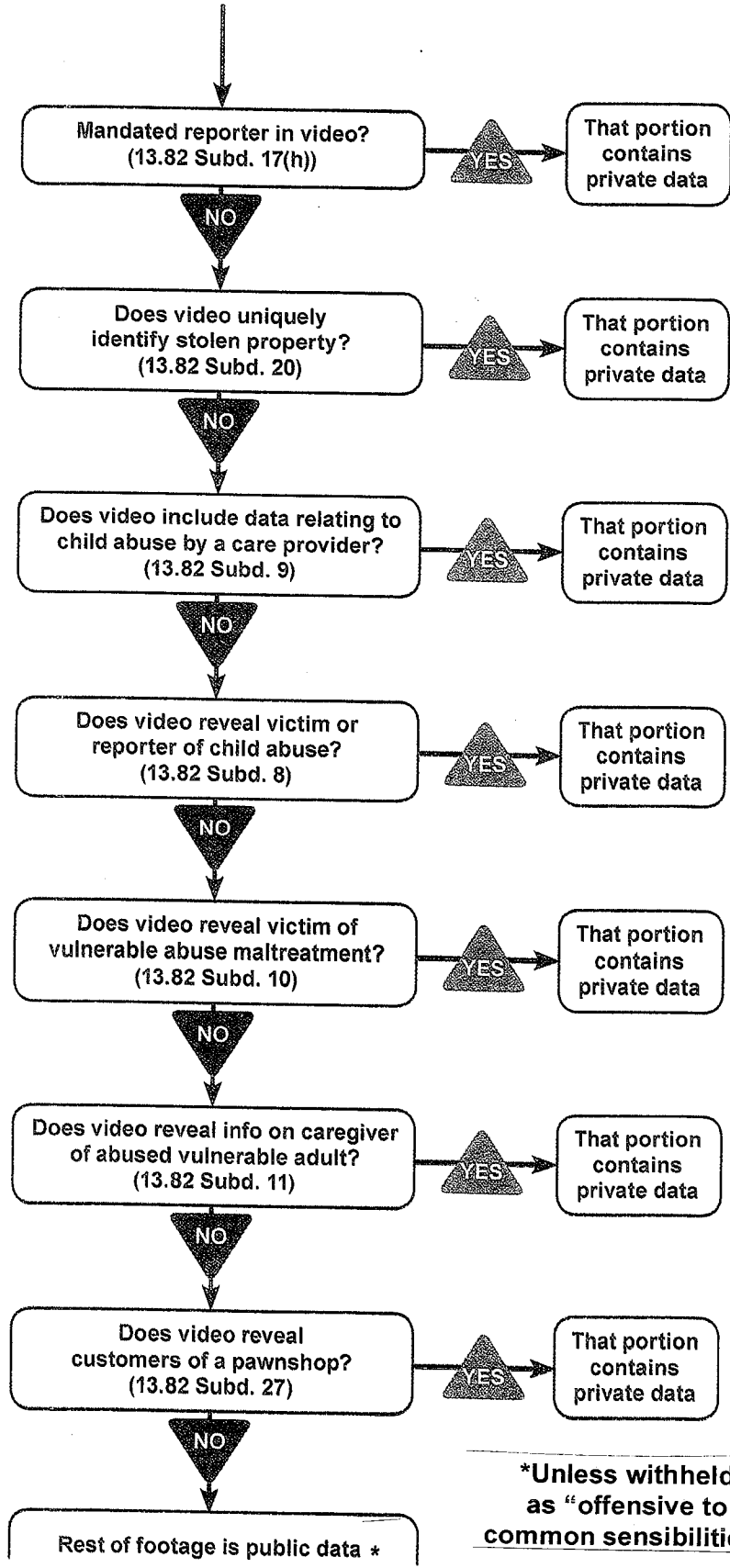
l) Delinquent or alleged delinquent juveniles (Minn. Stat. 260B.171, Subd. 5)

On a related note, photographs that are part of inactive investigative files that are "clearly offensive to common sensibilities" can be withheld as private data. (13.82 Subd. 7).



*Unless public under 13.82 Subs. 2,3,6

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***Unless withheld as "offensive to common sensibilities"**