

MINNESOTA COALITION ON GOVERNMENT INFORMATION
Legislative Issues Committee

Senate Judiciary Committee

March 7, 2016

RE: Body camera legislation

Dear members of the Senate Judiciary Committee,

Thank you for the attention that your committee paid to the issue of body camera regulation during last year's legislative session. During the 2015 session, your committee referred SF 498 to the Senate floor. That bill (which is on the schedule to be referred to the Senate floor again on March 8th) contained a provision that would make all body camera video "private" data, with the exceptions of public personnel data, or video that was recorded in a public place, and which documented police use of a dangerous weapon, or police use of force that resulted in substantial bodily harm, as defined by Minn. Stat. 609.02.

As we have noted in the past, current law governing law enforcement data covers police video, including body camera video. The current state of the law provides for public access to specific data content - such as video documenting an arrest - even while a criminal investigation is underway. Current law also provides for public access to inactive investigative data, including any such data captured on squad car or body camera video. This public access serves an oversight function, since it allows the public to review the conduct of government actors paid to perform public duties.

At the same time, existing law extends privacy protections to well over a dozen categories of individuals - including undercover officers, juvenile witnesses, victims of criminal sexual conduct, and many more. Any body camera footage containing these elements would need to have them redacted (removed) prior to public release. Through these features, the existing Data Practices Act balances public access, and targeted privacy protections. However, the language of SF 498 would substantially narrow the public access component of the existing law.

Since the 2015 session, several developments have occurred in the use of body camera technology within the state of Minnesota. Most notably, the City of Minneapolis has decided to make its body camera pilot program permanent. Press reports indicate that starting in May of this year, the city will begin the process of outfitting all of its officers with body cameras. Those same press reports also indicate that the city is planning to add additional staff to process data requests associated with their body camera program.

We feel that it is notable that the largest city in the state is moving ahead with a body camera

program, assuming that the contours of the existing law will stay in place - in particular, the public access component, as evidenced by the city's request for additional public records staff.

In light of this development, MNCOGI would urge the Senate to reconsider the provisions of SF 498 that limit public access to body camera data, and consider alternative language that would ensure greater public data access. This would ensure that body cameras continue to fulfill a government oversight role, as they have already done in other Minnesota cities that operate body camera programs under the current law.

Sincerely,

Matt Ehling
Chair, Legislative Issues Committee
Minnesota Coalition on Government Information