

MINNESOTA COALITION ON GOVERNMENT INFORMATION
Priorities for Body Cam Legislation

1. The presumption that all government data are public should apply, and any exceptions should be narrowly tailored and clearly stated.
2. Any legislation should acknowledge that the primary objective of implementing body cams is to achieve a higher degree of police accountability. That objective cannot be met by classifying most body cam data as not public.
3. Current law that clearly makes certain data public (such as "response" or "incident" data) should continue to control when the data are captured on body cameras.
4. Current law that protects identities and/or classifies data as not public that may appear on body cam footage should be acknowledged and clearly stated to apply to body cam footage.
5. Direction should be given, and funding provided, to some state agency to acquire the technology necessary to make it easier and cheaper to redact body cam data in order to facilitate public access to the data. Furthermore, the objective of this project should be to take body cam data away from the control and potential profit making of companies currently storing the data.
6. Technology can support government oversight, if oversight is a priority during development or procurement. Legislation should allow funding of a public process to identify features that body camera solutions must have in order to be used by a Minnesota government entity - including features that comply with, and fully embrace, the Minnesota Data Practices Act.
7. We acknowledge that there are sensitive issues associated with the use of body cameras in homes, medical facilities and other places where citizens have a reasonable expectation of privacy. We propose using Fourth Amendment principles as a guide, and crafting legislation that clearly states that in those situations - and absent exigent circumstances or warrant service - individuals must clearly consent to body cam taping. Unless there are exigent circumstances or a warrant, officers must turn off (or not turn on) cameras when consent is not given.
8. Not everyone agrees that body cameras will actually provide enhanced oversight of law enforcement/governmental activities. Any legislation should provide the necessary funding to evaluate over a period of time the effectiveness of body cameras

for accountability and changed behavioral purposes. (There is a lot of money at issue here and someone ought to look at whether or not that expenditure is actually working for the desired objectives.)

9. The reality of body cam data is that those data are physically housed on the computers of a business operated outside the State of Minnesota. This reality presents serious implications for public access as well as the privacy of Minnesota citizens. Any legislation should include language to hold body camera vendors strictly accountable for public access and any misuse of the data. As such, these companies should be made clearly subject to the Data Practices Act (DPA) and related laws, including provisions of the DPA that provide for damages in the event of violations of the Act. Vendors should be required to always be subject to the jurisdiction of Minnesota courts and any applicable state regulations.

10. References in 13.82 Subd. 7 (inactive investigative data) to "photographs" should be amended to read "recorded images of any kind".

11. We support reasonable retention of the data that, among other things, takes into account applicable statutes of limitations.