

AUSTIN POLICE DEPARTMENT

LAW ENFORCEMENT CENTER

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Representative Mueller,

Thank you for the opportunity to review HF 1103. This bill aims to create section 13.826 of MN State Statute. It would dictate in part that data created via squad cameras and body cameras would lose the protection given to that data as part of the investigative process. It would also dictate that said data be transmitted to outside parties with-in 48 hours of its creation.

I would not support such legislation and do not see a need to treat this data differently than it currently is. The reason that investigative data is protected is to ensure a fair and accurate investigation. Video evidence is a "piece" of evidence and like a "piece" of a larger puzzle will not tell the entire story. Evaluating what this evidence represents should be done on a case by case basis as the current law allows. Allowing it into the public realm would not be beneficial in most cases and may impact the ability of the investigating agency to conduct interviews in a manner that has not been influenced by the release of said video.

While our agency has historically always relied upon the MN BCA to conduct such investigations, I understand that under 299C.80 they have been dedicated to this task after last summer's police bill. Any data we had would be given to them and they should control the case. Dictating to our agency to release said video would seem to undercut their investigative efforts. I would also question whether the Attorney's Office who ultimately would review such a case would favor this release.

The 48hr demand found in this legislation also creates issues. While I understand this legislation is likely driven by a viewpoint that all such cases fall with-in some sort of same/similar standard, that is never true. Cases vary greatly in their cause and the number of people affected. They often require an incredible amount of resources early in a case. You may for instance have an active shooter event with multiple deaths and the potential death of the active shooter by an Officer using deadly force. The first 48hrs and likely much longer will be dedicated to any investigation, notifications, media duties, site security, etc..... This is an incredible strain on agencies our size, even if the MN BCA is taking the lead. In the current Colorado shooting, where the offender was not fatally wounded but could have been, estimates are of at least 5 days to try and have a preliminary understanding and gathering of facts.
<https://news.yahoo.com/investigation-complex-colorado-shooting-5-131818724.html>

The MN BCA and the Attorney's Office handling these cases should be allowed under the current law to evaluate this data and act on it according to the individual nature of each case.

Respectfully,

Chief David McKichan

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