



September 14, 2015

Commissioner Matt Massman
Minnesota Department of Administration
200 Administration Building
50 Sherburne Avenue
Saint Paul, MN 55155



Subject: Application for Temporary Data Classification

Dear Commissioner Massman:

As you know, across our nation, law enforcement has been the focus of significant attention and scrutiny. While Minnesota's law enforcement agencies are generally well regarded for their professionalism and service, the call for modernization that offers cutting edge evidence gathering technology with measures to ensure accountability reflects the growing interest in police-worn body cameras. Balancing the critical objectives of government transparency, public interest, and personal privacy is essential for expanded use of this technology. President Obama's 2014 convened Commission on 21st Century Policing explored body worn camera technology and its potential benefits for policing and accountability. It is equally important to note that without needed personal privacy protections, this technology has the potential to undermine the very nature of the relationships law enforcement as a profession is working to develop with the communities they serve.

We know and understand you have limited authority classify data, which is the important role of the legislature. We do however ask that you give critical consideration to our application. We believe the data classification being sought, though limited in scope, provides short term protection to the privacy interests of Minnesotans left exposed by the gap in current law.

Attached you will find an application for temporary classification of police body worn camera data. While this application is being submitted by the City of Maplewood, you will see that fifteen (15) other Minnesota communities wish to be considered co-applicants to this request. In addition, nine (9) other governmental entities and the Minnesota Chiefs of Police Association have provided written support for this application.

Applicant Cities include:

City of Aitkin
City of Baxter
City of Big Lake
City of Brainerd
City of Brooklyn Park

City of Burnsville
City of Farmington
City of Grand Rapids
City of Jordan
City of Montevideo

City of Onamia
City of Richfield
City of Rochester
City of St. Anthony
City of Starbuck

Supporting Governmental Entities include:

City of Bloomington
City of Duluth
City of Eden Prairie
City of Madelia
City of Maple Grove

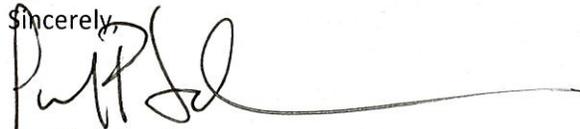
City of Mounds View
City of Oak Park Heights
City of Plymouth
City of Worthington

As mentioned, the Minnesota Chiefs of Police Association has provided a letter in support of the application and we've been told that other community-based advocacy agencies such as the Minnesota Coalition for Battered Women and Minnesota Coalition Against Sexual Assault will be submitting letters of support directly to your office.

Thank you for all you and all employees in Department of Administration do in service in our communities.

If you require additional information, please do not hesitate to contact me at 651-249-2602 or paul.schnell@ci.maplewood.mn.us.

Sincerely,



Paul P. Schnell
Chief of Police
City of Maplewood

CC: Co-applicant entities
Supporting entities

Application for Temporary Classification of Government Data

Submission. Government entities can submit this application by mail or email to:

Commissioner of Administration
c/o Information Policy Analysis Division (IPAD)
201 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

info.ipad@state.mn.us

Not public data. Once the Commissioner receives your application, the data are no longer public.

Public data. The application itself is public.

Commissioner's decision. The Commissioner has 45 calendar days to decide whether to grant the temporary classification. The Commissioner has 90 calendar days to make a decision if you request that the temporary classification apply to both your government entity and similar government entities, or the Commissioner decides the classification has statewide implications.

NAME AND TITLE OF RESPONSIBLE AUTHORITY

Karen Haag, Director/City Clerk

Minnesota Statutes, section 13.06, subdivision 1, requires a government entity's responsible authority to authorize submission of the application.

REQUESTING GOVERNMENT ENTITY'S NAME AND ADDRESS

City of Maplewood

1830 County Road B East, Maplewood Minnesota 55109-2702

ADDITIONAL CONTACT INFORMATION

If entity staff or legal counsel helps prepare the application, please include that person's contact information.

NAME: Roger N. Knutson

PHONE NUMBER: 651-234-6215

EMAIL ADDRESS: rknutson@ck-law.com

TYPE OF APPLICATION

New Application

Amended Application

REQUESTED CLASSIFICATION

Private or nonpublic

Confidential or protected nonpublic

CLASSIFICATION WILL APPLY TO (check one)

Only the requesting government entity

All similar government entities

If applying on behalf of similar entities, identify all entities. You must provide documentation that the other entities agree to participate in the application and to be bound by the classification.

DESCRIBE DATA TO BE CLASSIFIED AS NOT PUBLIC

Describe the data you would like to be classified as not public. Be as specific as possible. Listing each data element is not necessarily required, but try to avoid general descriptions, such as "all files" or "all records maintained by this entity." It may be helpful to submit data collection forms. You should also identify data elements or types of data that are excluded from the temporary classification. If any of the data will become public at some point, describe the circumstances and/or timing. *(Please attach description.)*

CURRENT CLASSIFICATION

Is there a Minnesota statute or federal law that currently classifies these data as not public?

No

Yes *(If you are able to cite a state statute or federal law, there is no need to submit this application.)*

Is there a Minnesota statute or federal law that could be interpreted to forbid classification of these data as not public?

No

Yes

If yes, cite the statute or law and discuss your interpretation. *(Please attach interpretation.)*

DATA SHARING

Will you be legally required to share the data described in this application with persons outside of your entity during the time of the temporary classification?

No

Yes

If yes, describe the required sharing, including statutory authority. *(Please attach description.)*

JUSTIFICATION

You must clearly establish that a compelling need exists for immediate temporary classification of the data as not public, which if not granted could adversely affect the public's health, safety or welfare, or the data subject's well-being or reputation. If relevant, include any past instances where release of the data had an adverse effect on the public or data subject. *(Please attach compelling need justification.)*

In addition to the compelling need justification, you must describe one or more of the following.

1. Establish that data similar to that which the temporary classification is sought are currently classified as not public. Include the Minnesota statute citation to the similar data's current classification. Discuss similarities in the data, in the functions of the entities which maintain similar data, and in the programs/purposes for which the data are collected and used. *(Please attach similar data argument.)*
2. Establish that making the data available to the public would render unworkable a program authorized by law. Describe the program and cite the statute or federal law that authorizes it. If relevant, include past instances where release of the data rendered a program unworkable. *(Please attach render a program unworkable argument.)*

I affirm that all of the above statements are true to the best of my knowledge.

I am aware that a temporary classification expires August 1st of the year following its submission to the Legislature pursuant to Minnesota Statutes, section 13.06, subdivision 7, unless the Legislature takes action on the classification.



Signature of Responsible Authority



Date

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Maplewood, Minnesota, was duly called and held in the Council Chambers of said City on the 13th day of July, 2015 at 7:08 P.M.

The following members were present:

Nora Slawik, Mayor	Present
Marylee Abrams, Councilmember	Present
Robert Cardinal, Councilmember	Present
Kathleen Juenemann, Councilmember	Present
Marvin Koppen, Councilmember	Present

Approve Resolution in Support of Application for the Temporary Classification of Body Worn Camera Data

Councilmember Juenemann moved to the Resolution in Support of Application of a Temporary Classification of Body Worn Camera Data.

Resolution 15-7-1234
Resolution In Support of Application for a
Temporary Classification of Body Worn Camera Data

Whereas, critical incidents between law enforcement officers and community members across the United States have resulted in demands for increased accountability and transparency in police operations, and

Whereas, a June 2015 survey sponsored by the Minnesota Police and Peace Officers Association showed that Minnesota law enforcement is well-respected and highly regarded by members of their respective communities, and

Whereas, the Maplewood Police Department has had a successful limited deployment of body worn cameras since mid-2014 and seeks to expand use of body worn camera technology to strongly affirm its commitment to high quality community oriented policing, and

Whereas, the Maplewood Police Department solicited public input through an online survey pertaining to body worn camera use and found that:

- 97% of those surveyed said they are aware of the fact that law enforcement agencies are using or exploring the use of body cameras, and
- 65% agreed that using body cameras could help improve police community relations, and
- 62% said video taken in their home during a police call for service should be private except to them as a subject of the data,

Whereas, the City of Maplewood has an interest in protecting the privacy of individuals who have contact with our police officers while ensuring that involved persons can access video for purposes of ensuring police accountability, and

Whereas, the Maplewood Police Department intends to partner with other law enforcement agencies and allied community organizations to prepare and submit an application to Minnesota's Commissioner of Administration seeking a temporary classification of body worn camera data until such time as the Minnesota legislature establishes law governing such data.

NOW, THEREFORE, BE IT RESOLVED, the Maplewood City Council supports the police department's plan to actively participate in the development and submission of a multi-jurisdictional application for the temporary classification of body worn camera data.

Seconded by Councilmember Abrams

Ayes – All

The motion passed.

STATE OF MINNESOTA)
COUNTY OF RAMSEY) SS
CITY OF MAPLEWOOD)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Maplewood, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes of a regular meeting of the City Council of the City of Maplewood, held on the **13th day of July, 2015** with the original on file in my office, and the same is a full, true and complete transcript therefrom insofar as the same relates to the Resolution in Support of Application for the Temporary Classification of Body Worn Camera Data.

WITNESS my hand and sealed this **11th day of September, 2015:**



Karen Haag, City Clerk
City of Maplewood, Minnesota

Attachment to Application for Temporary Classification of Government Data

Describe Data to be Classified as Not Public:

Body worn cameras are portable video recording systems typically attached to the front of a law enforcement officer's outer uniform. Officers activate the body cameras during citizen encounters, including crimes in progress, priority responses, arrests, physical or verbal confrontations, rendering aid, providing problem-solving assistance and support, and when interviewing witnesses or victims. The place of encounter between and officer and community member is commonly dictated by a call for service or effecting and enforcement action. These officer citizen contacts can be highly dynamic and emotionally charged encounters occurring in public places, such as a public sidewalk or local retail store. In other instances these encounters occur in private such as caller's home, bedrooms, bathrooms, or in medical or social service facilities.

Based upon the limitations on temporary classifications, this application is narrower than what is needed. The applicants will petition the State Legislature to enact a more thorough law but in the interim this is needed to protect the public.

The applicants are requesting a temporary classification for the following data obtained through the use of body camera recording systems:

Definition

"Body Camera" means audio or video data collected by a device worn by a peace officer that is capable of both video and audio recording of the officer's activities and interactions with others.

Temporary Classification Request

Body Camera recording system data which is not active or inactive criminal investigative data is private data on individuals or nonpublic data unless the incident involved the use of a dangerous weapon by a peace officer or use of physical force by a peace officer that causes bodily harm, as those terms are defined in Minnesota Statutes section 609.02.

If a subject of the data requests that the data be accessible to the public, the data is public provided that data on a subject who is not a peace officer and who does not consent to the release must be redacted, if practicable.

A law enforcement agency may withhold access to body camera data that is public to the extent that the data is clearly offensive to common sensibilities, which includes nudity, neighborhood disputes, dead bodies, welfare checks, domestic disputes, inside of private residences and responses to medical and mental health crises.

Joint Application

The following government entities join in the application of the City of Maplewood for a temporary classification and agree to be bound by the classification. Refer to appendix A for the joint applicant resolutions and letters.

1. City of Aitkin, City Council resolution
2. City of Baxter, City Council resolution
3. City of Big Lake, City Council resolution
4. City of Brainerd, joint applicant letter
5. City of Brooklyn Park, City Council resolution
6. City of Burnsville, City Council resolution
7. City of Farmington, City Council resolution
8. City of Grand Rapids, joint applicant letter
9. City of Jordan, City Council resolution
10. City of Montevideo, City Council resolution
11. City of Onamia, City Council resolution
12. City of Richfield, City Council resolution
13. City of Rochester, City Council resolution
14. City of St. Anthony, joint applicant letter
15. City of Starbuck, City Council resolution

Supporting Governmental Entities

The following government entities have submitted letters of support in the application of the City of Maplewood for a temporary classification. Refer to Appendix B for the letters of support.

1. City of Bloomington
2. City of Duluth
3. City of Eden Prairie
4. City of Madelia
5. City of Maple Grove
6. City of Mounds View
7. City of Oak Park Heights
8. City of Plymouth
9. City of Worthington

Supporting Professional Association

The following professional association has submitted a letter of support in the application of the City of Maplewood for a temporary classification. Refer to Appendix C for the letter of support.

1. Minnesota Police Chiefs Association

Justification:

There is a compelling need for immediate temporary classification of the data described above as not public, which if not granted, could adversely affect the privacy rights, health, safety, or welfare of the public, or the data subject's well-being or reputation.

The purpose of the Minnesota Government Data Practices Act ("Act") is "to reconcile the rights of data subjects to protect personal information from indiscriminate disclosure with the right of the public to know what the government is doing." *KSTP-TV v. Ramsey County*, 806 N.W.2d 785, 786-7 (Minn. 2011), citing *Montgomery Ward & Co. v. County of Hennepin*, 450 N.W.2d 299, 307 (Minn. 1990). Also, the Act attempts "to balance these competing rights within a context of effective government operation." *Id.* Pursuant to Minnesota Statutes, section 13.03, subdivision 1, all government data are presumed to be public unless otherwise classified by statute, federal law, or temporary classification.

Data that law enforcement agencies collect, create, or maintain are classified under section 13.82. This section provides that certain law enforcement data are always public, certain law enforcement data are never public, and certain law enforcement data may become public depending on the occurrence of certain events.

Those data falling within subdivisions 2, 3, and 6 of section 13.82 are always classified as public. Certain law enforcement data are never public, such as the identities of undercover law enforcement officers. See §13.82, subd. 17. Other law enforcement data, such as active criminal investigative data, are not public while an investigation is active. §13.82, subd. 7. Once the investigation becomes inactive, criminal investigative data, with certain exceptions, are classified as public.

Body cameras are a useful tool for law enforcement. However, the technology and growing calls for its use are advancing faster than the law. As a result, there are compelling concerns regarding citizen privacy.

In the March 2015 Final Report by Presidents Task Force on 21st Century Policing, considerable attention was given to advances in technology and the potential benefits that can be derived from appropriate implementation and use. The task force recognized the competing interests and discussed the need for considering human rights and civil liberties.

Body-worn cameras raise privacy concerns that have not to date been addressed by the legislature. Unlike the data typically generated as result of law enforcement response or action (i.e. narrative police reports), body cameras can simultaneously record both audio and video and capture clear, close-up images.

Body cameras accompany officers, and collect data, inside homes and other private spaces protected by the Fourth Amendment of the United States Constitution, as well as non-private places retaining some level of privacy protection, such as schools, health care facilities and public locker rooms and bathrooms. But the nature of the contact between officer and citizen regularly occurs even in public spaces where the expectation, on the part of the citizen is that the

information they discuss or share will be held with some modicum of privacy. For instance, a parent discusses concerns about a child's behavior or expected and wishes to explore options. Or the case of person has safety concerns about a property in their neighborhood. While they are purposeful in their willingness to share that information with an officer, certainly they would not expect that information to be shared publically.

Body worn camera technology presents privacy concerns of a nature not previously anticipated or foreseen. At the same time, calls for increased levels of police accountability and transparency especially around the use of force are being demanded. As such, existing law is inadequate to balance the competing interests or to protect data subjects against unwarranted intrusion into their private lives. The public's right to have access to data about the government needs to be balanced against the individual's constitutionally protected right to privacy. This balancing test begs the question: Is public purpose served by allowing unfettered public access to body worn data showing a victim in distress, a person experiencing traumatic stress, vulnerable or mentally ill person in a comprised state due to their life circumstances or the nature of their victimization? If the answer is "yes", then does a citizen's constitutionally-protected right to privacy outweigh the public's right to access the body camera data? At present, mechanisms to assert privacy rights within Chapter 13 are limited.

For example, victims of domestic abuse, criminal sexual assault and other crimes involving sensitive issues may be reluctant to provide statements on camera for fear of retaliation or some other potential negative consequence. Body-worn cameras capture images in real time and the subjects are often people in the midst of traumatic circumstances. Body camera data may reveal personal, intimate details of victims in a vulnerable state. Emotions may be intense and the experience may be very personal to the individual involved. The possibility that the body camera data may be disclosed to the general public and published over the internet for the entire world to see would negatively impact the welfare of the data subject. We live in a world where video clips can "go viral" in a matter of hours. The rapid and wide-spread dissemination of this data could result in the re-victimization of the victim, and damage the victim's mental and/or physical health. In addition, public disclosure of this data has the potential impact of chilling victim cooperation with law enforcement. It may even discourage the request for law enforcement assistance from victims of certain types of crime. This would be detrimental to the safety of the individuals involved as well as the general public, as criminal behavior would go unpunished.

If the body camera data are classified as public, the general public would be able to gain "virtual" entry into the homes of victims and witnesses. This could undermine the safety of victims and witnesses. For example, this virtual entry may enable domestic abusers to locate their victims and cause them additional harm. It may also enable suspects to locate and intimidate potential witnesses, thereby discouraging witness cooperation with the criminal prosecution function.

Further, by gaining access to this data, criminals may be able to target homeowners who are elderly or vulnerable. This data may also reveal valuables or firearms located in a home, which may put that home at risk of being burglarized.

The same negative consequences could result where the body camera captures a person involved in a medical or mental health emergency, be it a heart attack, drug overdose, or attempted suicide. The privacy interests under these circumstances should prevail over the public's hunger for sensationalism or gossip. This privacy interest is recognized to a limited degree by section 13.82, subd. 17(f), which classifies as not public the data that would reveal the identity of a person or subscriber who placed a call to a 911 system and the object of the call is to receive help in a mental health emergency. However, this provision protects only the identity of the person placing the call. It does not protect the data revealing the identity or other circumstances of the person needing help in a mental health emergency or other medical emergency.

Balancing individual privacy interests with the presumptively public classification of government data under chapter 13 is proving challenging under the best of circumstances, and may be fertile ground for lawsuits from proponents on both sides of the spectrum. On the one hand, data subjects may bring an action against the government, claiming invasion of privacy. And, on the other hand, members of the public denied access to the data may bring an action against the same government, claiming a violation of chapter 13 amid allegations of police misconduct or cover-up. In addition, chapter 13 sets forth powerful civil remedies for violations, including money damages, injunctive relief, civil penalties and criminal charges. *See* Minn. Stat. §§ 13.08, 13.09.

The recent appearance of body camera use by law enforcement personnel is not unique to Minnesota. Law enforcement agencies in other states are also examining whether to use body-worn cameras. Those that have invested in this new technology are confronted with balancing the benefits of using the technology with the privacy interests at stake. Indeed, the question of whether or not body cameras should be used by law enforcement has generated a national debate. Public opinion appears to be heated and divided on the issue of whether body camera data should be accessible to anyone upon request.

Scott Greenwood, attorney with the American Civil Liberties Union, has expressed concern regarding video recordings taken while officers are inside a person's home:

An officer might be allowed to go into the residence and record, but that does not mean that everything inside ought to be public record. The warrant is an exception to the Fourth Amendment, not a waiver. We do not want this to show up on YouTube. My next-door neighbor should never be able to view something that happened inside my house without my permission.

Miller, Lindsay, Jessica Toliver, and Police Executive Research Forum 2014, *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*, Washington, D.C., Office of Community Oriented Policing Services, p. 15.

The important and immediate competing interests at stake merit both local and state-wide discussion and resolution. Therefore, it's imperative that the body camera data at issue be protected by a temporary private or non-public classification to provide the legislature, local governments, and law enforcement executives an opportunity to appropriately address the issues within the legislative process.

Establish that data similar to that which the temporary classification is sought are currently classified as not public. Include the Minnesota statute citation to the similar data's current classification. Discuss similarities in the data, in the functions of the entities which maintain similar data, and in the programs/purposes for which the data are collected and used.

A. Under Minnesota Statutes section 13.82, subd. 17(b), the identity of a victim or alleged victim of criminal sexual conduct is protected and law enforcement agencies shall withhold public access to such data. Likewise, body cam data of such a victim being assisted or questioned by law enforcement responding to the scene of the crime should be protected from public access. For instance, even if the victim's face is pixilated on the body camera video and the voice is disguised, the body camera data could contain information from which the victim's identity could be ascertained, whether it be something that identifies where the victim lives or perhaps even the vehicle the victim drives. What particular piece of data included within the body camera video could be a clue to the victim's identity is likely beyond human capability to recognize and redact. Something as inconsequential as a unique piece of furniture or a family photograph inadvertently caught within the frame of the camera lens could be used to identify the victim.

The privacy and safety concerns surrounding body camera data of the victim that don't necessarily disclose the victim's identity, are equally if not more compelling, than the concerns justifying the withholding of the victim's identity. If the video of a victim's narrative regarding the details of the assault were publicly disclosed, each re-play of the video, whether by the media or others, would re-victimize the victim. The victim would be helpless to stop the video from being aired on television, shared on social networking sites, or uploaded onto any number of other public sites on the internet, whether "YouTube" or a similar site. Once data is in cyberspace, it is effectively there forever.

B. Under Minnesota Statutes section 13.822, sexual assault communication data are classified as private data on individuals. This section protects all persons who consult with a sexual assault counselor. Again, the underlying policy is to protect victims of sexual assault. Consistent with this policy is section 13.823, which exempts from the scope of chapter 13 a "program that provides shelter or support services to victims of domestic abuse or a sexual attack". And, personal history information collected, used, or maintained by a designated shelter facility is private data on individuals. *See* Minn. Stat. § 611A.371(3). Finally, personal history information and other information collected, used, and maintained by an Office of Justice Programs in the Department of Public Safety or a grantee thereof, from which the identity and location of any victim may be determined, are private data. *See* Minn. Stat. § 611A.46.

Classifying body camera data as not public is consistent with the public policy supporting these statutes.

C. Under Minnesota Statutes section 13.821, subd. (a), an individual subject of data may not obtain a copy of a videotape in which a child victim or alleged victim is alleging, explaining, denying, or describing an act of physical or sexual abuse without a court order under section 13.03, subdivision 6, or section 611A.90. Section 611A.90 provides that a custodian of a

videotape of a child victim or alleged victim alleging, explaining, denying, or describing an act of physical or sexual abuse as part of an investigation or evaluation of the abuse may not release a copy of the videotape without a court order.

Additionally, body camera may capture data falling within the protections of section 13.821, whether or not the officer is aware at the time that the child is likely to describe an event of abuse. A child might blurt out something unexpectedly while the officer is in the home interviewing an adult on an unrelated matter. Or, it could develop through a casual encounter with an officer on a public sidewalk. Regardless, the body camera data involving the child should be afforded the same protection as videotape data specifically collected within the parameters of section 13.821. The fact that the officer did not intend to capture videotape of the child for the purposes contemplated by section 13.821 should not result in the data being unprotected.

It is important to note that section 13.821(a) precludes the ability to “obtain a copy of a videotape”. It does not limit “other rights of access to data”. *See* Minn. Stat. § 13.821(b).

D. Under Minnesota Statutes, section 13.82, subdivision 8, active or inactive investigative data that **identify a victim** of child abuse or neglect reported under section 626.556 are private data on individuals. Section 626.556 governs the reporting of maltreatment of minors. All records of the local welfare agency responsible for investigating the report of maltreatment are classified as private data. *See* Minn. Stat. § 626.556, subd. 11.

Subdivision 1 of section 626.556 states that, “The legislature hereby declares that the public policy of this state is to protect children whose health or welfare may be jeopardized through physical abuse, neglect, or sexual abuse.” Classifying body camera data relating to child abuse or neglect as private or nonpublic is consistent with this public policy.

Further, under section 13.82, subd. 9, investigative child abuse data that become inactive because either the agency or prosecuting authority decide not to pursue the case or the statute of limitations expires, are classified as private data. However, such protection does not appear to apply where criminal charges are brought. In such a case, sensitive body camera data could end up in the public eye with devastating and harmful effects upon the minor child. Again, because video can be shared with the entire world in a matter of seconds, its negative impact upon the victim can be devastating and incapable of retraction. Such video is a favorite of cyberbullies. This is in sharp contrast to live testimony in a courtroom, where the public is invited, but typically does not attend, absent some relationship to the parties or connection with the proceeding. A child’s classmates are likely to be unaware of a domestic abuse matter being heard in court. However, sensitive body camera video relating to such domestic abuse can be easily and quickly shared among classmates on any number of electronic devices, whether a high-tech telephone, tablet, or similar gadget. The potential harm that could result from publicizing victim and witness testimony or statements is recognized by the Minnesota court rules, which prohibit the photographic or electronic recording and reproduction of criminal proceedings absent the consent of all parties. *See* Minnesota General Rules of Practice for the District Courts, Rules 4.01-4.04. As a result, camera and microphones are rarely allowed in Minnesota trial courts.

E. Under Minnesota Statutes, section 13.82, subd. 17(b), the identity of a minor who has engaged in a sexual performance or pornographic work is protected from public access. *See, also*, Minn. Stat. § 617.246, subd. 2. For the reasons articulated above, body camera video that reveals either the identity of the minor or other sensitive details regarding the behavior should be classified as not public.

F. Under Minnesota Statutes, section 13.82, subd. 17(f), a limited privacy interest is recognized with regard to data that would reveal the identity of a person or subscriber who places a call to a 911 system and the object of the call is to receive help in a mental health emergency. However, this provision protects only the identity of the person placing the call. It does not protect the data revealing the identity or other circumstances of the person needing help in a mental health emergency or other medical emergency. Additional protection is needed for data subjects where the body camera captures a subject involved in a medical or mental health emergency, be it a heart attack, drug overdose, or attempted suicide. The privacy interests of the subject under these circumstances should prevail over the public's hunger for sensationalism or gossip.

G. Under Minnesota Statutes, section 13.37, data on volunteers who participate in community crime prevention programs, including the lists of volunteers, their home addresses and telephone numbers are protected data. Also, under section 13.82, subd. 17(c), data that reveal the identity of a paid or unpaid informant being used by the agency if the agency reasonably determines that revealing the identity of the informant would threaten the personal safety of the informant. Additionally, under Minnesota Statutes, section 13.82, subd. 4, the audio recording of a call placed to a 911 system for the purpose of requesting service from a law enforcement agency is private data on individuals with respect to the individual making the call. Moreover, section 13.82, subds. 8, protects the identity of reporters of child abuse or neglect. Finally, the law protects the identity of reports of maltreatment of vulnerable adults. *See* Minn. Stat. §§ 13.82, subd. 8, 10; Minn. Stat. § 626.557. Clearly, these statutory provisions are designed to protect the anonymity of interested citizens willing to alert police to potential criminal activity, whether or not criminal charges are forthcoming. They also serve to encourage the reporting of crime, cultivate community participation in the battle against crime, and foster strong community relationships. All of these interests serve public safety. Likewise, similar types of data captured by a body camera should be classified as not public.

Establish that making the data available to the public would render unworkable a program authorized by law. Describe the program and cite the statute or federal law that authorizes it. If relevant, include past instances where release of the data rendered a program unworkable.

Police Departments are using the body-worn cameras as a tool for law enforcement functions. Use of the body camera data can be valuable for investigating and prosecuting criminal behavior. This, in turn, promotes public safety. However, unfettered public access to the body camera data may have detrimental and severe consequences for certain victims and witnesses, which in turn could hamper victim and witness cooperation with law enforcement. Also, access to the data could unintentionally aid future criminal behavior. Finally, public access to the data could result

in Fourth Amendment privacy violations, thereby subjecting law enforcement agencies and political bodies to lawsuits.

Body cameras have been receiving a lot of interest and media attention recently. According to Chuck Wexler, executive director of the Police Executive Research Forum, the “recent emergence of body-worn cameras has already had an impact on policing and this impact will only increase as more agencies adopt this technology.” Johnson, Kevin. “Police Body Cameras Offer Benefits, Require Training.” USA Today, September 12, 2014. In 2014, President Obama announced that he favors more police utilizing body-worn cameras. To help bring this to fruition, he proposed a three-year, \$263 million spending package to increase the use of body-worn cameras, among other objectives. Pickler, Nedra. “Obama Wants More Police Wearing Body Cameras”. Associated Press, December 1, 2014.

However, some law enforcement agencies already using this new technology have been faced with suspending or eliminating the use of body cameras due to the exorbitant cost involved with responding to requests for the body camera data. Law enforcement agencies using this technology have been confronted with public data requests for the body camera video that police have described as burdensome.

Police Departments generates several thousand body camera videos per month. Some of these data, such as video of law enforcement activities occurring within a public place, would be classified as public data once the criminal investigation becomes inactive. Other data, however, would be a blend of data classified as public, private and/or confidential. Responding to a data request for such data would require a staff person to view the body camera video, determine its classification, and redact any data classified as private, confidential or not public. The redaction process could involve blocking out sound, blocking out faces or things, etc., while preserving for release that data classified as public. It’s a layered process requiring time of staff members, which translates into financial cost for the agency. Further, the agency decision to redact data that the agency classifies as not public is being challenged on an increasing basis, which adds another layer of staff time and expense. As the awareness of body camera video and demand for its release to the public increase, the cost to law enforcement agencies and local government in responding to these requests also increases. For local government has the sustainable resources to respond to broad, bulk or blanket data requests for body camera video. Such requests will effectively shut down the body camera programs, rendering this useful and innovative technology unworkable.

Data Sharing:

The city of Maplewood will be legally required to share some of the data described in this application with persons outside of the city during the time of the temporary classification. That data which is relevant to criminal charges will be provided to the defendant or defense counsel pursuant to the discovery obligations under the Minnesota Rules of Criminal Procedure.

Appendix A

RESOLUTION 09-08-15 A

Resolution In Support of Application for a
Temporary Classification of Body Worn Camera Data

Whereas, critical incidents between law enforcement officers and community members across the United States have resulted in demands for increased accountability and transparency in police operations, and

Whereas, a June 2015 survey sponsored by the Minnesota Police and Peace Officers Association showed that Minnesota law enforcement is well-respected and highly regarded by members of their respective communities, and

Whereas, the Chief of Police Association solicited public input through an online survey pertaining to body worn camera use and found that:

- 97% of those surveyed said they are aware of the fact that law enforcement agencies are using or exploring the use of body cameras, and
- 65% agreed that using body cameras could help improve police community relations, and
- 62% said video taken in their home during a police call for service should be private except to them as a subject of the data,

Whereas, the City of Aitkin has an interest in protecting the privacy of individuals who have contact with our police officers while ensuring that involved persons can access video for purposes of ensuring police accountability, and

Whereas, the Aitkin Police Department intends to partner with other law enforcement agencies and allied community organizations to prepare and submit an application to Minnesota's Commissioner of Administration seeking a temporary classification of body worn camera data until such time as the Minnesota legislature establishes law governing such data.

NOW, THEREFORE, BE IT RESOLVED, the Aitkin City Council supports the police department's plan to actively participate as a joint-applicant in the development and submission of a multi-jurisdictional application for the temporary classification of body worn camera data.

Adopted this 8th DATE September, 2015



Mayor

Attest:



City Clerk



**CITY OF BAXTER, MINNESOTA
RESOLUTION 2015-93**

**A RESOLUTION IN SUPPORT OF APPLICATION FOR A TEMPORARY
CLASSIFICATION OF BODY WORN CAMERA DATA**

WHEREAS, critical incidents between law enforcement officers and community members across the United States have resulted in demands for increased accountability and transparency in police operations, and

WHEREAS, a June 2015 survey sponsored by the Minnesota Police and Peace Officers Association showed that Minnesota law enforcement is well-respected and highly regarded by members of their respective communities, and

WHEREAS, the Baxter Police Department has intentions to incorporate and use body worn camera technology in the future to strongly affirm its commitment to high quality community oriented policing, and

WHEREAS, the City of Baxter has an interest in protecting the privacy of individuals who have contact with our police officers while ensuring that involved persons can access video for purposes of ensuring police accountability, and

WHEREAS, the Baxter Police Department intends to partner with other law enforcement agencies and allied community organizations to prepare and submit an application to Minnesota's Commissioner of Administration seeking a temporary classification of body worn camera data until such time as the Minnesota legislature establishes law governing such data.

NOW, THEREFORE, BE IT RESOLVED, the Baxter City Council supports the police department's plan to actively participate as a joint-applicant in the development and submission of a multi-jurisdictional application for the temporary classification of body worn camera data.

Adopted by the Baxter City Council this 1st day of September, 2015.

CITY OF BAXTER, MINNESOTA



Darrel Olson
Mayor

ATTEST:



Kelly Steele
Assistant City Administrator/Clerk

SEAL

**CITY OF BIG LAKE
MINNESOTA**

A general meeting of the City Council of the City of Big Lake, Minnesota was called to order by Mayor Raeanne Danielowski at 6:00 p.m. in the Council Chambers of City Hall, Big Lake, Minnesota, on Wednesday, September 9, 2015. The following Council Members were present: Nick Christenson, Raeanne Danielowski, Seth Hansen, Duane Langsdorf, and Mike Wallen. A motion to adopt the following resolution was made by Council Member Hansen and seconded by Council Member Langsdorf.

**BIG LAKE CITY COUNCIL
RESOLUTION NO. 2015-64**

**RESOLUTION IN SUPPORT OF APPLICATION FOR A TEMPORARY
CLASSIFICATION OF BODY WORN CAMERA DATA**

WHEREAS, critical incidents between law enforcement officers and community members across the United States have resulted in demands for increased accountability and transparency in police operations, and

WHEREAS, a June 2015 survey sponsored by the Minnesota Police and Peace Officers Association showed that Minnesota law enforcement is well-respected and highly regarded by members of their respective communities, and

WHEREAS, the Big Lake Police Department has had a successful limited deployment of body worn cameras since June 2015 and seeks to expand use of body worn camera technology to strongly affirm its commitment to high quality community oriented policing, and

WHEREAS, the Big Lake Police Department solicited public input through an online survey pertaining to body worn camera use and found that:

- 97% of those surveyed said they are aware of the fact that law enforcement agencies are using or exploring the use of body cameras, and

- 65% agreed that using body cameras could help improve police community relations, and
- 62% said video taken in their home during a police call for service should be private except to them as a subject of the data,

WHEREAS, the City of Big Lake has an interest in protecting the privacy of individuals who have contact with our police officers while ensuring that involved persons can access video for purposes of ensuring police accountability, and

WHEREAS, the Big Lake Police Department intends to partner with other law enforcement agencies and allied community organizations to prepare and submit an application to Minnesota's Commissioner of Administration seeking a temporary classification of body worn camera data until such time as the Minnesota legislature establishes law governing such data.

NOW, THEREFORE, BE IT RESOLVED, the Big Lake City Council supports the police department's plan to actively participate as a joint-applicant in the development and submission of a multi-jurisdictional application for the temporary classification of body worn camera data.

Adopted by the Big Lake City Council this 9th day of September, 2015.


Mayor Raeanne Danielowski

Attest:


Gina Wolbeck, City Clerk

The following Council Members voted in favor: Christianson, Danielowski, Hansen, Langsdorf, and Wallen.

The following Council Members voted against or abstained: None.

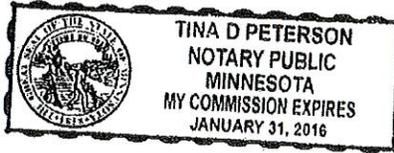
Whereupon the motion was duly passed and executed.

DRAFTED BY:
City of Big Lake
160 Lake Street North
Big Lake, MN 55309

STATE OF MINNESOTA)
)SS.
COUNTY OF SHERBURNE)

The foregoing instrument was acknowledged before me this 9th day of September, 2015 by the Mayor and City Clerk of the City of Big Lake, a Minnesota municipal corporation, on behalf of the corporation.

Tina D. Peterson
Notary Public



September 10th, 2015

**MINNESOTA COMMISSIONER OF ADMINISTRATION
50 SHERBURNE AVE, #201 ADMIN BUILDING
ST PAUL, MN 55155**



www.ci.brainerd.mn.us

**RE: TEMPORARY CLASSIFICATION OF POLICE BODY WORN
CAMERA (BWC) DATA**

Please accept this letter as an official request on behalf of the Brainerd Police Department to be considered a joint-applicant in the development and submission of a multi-jurisdictional application for the temporary classification of police body worn camera data.

Our department like many is giving strong consideration to deploying police officer body worn cameras in the next 12 to 18 months. We were waiting for a legislative determination on the status of this data as it relates to classification, retention, and auditing requirements.

While we recognize this decision will have significant impact on how and when we undertake this project, in the event the decision is not forthcoming, we still intend to move forward in planning and implementation of our project. It is because of that, we are requesting to be part of this multi-agency request for a temporary classification of this data. This will help guide and direct us as we plan for and implement this project in policy making, training, and cost considerations.

The Brainerd Police Department has an interest in protecting the privacy of individuals who have contact with our police officers, while ensuring that involved person can access video for the purposes of promoting police accountability.

As a co-applicant in this process, we would agree to abide by this temporary classification, should on be issued.

Sincerely,

A handwritten signature in black ink, appearing to read 'Corky T. McQuiston', is written over the typed name.

Corky T. McQuiston
Chief of Police
Brainerd Police Department
225 East River Road
Brainerd MN 56401
218-829-2805

RESOLUTION #2015-165

RESOLUTION AUTHORIZING THE POLICE DEPARTMENT
TO PARTICIPATE IN A JOINT APPLICANT SEEKING TEMPORARY DATA CLASSIFICATION
OF BODY WORN CAMERAS AND BEGIN A 60-DAY BODY CAMERA PILOT PROGRAM

WHEREAS, critical incidents between law enforcement officers and community members across the United States have resulted in demands for increased accountability and transparency in police operations; and

WHEREAS, the City of Brooklyn Park has an interest in protecting the privacy of individuals who have contact with our police officers while ensuring that involved persons can access video for purposes of ensuring police accountability; and

WHEREAS, the City of Brooklyn Park Police Department intends to partner with other law enforcement agencies and allied community organizations to prepare and submit an application to Minnesota's Commissioner of Administration seeking a temporary classification of body worn camera data until such time as the Minnesota legislature establishes law governing such data; and

WHEREAS, the City of Brooklyn Park Police Department intends to begin a 60-day pilot program to determine video quality, data storage capacity, and overall financial impact to the city. The pilot program will begin during the month of September 2015.

NOW, THEREFORE, BE IT RESOLVED that the City of Brooklyn Park City Council supports the Police Department's plan to actively participate in a joint applicant in the development, submission of a multi-jurisdictional application for the temporary classification of body worn camera data, and initiate a pilot program.

The foregoing resolution was introduced by Council Member Crema seconded by Council Member Jordan.

The following voted in favor of the resolution: Trepanier, Gates, Mata, Crema, Jordan and Parks.

The following voted against: Lunde.

The following was absent: None.

Where upon the resolution was adopted.

ADOPTED: September 8, 2015



JEFFREY JONEAL LUNDE, MAYOR

#2015-165

CERTIFICATE

STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF BROOKLYN PARK

I, the undersigned, being the duly qualified City Clerk of the City of Brooklyn Park, Minnesota, hereby certify that the above resolution is a true and correct copy of the resolution as adopted by the City Council of the City of Brooklyn Park on September 8, 2015.

WITNESS my hand officially as such Clerk and the corporate seal of the City this 9th day of September 2015

(SEAL)


DEVIN MONTERO, CITY CLERK

RESOLUTION NO. 15-_____

CITY OF BURNSVILLE, MINNESOTA

**RESOLUTION IN SUPPORT OF APPLICATION FOR A
TEMPORARY CLASSIFICATION OF BODY WORN CAMERA DATA**

WHEREAS, critical incidents between law enforcement officers and community members across the United States have resulted in demands for increased accountability and transparency in police operations; and

WHEREAS, a June 2015 survey sponsored by the Minnesota Police and Peace Officers Association showed that Minnesota law enforcement is well-respected and highly regarded by members of their respective communities; and

WHEREAS, the Burnsville Police Department has had a successful deployment of body worn cameras since 2010; and

WHEREAS, the City of Burnsville has an interest in protecting the privacy of individuals who have contact with our police officers while ensuring that involved persons can access video for purposes of ensuring police accountability; and

WHEREAS, the Burnsville Police Department intends to partner with other law enforcement agencies and allied community organizations to prepare and submit an application to Minnesota's Commissioner of Administration seeking a temporary classification of body worn camera data until such time as the Minnesota legislature establishes law governing such data.

NOW, THEREFORE, BE IT RESOLVED, the Burnsville City Council supports the police department's plan to actively participate as a joint-applicant in the development and submission of a multi-jurisdictional application for the temporary classification of body worn camera data.

Adopted this 8th day of September, 2015

Elizabeth B. Kautz, Mayor

ATTEST:

Macheal Collins, City Clerk

RESOLUTION NO. R42-15

Resolution In Support of Application for a Temporary Classification of Body Worn Camera Data

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Farmington, Minnesota, was held in the Council Chambers of said City on the 8th day of September 2015 at 7:00 p.m.

Members Present: Larson, Bartholomay, Bonar, Donnelly, Pitcher
Members Absent: None

Member Bartholomay introduced and Member Pitcher seconded the following:

Whereas, critical incidents between law enforcement officers and community members across the United States have resulted in demands for increased accountability and transparency in police operations, and

Whereas, a June 2015 survey sponsored by the Minnesota Police and Peace Officers Association showed that Minnesota law enforcement is well-respected and highly regarded by members of their respective communities, and

Whereas, the Farmington Police Department has had a successful deployment of body worn cameras since 2014 and seeks to expand use of body worn camera technology to strongly affirm its commitment to high quality community oriented policing, and

Whereas, the Farmington Police Department solicited public input through an online survey pertaining to body worn camera use and found that:

- 97% of those surveyed said they are aware of the fact that law enforcement agencies are using or exploring the use of body cameras, and
- 65% agreed that using body cameras could help improve police community relations, and
- 62% said video taken in their home during a police call for service should be private except to them as a subject of the data, and

Whereas, the City of Farmington has an interest in protecting the privacy of individuals who have contact with our police officers while ensuring that involved persons can access video for purposes of ensuring police accountability, and

Whereas, the Farmington Police Department intends to partner with other law enforcement agencies and allied community organizations to prepare and submit an application to Minnesota's Commissioner of Administration seeking a temporary classification of body worn camera data until such time as the Minnesota legislature establishes law governing such data.

NOW, THEREFORE, BE IT RESOLVED, the Farmington City Council supports the police department's plan to actively participate as a joint-applicant in the development and submission of a multi-jurisdictional application for the temporary classification of body worn camera data.

This resolution adopted by recorded vote of the Farmington City Council in open session on the 8th day of September 2015.



Mayor

Attested to the 7th day of September 2015.



City Administrator

SEAL



CITY OF
GRAND RAPIDS
IT'S IN MINNESOTA'S NATURE

GRAND RAPIDS POLICE DEPARTMENT

420 NORTH POKEGAMA AVENUE, GRAND RAPIDS, MINNESOTA 55744-2662

Commissioner Matt Massman
Minnesota Department of Administration
200 Administration Building
50 Sherburne Avenue
Saint Paul, MN 55155

September 9, 2015

Commissioner Massman,

As technology progresses there is always a gap between technology adoption and public policy, defining its use. We find this to be the case with body worn cameras for law enforcement.

Law enforcement in Minnesota looked to our legislature to set policy as it relates to the maintenance and dissemination of video and audio data collected by police officers wearing body cameras. Today, any citizen can walk into their local police department and demand this data. With few exceptions, law enforcement must release it.

Allowing this release without further restrictions provides "virtual" access into homes of victims and witnesses. This could be used to intimidate them or undermine their safety. Anyone now has access to a resident's most sensitive, personal and sometimes compromising and embarrassing actions recorded on video. Furthermore, there is nothing that prevents the posting of these recordings on social media for the entire world to see. This is not a good situation.

The law needs to be changed to balance individual privacy interests with the public classification of government data under Chapter 13. It is just common sense. Unfortunately, the legislature chose not to do so. It is time to remedy this until the legislative process sets long-term public policy. I encourage the Commissioner of Administration to develop a Temporary Data Classification for body worn camera data that classifies this data as not public. Not doing so would be a terrible disservice to the public that we all serve.

Toward this end, it is the desire of our police department to be a co-applicant for this Temporary Data Classification request. We agree to abide by the temporary classification, should one be issued.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott A. Johnson", is written over a horizontal line.

Scott A. Johnson

Chief of Police

Grand Rapids Police Department

September 8, 2015

TO: Honorable Mayor
Members of the City Council

FROM: Brett Empey – Chief of Police

AGENDA ITEM: 13.0 (J) – Body Worn Camera Data – Resolution in Support of Application for a Temporary Classification

ACTION REQUESTED: Approve the Resolution in support of application for a temporary classification of body worn camera data.

BACKGROUND: The Jordan Police Department deployed body worn cameras department wide in 2013. Currently the Minnesota Government Data Practices Act (“MGDPA”) classifies police body worn camera video as public data unless such data is classified as evidence in a criminal matter.

For example, if the police are called to and enter a private home to calm a verbal dispute between a husband and wife and if the incident is deemed as non-criminal (meaning no crime was committed), then any police body worn camera video is public data under the MGDPA.

From a privacy standpoint police chiefs throughout our State including me do not feel this exposure of one’s home is acceptable to the public. We believe people’s home privacy should be protected and in the above scenario neighbors should not be able to obtain police body worn camera video, recorded inside of a private home, simply because they are nosy about what was said or went on inside.

The MN State Legislature hopefully will be debating the data privacy issues regarding police body worn camera video in the next legislative session and passing law giving direction on the matter. Until that time police departments are guided by the current MGDPA. Many Chiefs of Police around the State are banding together to make a joint application to Minnesota’s Commissioner of Administration, an entity with the authority (with certain exceptions) to assign a temporary classification of body worn camera video as “private data” until the legislature can debate and pass law on the matter. I feel it is important for the City of Jordan to be listed as a co-applicant and to support this effort.

FISCAL IMPACT: None

STAFF RECOMMENDATION: Motion to approve the Resolution in support of the joint application for a temporary classification on body worn camera data.

COUNCIL ACTION:

Motion: _____ Second: _____
Approved: X Disapproved: _____ Tabled _____

RESOLUTION NO. 9-79-2015

**CITY OF JORDAN RESOLUTION IN SUPPORT OF APPLICATION FOR A
TEMPORARY CLASSIFICATION ON BODY WORN CAMERA DATA**

WHEREAS, critical incidents between law enforcement officers and community members across the United States have resulted in demands for increased accountability and transparency in police operations, and

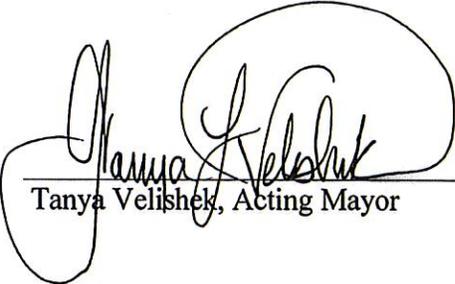
WHEREAS, the Jordan Police Department has had a successful deployment of body worn cameras since 2013 and seeks to continue the use of body worn camera technology to strongly affirm its commitment to high quality community oriented policing, and

WHEREAS, the City of Jordan has an interest in protecting the privacy of individuals who have contact with our police officers while ensuring the public can access video for purposes of ensuring police accountability, and

WHEREAS, the Jordan Police Department intends to partner with other law enforcement agencies and allied community organizations to prepare and submit an application to Minnesota's Commissioner of Administration seeking a temporary classification of body worn camera data until such time as the Minnesota legislature establishes law governing such data.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jordan, Scott County, Minnesota, that the City of Jordan supports it's police department's plan to actively participate as a joint-applicant in the development and submission of a multi-jurisdictional application for the temporary classification of body worn camera data.

ADOPTED this 8th day of September, 2015.



Tanya Velishek, Acting Mayor

ATTEST:



Tom Nikunen, City Administrator

RESOLUTION NO. 3310

**RESOLUTION IN SUPPORT OF APPLICATION FOR A
TEMPORARY CLASSIFICATION OF BODY-WORN CAMERA DATA**

WHEREAS, critical incidents between law enforcement officers and community members across the United States have resulted in demands for increased accountability and transparency in police operations; and,

WHEREAS, a June 2015 survey sponsored by the Minnesota Police & Peace Officer's Association showed that Minnesota law enforcement is well-respected and highly regarded by members of their respective communities; and,

WHEREAS, the Montevideo Police Department has had a successful limited deployment of body-worn cameras since 2014 and seeks to expand use of body-worn camera technology to strongly affirm its commitment to high quality community oriented policing; and,

WHEREAS, the Montevideo Police Department solicited public input through an online survey pertaining to body-worn camera use and found that:

- 97% of those surveyed said they are aware of the fact that law enforcement agencies are using or exploring the use of body cameras; and,
- 65% agreed that using body cameras could help improve police community relations; and,
- 62% said video taken in their home during a police call for service should be private except to them as a subject of the data; and,

WHEREAS, the City of Montevideo has an interest in protecting the privacy of individuals who have contact with our police officers while ensuring that involved persons can access video for purposes of ensuring police accountability; and,

WHEREAS, the Montevideo Police Department intends to partner with other law enforcement agencies and allied community organizations to prepare and submit an application to Minnesota's Commissioner of Administration seeking a temporary classification of body-worn camera data until such time as the Minnesota Legislature establishes law governing such data.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTEVIDEO THAT the council supports the police department's plan to actively participate as a joint-applicant in the development and submission of a multi-jurisdictional application for the temporary classification of body-worn camera data.

Passed and adopted this 8th day of September, 2015.

M. S. Oake
President, City Council

ATTEST:

Hennis A. Sawitser
City Clerk

Resolution In Support of Application for a
Temporary Classification of Body Worn Camera Data

Whereas, critical incidents between law enforcement officers and community members across the United States have resulted in demands for increased accountability and transparency in police operations, and

Whereas, a June 2015 survey sponsored by the Minnesota Police and Peace Officers Association showed that Minnesota law enforcement is well-respected and highly regarded by members of their respective communities, and

Whereas, the Onamia Police Department has had a successful limited deployment of body worn cameras since 9/15 and seeks to expand use of body worn camera technology to strongly affirm its commitment to high quality community oriented policing, and

Whereas, the Onamia Police Department solicited public input through an online survey pertaining to body worn camera use and found that:

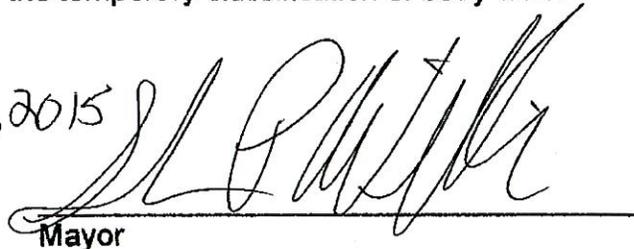
- 97% of those surveyed said they are aware of the fact that law enforcement agencies are using or exploring the use of body cameras, and
- 65% agreed that using body cameras could help improve police community relations, and
- 62% said video taken in their home during a police call for service should be private except to them as a subject of the data,

Whereas, the City of Onamia has an interest in protecting the privacy of individuals who have contact with our police officers while ensuring that involved persons can access video for purposes of ensuring police accountability, and

Whereas, the Onamia Police Department intends to partner with other law enforcement agencies and allied community organizations to prepare and submit an application to Minnesota's Commissioner of Administration seeking a temporary classification of body worn camera data until such time as the Minnesota legislature establishes law governing such data.

NOW, THEREFORE, BE IT RESOLVED, the Onamia City Council supports the police department's plan to actively participate as a joint-applicant in the development and submission of a multi-jurisdictional application for the temporary classification of body worn camera data.

Adopted this 9 DATE 9 September, 2015



Mayor

Attest:



City Clerk

RESOLUTION NO. 11113

RESOLUTION AUTHORIZING RESOLUTION IN SUPPORT OF THE APPLICATION FOR A
TEMPORARY CLASSIFICATION OF BODY WORN CAMERA DATA

WHEREAS, critical incidents between law enforcement officers and community members across the United States have resulted in demands for increased accountability and transparency in police operations; and

WHEREAS, a June 2015 survey sponsored by the Minnesota Police and Peace Officers Association showed that Minnesota law enforcement is well-respected and highly regarded by members of their respective communities; and

WHEREAS, the Richfield Police Department has had a successful limited deployment of body worn cameras since 2014 and seeks to expand use of body worn camera technology to strongly affirm its commitment to high quality community oriented policing; and

WHEREAS, the City of Richfield has an interest in protecting the privacy of individuals who have contact with its police officers while ensuring that involved persons can access video for purposes of ensuring police accountability; and,

WHEREAS, the Richfield Police Department intends to partner with other law enforcement agencies and allied community organizations to prepare and submit an application to Minnesota's Commissioner of Administration seeking a temporary classification of body worn camera data until such time as the Minnesota legislature establishes law governing such data.

NOW, THEREFORE, BE IT RESOLVED, the Richfield City Council supports the police department's plan to actively participate as a joint-applicant in the development and submission of a multi-jurisdictional application for the temporary classification of body worn camera data.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of September, 2015.



Debbie Goettel, Mayor

ATTEST:



Elizabeth VanHoose, City Clerk

ROCHESTER

Minnesota

FIRST CLASS CITY • FIRST CLASS SERVICE



September 4, 2015

ROGER PETERSON
Chief of Police
Rochester Police Department
101 4th Street S.E.
Rochester, MN 55904-3761
www.rochestermn.gov

Commissioner of Administration
c/o Information Policy Analysis Division (IPAD)
201 Administration Building
50 Sherburne Avenue
St. Paul MN 55155

RE: Application of Temporary Classification of Body Worn Camera Data– Declaration of Joint Application

Dear Commissioner:

The Rochester Police Department is a joint applicant for the Multi-Jurisdictional Application for the Temporary Classification of Body Worn Camera Data that is being submitted.

The Rochester Police Department has budgeted for body cameras and anticipates their implementation in the near future. The Police Department has an interest in protecting the privacy of individuals who have contact with our police officers while ensuring that involved persons can access video for purposes of ensuring police accountability.

The Rochester Police Department has partnered with other law enforcement agencies to prepare and submit this application seeking a temporary classification of body worn camera data until such time as the Minnesota Legislature establishes law governing such data.

Thank you for your consideration.

Sincerely,

Roger L. Peterson
Chief of Police



St. Anthony Police Department

John Ohl • Chief of Police

August 27, 2015

Dear Commissioner of Administration,

I am writing in support of “temporary classification” for body-worn camera data, and to notify you that our agency wishes to be a co-applicant with the City of Maplewood regarding this request. It is our contention that some body-worn camera data is “beyond common sensibilities” (such as medicals, mental health crisis calls, the interior of private homes, welfare checks, etc.) and, as such, should not be classified as public data.

Although our department does not currently use body-worn camera technology, we would agree to abide by the temporary classification should one be issued and upon obtaining this technology.

Respectfully,

A handwritten signature in black ink that reads "John Ohl". The signature is written in a cursive style with a large, sweeping initial "J".

John Ohl
Chief of Police
St. Anthony Police Department
612-782-3350

JO:vh

**CITY OF STARBUCK
COUNTY OF POPE
STATE OF MINNESOTA**

**MOTION:
SECOND:**

**RESOLUTION NO.
DATE:**

**2015-11
September 2, 2015**

**Resolution In Support of Application for a
Temporary Classification of Body Worn Camera Data**

Whereas, critical incidents between law enforcement officers and community members across the United States have resulted in demands for increased accountability and transparency in police operations, and

Whereas, a June 2015 survey sponsored by the Minnesota Police and Peace Officers Association showed that Minnesota law enforcement is well-respected and highly regarded by members of their respective communities, and

Whereas, the Starbuck Police Department has had a successful limited deployment of body worn cameras since 2009 and seeks to expand use of body worn camera technology to strongly affirm its commitment to high quality community oriented policing, and

Whereas, the Starbuck Police Department solicited public input through an online survey pertaining to body worn camera use and found that:

- 97% of those surveyed said they are aware of the fact that law enforcement agencies are using or exploring the use of body cameras, and
- 65% agreed that using body cameras could help improve police community relations, and
- 62% said video taken in their home during a police call for service should be private except to them as a subject of the data,

Whereas, the City of Starbuck has an interest in protecting the privacy of individuals who have contact with our police officers while ensuring that involved persons can access video for purposes of ensuring police accountability, and

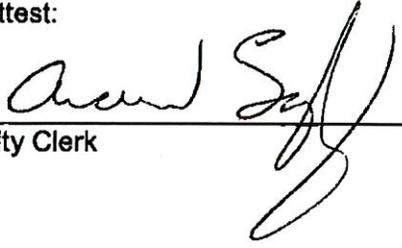
Whereas, the Starbuck Police Department intends to partner with other law enforcement agencies and allied community organizations to prepare and submit an application to Minnesota's Commissioner of Administration seeking a temporary classification of body worn camera data until such time as the Minnesota legislature establishes law governing such data.

NOW, THEREFORE, BE IT RESOLVED, the Starbuck City Council supports the police department's plan to actively participate as a joint-applicant in the development and submission of a multi-jurisdictional application for the temporary classification of body worn camera data.

Adopted this September 2, 2015

Attest:

City Clerk

A handwritten signature in cursive script, appearing to read "Amanda S. [unclear]", written over a horizontal line.

Mayor

A handwritten signature in cursive script, appearing to read "John [unclear]", written over a horizontal line.

Appendix B



September 10, 2015

Mr. Matthew Massman, Commissioner
Minnesota Department of Administration Information Policy Analysis Division
201 Administration Building
50 Sherburne Avenue St. Paul, MN 55155

Re: Application for Temporary Classification of Body Camera Data

Dear Commissioner Massman:

Please accept this letter in support of the application submitted by several Law Enforcement agencies for data collected through the use of police officer worn body cameras to be temporarily classified as private.

The City of Bloomington recognizes and is committed to open and transparent government practices. As agents of government who provide service to persons in varying settings, police officers with body cameras are collecting data where privacy expectations are significant and compelling. The need to balance individual privacy concerns with the publics' right to access is of critical importance.

Recognizing that Bloomington police officers and officers across Minnesota routinely come into contact with victims of crime in their homes, workplaces, or healthcare facilities, we seek a temporary classification of body camera data to minimize the potential chilling effect public release of these sensitive data might have on victim cooperation and participation in the criminal justice process.

Community safety is adversely affected when crime victims do not report crimes perpetrated on them. For the victim of these crimes, fearing the perpetrator is understandably challenging, but the added fears that may come from public dissemination of images of them, their home, or their loved ones or friends, chips away trust in a government who is charged with ensuring its citizens reasonable levels of privacy.

In recent months, police agencies around the United States have come under increased scrutiny. Calls for profession-wide deployment of body camera technology to increase public trust through transparent practice are growing.

Application for Temporary Classification of Body Camera Data

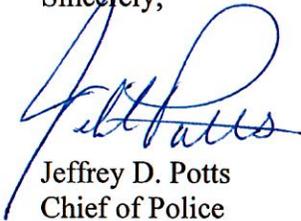
Page 2

September 10, 2015

At this time Bloomington is only considering body camera technology while we wait to see the outcome of this process. To that end, we want the departmental and City level procedures for the handling of these sensitive data to be well understood. Essential to this goal is the need for a temporary classification of the data as private.

The City of Bloomington stands in full support of the application being submitted and we urge the Commissioner to grant consideration to the request. Should you or your staff require any information, please do not hesitate to contact the Bloomington Police Department at 952-563-8601 or jpotts@bloomingtonmn.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Potts", is written over the typed name and title.

Jeffrey D. Potts
Chief of Police

CC: Mayor Gene Winstead & City Council
James D. Verbrugge, City Manager
Sandra Johnson, City Attorney
Janet Lewis, City Clerk



Duluth Police Department
Gordon Ramsay, Chief of Police

2030 North Arlington Avenue · Duluth, Minnesota · 55811
218-730-5020 · Email: gramsay@duluthmn.gov · www.duluthmn.gov

September 10, 2015

Dear Commissioner of Administration:

Critical incidents between law enforcement officers and community members across the United States have resulted in demands for increased accountability and transparency in police operations. A June 2015 survey sponsored by the Minnesota Police and Peace Officers Association showed that Minnesota law enforcement is well-respected and highly regarded by members of their respective communities.

The Duluth Police Department has had a successful, patrol wide deployment of body worn cameras since June of 2014 and seeks to expand use of body worn camera technology to strongly affirm its commitment to high quality community oriented policing.

Two recent surveys (St. Paul Police Department and MN State Fair) polling the public regarding their view points on body worn camera use found that the majority of citizens:

- Overwhelmingly support law enforcement's use of body cameras
- Overwhelmingly support limited strict public access to body camera video

The City of Duluth has an interest in protecting the privacy of individuals who have contact with our police officers while ensuring that involved persons can access video for purposes of guaranteeing police accountability. We support the accompanying application to Minnesota's Commissioner of Administration seeking a temporary classification of body worn camera data until such time as the Minnesota legislature establishes law governing such data.

Respectfully,

Gordon Ramsay
Chief of Police

GR:lmr

EDEN PRAIRIE POLICE DEPARTMENT | September 9, 2015



Commissioner of Administration Matt Massman
State of Minnesota
200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

OFC 952 949 6200
FAX 952 949 6203
TDD 952 949 8399

8080 Mitchell Rd
Eden Prairie, MN
55344-2299

edenprairie.org

Dear Commissioner Massman:

Please accept this letter of support for the temporary classification request from local law enforcement agencies on the data collected by police departments using Body Worn Cameras (BWC).

The Eden Prairie Police Department has not yet begun using BWC but is researching the possibility and waiting for further clarification from the legislature on the classification of BWC data. In the meantime, we support those departments in Minnesota who have requested the temporary classification of this data in order to protect the privacy of those whose data and images may be collected via BWC.

Sincerely,

A handwritten signature in black ink that reads "Rob Reynolds". The signature is written in a cursive style.

Rob Reynolds
Police Chief



Madelia, Minnesota

116 West Main
Madelia, MN 56062-1497
507-642-3245
Fax: 507-642-8556

"Pheasant Capital of Minnesota"

cityhall@madeliamn.com
www.madeliamn.com

September 4, 2015

Dear Sirs:

Please consider this a letter of support from the City of Madelia and the Madelia Police Department for participation in a multi-jurisdictional application for a special temporary classification of police body worn camera (BWC) data. The application would protect the essential privacy interests of Madelia residents while still providing access to stored BWC data by data subjects (those whose images were captured by the camera) except as prohibited by current law. The temporary classification is being sought to allow for privacy protection until such time as the Minnesota Legislature can establish law governing such data.

Thank you.

Sincerely,

Jane Piepgras
City Administrator
City of Madelia



12800 Arbor Lakes Parkway, P.O. Box 1180, Maple Grove, MN 55311-6180 763-494-6000

September 5, 2015

Matt Massman, Commissioner
Minnesota Department of Administration
200 Administration Building
50 Sherburne Avenue
Saint Paul, MN 55155

Dear Mr. Massman,

The City of Maple Grove and the Maple Grove Police Department supports the application submitted by the Maplewood Police Department and its joint applicants for Temporary Classification of Data for Body Worn Camera (BWC) systems. Approval of the application provides necessary guidelines in balancing the needs to protect individual rights along with ensuring appropriate public access to certain government data, as Minnesota police agencies implement this modern technology to help in keeping their communities safe.

Over the past several years, police agencies across the country, including many in Minnesota, have experienced the benefits of implementing BWC technology. BWCs have provided detailed recordings of police/citizen interactions, better evidence for investigations, increased accountability and improved behavior of both police personnel and citizens, and capture high quality police work. Most importantly, BWC systems have increased or enhanced police transparency, which ultimately maintains high levels of community trust – any police agency’s most valuable currency. Unfortunately, these successes have challenges, particularly with data collection, access, and privacy concerns.

Current Minnesota Data Practices statutes do not reflect the changes in modern technology for police use, thereby allowing BWC data to be accessible to the public through simple data requests in most cases. BWC collects very sensitive data on crime victims, critical witnesses, children, medical patients, or the general public at very difficult times in their lives. Under current law any citizen can access such audio/video data, share it in seconds, and adversely affect the well-being and reputation of the subject of such data. Additionally, such data requests will overwhelm police department resources and discourage agencies from implementing BWC systems. The temporary classification application provides a means to appropriately protect such data and allow time for all interested parties in using BWCs to seek a long-term statutory change.

The City of Maple Grove, like cities across Minnesota, seeks to equip its police department with the best possible technology, such as BWCs. Unfortunately, the current Minnesota Data Practices statutes create an environment where the use of BWCs can have an adverse effect on the citizens served, increasing agency costs, and negating the benefits of such technology. Therefore, I request your consideration in approving the Temporary Classification application to assist Minnesota police agencies in implementing such technology.

Thank you for your consideration in this important matter and aiding cities in keeping their communities safe.

Sincerely,

Alan A. Madsen, City Administrator
City of Maple Grove

“Serving Today, Shaping Tomorrow”

AN EQUAL OPPORTUNITY EMPLOYER



Police Department

2401 County Road 10· Mounds View, MN 55112-1499
Phone 763-717-4070· FAX: 763-717-4069

September 8, 2015

Chief Paul Schnell
Maplewood Police Department
1830 County Road B East
Maplewood, MN 55109

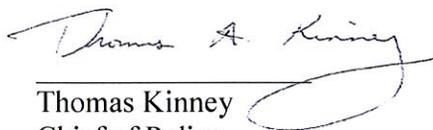
Chief Schnell,

Please accept this letter of support for the application being submitted to consider the request for the temporary data classification of body camera recorded footage.

This request for the temporary classification of data will be essential in protecting the privacy of individuals during recorded contacts with police officers in private residences and other sensitive interactions referenced in the application.

Please do not hesitate to contact me for further discussion.

Sincerely,



Thomas Kinney
Chief of Police





POLICE DEPARTMENT CITY OF OAK PARK HEIGHTS

14168 Oak Park Blvd. N. • P.O. Box 2007
Oak Park Heights, Minnesota 55082
Telephone: (651) 439-4723
Fax: (651) 439-3639
Emergency: 911

Brian DeRosier
Chief of Police

August 31, 2015

Commissioner of Administration
State of Minnesota
200 Administration Bldg.
50 Sherburne Ave
St Paul, MN 55155

Re: Support of an Application to the Commissioner of Administration for a Temporary Classification of Body Worn Camera Data

Commissioner of Administration;

The Oak Park Heights Police Department requests the Commissioner of Administration to give full consideration granting the request for temporary classification of data generated as part of licensed police officers on duty using body worn camera technology requested by the City of Maplewood and all Co-applicants.

The Oak Heights Police Department is currently using video recording in aspects of the daily operation of the department and is in active implementation of furthering the use by implementing officer body worn cameras.

The Oak Park Heights police department requests the Commissioner of Administration to grant the request on the basis of protection of privacy. The Oak Park Heights Police Department would also agree to abide by the classification.

Brian DeRosier

Chief of Police

September 2, 2015

Commissioner Matt Massman
Commissioner of Administration
Minnesota Department of Administration
200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

RE: Temporary Classification of Body Worn Camera Data

Dear Commissioner Matt Massman:

On behalf of the City of Plymouth and the Plymouth Police Department, in conjunction with several other law enforcement agencies from across the state, the City formally requesting that the Department of Administration enact a temporary classification for body worn camera data until such time as the Minnesota Legislature establishes law governing such data.

The City of Plymouth has an interest in protecting the privacy of individuals who have contact with our police officers while ensuring that involved persons can access certain video for purposes of enhanced police accountability.

Minnesotans have spoken clearly on this matter and in response, law enforcement in general, and specifically, the City of Plymouth, would like to use this technology to best keep our community safe and to meet the needs and expectations of those we serve.

Your consideration on this matter is greatly appreciated.

Sincerely,



Dave Callister
City Manager



Michael Goldstein
Director of Public Safety



Worthington

PUBLIC SAFETY



CITY OF WORTHINGTON

PRAIRIE JUSTICE CENTER
1530 AIRPORT ROAD, STE 300
WORTHINGTON MN 56187
TELEPHONE: (507) 295-5400
FAX: (507) 372-5977

August 31, 2015

Commissioner Matt Massman
MN Department of Administration

Dear Commissioner Massman,

I write this letter in support of the joint-applicant multi-jurisdictional application for temporary classification of body worn camera data. Despite what is happening nationally, Minnesota law enforcement is currently well-respected and highly regarded by my members of our respective communities. A temporary classification would be a great opportunity to demonstrate how effective local law enforcement truly is and allow agencies to continue and even expand use of body worn camera technology.

The Worthington Police Department has been waiting to purchase and deploy body cameras until Minnesota legislature establishes law governing related data. If a temporary classification is granted, our department will consider initiating a limited deployment immediately. Please consider the importance of body cameras and how use of that technology enhances the accountability and transparency of law enforcement officers.

Thank you for your attention to this matter.

Sincerely,



Troy Appel | Chief of Police
Worthington Police Department
1530 Airport Road, Suite 300 | Worthington, MN | 56187
507-295-5400 (office) | 507-372-5977 (fax)
www.ci.worthington.mn.us

Appendix C



Minnesota Chiefs of Police Association

DEDICATED TO THE IDEALS OF PROFESSIONAL POLICING

September 11, 2015

Dear Commissioner of Administration,

On behalf of more than 300 Minnesota police chiefs, I am writing to show our collective support for the temporary classification of body-worn camera data until the Minnesota legislature establishes law governing such data.

Unlike police squad car cameras, body-worn cameras collect video footage inside people's homes, schools and medical facilities, where there is a reasonable privacy expectation. These cameras capture incidents up close often during traumatic, revealing and personal incidents.

Currently, under Minn. Stat. 13.82, much of the sensitive video body-worn cameras collect is public data, and in a day and age where a video clip can go "viral," protections must be in place.

Without such protections, victims of domestic abuse, criminal sexual assault and other crimes involving sensitive issues may be reluctant to provide statements on camera or cooperate for fear of retaliation. Such reactions could allow perpetrators to continue preying on our communities.

Unprotected data would also provide the general public and suspects "virtual" entry into victims and witnesses' homes, undermining their safety and privacy.

We can no longer delay implementing body-worn cameras until the legislature resolves these classification issues. According to Minnesota Chiefs of Police Association (MCPA) surveys, at least 40 Minnesota police departments are using body-worn cameras, which are helping gather critical evidence and keep officers accountable.

Furthermore, Minnesota's police chiefs generally support body-worn cameras as an evidence collection and officer accountability tool, according to an MCPA August internal, non-scientific poll. However, chiefs also share an overwhelming concern about protecting people's privacy, with 60% of responding chiefs rating privacy issues among their main concerns in deploying the devices. Nearly 80% said body-worn camera footage captured in a residence should be classified in statute as private/non-public.

A recent non-partisan Minnesota Senate poll taken at the state fair reflects law enforcement's concern, with more than 60% of respondents saying there should be limited public access to police body-camera footage and 14% saying the footage should be strictly private.

MCPA feels the temporary classification application currently before the Department of Administration strikes the proper balance among three key pillars: protecting people's privacy, gathering evidence to solve and prosecute crimes, and promoting accountability and transparency in the profession.

Sincerely,

A handwritten signature in black ink, appearing to be 'AS', with several horizontal strokes extending to the right.

Andy Skoogman
Executive Director
Minnesota Chiefs of Police Association