



April 14, 2021

**RE: HF 1103 (deadly force and “portable recording systems”)**

Dear Members of the House Judiciary Committee,

Thank you for the opportunity to provide written testimony on HF 1103. We respectfully ask that you oppose this bill. As you consider HF 1103, we ask you balance the three foundational values of the Minnesota Government Data Practices Act:

- Public’s right to know what its government is doing
- Right of privacy of individuals
- Government’s need to function responsibly and efficiently

As with other important data practices issues, HF 1103 highlights the tension among these values. While this bill aims to allow viewing of data to “next of kin” within 48 hours (at line 2.17), doing so would likely jeopardize any investigation, potential prosecution, or possible litigation afterwards. It is important to consider both the right to know by the public and next of kin and allowing the government to investigate deadly force encounters most effectively.

Law enforcement data – because of the delicate nature of preserving the integrity of an investigation and ensuring public transparency – has a different presumption than government data. While government data is presumed to be public, law enforcement data has numerous different classifications ranging from confidential to public. Each classification is meant to balance the foundational values discussed above. Some data, like arrest data and response data, is classified as public to always ensure that the public has access to this information. Other data, like active criminal investigative data, is classified as confidential to allow proper investigation of crimes. Ensuring integrity of investigations – particularly in deadly force encounters – is paramount.

The existing law is a carefully structured balance that takes into account the wide range of needs that exists for the data in these recordings.

We hope to continue working on this important issue with the author.

Sincerely,

A handwritten signature in black ink that reads "Irene Kao". The signature is written in a cursive, flowing style.

Irene Kao  
Intergovernmental Relations Counsel  
League of Minnesota Cities