

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 430  
**Version:** As introduced

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**Authors:** Cornish and others

**Subject:** Law enforcement body cameras

**Analyst:** Matt Gehring, 651-296-5052

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### Overview

This bill classifies data collected through use of a portable video recording system by law enforcement, such as a peace officer's body camera. In general, the data are classified as private or nonpublic data, and data that are not related to an active or inactive criminal investigation must be destroyed within 90 days of the date it was collected. Certain exceptions apply, as described below.

Under current law, data collected by these systems are presumptively public, unless they are part of an active criminal investigation or another more narrow classification of the data applies.

A request for a temporary classification of these data was submitted to the commissioner of administration in late 2014 by the City of Duluth's police department. The commissioner rejected the request.

### Section

**1** **Portable video recording systems.** Classifies data collected by law enforcement using a portable video recording system, such as the audio and video captured by a body camera.

**Paragraph (a) defines “portable video recording system data.”** A portable video recording system is a device worn by a peace officer, subject to a department or agency policy, capable of recording the officer's activities and interactions or collecting digital multimedia evidence in an investigation.

**Paragraph (b) establishes the substantive classification** of portable video recording system data. Data collected by a portable video recording system is private or

## **Section**

nonpublic data at all times, unless it is subject to a stricter classification because of its use in an active criminal investigation. A private or nonpublic classification means that the general public may not access the data, but it is accessible to an individual data subject.

**Paragraph (c) requires public disclosure of certain data about the system use:** (1) the total number of devices owned or maintained by an agency; (2) a daily record of the number of devices deployed and used by officers, including the precincts in which they are used; (3) the agency's policies and procedures for use of the systems; and (4) the total amount of recorded audio and video data captured and maintained by the agency, along with its retention schedule for the data and procedures for destruction.

**Paragraph (d) sets a 90-day data destruction date, with exceptions.** If audio and video data are not part of an active or inactive criminal investigation, it must be destroyed within 90 days of the date it was captured. A data subject – including an individual identified in the data, or a peace officer involved – may request in writing that the data be retained for possible use in a future proceeding related to the circumstances under which it was collected. If such a request is received, law enforcement must keep the data for a reasonable time, based upon its likelihood of future use. While the data is retained, any peace officer identifiable in the data must be permitted unrestricted access to the data, including the ability to make copies.

**Paragraph (e) requires a biennial audit of the data** to determine whether the data has been appropriately classified or destroyed. Summary data related to the audit must be public.

**Paragraph (f) requires law enforcement to adopt policies,** and additional necessary procedures and protocols, to ensure compliance with the law.

**Effective date.** The bill would be effective the day following final enactment. Any existing data that would require destruction by this law must be destroyed no later than 15 days after the bill becomes effective.