

MINNESOTA DEPARTMENT OF PUBLIC SAFETY BUREAU OF CRIMINAL APPREHENSION

USE-OF-FORCE REPORTING

Recommendation

The Bureau of Criminal Apprehension (BCA) is required to post on the agency's website all public data from inactive officer-involved death investigations within 30 days of exhaustion of all rights of appeal. This proposal limits the video portion of the 30-day requirement to video that captures the incident.

More timely transparency with proposed change

Minnesota Statute § 299C.80, subdivision 6, currently requires all public video from a case file to be posted on the BCA website. Case files for officer-involved death investigations often contain multiple terabytes of video evidence including body-worn, squad, neighborhood security and witness-captured video. All of this video, whether captured during the incident or hours afterward, is public and would continue to be public.

However, all video must be reviewed before it can be shared publicly to ensure that private or confidential data is not disseminated. This significantly increases the time it takes to prepare and make the data available on the BCA website. Limiting the scope of video that is required to be made available on the BCA website for officer-involved death investigations will ensure:

- More timely delivery of data
- Delivery of data with high public value
- Public access to videos documenting use of force

While the circumstances of each case can vary, the BCA would focus on posting video from the start of the call or the initiated contact through the beginning of medical assistance.

The remaining video would still be reviewed and would still be available to the public upon request, it just would not be part of the video that is required to be posted within 30 days. This proposal is meant to enable the BCA to improve efficiencies to meet the statutory deadlines and provide access to the relevant data in a timelier manner while maintaining processes to enable access to the full data set as needed.

Stakeholder feedback on proposal

The BCA presented this policy proposal at the August 2024 meeting of the Criminal and Juvenile Justice Information and BCA Advisory Group (Advisory Group), authorized by Minn. Stat. 299C.65, for its feedback. The Advisory Group is made up of a cross section of criminal justice practitioners, legislators and public representatives. There were no major concerns.

