

BODY-WORN CAMERAS: ISSUES WITH SF 0498 AND SF 3291

Bills SF 0498 and SF 3291 outline requirements for police department policies related to body-worn cameras (“body cameras”). Both of these bills are fraught with issues and are bad public policy. They give police agencies too much power and ensure that the accountability benefits of body cameras will not be realized.

[SF 0498](#)

This bill amends [statute 13.82](#)—the law enforcement section of the data practices act—essentially making body camera footage non-public with narrow exceptions.

What the bill includes:

- Makes the OFFICER using the camera the subject of the data, which makes the footage personnel data.
- Only footage that occurred in a public place AND involved use of a dangerous weapon or physical coercion by a police officer AND results in SUBSTANTIAL BODILY HARM would be public. Under MN law "substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.. Typical beatings, Tasings, handcuff injuries, black eyes, etc. would not meet this threshold. **In other words, the ONLY footage that would be public would be footage captured in a public place and the cop caused substantial bodily harm.** All other footage would not be public.
 - This would prevent groups like CUAPB from reviewing footage to find out if a particular officer or agency engages in stop and frisk activities or other kinds of racial profiling.
- Footage must be maintained for 90 days but must be destroyed within one year unless it involved use of force that resulted in substantial bodily harm. Footage involving use of force resulting in substantial bodily harm must be kept for one year but destroyed in 3 years. THIS IS A HUGE ISSUE because this is not nearly enough time for excessive force and civil rights lawsuits to be filed, especially if the person is charged with a crime and has to go through the criminal justice system first.
- A person in the footage can request that it be maintained longer but that only extends for 180 days.

What the bill doesn't include:

- DOES NOT require set forth conditions for activation or deactivation of the cameras or require that they are used in all encounters with the public. This is left to the discretion of individual police departments.
- DOES NOT require notification of people that they are being recorded
- DOES NOT allow for people to request that the cameras be turned off—even in homes or other private locations
- DOES NOT prevent the use of body cams for surveillance of First Amendment-protected activities

SF 3291

This is a companion bill that states that police departments SHALL NOT prevent officers from viewing footage before writing their reports.

This is a HUGE ISSUE police reports should reflect the probable cause and other information known to the officer at the time the officer made decisions related to stops, detentions, arrests or other encounters with community members. Both the police report and the body camera recording should have separate evidentiary value, which will no longer be possible if the police officer views the recording before completing the police report.

Sam Walker, emeritus professor of criminal justice at the University of Nebraska, Omaha, notes in an article “if an officer is planning to lie, video is a good guide to what kind of lie he can get away with.”

Information provided by **COMMUNITIES UNITED AGAINST POLICE BRUTALITY**.
Join us! We meet every Saturday at 1:30 at 4200 Cedar Avenue South in Minneapolis. For more information or for help with a police brutality incident, call our 24-hour hotline: **612-874-STOP** or see our website at **www.CUAPB.org**.