

## **Matt Ehling: St. Paul's release of squad-car video complies with the law**

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Is a squad-car video a "photograph?"

That question is posed by a lawsuit that pits the Saint Paul Police Federation against the City of St. Paul in a dispute over a squad-car video recording. The question is more than a matter of semantics, for the Federation's case raises a direct challenge to Minnesota's open records law. Because of this, the Minnesota Coalition on Government Information (MNCOGI) believes that the case deserves careful scrutiny to ensure that it doesn't damage the state's open records law.

Earlier this year, the Pioneer Press newspaper submitted an open records request to obtain a video recording of an August 2012 arrest by the Saint Paul police. The City of St. Paul subsequently turned the squad-car video over to the media.

After the city released the video, the police union filed suit, claiming that the city violated a state law called the Peace Officer Discipline Procedure Act (PODPA). That law prohibits the release of photographs of officers without their prior written consent. While the law is clear-cut as it applies to official department photographs, it does not cover squad videos or other images that document the actions of officers in the field. These types of images are not "photographs" within the meaning of the statute, and are thus presumptively public under Minnesota's open records law, which looks to the purpose for which an image was created or maintained. Since the purpose set out in the PODPA is a narrow one (internal departmental portraits), it does not cover the wide variety of other uses of police images.

MNCOGI supports the city's decision to release the squad-car video, as its action clearly complies with the state's open records law -- the Minnesota Government Data Practices Act. Adopting the Federation's legal theory would unnecessarily keep more government data out of the public eye by bringing squad videos (and perhaps other images) under the PODPA, and exempting them from the presumption of public access found in the Data Practices Act.

The presumption of access must remain robust in order to preserve the public's ability to review government information, and to make its own determinations on matters of public import. Squad-car video recordings and other pieces of government data allow citizens windows into the operation of government entities, and provide vehicles for public oversight.

The PODPA's reference to "photograph" should not bar release of images outside the purpose of that narrow statute. The Police Federation's lawsuit wrongly characterizes it as a mechanism for closing off more government information from the public, including images that show arrests and other interactions between police and the public.

Matt Ehling is the chair of the legislative issues committee of the Minnesota Coalition on Government Information, an organization that undertakes education and advocacy on behalf of public records.