

STATE OF MINNESOTA

DISTRICT COURT

BECKER COUNTY

SEVENTH JUDICIAL DISTRICT

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Alpha News,

Plaintiff,

v.

City of Detroit Lakes;  
Detroit Lakes Police Department;  
Glori French in her official capacity  
as responsible authority for the  
City of Detroit Lakes,

Defendant.

**Order Denying Motion for  
Release Of Private/Non-Public  
Body Camera Footage**

Court File No. 03-CV-24-706

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On May 20, 2024 this matter came before the Honorable Gretchen Thilmony, Judge of District Court. Alpha News appeared through their attorney, James Dickey. The City of Detroit Lakes; Detroit Lakes Police Department; and Glori French appeared through their attorney, Dylan Ramstad Skoyles. The parties noted their respective positions and the Court took these matters under advisement.

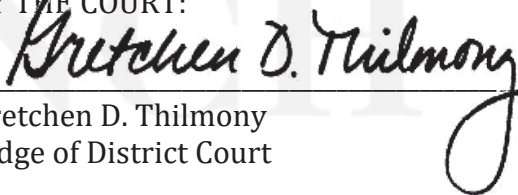
**Now therefore, based on the facts, the record, and the law, the Court enters the following:**

**Order**

1. Plaintiff's Motion to Authorize Disclosure of Data is **denied**.
2. See attached Memorandum.

June 26, 2025

BY THE COURT:

  
Gretchen D. Thilmony  
Judge of District Court

## Memorandum

On April 26, 2024, Alpha News brought this action to compel law enforcement to furnish certain video related to an arrest made by Detroit Lakes Police officers on April 22, 2024 in Detroit Lakes, Becker County.

### ***Statement of the Facts Alleged***<sup>1</sup>

On April 22, 2024 Detroit Lakes Police were dispatched to an address in Detroit Lakes. Upon receiving the call, officers activated their body-worn cameras and cameras in their squad cars covering both the front seat and the back seat of the car. Officers entered the address and arrested Nicole Lynn Mitchell (Mitchell). She was charged with burglary and processed through the Becker County Jail. Mitchell is a Minnesota State Senator from District 47. The address she entered in Detroit Lakes belongs to Mitchell's late father and her stepmother.

The cameras worn by officers and contained in their squad cars were capturing and recording video and audio at all times while responding to this call. Alpha News now seeks to compel disclosure of all video data related to this call. On April 23, 2024, Alpha News submitted a formal data request pursuant to the MGDPA to the Detroit Lakes Police Department. Alpha Complaint ¶ 63. They requested "All Detroit Lakes police body-worn camera video from April 22, 2024, between the hours of 4:40 a.m. and 6 a.m. related to the arrest of Nicole Lynn Mitchell on Granger Road." *Id.*

In response, Steven Todd, the Chief of Police for Detroit Lakes stated that "[w]e are prohibited by statute from releasing body worn camera data in this instance." *Id.* at ¶ 64. Specifically, body worn camera data is private, see Minn. Stat. § 13.825, subd. 2(3), and active criminal investigation data is confidential or protected nonpublic, see Minn. Stat. §13.82, subd. 7." *Id.*

### ***Analysis***

#### **Minnesota Government Data Practices Act**

The Minnesota Government Data Practices Act (MGDPA) "establishes a presumption that government data are public and are accessible by the public for both inspection and copying unless there is federal law, a state statute, or a temporary classification of data that

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<sup>1</sup> See also, Complaint in State of Minnesota v. Nicole Lynn Mitchell, Court File 03-CR-24-654.

provides that certain data are not public.” Minn. Stat. § 13.01, subd. 3. The MGDPA, however, limits the disclosure of body-camera footage. *See* Minn. Stat. §§ 13.82, subd. 7 & 13.825 subd. 2. Minn. Stat. §13.825 subd. 2 (a) classifies police-worn portable recording systems as “private data on individuals or nonpublic data.”

“Private data on individuals” are data made by statute or federal law applicable to the data: (a) not public; and (b) accessible to the individual subject of those data. Minn. Stat. §13.02 subd. 12. No private data is disclosed in the videos requested by this motion. “Nonpublic data” are data not on individuals made by statute or federal law applicable to the data: (a) not accessible to the public; and (b) accessible to the subject, if any, of the data. Minn. Stat. §13.02 subd. 9. The videos requested by this motion are nonpublic data because they are portable recording system videos being used by law enforcement in an active investigation.

There are, of course, exceptions that do allow release of nonpublic data, clearly delineated in Minn. Stat. §13.825 subdivision 2(a) numbers 1 through 5. Those exceptions as expressed by the legislature are:

1. When a peace officer discharges a firearm.
2. When the subject of the data requests disclosure.
3. Inactive criminal investigation data.
4. Public personnel data under §13.43 subd. 2(5).
5. When other provisions of §13 declare it to be public.

Minn. Stat. §13.82 subdivision 7 provides that the video described in §13.825 is “confidential or protected nonpublic while the investigation is active.”

The Court's starting point in all matters of statutory interpretation is the language of the statute. Middle-Snake-Tamarac Rivers Watershed Dist. v. Stengrim, 784 N.W.2d 834, 840 (Minn. 2010). If the statute is facially unambiguous, the Court looks no further than the plain language to determine the statute's meaning. Hutchinson Tech., Inc. v. Comm'r of Revenue, 698 N.W.2d 1, 8 (Minn. 2005) (“We have repeatedly held that we must give effect to the plain meaning of statutory text when it is clear and unambiguous.”). The controlling statutes here are unambiguous.

## Exceptions

No clear exception to the baseline rule that the video is nonpublic exists in this case.

1. There was no discharge of any firearm, nor any use of violence by anyone involved.

Exception one does not apply.

2. No subject of the data has requested disclosure. A “subject of the data” would include any person or entity who appears in the video. Minn. Stat. §13.04. The request may allow that person to view the video for their own purposes, but does not reclassify a nonpublic item as public. See Minn. Stat. §13.825(a)(2)(2)(i) (a subject of a recording may receive that recording, but any other subject in the video must be redacted or blurred) and Minn. Stat. §13.825(a)(3) (recordings in an active investigation are governed by Minn. Stat. §13.82 subd. 7). Exception two does not apply.

3. If the investigation were inactive, or any portion of the video had been used in open court, the video becomes public. Here, there is a criminal case pending. *State of Minnesota v. Nicole Lynn Mitchell; Court File 03-CR-24-654*. Therefore, the investigation is not inactive. To put it another way, the investigation is active. Furthermore, at this point, no video has been presented in open court. Exception three does not apply.

4. Exception four concerns private personnel data. Minn. Stat. §13.43 describes the data required to be released, which includes such things as job descriptions, applicant demographics, and position salaries. No private personnel data is implicated by this motion. Exception four does not apply.

5. Chapter 13 goes into great detail about the classifications of data, and has many provisions for disclosure of public information. No provision in chapter 13 directs this Court to release video that is part of an active investigation, and Alpha News does not suggest in any filings or through oral argument that another provision of chapter 13 declares this video to be public. Exception five does not apply.

The legislature, using plain language, has provided that body-cam footage is not meant to be viewed by anyone (including law enforcement) for any reason other than legitimate law enforcement purposes in a criminal investigation. Specific carve-outs throughout Chapter 13 have been made to ensure that the public has access to footage that may affect the public interest, particularly with respect to public oversight of law

enforcement practices. Chapter 13 allows this Court to release protected government data only if the public interest outweighs the original classification by the legislature.

The rights of an accused and the ability of the State to proceed with an investigation generally outweigh the public interest in disclosure. Hence, the nature of the classification of the data sought in this case. Once an investigation is inactive or the video has been used in a court proceeding, the statute states that it automatically becomes public, and case law indicates it can be released.

### **Public Interest**

Active criminal investigation data may permissibly be disclosed by a court order: “any person may bring an action in the district court located in the county where the data are being maintained to authorize disclosure of investigative data.” Minn. Stat. §13.82 subd. 7. The court can order the release of “all or part of the data,” when “the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency, or to a subject of the data.” *Id.*

The public benefit, as described by Alpha News in their complaint, is to reconcile the conflicting accounts of the incident as told through the public complaint and Mitchell in her public statements. Alpha Complaint at ¶61. Alpha News suggests that failure to disclose these videos will prevent the public, and in particular the legislature, from making important decisions regarding Mitchell’s career in the Senate. *Id.* ¶47-57. These arguments are precisely why release of investigative materials prior to trial is limited. The questions Alpha News seeks to answer will by necessity be answered through the channels of the justice system, either in a court or jury trial or by the investigation becoming inactive through a plea agreement or other mechanism. Circumventing these proceedings is an extraordinary measure that the legislature has plainly prohibited in all but the most important circumstances.

The statute contemplates a shooting by law enforcement, and case law expands that to include use of force in general and motivation of law enforcement (racial slurs, intent to use force in the future, etc.) *See e.g. Demers v. City of Minneapolis*, 468 N.W.2d 71 (1991) (“there is a compelling need for public accountability, particularly with law enforcement agencies”); *Communities United Against Police Brutality v. Minnesota Dept. of Public Safety*, 62-CV-22-3242 (release of body-cam video in drug task force fatal shooting). Release of

body cam video in these situations is in the public interest because a member of the public could be “in the line of fire” of an officer who is not using appropriate safety practices or who is abusing their position. The danger to the public includes death. Extrapolating the statute and case law surrounding oversight of law enforcement to include all public officials is improper. Had the legislature intended such a result, there would have been such an exception.

A person accused of burglary — here, the burglary of a family member’s home — does not present the same danger. Arguably even if a senator, or mayor, or member of the Minnesota Board of Cosmetic Examiners killed someone, it would not rise to the level of public interest unless perhaps that person was still at large and capable of future harm. Unlike law enforcement, the mere nature of someone’s position as a senator does not pose an imminent danger to the public. That their conduct could cause public distrust, or that their continued work in their position may be distasteful to the public does not have the same weight as a “rogue” officer or poor (or illegal) law enforcement practices. As noted above, if it did, the legislature would have included an exception in the statute authorizing it’s release.

It is worth noting that a bill to modify Minn. Stat. §13.825 subd. 2 was offered to the House by District 36A Representative and Assistant Minority Leader Elliot Engan (R) on May 14, 2024. 2023 Minnesota House File No. 5465, Minnesota Second Regular Session of the Ninety-Third Legislative Session. The proposed bill would add a statement to classify data as public “if the subject of the data is a state legislator, the governor, lieutenant governor, secretary of state, state auditor, attorney general, or a state agency commissioner.” *Id.* The same proposed bill retains the statement “portable recording system data that are active criminal investigative data are governed by section 13.82, subdivision 7.” Minn. Stat. §13.82, subdivision 7 states “Except for the data defined in subdivisions 2, 3, and 6, investigative data collected or created by a law enforcement agency in order to prepare a case against a person, whether known or unknown, for the commission of a crime or other offense for which the agency has primary investigative responsibility are confidential or protected nonpublic while the investigation is active.” Importantly, even if this proposed change is enacted, it would still classify the body cam video as nonpublic while the case is ongoing.

Alpha News argues that the public benefit of releasing the video outweighs any personal interest of the defendant or the investigative interests of law enforcement. Subdivision 15 addresses the public benefit of releasing nonpublic investigative information “if the (law enforcement) agency determines that the access will aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest.”

Alpha News further argues that the body cam footage “will likely be admissible at trial” and therefore there is no harm in disclosing it now. Alpha MOL p. 16. They cite Minnesota case law to demonstrate the acceptance of body-cam footage as evidence. *Id.* (citing State v. Hayes, No. A21-1082, 2023 WL 2230339 (Minn. Ct. App. Feb. 27, 2023) and State v. Chauvin, 989 N.W.2d 1 (Minn. Ct. App. 2023)). They further speculate that the statements made by Mitchell on the body-cam video in question will be admissible at trial, however until the Court has ruled on evidence after submission and argument, this remains speculative. It would be entirely improper for this Court to preempt the natural progress of a case absent true public benefit as in “to aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest.” §13.82 subd 15.

Additionally, because the Court cannot know at this stage whether information contained in the videos will be offered and will be admitted during trial, there is a very real potential to taint the jury pool. While voir dire is an effective tool, and most jurors can remain impartial, it is a significant request to ask them to “unsee” what has been splashed on the news. In particular, in this era of social media, there is no control over the content. Alpha News and other media outlets could be relied upon to use this footage to report the news. There is no such reliability for the public at large, who have the capability to edit and manipulate imagery and post their own version on the internet. We cannot predict that potential behavior any more than we can predict at this stage what will be produced at trial, or who will testify to what.

In situations where the public has truly needed to know, protected government data has been released for the reasons cited in subdivision 15. For example, in the wake of both local and nationwide civil unrest caused by a number of police-involved deaths (see State v. Chauvin, supra); when police were investigating the drive-by shooting death of a 9-year old girl (see State of Minnesota v Robinson, 27-CR-22-3358, police initiated the help of the public through social media, “crimestoppers” flyers, and a reward fund to discover

information on gang activity in Minneapolis); and to protect the health of the public, (see Ukan v Minnesota State Bd. Of Medical Practice, 733 N.W.2d 778 (MN Ct. App. 2007) (posting information that a physician’s license had been temporarily suspended pending investigation did not violate MGDPA because it was necessary to protect public health and safety)).

Here, the public’s “*desire to know*” —“*now*” (before the conclusion of the criminal proceedings) — especially in the age of social media, does not equate to the public interest necessary to release protected data contemplated by Minnesota Statute Section 13.82 subd. 15. This statute does not authorize the release of data the public finds “interesting.” It requires release of data that is necessary to dispel *widespread* rumor or unrest – circumstances that are not present here.

***Conclusion***

Under these facts, the rights of an accused in an active criminal proceeding outweigh the public’s interest in seeing the body-cam footage (only a portion of the evidence in the criminal case) prior to trial. The motion for release of the body cam footage is denied.

**G.D.T.**

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