

STATE OF MINNESOTA**DISTRICT COURT****COUNTY OF RAMSEY****SECOND JUDICIAL DISTRICT**Case Type: Other Civil

AMERICAN CIVIL LIBERTIES UNION OF
MINNESOTA,

Court File No.:

Judge:

Plaintiff,

v.

CITY OF ST. ANTHONY VILLAGE;
MINNESOTA DEPARTMENT OF PUBLIC
SAFETY; MONA DOHMAN, in her capacity
as Commissioner of Public Safety;
MINNESOTA BUREAU OF CRIMINAL
APPREHENSION, a division of the
Minnesota Department of Public Safety; and
DREW EVANS, in his capacity as
Superintendent of Criminal Apprehension,**SUMMONS**Defendants.

THE STATE OF MINNESOTA TO THE ABOVE-NAMED DEFENDANTS:

1. YOU ARE BEING SUED. The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this Summons.

2. YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS. You must give or mail to the person who signed this summons a written response called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to:

Haley N. Schaffer
Melissa Muro LaMere
Erica A. Holzer
Jevon C. Bindman
Maslon LLP
3300 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-4140

3. YOU MUST RESPOND TO EACH CLAIM. The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS. If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the Complaint.

5. LEGAL ASSISTANCE. You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

Dated: September 1, 2016

MASLON LLP

By: *s/ Haley N. Schaffer*

Haley N. Schaffer (#313099)

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ATTORNEYS FOR PLAINTIFF

STATE OF MINNESOTA**DISTRICT COURT****COUNTY OF RAMSEY****SECOND JUDICIAL DISTRICT**

Case Type: Other Civil

AMERICAN CIVIL LIBERTIES UNION OF
MINNESOTA,

Court File No.: _____

Judge: _____

Plaintiff,

v.

CITY OF ST. ANTHONY VILLAGE;
MINNESOTA DEPARTMENT OF PUBLIC
SAFETY; MONA DOHMAN, in her capacity
as Commissioner of Public Safety;
MINNESOTA BUREAU OF CRIMINAL
APPREHENSION, a division of the
Minnesota Department of Public Safety; and
DREW EVANS, in his capacity as
Superintendent of Criminal Apprehension,**COMPLAINT**

Defendants.

For its Complaint, Plaintiff American Civil Liberties Union of Minnesota (“ACLU”) states and alleges as follows:

INTRODUCTION

On July 6, 2016, around 9:00 p.m., St. Anthony police officers Jeronimo Yanez and Joseph Kauser conducted a traffic stop near the corner of Larpenteur Avenue and Fry Street in Falcon Heights. The car was driven by Philando Castile, a 32-year-old African-American man from St. Paul. Also in the car were Castile’s girlfriend, Diamond Reynolds, and Reynolds’ four-year-old daughter.

What happened next remains unclear. According to a live stream video from just after the incident, Reynolds stated that Officer Yanez asked Castile to present his identification. As Castile reached for his wallet, he notified Officer Yanez that he was carrying a firearm.

According to Reynolds, Officer Yanez then shot Castile in the arm multiple times “for no apparent reason.” Officer Yanez’s attorney says that his client “reacted to the actions of Mr. Castile.” Later in Reynolds’ video, Officer Yanez states that he told Castile “not to reach for it” and to “get his hand open.” Reynolds described Officer Yanez as “very frantic” and “very nervous” during the encounter. After the paramedics arrived approximately 15 minutes later, Castile was taken to Hennepin County Medical Center, where he was pronounced dead. Despite the conflicting accounts of Castile’s encounter with police and requests from Plaintiff and the public, city and state officials have refused to disclose any audio or video recordings (squad videos, squad-to-squad communications, dispatch audio, 911 audio) that could potentially shed light on the incident (the “Videos”).

Plaintiff therefore asks this Court to require the City of St. Anthony Village; the Minnesota Department of Public Safety; Mona Dohman, in her capacity as Commissioner of Public Safety; the Bureau of Criminal Apprehension, a division of the Minnesota Department of Public Safety; and Drew Evans, in his capacity as Superintendent of Criminal Apprehension (collectively, “Defendants”) to comply with the Minnesota Government Data Practices Act (“MGDPA”) and release the Videos. Any and all Videos of the incident are public pursuant to Minn. Stat. § 13.03, subd. 1, and Minn. Stat. § 13.82, subd. 2, 6, and must be released as soon as possible. Moreover, the Videos should be released pursuant to Minn. Stat. § 13.82, subd. 7, because the benefit to the public from release of the Videos greatly outweighs any potential harm to the public, to the BCA, and to the individuals captured on the Videos.

THE PARTIES

1. Plaintiff ACLU is a nonprofit Minnesota corporation that works to defend and preserve the individual rights and liberties that the Constitution and the laws of the United States guarantee everyone in this country.

2. Defendant City of St. Anthony Village (the “City”) is a statutory city located partially in Hennepin County and partially in Ramsey County, Minnesota.

3. Defendant Minnesota Department of Public Safety (“DPS”) is a government entity charged with overseeing law enforcement, the state fire marshal, emergency management, and driver/vehicle licensing in Minnesota. It is located in St. Paul, Minnesota.

4. Defendant Mona Dohman is the Commissioner of Public Safety (“DPS Commissioner”). The DPS Commissioner is charged with directing the BCA to “perform such functions and duties as relate to statewide and nationwide crime information systems.” Minn. Stat. § 299C.01, subd. 4. Her office is located in St. Paul, Minnesota.

5. Defendant Minnesota Bureau of Criminal Apprehension (“BCA”), a division of DPS, provides investigative and specialized law enforcement services to prevent and solve crimes in partnership with law enforcement, public safety, and criminal justice agencies. It is located in St. Paul, Minnesota.

6. Defendant Drew Evans is the Superintendent of Criminal Apprehension (“BCA Superintendent”). The BCA Superintendent is charged with conducting investigations that, “with the approval of the commissioner of public safety, may deem necessary to secure evidence which may be essential to the apprehension and conviction of alleged violators of the criminal laws of the state.” Minn. Stat. § 299C.03. His office is located in St. Paul, Minnesota.

JURISDICTION AND VENUE

7. This Court has jurisdiction over the parties and over the subject matter of this action pursuant to Minn. Stat. § 13.08, which specifically authorizes the District Court to award damages and issue injunctive relief for a violation of the MGDPA. Minn. Stat. § 13.08, subd. 2 (“The court may make any order or judgment as may be necessary to prevent the use or employment by any person of any practices which violate this chapter.”).

8. The City, DPS, and BCA are government entities, subject to the MGDPA's requirements. Minn. Stat. §§ 13.02, subd. 7a, 13.03, subd. 1.

9. This Court has personal jurisdiction over Defendants because they are located within Ramsey County. Minn. Stat. § 484.01.

10. Venue is proper in Ramsey County pursuant to Minn. Stat. §§ 13.08, subd. 3, 13.82, subd. 7.

THE MINNESOTA GOVERNMENT DATA PRACTICES ACT

11. The MGDPA is Minnesota's freedom of information law, which requires that Defendants provide the public with access to inspect all "data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use." Minn. Stat. § 13.03, subd. 1.

12. The MGDPA requires Defendants to "keep records containing government data . . . easily accessible for convenient use," and that a person seeking access shall be permitted to inspect and copy public government data "[u]pon request." Minn. Stat. § 13.03, subd. 1, 3(a).

13. The 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 provides that certain data are not public." Minn. Stat. § 13.01, subd. 3.

14. The MGDPA expressly provides that data documenting law enforcement actions to "cite, arrest, incarcerate or otherwise substantially deprive an adult individual of liberty *shall be public at all times.*" Minn. Stat. § 13.82, subd. 2 (emphasis added). Additionally, data that document law enforcement's "response to a request for service . . . , or which describe actions taken by the agency on its own initiative *shall be public government data.*" *Id.*, subd. 6 (emphasis added).

15. A court's determination of a government entity's obligations under the MGDPA should be expedited and public. Minn. Stat. § 13.08, subd. 4.

THE PHILANDO CASTILE SHOOTING

16. Around 9:00 p.m. on July 6, 2016, St. Anthony police officers Jeronimo Yanez and Joseph Kauser conducted a traffic stop near the corner of Larpenteur Avenue and Fry Street in Falcon Heights.

17. The car was driven by Philando Castile, a 32-year-old African-American man from St. Paul. Also in the car were Castile's girlfriend, Diamond Reynolds, and Reynolds' four-year-old daughter.

18. Castile was a 2001 graduate of St. Paul Central High School, and worked as cafeteria aide and supervisor at J.J. Hill Montessori School in St. Paul since 2002. A statement from the St. Paul School District said that Castile was "a team player who maintained great relationships with staff and students alike," and that "[h]e had a cheerful disposition and his colleagues enjoyed working with him."

19. According to as yet unverified police scanner audio, Officer Yanez stated he was stopping Castile's vehicle "to check IDs" because Castile and Reynolds "just look like people that were involved in a robbery," and Castile "looks more like one of [the robbery] suspects, just because of the wide-set nose."

20. Reynolds later stated that one of the police officers told her the car was pulled over because of a broken taillight.

21. Castile had been pulled over by law enforcement at least 52 times since 2002. These traffic stops resulted in 86 minor traffic offenses and \$6,588 in fines and fees, although

about half of the charges were dismissed. The traffic citations comprised the majority of Castile's criminal record, which included no felony or gross misdemeanor offenses.

22. According to a live stream video from just after the incident, Reynolds stated that Officer Yanez asked Castile to present his identification. As Castile reached for his wallet, he notified Officer Yanez that he was carrying a firearm. According to Reynolds, Officer Yanez then shot Castile in the arm multiple times "for no apparent reason." Officer Yanez's attorney says that his client "reacted to the actions of Mr. Castile."

23. Later in Reynolds' video, Officer Yanez yelled that he told Castile "not to reach for it" and to "get his hand open," to which Reynolds responded, "You told him to get his ID sir, his driver's license. . . . Please officer, don't tell me that you just did this to him. You shot four bullets into him, sir. He was just getting his license and registration, sir." A link to Reynolds' video and a transcript of that video is available at the Star Tribune's website at <http://www.startribune.com/transcript-of-facebook-live-shooting-aftermath-video/385850431/>.

24. Reynolds described Officer Yanez as "very frantic" and "very nervous" during the encounter.

25. After the paramedics arrived approximately 15 minutes later, Castile was taken to Hennepin County Medical Center, where he was pronounced dead.

THE AFTERMATH

26. Later that night and into the next morning, hundreds of protesters gathered at the governor's mansion in response to the shooting. Governor Dayton held a press conference the morning of July 7, 2016, calling the shooting and subsequent failure to immediately treat Castile's wounds "absolutely appalling at all levels" and stating that "[j]ustice must be served." The Governor also said that he believed Castile would not have been shot if he was white.

Similar statements were made by President Barack Obama, Presidential candidate Hillary Clinton, Mayor Chris Coleman, Mayor Betsy Hodges, U.S. Senator Al Franken, U.S. Senator Amy Klobuchar, U.S. Representative Betty McCollum, and U.S. Representative Keith Ellison.

27. Later that evening, on July 7, 2016, several thousand people gathered for a vigil at St. Paul's J.J. Hill Montessori School. The group then marched in protest several blocks to the governor's mansion.

28. On July 9, 2016, protesters shut down Interstate 94 and Grand Avenue for several hours, during which over 100 people were arrested and 21 police officers were injured. Protesters also gathered at Loring Park, the St. Anthony Police Department, and other locations. On July 13, 2016, protesters shut down the southbound lanes of Interstate 35W for several hours during rush hour traffic.

29. On July 19, 2016, hundreds of teachers and educators joined community activists in a protest march and rally in downtown Minneapolis, chanting: "From the schools to the streets, we want justice, we want peace." A banner held by group leaders said "Teachers4BlackLives." Twenty-one demonstrators, mostly teachers, were arrested.

30. On August 1, 2016, a group of protesters held an event entitled "Families for Philando" in which parents and their children marched in protest on the Hennepin Avenue bridge.

31. Demonstrators gathered at the governor's residence for several weeks following Castile's death.

32. The St. Anthony Police Department asked the BCA to investigate the officers' involvement in the incident that led to Castile's shooting and death.

33. The BCA and the City are in possession of audio and videos showing the incident and aftermath (the “Videos”), including video taken from the officers’ squad cars. However, a spokesperson for the BCA stated that the Videos are “investigative data” and will not be released until the BCA’s investigation is complete. Audio and video data, in addition to other information, have also been requested from the City, but no audio or videos have been released. City Attorney Jay Lindgren stated that “[g]iven the volume of requests coming in, we cannot provide . . . an estimate of when this process will be completed.”

34. Congressman Keith Ellison has called for the immediate release of such data. On July 7, 2016, Congressman Ellison stated: “Although the investigation is just beginning, I ask the Bureau of Criminal Apprehension to release any and all videos related to Philando Castile’s shooting as soon as possible. The public deserves transparency in the pursuit of truth and justice.”

35. The BCA continues to refuse to release the Videos to the public.

THE DATA REQUESTS

36. On July 14, 2016, the ACLU sent the City and the BCA data requests pursuant to the MGDPA (the “ACLU Requests”). True and Correct Copies of the ACLU Requests are attached hereto and incorporated by reference herein collectively as Exhibit A.

37. The requests sought access to, or a copy of, all audio and video relating to the July 6, 2016 shooting of Philando Castile by officers of the St. Anthony Police Department, among other data.

38. The City responded to the ACLU on July 15, 2016, via email. The City stated that it “has received a large volume of requests for data” and that in order to “facilitate and expedite the processing of these requests, and serve the goals of transparency and prompt public access to

public data, the City has created a mass email list for individuals who have made public records requests.” The City stated, “Public data that is responsive to your request, and requests made by other individuals, will be provided simultaneously to all requesters on this list.” A true and correct copy of the City’s July 15 response to the ACLU is attached hereto and incorporated by reference herein as Exhibit B.

39. In their July 15 response, the City stated it does not have possession of “squad video” because it has been turned over to the custody of the BCA. The City further stated that “body cam” videos do not exist in this case. On information and belief, the City is in possession of dispatch audio, 911 audio, squad to squad communications, and other audio and video data related to the incident. The City has subsequently released 22 sets of data, but has not produced any audio or video recordings thus far.

40. The BCA responded to the ACLU on July 21. It refused to grant the ACLU’s data requests and denied access to or a copy of the Videos because they “are part of an active BCA criminal investigation.” A true and correct copy of the BCA’s denial letter to the ACLU is attached hereto and incorporated by reference herein as Exhibit C. The BCA relied on the following language from Minn. Stat. § 13.82, subd. 7: “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.” The BCA’s denial letter to the ACLU did not provide any evidence to support the denial, and it did not identify any potential harm to the BCA that would allegedly result from the release of the requested Videos.

THE IMPORTANCE OF THE WITHHELD VIDEOS

41. The police killing of Philando Castile, following closely on the heels of the police killing of Jamar Clark in Minneapolis, has laid bare the broken relationship that exists between police in Minnesota and the communities they serve, particularly their relationship with people and communities of color. Secrecy and lack of transparency has served to deepen the chasm between police and the community by reinforcing the community's fear that police will not be held accountable for their acts of misconduct.

42. The public has a compelling interest in learning how police wield the tremendous authority given to them to take a human life in limited circumstances. As of August 30, police in the United States took the lives of at least 714 people in 2016. *The Counted: People Killed by Police in the US*, Guardian, <http://www.theguardian.com/us-news/ng-interactive/2015/jun/01/the-counted-police-killings-us-database>. Nearly a quarter of those killed by police were African-American, despite being only 13.3 percent of the population as of 2015.

43. The withheld Videos may shed significant light on the 103 seconds between the time Officers Yanez and Kauser exited their squad cars and the shooting death of Philando Castile. The withheld Videos also may shed significant light on the officers' actions after the shooting. Reynolds stated that officers failed to render aid that could have saved Castile's life and that the other officers arriving on the scene were more concerned with "soothing" Officer Yanez than helping Castile.

44. Disclosure of the Videos will provide a substantial benefit to the public because it will help inform the public regarding whether the police acted appropriately when they wielded deadly force and took the life of Philando Castile. *See Demers v. City of Minneapolis*, 468 N.W.2d 71, 74 (Minn. 1991) (noting the "compelling need for public accountability, particularly

with law enforcement agencies”). If the Videos conclusively demonstrate that the officers had no other choice under the circumstances, disclosure of the Videos could help increase public trust in law enforcement, which is “essential to the performance of a police officer’s duties.” *City of Minneapolis v. Moe*, 450 N.W.2d 367, 370 (Minn. Ct. App. 1990). If, on the other hand, the Videos show that officers made no attempt to first de-escalate the situation or that their use of deadly force was unjustified, releasing the Videos may lead to more immediate reforms in the St. Anthony Police Department and other law enforcement entities across the state, including additional training and changes to use-of-force policies.

45. The Minnesota Legislature has recently recognized the public benefit of increased transparency in law enforcement by directing the use of “portable recording systems” (body cameras) to be worn by law enforcement officers. Minn. Stat. § 626.8473, subd. 3 (effective Aug. 1, 2016). The Legislature expressly designated any audio or video data documenting a police shooting as public. *See* Minn. Stat. § 13.825, subd. 2(a)(1) (effective Aug. 1, 2016) (“[D]ata that document the discharge of a firearm by a peace officer in the course of duty, if a notice is required under section 626.553, subdivision 2, or the use of force by a peace officer that results in substantial bodily harm, as defined in section 609.02, subdivision 7a, are public.”).

46. Disclosing the Videos will benefit the public by promoting law enforcement transparency and Minnesota’s “fundamental commitment to making the operations of our public institutions open to the public.” *Prairie Island Indian Cmty. v. Minn. Dept. of Pub. Safety*, 658 N.W.2d 876, 884 (Minn. Ct. App. 2003). The public has a right “to know what the government is doing * * * within a context of effective government operation.” *Westrom v. Minn. Dept. of Labor & Indus.*, 667 N.W.2d 148, 150 (Minn. Ct. App. 2003) (alteration in original), *aff’d*, 686 N.W.2d 27 (Minn. 2004).

47. An order to compel disclosure of the Videos would also follow a nationwide movement to require greater accountability from law enforcement as relating to data requests. Just in the past few months, municipalities and police offices around the country have released videos of police shootings within weeks of the incident. *See, e.g.*, Cindy George, *Houston Mayor Releases Graphic Video*, Hous. Chron. (July 21, 2016), <http://www.chron.com/news/Houston-texas/article/Mayor-releases-video-in-police-shooting-of-8400893.php> (shooting occurred July 9; video released July 21); Matt Hamilton & Richard Winton, *Fresno Police Release Dramatic Body-Camera Footage*, L.A. Times (July 14, 2016), <http://www.latimes.com/local/lanow/la-me-ln-fresno-police-shooting-video-20160713-snap-story.html> (shooting occurred June 25; video released July 13); *After a Fatal Shooting, D.C. Police Choose Accountability in Releasing Body-Cam Video*, Wash. Post (July 15, 2016), https://www.washingtonpost.com/opinions/after-a-fatal-shooting-dc-police-choose-accountability-in-releasing-body-cam-video/2016/07/15/22e4f6ba-4a01-11e6-bdb9-701687974517_story.html (shooting occurred June 27; video released July 14). Some of these videos justified the officers' conduct; others did not. In the Washington case, however, the media noted that “because much of the incident was captured by police body cameras—with the footage released to the public in a timely way—D.C. officials have gone a long way toward reassuring residents about the accountability of their police force.” *After a Fatal Shooting, supra*. “What authorities need to realize is that the cause of improving accountability, transparency and public trust is undercut when footage is not released, sending the message that there is something to hide.” *Id.*

48. Even more revealing, the City of Chicago recently created a Police Accountability Task Force following the shooting death of Laquan McDonald at the hands of a Chicago police officer in 2014, and after the subsequent court battle over release of a video that confirmed the

officer's wrongful actions. Among the Task Force's duties is "developing a commonsense policy for the release of video, audio and other evidence related to serious police actions that balances the public's right to know with law enforcement's need to investigate these incidents without compromising critical evidence." Police Accountability Task Force, *Recommendations for Reform* 6 (Apr. 2016), available at http://www.ccachicago.org/wp-content/uploads/2016/04/PATF_Final_Report_Executive_Summary_4_13_16-1.pdf. Following release of the Task Force Report, the City of Chicago released hundreds of videos and investigative materials from 101 cases in which Chicago police fired their weapons or used force against civilians. Richard A. Oppel, Jr. & Richard Perez-Pena, *Chicago Releases Videos of Police Shootings*, N.Y. Times (June 3, 2016), http://www.nytimes.com/2016/06/04/us/chicago-police-misconduct.html?_r=0. This unprecedented disclosure represented "a remarkable turnaround for an administration that fought last year not to release a video showing an officer fatally shooting a teenager as he lay sprawled on the ground," and "a watershed moment for a city whose police and political culture have a long history of secrecy and obfuscation." *Id.*

49. Until the community is given some measure of transparency through the release of the Videos, the relationship between the community and police cannot begin to be repaired.

COUNT I: ACTION TO COMPEL DISCLOSURE
PURSUANT TO MINN. STAT. § 13.08

50. Plaintiff restates and realleges Paragraphs 1 through 49 of the Complaint.

51. On July 14, 2016, the ACLU requested from the City and BCA any and all Videos of the incident involving Castile.

52. Plaintiff's requests were properly made under the MGDPA.

53. The data responsive to Plaintiff's request includes public government Arrest Data and Response or Incident Data. Minn. Stat. § 13.82, subd. 2, 6.

54. The MGDPA governs Defendants' response to Plaintiff's requests.

55. The City expressly denied Plaintiff's request for squad video on July 15, 2016.

The City has refused to produce any other audio or videos in its possession.

56. The BCA denied Plaintiff's requests on July 21, 2016.

57. Defendants' denial of access violated the MGDPA.

58. Defendants' denial of access was willful.

59. Plaintiff was harmed as a result of Defendants' violations of the MGDPA.

60. Plaintiff has standing to challenge Defendants' response to its requests because it made a request for public government data and suffered harm because of Defendants' refusal to disclose such data.

61. Plaintiff is entitled to disclosure of the requested data. Minn. Stat. § 13.08, subd. 4.

62. Defendants' violation of the MGDPA entitles Plaintiff to its costs and disbursements, including reasonable attorney's fees. Minn. Stat. § 13.08, subd. 4.

63. Defendants' denial of Plaintiff's requests justifies assessment of a civil penalty. Minn. Stat. § 13.08, subd. 4.

64. Plaintiff is entitled to an immediate injunction preventing Defendants' continued violation of the MGDPA. Minn. Stat. § 13.08, subd. 2.

COUNT II: DISCLOSURE OF INVESTIGATIVE DATA
PURSUANT TO MINN. STAT. § 13.82, SUBD. 7

65. Plaintiff restates and realleges Paragraphs 1 through 64 of the Complaint.

66. The BCA denied Plaintiff's requests because the Videos "are part of an active BCA criminal investigation."

67. The MGDPA allows disclosure of criminal investigative data if “the benefit to the person bringing the action or to the public outweighs any harm to the public, to the agency or to any person identified in the data.” Minn. Stat. § 13.82, subd. 7.

68. The public has a compelling interest in learning how police wield the tremendous authority given to them to take a human life in limited circumstances. Police in the United States have taken the lives of over 714 people thus far in 2016, almost a quarter of whom were black.

69. Disclosure of the Videos will provide a substantial benefit to the public because it will help inform the public whether the police acted appropriately when they wielded deadly force and took the life of Philando Castile and it will help to advance law enforcement transparency and promote Minnesota’s fundamental commitment to making the operations of our public institutions open to the public.

70. Defendants have identified no harms to the public or to the BCA caused by disclosure of the Videos.

71. Because the benefits of disclosing the Videos outweigh any harms, the Court should authorize disclosure of the Videos. Minn. Stat. § 13.82, subd. 7.

PRAYER FOR RELIEF

For the reasons stated above, Plaintiff ACLU prays for judgment as follows:

- A. Injunctive relief against Defendants through disclosure of the Videos;
- B. Assessment of a civil penalty under Minn. Stat. § 13.08, subd. 4;
- C. Fees, costs, and disbursements, including reasonable attorneys’ fees under Minn. Stat § 13.08, subd. 4 and other applicable law; and
- D. Such other, further, different, and additional relief as the Court may deem just and equitable.

Dated: September 1, 2016

MASLON LLP

By: s/ Haley N. Schaffer

Haley N. Schaffer (#313099)

Melissa Muro LaMere (#0393295)

Erica A. Holzer (#0395234)

Jevon C. Bindman (#0396337)

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ACLU OF MINNESOTA

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ATTORNEYS FOR PLAINTIFF

ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. § 549.211, to the parties against whom the allegations in the Summons and Complaint are asserted.

s/ Haley N. Schaffer

CITY OF ST. ANTHONY VILLAGE
INFORMATION DISCLOSURE REQUEST
MINNESOTA GOVERNMENT DATA PRACTICE ACT



A. COMPLETED BY REQUESTER

(Optional, for the sole purpose of facilitating access to the data)

REQUESTER NAME (Last, First, MI): Nelson, Teresa Legal Director, ACLU of Minnesota	DATE OF REQUEST: 07/14/16 REQUEST TYPE: <input checked="" type="checkbox"/> EMAIL <input checked="" type="checkbox"/> FAX <input type="checkbox"/> IN-PERSON <input type="checkbox"/> PHONE <input checked="" type="checkbox"/> MAIL
STREET ADDRESS: 2300 Myrtle Ave., Suite 180	PHONE NUMBER: 651.645.4097 ext. 1220
CITY, STATE, ZIP CODE: St. Paul, MN 55114	SIGNATURE:
DESCRIPTION OF THE INFORMATION REQUESTED: Please see attached letter	
Please see attached letter	

Note: You may be required to pay the actual costs of making and/or compiling the copies of information requested.

B. COMPLETED BY DEPARTMENT

REQUEST HANDLED BY:	DEPARTMENT:
METHOD OF RESPONSE:	INFORMATION CLASSIFIED AS:
ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED IN PART (EXPLAIN BELOW) <input type="checkbox"/> DENIED (EXPLAIN BELOW)	
IDENTITY VERIFIED FOR PRIVATE INFORMATION: <input type="checkbox"/> IDENTIFICATION <input type="checkbox"/> COMPARE SIGNATURE ON FILE <input type="checkbox"/> PERSONAL KNOWLEDGE <input type="checkbox"/> OTHER	

C. COMPLETE WHEN FEES ARE ASSESSED

PHOTOCOPYING CHARGES: <input type="checkbox"/> NONE <input type="checkbox"/> _____ x 0.25 = _____ <small>(# OF PAGES)</small>	FEES: (Complete Cost Calculation)	
AUTHORIZED SIGNATURE:		
TOTAL AMOUNT DUE: \$	RECEIVED BY:	DATE:

Make check/money order payable to: City of St. Anthony Village.

If mailed, return form and payment to: CITY OF ST. ANTHONY VILLAGE, 3301 SILVER LAKE ROAD, ST. ANTHONY, MN 55418



July 14, 2016

City Of St. Anthony Village
3301 Silver Lake Road
St. Anthony, Mn 55418

Re: Request for records under the Minnesota Government Data Practices Act

To Whom it May Concern:

Pursuant to the Minnesota Government Data Practices Act, Minnesota Statute §13.01-.99, the ACLU of Minnesota hereby requests a copy of data relating to the officer-involved killing of Philando Castile on July 6, 2016, and any response to or law enforcement action regarding the incident. Mr. Castile was shot and killed near the intersection of Larpenteur Ave. and Fry Street in Falcon Heights, Minnesota by a City of St. Anthony Village police officer during a stop of the vehicle (license number 203-TTM) Castile was driving. Specifically, the ACLU of Minnesota hereby requests a copy of:

AMERICAN CIVIL
LIBERTIES UNION OF
MINNESOTA FOUNDATION
2300 MYRTLE AVENUE
SUITE 180
SAINT PAUL, MN 55114
T/651.645.4097
F/651.647.5948
support@aclu-mn.org
www.aclu-mn.org

1. All audio and video recordings, photographs or other electronic records relating to the incident including but not limited to squad camera video and audio, body camera video, personal recording device audio or video, cell phone video, cell phone audio, dispatch audio, 911 audio, and squad to squad communications. This request includes all such records from all squad cars and officers involved in the initial stop of Philando Castile and all squad cars and officers who responded to the scene.
2. All electronic communications including dispatch communications, mobile data terminal communications, criminal justice and other state and/or local database queries and responses.
3. All police reports, including narrative reports and attachments relating to the incident.
4. All records relating to vehicle stops by officers of the Saint Anthony Police Department for the purpose of investigating individuals on the basis that they resemble a recent robbery suspect between the dates of June 15, 2016 and the present date.
5. All documents and records received by or available to St. Anthony Police officers as of July 6, 2016 relating to the burglary suspect that is alleged to have been the basis or partial basis for the initial stop of Philando Castile by St. Anthony Police officers on July 6, 2016.
6. A copy of the current St. Anthony Police Department policies and procedures manual.



The ACLU will pay for the cost of providing copies of these items. If the cost of providing these items exceeds \$200, please contact me for approval prior to completing the request.

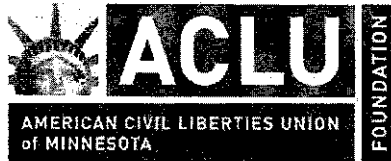
If the information is not immediately available, the ACLU will expect a written acknowledgment of the request within five working days. If you deny this request, the ACLU expects a detailed explanation of your reasons for denying access to the information within five working days. *See* Minn. Stat. § 13.03, subd. 3(a) (stating that requests for government data must be “received and complied with in an appropriate and prompt manner”). If we do not hear from you within that time, it will be assumed that the request has been denied, and appropriate action will be taken.

Thank you for a timely response to this matter.

Sincerely,



Teresa Nelson
Legal Director



July 14, 2016

Judith Strobel
Bureau of Criminal Apprehension
1430 Maryland Ave. East
St. Paul, MN 55106
judy.strobel@state.mn.us

VIA E-MAIL AND U.S. MAIL

Re: Request for records under the Minnesota Government Data Practices Act

To Whom It May Concern:

Pursuant to the Minnesota Government Data Practices Act, Minnesota Statute §13.01-.99, the ACLU of Minnesota hereby requests a copy of data relating to the officer-involved killing of Philando Castile on July 6, 2016, and any response to or law enforcement action regarding the incident. Mr. Castile was shot and killed near the intersection of Larpenteur Ave. and Fry Street in Falcon Heights, Minnesota by a City of St. Anthony Village police officer during a stop of the vehicle (license number 203-TTM) Castile was driving. Specifically, the ACLU of Minnesota hereby requests a copy of:

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2. All electronic communications including dispatch communications, mobile data terminal communications, criminal justice and other state and/or local database queries and responses.
3. All police reports, including narrative reports and attachments relating to the incident.
4. All documents and records received by or available to St. Anthony Police officers as of July 6, 2016 relating to the burglary suspect that is alleged to have been the basis or partial basis for the initial stop of Philando Castile by St. Anthony Police officers on July 6, 2016.

The ACLU will pay for the cost of providing copies of these items. If the cost of providing these items exceeds \$200, please contact me for approval prior to completing the request.

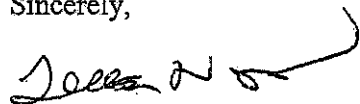
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Thank you for a timely response to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Teresa Nelson", with a long, sweeping flourish extending to the right.

Teresa Nelson
Legal Director

cc: E. Joseph Newton, MN DPA Data Practices Compliance Official

Jevon Bindman

From: Bjorkman.Paula@dorsey.com on behalf of Lindgren.Jay@dorsey.com
Sent: Friday, July 15, 2016 10:50 AM
To: Bjorkman.Paula@dorsey.com
Subject: City of St. Anthony Public Data Request: Data Enclosed (1st set)
Attachments: 20160711.zip

*This email has been previously provided to other requesters on 7/11/16.

This email is in response to your recent request to the City of Saint Anthony, Minnesota for public data pursuant to the Minnesota Government Data Practices Act. I am responding on behalf of Jay Lindgren of Dorsey & Whitney, who is the City Attorney for the City of Saint Anthony.

The City has received a large volume of requests for data. In order to facilitate and expedite the processing of these requests, and serve the goals of transparency and prompt public access to public data, the City has created a mass email list for individuals who have made public records requests. Your email address has been added to this list. Public data that is responsive to your request, and requests made by other individuals, will be provided simultaneously to all requesters on this list. If you wish to be removed from this list, please respond to this email and let me know.

Enclosed please find the first set of documents produced: personnel information for Officer Yanez and Officer Kauser, the incident report, firearms training documentation, and the City's agreement with the union. Information has been redacted pursuant to Minn. Stat. § 13.37, subd. 1(a) and/or Minn. Stat. § 13.82, subd. 17.

The City of Saint Anthony is not in possession of the following data because it has been turned over as part of the investigation: squad video. The following data does not exist: bodycam recording.

The City will continue to provide public information when it is available, by follow-up email. If these documents do not constitute a full response to your public records request, we assure you that we are continuing to search for and review documents responsive to your request. The City is currently assembling the data and will provide that to you as soon as it is available.

We have received several questions about the absence of certain data from this first set of documents produced. The City is continuing to collect and review data, and has decided to provide data on a rolling basis as it becomes available instead of waiting for complete data before releasing information. If the City determines that it has no data in a specific category, it will expressly acknowledge that fact, as it has done for the squad video and bodycam data. In the absence of express confirmation, you should not interpret the absence of data as proof that there is no such data, but rather an indication that any such data may have yet to be identified. If it is identified, it will be released as required.

Best regards,

Shannon L. Bjorklund
Associate

DORSEY & WHITNEY LLP

Suite 1500, 50 South Sixth Street | Minneapolis, MN 55402-1498
P: 612.492.6636 F: 612.677.3086

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MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Alcohol &
Gambling
Enforcement

ARMER/911
Program

Bureau of
Criminal
Apprehension

Driver and
Vehicle Services

Homeland
Security and
Emergency
Management

Minnesota
State Patrol

Office of
Communications

Office of
Justice Programs

Office of
Traffic Safety

State Fire
Marshal and
Pipeline Safety



Bureau of Criminal Apprehension

1430 Maryland Avenue E., St. Paul, Minnesota 55106
Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651/282-6555
Internet: <http://www.dps.state.mn.us/bca/>

July 21, 2016

Teresa Nelson
Legal Director
ACLU of Minnesota
2300 Myrtle Avenue, Suite 180
St. Paul, MN 55114
tnelson@aclu-mn.org

VIA E-MAIL AND U.S. MAIL

Dear Ms. Nelson:

The Minnesota Bureau of Criminal Apprehension (BCA) is in receipt of your letter dated July 14, 2016 in which you request a copy of the following data regarding Philando Castile under the Minnesota Government Data Practices Act (Chapter 13).


1. All audio and video recordings, photographs or other electronic records relating to the incident including but not limited to squad camera video and audio, body camera video, personal recording device audio or video, cell phone video, cell phone audio, dispatch audio, 911 audio, and squad to squad communications. This request includes all such records from all squad cars and officers involved in the initial stop of Philando Castile and all squad cars and officers who responded to the scene.
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4. All documents and records received by or available to St. Anthony Police officers as of July 6, 2016 relating to the burglary suspect that is alleged to have been the basis or partial basis for the initial stop of Philando Castile by St. Anthony Police officers on July 6, 2016.

Minnesota state law does not authorize the BCA to provide access to or release data that are part of an active BCA criminal investigation. *See* Minn. Stat. § 13.82, subd. 7, (stating, in part, that "...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").

Teresa Nelson
July 21, 2016
Page 2

This letter serves as the BCA's detailed explanation of the reasons for not providing data responsive to your written request. The BCA will contact you when any data responsive to your request become public. Thank you.

Sincerely,



Judith M. Strobel
Senior Legal Analyst

c: E. Joseph Newton, MN Dept. of Public Safety General Counsel and Data Practices
Compliance Official