May 5, 2021

Criminal and Juvenile Information Advisory Group
Uniform Criminal Justice and Identification Data Standards Subcommittee
c/o Minnesota Bureau of Criminal Apprehension
1430 Maryland Avenue East
St. Paul, MN 55106

Re: Uniform Criminal Justice and Identification Data Standards Subcommittee White Paper

Dear Uniform Criminal Justice and Identification Data Standards Subcommittee:

Thank you for the opportunity to review and comment on the draft of the Uniform Criminal Justice and Identification Data Standards Subcommittee White Paper. Public defenders agree that misidentification of individuals within the criminal and juvenile justice system is a real and ongoing problem that can have lasting consequences to our clients. We support the effort to correct this problem but believe that societal beliefs regarding personal privacy and limited government intrusion into the lives of its citizens must be considered when arriving at a solution to this problem. As recent events have shown, even minor interactions between law enforcement and the citizenry can easily become emotionally charged and result in unintended consequences. We, therefore, believe that the solution must be the least intrusive method possible.

From our perspective, photographing citizens accused of low-level offenses is far less intrusive than requiring citizens to submit to Rapid ID fingerprinting. Citizens routinely see body camera footage on television news and have grown accustomed to
the idea that encounters with law enforcement may be recorded or photographed. However, citizens are not accustomed to submitting their fingerprints for routine encounters with law enforcement not resulting in arrest. Also, judges and attorneys are not trained in the interpretation of fingerprint identification evidence and must rely on experts to resolve disputes involving fingerprint evidence. However, a photograph attached to a citation or incident report could help to resolve identification challenges that occur at the trial court level.

Sincerely,

Steve Holmgren
Chief Public Defender
1st Judicial District

Kathleen Hoyle
Information Systems Director
Minnesota State Board of Public Defense