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January 24, 2011

Commissioner Ramona Dohman
Minnesota Department of Public Safety
Town Square, 444 Cedar Street
Saint Paul, MN 55101

Dear Commissioner Dohman,

I am making a request for access to public data under the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13 (MGDPA).

Your agency previously provided materials related to those that I am now seeking. What follows is the procedural history of my previous request.

On June 7th, 2010, I submitted a MGDPA request for materials related to law enforcement actions near 17717 Concord Drive, in Ham Lake, Minnesota on the night of December 30th, 2009, involving the officer-involved shooting of Theodore Kowalzek. A copy of my original request is enclosed.

This request was subsequently passed on to the relevant parties within your agency. On June 14, 2010, Special Agent Drew Evans of the Minnesota Bureau of Criminal Apprehension responded to my request by producing a copy of a criminal investigative file related to the events in question. Included in the file were many of the documents and other materials that I had sought in my initial request. A copy of the response from Special Agent Evans is enclosed.

Within the BCA investigative file, a reference is made to the existence of video documentation of the crime scene. On a page manually numbered as "B/11" – and otherwise labeled as "Report 2009-689/4" – a report narrative states that "SA O'Donnell documented the crime scene through video." The narrative goes on to state that "SA O'Donnell later copied the video from DV to DVD for easy distribution. The original mini DV tape was marked as evidence and stored in the crime scene section." For reference, a copy of page "B/11" is enclosed.

I am seeking to inspect the investigative data described above in its original mini DV format, or in its DVD format if the mini DV original is not available. If the mini DV

original is not available, please consider this letter a request under the MGDPA for access to all documentation related to the disposition of the original mini DV tape.

Please contact me to arrange a date and time for the inspection of the requested data. If necessary, I can provide mini DV equipment in order to expedite the timely inspection of the requested data.

In addition, please consider this letter a formal request for the indefinite retention of the requested data, pending the resolution or reclassification of its status.

As required by section 13.03, subd. 3. paragraph f of the Minnesota Statutes, I am requesting that in the event that any portion of this request is not granted, your department certify in writing that the request has been denied, and cite the specific statutory section, temporary classification, or other provision of law upon which the denial was based.

This request is for news gathering purposes, and is not for commercial use.

Please contact me with any questions related to this request. I can be reached by telephone at 651-335-2037, or by e-mail at info@publicrecordmedia.com.

Sincerely,



Matt Ehling
President, Public Record Media, LLC

cc: BCA Data Practices Compliance Official
E. Joseph Newton
MN Department of Public Safety
Town Square, 444 Cedar Street
Saint Paul, MN 55101

Senior Special Agent Drew Evans
Minnesota Bureau of Criminal Apprehension
1430 Maryland Ave East
Saint Paul, MN 55106

Minnesota Bureau of Criminal Apprehension

ACISS Investigative Supplement Report

Report Number: 2009-689/4

Report Date: 01/08/2010

Primary Information

Report Number: 2009-689/4
 Report Date: 01/08/2010
 Type Of Report: Investigative Supplement
 Description: Crime Scene Documentation Report
 Reporting LEO: O'Donnell, William (1378 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
 Approval Status: Approved
 Approved Date: 01/11/2010
 Approved By: Leatherman, Eugene (1327 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On 12/31/09, at approximately 0900hrs, SA O'Donnell was requested to respond to Ham Lake, Minnesota to help document a crime scene. SA O'Donnell documented the crime scene with video.

Property #1 - Mini DV Tape

Primary Information

Property Class: Evidence
 Property Type: CD, DVD, DISC, TAPE
 Description: Mini DV Tape
 Property Status: BCA / HQ
 Status Date: 01/04/2010 00:00
 Quantity: 1
 Submitted To PES: YES
 Remarks: Mini DV Tape is stored in the Crime Scene Section.
 Remote Bin: Locker

Narrative

On 12/31/09, at approximately 0900hrs, SA O'Donnell was requested to respond to Ham Lake, Minnesota to help document a crime scene. SA O'Donnell documented the crime scene through video, while SA Mueller documented the scene with digital photography. SA O'Donnell later copied the video from mini DV to DVD for easy distribution. The original mini DV tape was marked as evidence and stored in the crime scene section.

Record Status Information

Record Origination Operator: O'Donnell, William (1378 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
 Record Origination Date: 01/08/2010 10:54
 Last Update Operator: Leatherman, Eugene (1327 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
 Last Update Date: 01/11/2010 13:54

Reporting LEO	Date	Supervisor	Date
O'Donnell, William (1378 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Leatherman, Eugene (1327 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	2/11/2010

B/11