

Monday, January 25, 2021

House Industry, Business and Labor Committee
HB 1296

REP. LEFOR AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing on behalf of the North Dakota Newspaper Association and the North Dakota Broadcasters Association. We oppose HB 1296. This bill shuts out the public from law enforcement records that have been open at least since 1989 under §44-04-18.7 (2) (i), NDCC, and probably before then.

We believe that open records serve the public well and, unless there is a groundswell of support for closure, and that records that are open should remain open. We do not detect such a ground swell in this instance. There is one person proposing is and I believe that effort is misdirected.

The media are going to carry stories about an arrest, photo or no photo. Therefore, the fear of future Googling hurting parties by revealing their past crimes is not going to be solved by eliminating mug shots. The vast majority of arrests lead to convictions. To delay the release of a mug shot until conviction does nothing to solve the problem of future Googlers.

Just as cameras in the court room enhances the publics' understanding of the criminal justice system, so do photos enhance the media's stories of these crimes and, we believe, help readers.

And, we also believe by not addressing §44-04-18.7(2)(i) NDCC (attached), this bill introduces confusion into the law where now there is none.

Thank you for your time and consideration. I'd be happy to answer any questions.

§ 44-04-18.7. Criminal intelligence information and criminal investigative information - Nondisclosure
- Record of information maintained

2. "Criminal intelligence and investigative information" does not include:

- a. Arrestee description, including name, date of birth, address, race, sex, physical description, and occupation of arrestee.
- b. Facts concerning the arrest, including the cause of arrest and the name of the arresting officer.
- c. Conviction information, including the name of any person convicted of a criminal offense.
- d. Disposition of all warrants, including orders signed by a judge of any court commanding a law enforcement officer to arrest a particular person.
- e. A chronological list of incidents, including initial offense report information showing the offense, date, time, general location, officer, and a brief summary of what occurred.
- f. A crime summary, including a departmental summary of crimes reported and public calls for service by classification, nature, and number.
- g. Radio log, including a chronological listing of the calls dispatched.
- h. General registers, including jail booking information.
- i. Arrestee photograph, if release will not adversely affect a criminal investigation.**