

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A24-1138**

Alpha News,  
Appellant,

vs.

City of Detroit Lakes, et al.,  
Respondents.

**Filed April 7, 2025  
Reversed and remanded  
Bentley, Judge**

Becker County District Court  
File No. 03-CV-24-706

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Considered and decided by Ede, Presiding Judge; Harris, Judge; and Bentley, Judge.

**SYLLABUS**

1. The abuse-of-discretion standard of review applies to a district court's decision to grant or deny a motion under section 13.82, subdivision 7, of the Minnesota Government Data Practices Act (MGDPA), Minn. Stat. §§ 13.01-.991 (2024), for an order directing the release of active criminal investigative data that are categorized as confidential or protected nonpublic.

2. A “benefit . . . to the public,” for the purpose of the balancing test set forth in section 13.82, subdivision 7, of the MGDPA, is that which has a helpful or useful effect on the community or people as a whole, or that which otherwise promotes or enhances the well-being of the community or people as a whole, and is not constrained by section 13.82, subdivision 15, or any other provision of the MGDPA.

## OPINION

**BENTLEY**, Judge

This case is about access to government data, which is regulated by the Minnesota Government Data Practices Act (MGDPA), Minn. Stat. §§ 13.01-.991 (2024). Appellant Alpha News seeks police body-worn and dash camera footage relating to an ongoing criminal investigation in which the suspect is a sitting Minnesota state senator. Section 13.82, subdivision 7, of the MGDPA (hereinafter, subdivision 7) provides that data from active criminal investigations are generally “confidential or protected nonpublic,” meaning the data are not available to the public. But subdivision 7 also states that any person may bring an action in the district court to request an order for the data’s release. Minn. Stat. § 13.82, subd. 7. A district court is authorized to release data under subdivision 7 if it conducts a balancing test and determines that “the benefit to the person bringing the action or to the public outweighs any harm to the public, to the agency or to the person identified in the data.” *Id.*

Alpha News brought an action under subdivision 7 and now appeals from the district court’s order declining to release the footage. Alpha News argues that, when the district court performed the required balancing test, it improperly limited the types of benefits to

the public that may be considered. We have carefully reviewed the district court’s order, but we cannot discern whether the district court properly construed the meaning of the phrase “benefit . . . to the public” in subdivision 7. We therefore reverse the district court’s order and remand for the court to reconsider Alpha News’s request in a manner not inconsistent with this opinion.

## FACTS

Alpha News brought this action in the district court under subdivision 7 and filed a motion requesting that the district court order respondents Detroit Lakes Police Department, Detroit Lakes City Clerk Glori French, in her official capacity, and City of Detroit Lakes (collectively, the city) to release active criminal investigative data relating to the court file associated with a pending criminal proceeding against Minnesota State Senator Nicole Lynn Mitchell.<sup>1</sup> Specifically, Alpha News seeks the release of body-worn<sup>2</sup> and dash camera footage created by the Detroit Lakes Police Department relating to Mitchell’s arrest on April 22, 2024. The parties agree that the requested data are currently classified as confidential or protected nonpublic under subdivision 7.

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<sup>1</sup> Mitchell was not named as a party by Alpha News, nor did she seek to intervene in the action in the district court. She is not participating in this matter on appeal.

<sup>2</sup> We use the colloquial term “body-worn camera footage,” but we intend that term to be synonymous with “data from a portable recording system.” A portable recording system is defined in the MGDPA as “a device worn by a peace officer that is capable of both video and audio recording of the officer’s activities and interactions with others or collecting digital multimedia evidence as part of an investigation.” Minn. Stat. § 13.825, subd. 1(b)(1).

The relevant facts are undisputed and derive from documents attached to Alpha News's complaint and submitted with its motion to authorize disclosure of the data. Because this case turns on an issue of statutory interpretation, we provide only those details of the underlying criminal proceeding and related public commentary that are necessary to understand our consideration of the statute and our review of the district court's decision.

The criminal complaint charges Mitchell with first-degree burglary, in violation of Minnesota Statutes section 609.582, subdivision 1(a) (2022). The complaint states that early in the morning on April 22, 2024, Detroit Lakes police officers were dispatched to investigate a residential break-in. The alleged victim, later identified as the spouse of Mitchell's late father, reported that the suspect was in the basement. While searching the basement, two responding officers encountered Mitchell and placed her under arrest. Mitchell was dressed in black clothing and was near a flashlight covered with a black sock that the officers viewed as having "been modified so as to control the amount of light emitting from the flashlight." As Mitchell was being arrested, she told her stepmother, "I was just trying to get a couple of my dad's things because you wouldn't talk to me anymore."

In a search for the point of entry, an officer observed that a black backpack was stuck in a small sliding window on the south wall of the basement. The backpack contained two laptops that Mitchell said were hers. She told the officer that she had "just gotten into the house" and said, "clearly I'm not good at this." After the other officer read Mitchell a *Miranda* warning at his squad car, Mitchell stated, "I know I did something bad." She also explained that her father had recently passed away, that her stepmother had since ceased

contact with her and other family members, and that she wanted some of her father's items that her stepmother had refused to provide to her.

According to Alpha News, information in the criminal complaint conflicts with public statements made by Mitchell and her attorney in the days following her arrest. For example, Alpha News's complaint points to a statement that Mitchell posted on Facebook on the day after her arrest, which includes the following excerpt:

Over the weekend, I learned of medical information which caused me grave concern and prompted me to check on [a] family member. I entered a home I have come and gone from countless times in the past 20 years, where my son even once had his own room. Unfortunately, I startled this close relative, exacerbating paranoia, and I was accused of stealing, which I absolutely deny.

At around the same time, Mitchell's attorney told reporters that Mitchell's stepmother had experienced cognitive decline, and that Mitchell had entered the residence, at least in part, to check on her stepmother. Mitchell's attorney also commented that the criminal complaint "fails to include exculpatory facts, such as how Senator Mitchell has a key to the residence in question; that she was only in possession of things that she actually owns; and that she was and is deeply concerned about the health and welfare of someone who has been a member of her family for 45 years." Mitchell's attorney further stated, "Contrary to what has been said and written by others, there is effectively no actual evidence that has yet been made public." And, in a statement released through her attorney, Mitchell said, "I am confident that a much different picture will emerge when all of the facts are known."

The criminal complaint prompted responses by public officials. Among them, Governor Tim Walz stated that the arrest raised "some very serious questions [that] need

to be addressed”; the Minnesota Senate minority leader called for Mitchell’s resignation; and nine senators filed an ethics complaint with the Minnesota Senate’s Subcommittee on Ethical Conduct.

On April 23, 2024, Alpha News submitted a formal request to the Detroit Lakes Police Department for body-worn camera footage from April 22, 2024, relating to Mitchell’s arrest. The department denied that request. Alpha News then filed its complaint and motion in the district court under subdivision 7 on April 26. In its complaint, Alpha News states that the requested “camera footage . . . could corroborate or refute the criminal complaint and/or public statements by Senator Mitchell.” According to Alpha News, the public benefit from such data “is substantial” and “[t]here is a strong public interest and benefit in knowing about the truth related to criminal charges against a sitting State Senator.” And, in Alpha News’s view, “[t]he potential harm of releasing the data to any person identified in the data is small; all it will reveal is what happened on April 22, 2024 and what Senator Mitchell, the victim, and law enforcement officials said and did.” Therefore, Alpha News maintains, “[t]he public benefit greatly outweighs any potential harm to Senator Mitchell or the Detroit Lakes Police Department.”

In the district court, the city took no position on the ultimate question of whether the data should be released. Rather, the city asked that the district court “make findings and point out why this is a special circumstance” before authorizing release so that the city would not face “numerous requests” for release of other data based on similar assertions that the public interest outweighs the harm that release of confidential data may have on matters like procuring an impartial jury.

The relevant body-worn and dash camera footage was delivered to the district court in accordance with the requirement in subdivision 7 that “the data in dispute shall be examined by the court in camera.” And, after a motion hearing, the district court issued an order denying Alpha News’s motion for the release of the data. In an attached memorandum, the district court explained its determination that, “[u]nder 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.” In its analysis, the district court discussed MGDPA provisions beyond subdivision 7. The district court noted that “[t]his 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.”

This appeal follows. On appeal, the city defends the decision of the district court.<sup>3</sup>

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<sup>3</sup> Alpha News argues that the city’s defense of the district court’s order on appeal is forfeited because the city did not take the position below that the data should not be released. We disagree. The city’s position was that the district court should make a reasoned decision on the data request. The city can now defend the reasoning of that decision on appeal. *Cf. State v. Grunig*, 660 N.W.2d 134, 137 (Minn. 2003) (A respondent can raise alternative arguments on appeal in defense of the underlying decision[.]”); *In re Welfare of J.A.D.*, 13 N.W.3d 423, 437 (Minn. App. 2024) (applying the *Grunig* rule and concluding that the respondent did not forfeit an issue not raised below). In any event, we must thoroughly evaluate Alpha News’s position on appeal because we have “the responsibility . . . to decide cases in accordance with law.” *Moorhead Econ. Dev. Auth. v. Anda*, 789 N.W.2d 860, 875 (Minn. 2010) (quotation omitted).

## ISSUE

In conducting the balancing test under Minnesota Statutes section 13.82, subdivision 7, did the district court misapply the law by applying an overly restrictive interpretation of the meaning of “benefit . . . to the public”?

## ANALYSIS

Alpha News argues that the district court erred in denying its motion for an order releasing the data because the court applied an overly narrow view of what constitutes a “benefit . . . to the public” when performing the balancing test under subdivision 7. The city maintains that the district court properly exercised its discretion and denied the motion after concluding that the potential harms of release outweigh the benefits to the public.

We begin our analysis with a discussion of the standard of review that applies to a district court’s decision under subdivision 7, which presents an issue of first impression for this court. We then offer an overview of the relevant provisions in the MGDPA that address the classification of criminal investigative data, including body-worn camera footage. With that context in mind, we turn to the merits of Alpha News’s appeal and interpret the meaning of “benefit . . . to the public” as it appears in subdivision 7. That is also a matter of first impression for our court. Finally, we consider whether the district court misapplied the law in light of our interpretation of that provision.

## I

As with any appeal, we first establish the standard of review that applies to our consideration of the district court’s decision. The supreme court has held that, when a statute requires a district court to weigh competing interests, it “is generally a discretionary



task.” *State v. R.H.B.*, 821 N.W.2d 817, 822 (Minn. 2012). And a statute’s use of permissive language signals that the decision is within the district court’s discretion. *See, e.g., Kemp v. Kemp*, 608 N.W.2d 916, 920 (Minn. App. 2000) (“Because the word ‘may’ is defined as ‘permissive,’ a district court has discretion to set the effective date of a maintenance modification.”). The statute here provides that the district court “may order” the release of data after considering whether the benefits of release outweigh the harms. Minn. Stat. § 13.82, subd. 7. We therefore hold that our review of the district court’s decision whether to release confidential or protected nonpublic active criminal investigative data under the balancing test in subdivision 7 is for an abuse of discretion.

One way a district court can abuse its discretion is by misapplying the law. *Bender v. Bernhard*, 971 N.W.2d 257, 262 (Minn. 2022). To determine whether the district court misapplied the law here, we must first interpret the statute. Appellate courts review issues of statutory interpretation de novo. *Wood v. County of Blue Earth*, 994 N.W.2d 309, 312 (Minn. 2023). After interpreting the meaning of the statute, we then consider whether the district court applied a correct interpretation of the statute to its analysis. In conducting that review, we recognize that subdivision 7 does not require the district court to provide written findings on each aspect of the balancing test. *Compare* Minn. Stat. § 13.03, subd. 8 (requiring the district court to “make a written statement of findings in support of its decision”), *with* Minn. Stat. § 13.82, subd. 7 (lacking an express requirement to make written findings). But our review is hampered if we cannot discern from the district court’s decision whether it considered the appropriate factors in the balancing test. *Cf. Gams v. Houghton*, 884 N.W.2d 611, 621 (Minn. 2016) (stating that, to review a district court’s

decision denying relief from a judgment or order under Minn. R. Civ. P. 60.02, “effective appellate review under an abuse-of-discretion standard is only possible when the district court has issued sufficiently detailed . . . conclusions of law to demonstrate that it has considered all of the relevant factors.”); *Webster v. Hennepin County*, 891 N.W.2d 290, 293 n.2 (Minn. 2017) (noting that it is a “better practice” for a district court, in deciding whether to grant a stay pending appeal, to provide written analysis of each relevant factor “in the interest of completeness and to facilitate appellate review”).

With our standard of review in mind, we turn to an overview of the relevant provisions of the MGDPA.

## II

The MGDPA “regulates the collection, creation, storage, maintenance, dissemination, and access to government data in government entities.” Minn. Stat. § 13.01, subd. 3. The statute “prescribes a general regime by which data is presumed to be public and accessible unless classified as nonpublic or protected nonpublic, or with respect to data on individuals, as private or confidential.” *Cilek v. Off. of Minn. Sec’y of State*, 941 N.W.2d 411, 415 (Minn. 2020) (quotation omitted); *see also* Minn. Stat. § 13.03, subds. 1, 3. The parties agree that the presumption that data are public does not apply here because the requested body-worn and dash camera footage is classified as confidential or protected nonpublic data under subdivision 7.

Subdivision 7 provides 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.” Minn. Stat. § 13.82, subd. 7; *see also* Minn. Stat. § 13.825, subd. 2(a)(3) (providing that, with some exceptions, body-worn camera footage “that are active criminal investigative data are governed by section 13.82, subdivision 7”). Relevant here, an investigation is considered active until the prosecutorial authority decides not to pursue the case or a person convicted on the basis of the investigative data exhausts all rights to appeal or all rights to appeal have expired. Minn. Stat. § 13.82, subd. 7(c). In other words, while the criminal proceedings against Mitchell are ongoing, criminal investigative data relating to those proceedings are confidential or protected nonpublic.<sup>4</sup>

Despite the classification of active criminal investigative data as confidential or protected nonpublic, the MGDPA provides that the data may be released in certain circumstances. For example, under section 13.82, subdivision 15, entitled “Public benefit data,” a law enforcement agency may release confidential or protected nonpublic active criminal investigative data if the agency “determines that the access will aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest.” Minn. Stat. § 13.82, subd. 15 (hereinafter, subdivision 15). Also, when an individual dies because

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<sup>4</sup> We note that not all criminal investigative data becomes public when an investigation turns inactive. Subdivision 7 provides a general rule that inactive criminal investigative data are public, but it exempts data that would “jeopardize another ongoing investigation,” reveal the identity of certain protected individuals, or reveal an image or recording that is “clearly offensive to common sensibilities.” Minn. Stat. § 13.82, subd. 7. Also, the release of body-worn camera footage relating to an inactive criminal investigation is governed by separate section of the MGDPA. *See* Minn. Stat. § 13.825, subd. 2(a)(3); *see also id.*, subd. 2(g) (authorizing an action in district court for release of private or nonpublic body-worn camera footage, subject to a balancing test).

of a use of force by an officer, certain criminal investigative data must be released on specific timelines unless the chief law enforcement officer asserts in writing that the release would jeopardize an ongoing investigation or the data are “clearly offensive to common sensibilities.” *See* Minn. Stat. § 13.825, subd. 2(b)-(e). And, if confidential or protected nonpublic active criminal investigative data are presented as evidence in court, the statute directs that the data “shall be public.” Minn. Stat. § 13.82, subd. 7.

Central to this case, the MGDPA provides that, if criminal investigative data are classified as confidential or protected nonpublic, “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.” *Id.* The district court may order that all or part of the data be released after the data are “examined by the court in camera,” and the court has considered “whether 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.” *Id.* (emphasis added). Alpha News invoked this process in its complaint.<sup>5</sup>

### III

We now turn to the merits of Alpha News’s appeal. Alpha News maintains that the district court applied an overly narrow interpretation of the phrase “benefit . . . to the public,” as it appears in subdivision 7, and improperly constrained the meaning of that

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<sup>5</sup> The parties agree that no other exception to the release of data presently applies while the investigation is active. As of the time of the district court’s decision and our consideration of this appeal, none of the requested data have been presented as evidence in court; and the Detroit Lakes Police Department denied Alpha News’s request to have the department release the data on its own accord. *See* Minn. Stat. § 13.82, subd. 15.

phrase to the circumstances identified in subdivision 15 and in other provisions permitting release following the use of force by an officer. We therefore focus our attention on the meaning of the phrase “benefit . . . to the public.”

When interpreting a statute, our purpose “is to ascertain and effectuate the intention of the legislature.” *Harlow v. State Dep’t of Hum. Servs.*, 883 N.W.2d 561, 566 (Minn. 2016) (quoting Minn. Stat. § 645.16 (2014)); *see also* Minn. Stat. § 645.16 (2024). “[W]e give words and phrases . . . their plain and ordinary meanings.” *Harlow*, 883 N.W.2d at 566 (alteration in original) (quotation omitted). We also “read the statute as a whole and give effect to all its provisions.” *Id.* “When the statutory language is plain and unambiguous, we will look only to that language in ascertaining legislative intent.” *Haefele v. Haefele*, 837 N.W.2d 703, 708 (Minn. 2013).

The phrase “benefit . . . to the public” is not defined in the MGDPA. To determine its plain and ordinary meaning, we may consider the common dictionary definitions of the phrase or the relevant words. *Jaeger v. Palladium Holdings, LLC*, 884 N.W.2d 601, 605 (Minn. 2016). Neither the phrase “benefit to the public” nor “public benefit” is defined in the dictionary. But “benefit” is defined as “[s]omething that promotes or enhances well-being; an advantage.” *The American Heritage Dictionary of the English Language* 168 (5th ed. 2018). Or, in other words, a “benefit” is the “helpful or useful effect something has.” *Black’s Law Dictionary* 193 (12th ed. 2024). The meaning of “public,” in turn, is “[t]he community or the people as a whole.” *American Heritage, supra*, at 1424. Considering the meaning of “benefit” and “public” together, the phrase “benefit . . . to the public” is broad in scope. A benefit to the public is that which has a helpful or useful effect

on the community or people as a whole, or that which otherwise promotes or enhances the well-being of the community or people as a whole.

This interpretation of “benefit . . . to the public” comports with the MGDPA “as a whole and give[s] effect to all its provisions.” *Harlow*, 883 N.W.2d at 566. First, the phrase appears within a discretionary balancing test, where the court must “balance competing interests based on the unique facts of each case.” *R.H.B.*, 821 N.W.2d at 822. Therefore, the broad meaning of “benefit . . . to the public” is by design. Other provisions of the MGDPA, such as those discussed below, may address how and whether to release confidential or protected nonpublic active criminal investigative data in particular circumstances. But subdivision 7 gives the district court the ability to release such data in circumstances not necessarily addressed elsewhere in the MGDPA after identifying and weighing benefits and harms. It is within the district court’s discretion to afford appropriate weight to the strength or weakness of an asserted benefit to the public as considered against the strength or weakness of any identified harms.

Second, the plain meaning of “benefit . . . to the public” is consistent with, and therefore not constrained by, subdivision 15. Although that subdivision has the headnote “Public benefit data,” headnotes are “not part of the statute,” Minn. Stat. § 645.49 (2024), and do not control legislative intent, *Sheridan v. Comm’r of Revenue*, 963 N.W.2d 712, 718 (Minn. 2021); *Hyland v. Metro. Airports Comm’n*, 538 N.W.2d 717, 720 (Minn. App. 1995) (noting that, even when relevant to legislative intent, a statute’s title is not decisive). And the plain language of subdivision 15 does not define or otherwise limit the meaning of “benefit . . . to the public” as used in subdivision 7. Subdivision 15 provides for the

release of confidential or protected nonpublic active criminal investigative data—without a court order—when a law enforcement agency determines that public access to the data will serve at least one of three express purposes: “aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest.” Minn. Stat. § 13.82, subd. 15. While we do not doubt that release of data in such circumstances may result in a “benefit . . . to the public” under the plain meaning of that phrase, the statute does not indicate that they represent the only benefits to the public contemplated in subdivision 7. To the contrary, subdivision 15 provides a mechanism for release of data that is distinct from the balancing test set forth in subdivision 7. That means that, if a law enforcement agency chooses not to release data under subdivision 15 or if the release of data does not serve one of the three purposes in subdivision 15, the mechanism in subdivision 7 is still available and requires a party seeking release of the data to come before a court.

Third, and finally, the plain meaning of “benefit . . . to the public” aligns with, and is not constrained by, MGDPA provisions addressing the release of criminal investigative data in the context of police use-of-force cases that result in an individual’s death. There, too, the MGDPA carves out a separate process for releasing criminal investigative data in those precise circumstances. Minn. Stat. § 13.825, subd. 2(b)-(e). And while the purpose driving such a release may constitute a “benefit . . . to the public” under the plain meaning of that phrase, the use-of-force provisions do not purport to limit what other benefits may be considered in releasing confidential or protected nonpublic active criminal investigative data under subdivision 7.

Accordingly, we hold that the plain meaning of a “benefit . . . to the public” under subdivision 7 is that which has a helpful or useful effect on the community or people as a whole, or that which otherwise promotes or enhances the well-being of the community or people as a whole, and is not constrained by subdivision 15, or any other provision of the MGDPA. In so holding, we need not define the outer reaches of what constitutes a benefit to the public, as it is within the district court’s discretion to assess the nature of the asserted benefit and, if the benefit falls within the plain meaning of the statute, to determine the weight it should receive compared against the weight of any identified harms. *See* Minn. Stat. § 13.82, subd. 7.<sup>6</sup>

#### IV

Finally, we consider whether the district court abused its discretion by misapplying the law. As an initial matter, we have little trouble concluding that the benefit articulated by Alpha News falls within the plain meaning of “benefit . . . to the public” as used in subdivision 7. The district court described the asserted benefit as a desire “to reconcile the conflicting accounts of the incident as told through the public complaint and Mitchell in her public statements.” Alpha News maintains that the release of the data would aid the public in holding elected officials accountable. We agree that the release of information that would help the public in holding officials accountable is a “benefit . . . to the public”

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<sup>6</sup> Because we apply the plain meaning of the unambiguous phrase “benefit . . . to the public,” we do not consider Alpha News’s argument that the purpose of the statute demands that we broadly construe subdivision 7 in favor of release of the data. *See State v. Pakhnyuk*, 926 N.W.2d 914, 920, 924 (Minn. 2019) (explaining that courts apply the plain meaning of an unambiguous statute and may rely on the occasion and necessity for the law only if the statute is ambiguous).



for purposes of subdivision 7, because it may have a helpful or useful effect on the community or people as a whole. The asserted benefit therefore should have been considered and weighed against the identified harms as part of the balancing test under subdivision 7.

The crux of the issue is whether the district court improperly excluded that asserted benefit from consideration. If so, it abused its discretion by misapplying the law. But if the district court correctly understood Alpha News's asserted benefit to be a "benefit . . . to the public" and weighed it in deciding not to order release of the data, the court did not abuse its discretion. Based on the district court's memorandum, we cannot discern which of those scenarios represents the district court's analysis.

On the one hand, the district court's memorandum signals that the court knew and applied the appropriate legal standard. The district court correctly articulated the process under subdivision 7 and the requisite balancing test. The memorandum also identified Alpha News's asserted benefit and could be read to have balanced that benefit against identified harms. For example, the court acknowledged Alpha News's position 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." The district court then discussed the potential harms in releasing the data while the criminal proceedings are ongoing, such as the harms to the state and to Mitchell in securing an impartial jury panel. And, ultimately, the district court determined that, "[u]nder 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."

On the other hand, the district court’s discussion of the asserted public benefit includes some language that indicates it narrowly construed the phrase “benefit . . . to the public.” For example, the district court determined that the asserted benefit would not meet the standard set out in subdivision 15: “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.” (Emphasis omitted.) The court continued, “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.” (Emphasis omitted.) In discussing subdivision 15, the district court did not explain whether its interpretation of the law meant that only those circumstances in subdivision 15 could justify release under subdivision 7, or whether subdivision 15 helped explain the weight it was placing on the asserted benefit in conducting an appropriate analysis under subdivision 7.

Other language in the district court’s decision likewise gives the impression that the district court understood the phrase “benefit . . . to the public” to mean a particularly strong or important benefit or one relating to public safety. For example, in rejecting the view that Mitchell’s status as a public official plays into the public’s interest in obtaining release of the data, the court noted that “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.”

Because we cannot discern from the district court’s memorandum whether it applied a meaning of “benefit . . . to the public” that is consistent with our interpretation of that phrase, we reverse the district court’s decision and remand for consideration of Alpha News’s motion in light of this opinion. *Cf. Moylan v. Moylan*, 384 N.W.2d 859, 865 (Minn. 1986) (noting that, although “there are occasions where an appellate court can find support for a trial court’s decision by an independent review of the record, such action is improper where . . . it is unclear whether the trial court considered factors expressly mandated by the legislature” (citation omitted)).

In reaching this decision, we decline Alpha News’s request to review the record under the correct legal standard and to direct the district court to order the data’s release to the public. The statute tasks the district court with conducting the balancing test in accordance with the law. Minn. Stat. § 13.82, subd. 7. We take no position on the strength of the asserted public benefit, on whether the benefits of release outweigh the identified harms when considered under the appropriate standard, or on whether the circumstances of this case ultimately call for release of the data. Those determinations fall squarely within the district court’s discretion.

## **DECISION**

For the foregoing reasons, we reverse the district court’s decision and remand for consideration of Alpha News’s motion in a manner not inconsistent with this opinion.

**Reversed and remanded.**