MINNESOTA CHIEFS OF POLICE ASSOCIATION

DEDICATED TO THE IDEALS OF PROFESSIONAL POLICING

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March 9, 2026

Re: MCPA Letter of Opposition for Senate File 1120

Dear Chair Latz, Lead Limmer, and Members of the Committee,

On behalf of law enforcement agencies across Minnesota, we respectfully submit this letter in opposition to Senate File 1120 relating to reverse-location and reverse-keyword data.

We recognize and share the Legislature's commitment to protecting individual privacy and civil liberties. However, as drafted, this bill would impose an outright prohibition on investigative tools that are lawful, court-supervised, and, in many cases, critical to solving serious crimes and protecting public safety.

Reverse-location and reverse-keyword court orders—when authorized by a neutral judge upon a finding of probable cause—are not general dragnets. They are carefully structured investigative techniques used in limited circumstances, typically in violent felony cases such as homicide, abduction, terrorism, serial sexual assault, and large-scale financial exploitation. These tools often provide the only viable means of identifying unknown suspects when traditional investigative methods have been exhausted.

The proposed legislation raises several significant concerns:

First, the bill categorically prohibits law enforcement from even seeking a court order for reverse-location or reverse-keyword data, except during a declared peacetime emergency. This restriction is far broader than current constitutional requirements and removes judicial discretion entirely. Courts are already empowered to deny overbroad or unsupported warrant applications. Eliminating the ability to request such orders prevents case-by-case constitutional review and replaces it with a blanket ban.

Second, the exclusionary provision in Subdivision 3 goes well beyond traditional suppression doctrines. It bars not only directly obtained evidence, but also any evidence allegedly "derived" from such data, regardless of attenuation, inevitable discovery, or independent source. This language is significantly more restrictive than long-standing Fourth Amendment jurisprudence and would likely result in the dismissal of otherwise valid prosecutions—even in serious violent felony cases.

Third, the civil liability provisions create substantial personal and institutional exposure. Mandatory notification requirements, statutory damages, punitive damages, and attorney's fees—even for technical or good-faith errors—will discourage officers and prosecutors from pursuing complex investigations. This chilling effect will disproportionately impact cases involving child exploitation, organized crime, and coordinated violent activity, where digital evidence is often central.

Fourth, the bill prohibits cooperation with federal or out-of-state partners when those jurisdictions lawfully obtain reverse-location or reverse-keyword data. In an era where criminal activity frequently crosses state lines and involves national networks, this provision would isolate Minnesota law enforcement and impair joint task force operations, including those targeting trafficking, cybercrime, and terrorism.

Finally, the definition of "sudden emergency" is narrowly tied to a gubernatorial peacetime emergency declaration. Many urgent threats—such as kidnappings, credible mass violence threats, serial assaults, or time-sensitive homicide investigations—do not occur during declared statewide emergencies but nevertheless require immediate and technologically sophisticated investigative responses.

Law enforcement does not seek unchecked authority. We support reasonable guardrails, transparency, reporting requirements, and clear probable cause standards. If the Legislature believes additional statutory structure is necessary, we are committed to working collaboratively to craft language that balances privacy interests with legitimate public safety needs. However, an absolute prohibition removes essential investigative tools and places our communities at unnecessary risk.

For these reasons, we respectfully urge you to oppose Senate File 1120 as currently drafted or to substantially amend it to preserve judicially supervised use of reverse-location and reverse-keyword court orders in serious criminal investigations.

Thank you for your consideration and for your continued partnership in promoting both civil liberties and public safety.

Respectfully,

Chief Jeff Potts (ret.)
Executive Director
Minnesota Chiefs of Police Association