

Jill Clark

From: Jill Clark
Sent: Wednesday, May 30, 2012 8:12 PM
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Subject: DEMAND FOR PRESERVATION OF DATA

Importance: High

Tracking: **Recipient:** **Delivery**
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I represent Communities United Against Police Brutality (CUAPB) and Welfare Rights Committee (WRC), Minnesota Immigrant Rights Action Committee (MIRAC), for purposes of their demand of preservation of ALL DATA relating to the fire at Walker Church, 3104 - 16th Avenue South, Minneapolis.

Following is a brief synopsis of what was reported to me:

The fire occurred on May 28, 2012. Bulldozers began demolition at about 7 am on May 29, 2012.

CUAPB and WRC had offices at Walker Church, which were impacted by the fire.

WRC has not been permitted to view its own offices to determine the extent of the damage, in part because of the recklessly premature demolition of the forensic fire scene.

MIRAC was prevented from accessing its salvageable property.

This is a serious situation which demands immediate remedy. Preservation is also sought in anticipation of litigation. Although it is not known at this time whether that litigation will be against Minneapolis, Minneapolis is nonetheless in control of much of the data.

First, please let me know immediately who at the City will authorize these groups to determine whether there is salvageable property at the fire scene and to begin the process to protect and obtain it. **We need to begin this process immediately.**

Second, this is a demand for the preservation of ALL data relating to the fire, its (non)investigation, and premature demolition of the forensic fire scene, including but not limited to: emails within the fire department and/or any emergency personnel. **You must ensure that these emails are not deleted, or simply "not retained" due to the City's archival process; please affirmatively ensure that emails will be immediately reviewed and preserved in a location where they cannot be tampered with. I am sure you can already see there are grave concerns about spoliation of evidence in this situation. Please ensure no more evidence dissipates. This means you must affirmatively search for emails in in-boxes, to ensure they are not deleted before the City's automatic sweep.**

Data of interest regarding this situation (and in anticipation of litigation) include:

- Police reports relating to that location (current and past);
- Fire reports, everything from run/engine reports to investigative reports, etc.;
- Complete list of all personnel who arrived at the scene;
- Any other agencies involved (outside Minneapolis employees, and including other governments agencies but also private subcontractors);
- Witness interviews including contact information;
- Pictures;
- Videos;
- Burned material/debris ("material");
- Forensic tests (or material preserved for forensic tests);
- Identity of person(s) who ordered and/or permitted demolition of the fire scene;
- Identity of person(s) who investigated the fire scene (whether MFD or outside contractor(s) or other government agency);
- Emails between city personnel (and to anyone outside the city) about the fire, any investigation, and including the decision to order/permit demolition;
- MECC data, including but not limited to: radio transmissions (all channels, to police, fire, precincts, etc.), text messages between squads/engines, GPS data, involved, identities of all fire personnel involved (including supervisory capacity), notifications to leadership;
- Cell phone records of anyone involved at the scene, or as part of managing the scene (or investigation, etc.) - both city records, and personal cell phone records for any personal (not city-owned) if any calls were made on those phones during the fire or immediately thereafter (within the next 12 hours);
- Identities of injured fire fighters; and

- Notifications to the State Fire Marshal, or any other fire investigative agency.

Please let me know if you have any questions.

I am not in tomorrow morning (5/31) but will be in tomorrow afternoon.

Jill Clark, Esq.

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