

ORDINANCE NO. 19-C-24

Synopsis: This Ordinance, if adopted, will establish the procedure for regulating requests for law enforcement body camera recordings for the City of Huntington, Indiana Police Department.

**AN ORDINANCE REGULATING REQUESTS FOR LAW ENFORCEMENT BODY
CAMERA RECORDINGS FOR THE CITY OF HUNTINGTON, INDIANA POLICE
DEPARTMENT**

The Common Council (“Council”) of the City of Huntington, Indiana (“City”), in meeting duly assembled and upon information deemed by it to be sufficient now finds as follows:

WHEREAS, the City of Huntington Police Department (“Department”) is responsible for maintaining law and order, through the enforcement of various laws prescribed by the State of Indiana and the City; and

WHEREAS, as part of maintaining a law enforcement system for the City, various officers regularly wear Department issued body cameras, as part of their job duties and responsibilities, as set forth, from time to time, by the Board of Public Works and Safety (“Board”) and the Chief of Police; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Huntington, Indiana that this Ordinance Regulating Requests for Law Enforcement Body Camera Recordings for the City of Huntington, State of Indiana, is hereby adopted as follows:

SECTION I.

1. For purposes of this Ordinance, a “**Law Enforcement Activity**” means:
 - (A) A traffic stop;
 - (B) A pedestrian stop;
 - (C) An arrest;
 - (D) A search;
 - (E) An investigation;
 - (F) A pursuit;
 - (G) Crowd control;
 - (H) Traffic control; or

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- (I) Any other instance in which a law enforcement officer is enforcing the law.

The term “Law Enforcement Activity” does not include an administrative activity, including the completion of paperwork related to a law enforcement activity, or a custodial interrogation conducted in a place of detention as described in Indiana Evidence Rule 617, regardless of the ultimate admissibility of a statement made during the custodial interrogation.

2. For purposes of this Ordinance, a “**Law Enforcement Recording**” shall mean an audio, visual or audiovisual recording of a law enforcement activity captured by a camera or other device that is:

- (A) Provided to or used by a law enforcement officer in the scope of the officer’s duties; and
- (B) Designed to be worn by a law enforcement officer or attached to the vehicle or transportation of a law enforcement officer.

3. **Law Enforcement Recordings.** Should the Board or Chief decide to require the use of department issued body cameras, in their sole and absolute discretion, any law enforcement recording, for which disclosure is not otherwise prohibited pursuant to state or federal law, or any duly enacted ordinance by the City, is subject to inspection during the regular business hours of the Department, if a formal request is made and said request:

- (A) Identifies with reasonable particularity the record being requested.
- (i) A request identifies a law enforcement recording with reasonable particularity only if it includes:
- (a) The date and approximate time of the law enforcement activity.
- (b) The specific location where the law enforcement activity occurred.
- (c) The name of at least one (1) individual, other than the law enforcement officer, who was directly involved in the law enforcement activity.

- (B) Is in writing and on a form provided by the Department.

4. **Request to Inspect or Copy; Time for Response.**

(A) Any person may inspect and copy the public records of the Department during regular business hours, unless such records are otherwise exempted from disclosure as provided herein (IC 5-14-3-4, as amended) or other applicable state or federal law.

- (B) The Department must reply (approval or denial of request) to hand delivered

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written requests within 24 business hours. The Department must reply to written requests received by mail, facsimile, or email within seven calendar days. Although the Department must provide a reply within the proscribed time period, this does not require the Department to actually produce the record(s) requested within that proscribed time period, but the reply must be made within a reasonable time following the request.

(C) If a request is granted the Department shall provide the requested copies.

5. **Exceptions to Disclosure.** Notwithstanding anything else set forth in this Ordinance, all of those exceptions stated in Ind. Code § 5-14-3-4 or elsewhere provided under state and federal law, apply to any disclosure requested under this Ordinance.

(A) Before disclosing any law enforcement recording, the agency must comply with the obscuring requirements as set forth in Ind. Code § 5-14-3 et seq.

6. **Retention of Unobscured Recording.** The Department shall retain an unaltered, unobscured law enforcement recording for at least One Hundred and Ninety (190) days after the dated of recording, pursuant to Ind. Code § 5-14-3-5.3, subject to those exceptions set forth in Ind. Code § 5-14-3-5.3(c) and (d).

7. **Required Fee.** The fee for the agency providing a duplicate of a law enforcement recording must be paid in advance and shall be: No Charge for videos shorter than five (5) minutes, Fifty Dollars (\$50.00) for videos between five (5) and thirty (30) minutes, One Hundred Dollars (\$100.00) for videos between thirty one (31) minutes and sixty (60) minutes, and One Hundred and Fifty Dollars (\$150.00) for videos longer than sixty (60) minutes. The incremental schedule below is based on the cumulative total of all videos requested for the specific incident. The fee collected under this paragraph shall be:

(A) Payable to the City of Huntington Clerk-Treasurer's Office, and used for one (1) or more of the following purposes:

- (i) To purchase cameras and other equipment for use in connection with the Department's law enforcement recording program.
- (ii) For training concerning law enforcement recordings.
- (iii) To defray the expenses of storing, producing, and copying law enforcement recordings.

Money from a fee described in this Ordinance does not revert to the local general fund at the end of the fiscal year. Money from a fee described in this Ordinance shall be deposited into the Body Camera Recording Fee Fund which is hereby created.

BE IT FINALLY ORDAINED THAT this Ordinance shall be effective immediately upon its adoption and publication in accordance with Indiana law.

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A motion to consider for final adoption on the same day of introduction was [NOT OFFERED or NOT SUSTAINED or SUSTAINED] by a vote of __ in favor and __ in opposition.

Duly adopted on first reading this ____ day of _____, 2024, by a vote of __ in favor and ____ in opposition.

Duly adopted on final reading this ____ day of _____, 2024, by a vote of __ in favor and ____ in opposition.

CITY OF HUNTINGTON, INDIANA by its COMMON COUNCIL

Voting in Favor:

Voting in Opposition:

_____	Charles Chapman (President)	_____
_____	Dwight Brautigam	_____
_____	P J Felton	_____
_____	Dave Funk	_____
_____	Todd Johnson	_____
_____	Paul Pike	_____
_____	Andrew Rensberger	_____

Attest:

Christi A. McElhaney, Clerk-Treasurer

Presented by me to the Mayor for approval or veto, this ____ day of _____, 2024.

Christi A. McElhaney, Clerk-Treasurer

This ordinance having been adopted by the Common Council and presented to me is [APPROVED or VETOED], this ____ day of _____, 2024.

Richard Strick, Mayor