

## RESOLUTION 25-05

### **A RESOLUTION APPROVING AMENDMENTS TO THE PUBLIC RECORDS POLICY OF THE CITY OF BROOKVILLE FOR COSTS ASSOCIATED WITH LAW ENFORCEMENT DASHBOARD CAMERA VIDEOS AND/OR BODY CAMERA VIDEOS.**

**WHEREAS**, House Bill 315, which goes into effect on April 3, 2025, permits jurisdictions to charge up to \$750.00 for the time it takes to review, blur or otherwise obscure, redact, upload and/or produce copies of law enforcement dashboard camera video(s) and/or body camera video(s); and

**WHEREAS**, the City Council desires to update the Public Records Policy of the City of Brookville with the amendments specified in Exhibit "A" attached hereto and incorporated herein by reference to address the costs associated with public records requests for law enforcement dashboard camera videos and/or body camera videos.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:**

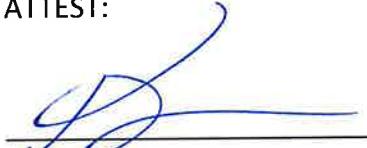
**SECTION I:** The City Council hereby approves and adopts the amendment to the public records policy of the City of Brookville, as specified in Exhibit "A" attached hereto and incorporated hereby by reference, to address the costs associated with public records requests for law enforcement dashboard camera videos and/or body camera videos.

**SECTION II:** The City Manager is hereby directed to carry out all steps necessary to implement the attached policy.

**SECTION III:** This Resolution shall take effect and be in force thirty (30) days after passage as provided by the Charter of the City of Brookville, Ohio.

PASSED this 20th day of May, 2025.

ATTEST:

  
\_\_\_\_\_  
KIMBERLY DUNCAN, CLERK  
\_\_\_\_\_  
CHARLES LETNER, MAYOR

**CERTIFICATE**

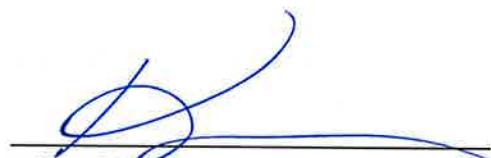
The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Resolution No. 25-05, passed by the Council of the City of Brookville, Ohio, on the 20th day of May, 2025.



KIMBERLY DUNCAN, CLERK

**CERTIFICATE OF POSTING**

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Resolution No. 25-05 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 21st day of May, 2025, to the 19th day of June, 2025, both days inclusive.



KIMBERLY DUNCAN, CLERK

## EXHIBIT "A"

### SPECIAL POLICIES FOR BODY-WORN AND DASH CAMERA VIDEOS

**Payment Requirements:** Due to the time-consuming nature of reviewing and redacting body-worn and dash camera videos, the City of Brookville Police Department will charge up to \$75.00 per hour for the actual costs (including labor) involved in reviewing, redacting, and preparing video footage for release to those requesting body-worn and dash camera video. The "actual cost" shall mean all costs incurred by the City of Brookville Police Department in reviewing, blurring, or otherwise obscuring, redacting, uploading, or producing the video records, including but not limited to the storage medium on which the record is produced, staff time, and any other relevant overhead necessary to comply with the request. The maximum fee will be \$750.00 per video, regardless of the length of the video.

Within five (5) business days of receiving a request for body-worn and dash camera video, the City of Brookville Police Department shall provide the requester with an estimate of the actual cost of the video requested. Except as otherwise provided in this policy, the estimated actual costs must be paid in full prior to the commencement of the review and redaction of the body-worn and dash camera footage. If, upon commencing the review and redaction of the body-worn and dash camera footage, the City of Brookville Police Department determine that the actual cost of the review and redaction will exceed the estimated cost, it will notify the requester that the actual costs may exceed the estimated cost by up to twenty percent (20%). The notification shall be made by the method used by the requester to file the original public records request. In the event that the requester chose to file the request anonymously, without leaving the contact information, the City of Brookville Police Department will suspend all production efforts related to the request until such time as the requester contacts the City of Brookville Police Department regarding the request. After receiving notification that the actual cost of the body-worn and dash camera footage will exceed the estimated cost, the requester may choose to withdraw the public records request, and the City of Brookville Police Department will refund the estimated cost payment. If the requester chooses to continue with the request process, the City of Brookville Police Department will collect the additional cost prior to providing the video to the requester. The City of Brookville Police Department may not charge a requester an amount which exceeds the estimated actual cost by more than twenty percent (20%).

**Waiver of Payment Provisions:** The City of Brookville Police Department will waive the payment requirements of this Policy for:

1. the victim, or person acting on behalf of the victim, of a crime for which a police report has been filed;
2. the persons, or persons acting on behalf of the persons, involved in an automobile accident for which a Traffic Crash Report has been filed; and
3. the persons/entities, or persons acting on behalf of the persons/entities, owning property: (a) on which a crime occurred for which a police report has been filed; or (b) on which occurred an automobile accident for which a Traffic Crash Report was filed.

For purposes of these waiver provisions, a “person acting on behalf” of persons/entities or victims shall mean:

1. the immediate family members of such persons;
2. guardians of such persons;
3. persons holding legitimate power of attorney (POA) for such persons; and
4. attorneys retained to represent such persons in the matter related to the accident or crime.

The City of Brookville Police Department may require persons requesting a waiver of the payment requirements of this Policy to provide sufficient documentation, as determined by the City of Brookville Police Department in their sole discretion, to establish that they are entitled to a waiver.

**Exemption from the Payment Provisions:** The following persons/entities shall be exempt from the payment provisions of this Policy:

1. persons requesting body-worn and dash camera footage on behalf of any state, federal, or local government or agency (including, but not limited to, law enforcement agencies) will be exempt from the payment provisions of this Policy so long as the footage requested is related to a matter within the jurisdiction of such government or agency.
2. persons/entities provided the body-worn and dash camera footage by the City of Brookville Police Department or City of Brookville for purposes of transparency, law enforcement purposes, identification of persons depicted in the footage, or other purposes deemed necessary by the City of Brookville.

**Differing Costs for Multiple Requests for the Same Body-Worn and Dash Camera Footage:**

As Ohio Revised Code Section 149.43 authorizes law enforcement agencies to charge the “actual cost associated with preparing a video record” of body-worn and dash camera footage,

the amounts charged to requesters of the same body-worn and dash camera video may differ depending upon when they make the request. For instance, the actual costs associated with producing the first copy of a particular incident will be higher as the production of that copy includes the review and redaction of persons, information, and locations which are prohibited from disclosure by Ohio Revised Code Section 149.43(A)(17). Subsequent copies of the body worn and dash camera footage for the same incident will be less costly as their production will require simple copying of the already-redacted footage and the cost of the storage medium to which the footage is copied. For this reason, the first person to request the body-worn and dash camera footage will be charged more than persons who request the body-worn and dash camera footage of the same incident at a later date. Although this Policy may feel unfair to the first requester, the City of Brookville has no general legal authority to charge otherwise or to "share" the redaction costs among multiple requesters.

However, in the event that multiple requests for the identical body-worn and dash camera footage are made prior to the completion of the redaction/final production of the footage to any requester, the City of Brookville Police Department will divide the actual costs, not to exceed \$750.00 in total, equally between the persons requesting the footage prior to its initial redaction and final production. Thereafter, all persons requesting the identical body-worn and dash camera footage will be charged the costs of copying the footage and the cost of the storage medium onto which the footage is copied.