

**AN ORDINANCE REGULATING
REQUESTS FOR LAW ENFORCEMENT
BODY CAMERA RECORDINGS FOR THE
TOWN OF WINAMAC, INDIANA**

Ordinance No. 20 of 2019

WHEREAS, the Town Council of the Town of Winamac, Indiana (the “**Town Council**”), is responsible for the performance of various functions for the Town of Winamac (the “**Town**”); and

WHEREAS, the Town Police Department (the “**department**” or “**agency**”) is responsible for maintaining law and order, through the enforcement of various laws proscribed by the State of Indiana and the Town of Winamac; and

WHEREAS, as part of maintaining a law enforcement system for the Town, 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 Police Chief/Town Marshall for the Town; and

WHEREAS, the annually appointed Police Chief/Town Marshall has the power, in his sole and absolute discretion, to promulgate, modify, and otherwise enforce various rules concerning the wearing of department issued body cameras.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Winamac, Indiana, that this Ordinance Regulating Requests for Law Enforcement Body Camera Recordings for the Town of Winamac, 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
 - (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 Police Chief/Town Marshall decide to require the use of department issued body cameras, in his 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 Town, is subject to inspection during the regular business hours of the Police 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, on a form provided by the Police Department.

4. **Timeframe for Inspection.** Within Twenty-One (21) days following a formal request being made, the Town shall either:

- (A) Provide the requested copies of the law enforcement recording to the person making the request; or
- (B) Allow the person to make copies:
 - (i) On the agency’s equipment; or

- (ii) On the person's own equipment.

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 agency shall retain an unaltered, unobscured law enforcement recording for at least One Hundred and Ninety (190) days after the date 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 shall be One Hundred and Fifty Dollars (\$150.00). The Fee collected under this Paragraph for the copying of a law enforcement recording shall be:

- (A) Payable to the Town Clerk-Treasurer's Office, and used without appropriation for one (1) or more of the following purposes:
 - (i) To purchase cameras and other equipment for use in connection with the agency's law enforcement recording program
 - (ii) For training concerning law enforcement recording.
 - (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.

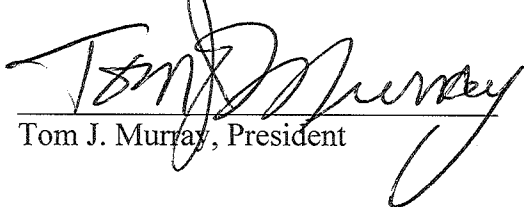
SECTION II.
Effective Date

This Ordinance shall become effective immediately upon its passage, in a meeting that has been properly advertised, and open to the general public.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF WINAMAC, INDIANA, THIS 18th DAY OF NOVEMBER, 2019.

THE WINAMAC, INDIANA TOWN COUNCIL

APPROVED:



Tom J. Murray, President

OPPOSED:

Tom J. Murray, President

Alvin R. Parish

Alvin R. Parish, Council Member

Alvin R. Parish, Council Member

James Watkins

James Watkins, Vice-President

James Watkins, Vice-President

David Chambers

David Chambers, Council Member

David Chambers, Council Member

Judy Heater

Judy Heater, Council Member

Judy Heater

Judy Heater, Council Member

ATTEST:

Melanie A. Berger

Melanie A. Berger, Clerk-Treasurer

