

## **ORDINANCE NO. 3917**

### **AN ORDINANCE ESTABLISHING A UNIFORM CHARGE FOR THE PRODUCTION OF A LAW ENFORCEMENT RECORDING**

WHEREAS, officers of the City of New Castle Police Department utilize body worn cameras in the performance of their duties; and

WHEREAS, Indiana Code § 5-14-3-5.2 requires that law enforcement recordings be made available for inspection and copying (subject to certain exceptions) and that portions of law enforcement recordings must be obscured or redacted prior to being released; and,

WHEREAS, Indiana Code § 5-14-3-8 allows for a public agency to charge a person requesting a law enforcement recording the “direct cost” for the production of a law enforcement recording, up to the sum of One Hundred Fifty Dollars (\$150.00); and

WHEREAS, the term “direct cost” includes the cost of labor, including attorney fees, involved in review of a law enforcement recording to determine if any portion of the recording should be obscured; and

WHEREAS, a uniform method for determining direct cost of production of a law enforcement recording should be established.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE, INDIANA:

1. A person requesting a copy of a law enforcement recording pursuant to the Access to Public Records Act (Indiana Code § 5-14-3-1, *et.seq.*) shall pay the direct cost, as defined by the Indiana Code § 5-14-3-2 (d), for the production of the recording.

2. The cost of labor involved in review of the law enforcement recording for non-disclosable information, and in obscuring non-disclosable information from a law enforcement recording, shall be calculated utilizing the actual time involved in review of or redacting the law enforcement recording multiplied by the hourly pay of the employee performing the work, or the hourly rate charged by the attorney performing the work, whichever is applicable.

3. The cost of production of a law enforcement recording shall not exceed One Hundred Fifty Dollars (\$150.00) per recording.

**REPEALER:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SEVERABILITY:** Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

**EFFECTIVE DATE:** This Ordinance shall become effective immediately upon passage.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

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Greg York, Presiding  
Officer, Common Council, City  
of New Castle, Indiana

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ATTEST:

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Clerk-Treasurer

APPROVED BY ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

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Greg York, Mayor of the City  
Of New Castle, Indiana

