

**VILLAGE OF YELLOW SPRINGS, OHIO
RESOLUTION 2025-20**

ADOPTING A LAW ENFORCEMENT VIDEO RECORDS POLICY FOR FEES AND PROCESSING

WHEREAS, The Village of Yellow Springs (the "Village") and its Police Department, record and maintain law enforcement video records in the administration and furtherance of legitimate law enforcement activities within the Village; and

WHEREAS, while video records are public records and require redaction in compliance with Ohio Revised Code as do all public records, the process for effecting those redactions, due to the medium, is far more time consuming and requires more specialized software than is the case for other types of records; and

WHEREAS, it is the recommendation of the Chief of Police and Village Manager that, due to the level of professional time and attention required to produce body and cruiser camera video records, certain costs for preparation of video records be levied in accordance with House Bill 315,

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO HEREBY RESOLVES THAT:

Section 1. Council hereby adopts a policy that delineates what charges can be imposed upon requesters and in what amounts, in a form substantially similar to the attached Exhibit A.


Kevin Stokes, President of Council

Passed: 4-21-2025

Attest: 
Judy Kintner, Clerk of Council

ROLL CALL:

Kevin Stokes Y

Gavin DeVore Leonard _ABSENT_

Carmen Brown _ABSENT_

Brian Housh _Y_

Trish Gustafson __Y_

Exhibit A to Resolution 2025-20

Village of Yellow Springs Law Enforcement Video Records Policy for Fees and Processing

The Village of Yellow Springs (the "Village") and its Police Department, record and maintain law enforcement video records in the administration and furtherance of legitimate law enforcement activities within the Village. This may include, but is not limited to, body worn camera footage, cruiser dash camera footage, mobile or stationary video surveillance footage, or other similar video footage that is recorded and maintained by the Village and its Police Department (referred to herein as a "Video Record" or "Video Records").

Generally, Video Records are considered public records as defined in Ohio Revised Code Section 149.43. However, Video Records often contain information that is not considered a public record and therefore the Video Records must be reviewed and redacted according to Ohio law prior to production. This policy establishes the fees that may be charged for Village staff time in preparing Video Records for inspection and production. Any other fees applicable to public records requests not related to law enforcement video records, including the costs of copies or data storage devices, are not within the scope of this policy and are still in full effect.

Fees

The Village ~~will~~ may charge a requester for the "actual costs", or a portion of said costs as set forth herein, associated with the preparation of a Video Record for inspection and/or production.

- The Village ~~may~~ will charge ~~up to~~ \$75.00 per hour of video produced, not to exceed \$750.00 total for each Video Record.

The "actual costs" of preparing each Video Record for inspection or production, include:

- reviewing, blurring or obscuring, redacting, uploading, and producing the Video Record; the storage medium on which the Video Record is produced, Village staff time, and other relevant overhead costs necessary to comply with the request.

Processing the Request and Payment

~~Within 5 business days of~~ Upon the receipt of ~~the a~~ public-records request, the ~~Village Records Clerk~~ shall ~~provide~~ notify the requester in writing that the requester shall be responsible for ~~with the estimated~~ the actual cost, or a portion thereof, of fulfilling the request for the Video Record(s), ~~in writing. A~~ written response that includes the estimated actual cost ~~This notice~~ may be sent to the requester by email or regular mail, depending upon the manner in which the Village received the original request. If only one request is received for a Video Record, that requester shall be responsible for the full cost charged by the Village, up to \$750 per Video Record. If more than one request is received for the same Video Record, the Village shall prepare the Video Record for release and then apportion the actual costs of preparing the Video Record for release, up to applicable limits, in equal parts between all requesters.

The Village will issue invoices to requesters either by email or regular mail. Once a record is redacted and costs are charged, if subsequent requests are made, no further charges will be levied.

~~The requester must pay the estimated actual cost before the Village begins the process of preparing the Video Record(s). The Village's obligation to prepare the Video Record(s) for inspection or production shall commence only after the estimated actual cost is paid in full by the requester and payment is received by the Village. The requester shall make payment of the estimated actual invoiced costs by check, cash, or money order to the Village prior to gaining access to the redacted video(s).~~

~~If the actual cost exceeds the estimated cost, the Village may charge the requester for the difference upon fulfilling the request for the Video Record(s) subject to the following conditions:~~

~~The Village notified the requester, in writing, that the actual costs exceed the estimated costs prior to (in advance of) fulfillment of the request; and,~~

~~When the actual costs exceed the estimated costs, the actual cost charged to the requester does not exceed twenty percent (20%) of the estimated cost, as provided to the requester.~~

The Village's Police Department shall not charge the actual cost for the preparation of law enforcement video records for inspection or production for law enforcement video records requested by the following individuals, persons, or entities:

1. Residents of the Village of Yellow Springs, if the requester is able to establish residency in the Village using a valid state issued identification card or utility bill;

~~1.2.~~ 2. The victim, or potential victim, of a crime where a police report has been filed;

~~2.3.~~ 3. The immediate family members of the victim, or potential victim, of a crime requesting video on behalf of said victim, where a police report has been filed;

~~3.4.~~ 4. A parent or legal guardian of a juvenile minor victim, or potential victim, of a crime where a police report has been filed;

~~4.5.~~ 5. An attorney representing a victim, or potential victim of a crime, where documentation is provided evidencing an established attorney-client relationship and where a police report has been filed;

~~5.6.~~ 6. A person having durable or limited Power of Attorney (POA) on behalf of a victim, or potential victim, of a crime, provided that a police report has been filed and provided that proper documentation can be furnished evidencing the same;

~~6.7.~~ 7. A person requesting the video record on behalf of any state, federal, or local government agency or any state, federal, or local law enforcement agency, for any lawful government purpose, including the administration of any lawful administrative or law enforcement activities;

8. A person requesting the video record on behalf of any public school or any private school or institution recognized, operating, and licensed as such in the State of Ohio.

9. The video or a portion of the video shows, communicates, or discloses any of the following:

a. The death of a person, or a deceased person's body, if the death was caused by a correctional employee, youth services employee, or peace officer;

b. b. Grievous bodily harm to a person if caused by a correctional employee, youth services employee, or peace officer; or

c. An act of severe violence against a person that results in serious physical harm to the person if caused by a correctional employee, youth services employee, or peace officer.