

20223863 ORDIN \$0.00
09/07/2022 02:30:00P 8 PGS
Carolyn C Bertsch
Wells County Recorder IN
Recorded as Presented

20223401 ORDIN \$0.00
08/02/2022 10:51:33A 4 PGS
Carolyn C Bertsch
Wells County Recorder IN
Recorded as Presented

**AN ORDINANCE REGULATING
REQUESTS FOR LAW ENFORCEMENT
BODY CAMERA RECORDINGS FOR THE
COUNTY OF WELLS, STATE OF INDIANA**

Ordinance No. 2022-18

RE-RECORDED TO ADD
PUBLISHER'S CLAIMS

WHEREAS, the Wells County Board of Commissioners of Wells County, Indiana (the **“Board”**), is responsible for the performance of various functions for the Wells County, Indiana (the **“County”**); and

WHEREAS, the Wells County Sheriffs Office (the **“office”** or **“agency”**) is responsible for maintaining law and order, through the enforcement of various laws prescribed by the State of Indiana and the County; and

WHEREAS, as part of maintaining a law enforcement system for the County, 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 Wells County Sheriff (the **“Sheriff”**); and

WHEREAS, the duly-elected Sheriff has the power, in their 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 Board of Commissioners for Wells County, Indiana, that this Ordinance Regulating Requests for Law Enforcement Body Camera Recordings for the County of Wells, 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
- (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 Sheriff 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 County, 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, on a form provided by the Department.

4. **Timeframe for Inspection.** Within Twenty-One (21) days following a formal request being made, the Department 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 Department 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 Fifty Dollars (\$50.00) for videos shorter than thirty (30) minutes, One Hundred Dollars (\$100.00) for videos between thirty (30) minutes and sixty (60) minutes, and One Hundred and Fifty Dollars (\$150.00) for videos longer than sixty (60) minutes. The Fee collected under this Paragraph for the copying of a law enforcement recording shall be:

(A) Payable to the County Auditor'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 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.

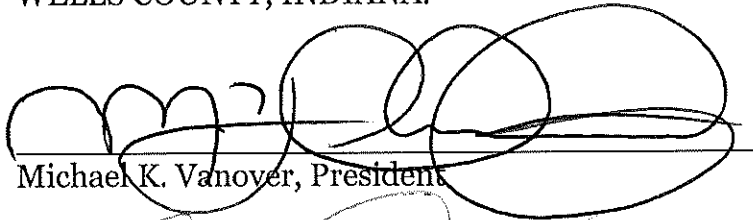
SECTION II. Effective Date

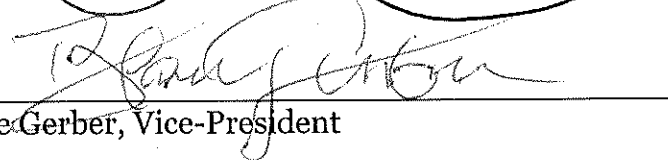
1. This Ordinance shall become effective thirty (30) days after notice of the adoption shall have been published in a paper as described in Indiana Code § 5-3-1-4.

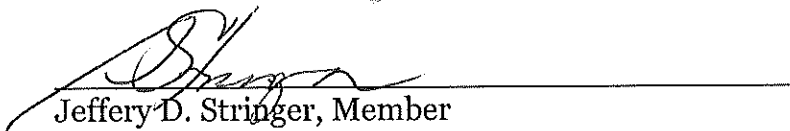
SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, we have hereunto set our hands this 1st day of August, 2022.

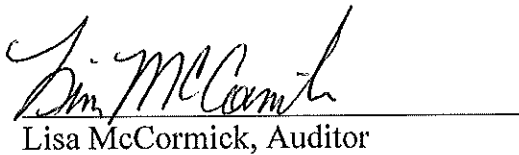
BOARD OF COMMISSIONERS OF
WELLS COUNTY, INDIANA.


Michael K. Vanover, President


Blake Gerber, Vice-President


Jeffery D. Stringer, Member

ATTEST:


Lisa McCormick, Auditor

This instrument was prepared by the Wells County Attorney, Colin Z. Andrews, Attorney No. 26767-49, 116 South Main St., Bluffton, IN 46714. *I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Colin Z. Andrews*

Wells County Auditor
(GOVERNMENTAL UNIT)

To: News-Banner Publications, P.O. Box 436, Bluffton, IN 46714

Wells County, Indiana

Legal Notice

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines.....	_____
Body -- number of lines.....	_____ 225
Tail -- number of lines.....	_____ 1
Total number of lines in notice.....	_____ 226

COMPUTATION OF CHARGES

<u>226</u> lines, <u>1</u> columns wide equals <u>226</u> equivalent lines	
at <u>0.5128</u> cents per line.....	_____ \$115.89
Additional charges for notices containing rule or tabular work (50 percent of above amount).....	_____
Charge for extra proofs of publication (\$1.00 for each proof in excess of two).....	_____
TOTAL AMOUNT OF CLAIM.....	_____ \$115.89

DATA FOR COMPUTING COST

Width of single column: 9p9
Number of insertions: 1
Size of type: 7 points

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times. The dates of publication being as follows:
11-Aug-22

Additionally, the statement check below is true and correct:

- Newspaper does not have a Web site.
- Newspaper has a web site and this public notice was posted on the same day as it was published in the newspaper.
- Newspaper has a Web site, but due to technical problem or error, public notice was posted on _____.
- Newspaper has a Web site but refuses to post the public notice.

Martha A. Poling
Martha A. Poling
Title _____
Business Manager

Date 11-Aug-22

**AN ORDINANCE REGULATING
REQUESTS FOR LAW
ENFORCEMENT BODY
CAMERA RECORDINGS FOR
THE COUNTY OF WELLS,
STATE OF INDIANA**

Ordinance No. 2022-18

WHEREAS, the Wells County Board of Commissioners of Wells County, Indiana (the "Board"), is responsible for the performance of various functions for the Wells County, Indiana (the "County"); and

WHEREAS, the Wells County Sheriffs Office (the "office" or "agency") is responsible for maintaining law and order, through the enforcement of various laws prescribed by the State of Indiana and the County; and

WHEREAS, as part of maintaining a law enforcement system for the County, 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 Wells County Sheriff (the "Sheriff"); and

WHEREAS, the duly-elected Sheriff has the power, in their 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 Board of Commissioners for Wells County, Indiana, that this Ordinance Regulating Requests for Law Enforcement Body Camera Recordings for the County of Wells, 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;
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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.

law enforcement officer, who was directly involved in the law enforcement activity.

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

4. Timeframe for Inspection. Within Twenty-One (21) days following a formal request being made, the Department 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 Department 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 Fifty Dollars (\$50.00) for videos shorter than thirty (30) minutes, One Hundred Dollars (\$100.00) for videos between thirty (30) minutes and sixty (60) minutes, and One Hundred and Fifty Dollars (\$150.00) for videos longer than sixty (60) minutes. The Fee collected under this Paragraph for the copying of a law enforcement recording shall be:

(A) Payable to the County Auditor'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 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.

SECTION II.

Effective Date

1. This Ordinance shall become effective thirty (30) days after notice of the adoption shall have been published in a paper as described in Indiana Code§ 5-3-1-4.

IN WITNESS WHEREOF, we have hereunto set our hands this 1st day of August, 2022.

**BOARD OF COMMISSIONERS
OF WELLS COUNTY,
INDIANA.**

Michael K. Vanover, President
Blake Gerber, Vice-President
Jeffery D. Stringer, Member

ATTEST:

Lisa McCormick, Auditor

This instrument was prepared by the Wells County Attorney, Colin Z. Andrews, Attorney No. 26767-49, 116 South Main St., Bluffton, IN 46714. I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Colin Z. Andrews

o], nb 8/11
hspaxlp

Wells County Auditor
(GOVERNMENTAL UNIT)

To: Ossian Journal , P.O. Box 436, Bluffton, IN 46714

Wells County, Indiana

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Martha A. Poling
Martha A. Poling
Title Business Manager

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Lisa McCormick, Auditor

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hspaxlp