

# NEW ALBANY

## POLICE

### ***Public Records Denial Dashboard and/or Body Camera***

***The following checked items provide the legal basis for why requested records or portions of records were not provided for your inspection or copying.***

A public record is something stored on a fixed medium, created received or sent under the jurisdiction of a public office and documents a function of that public office. The subject of your request did not meet that standard. 2007 Ohio atty. Gen. Ops. No. 034 (an item of physical evidence in the possession of the Prosecuting Attorney that was not introduced as evidence was found not to be a "record".) (*State ex rel. Fant v. Enright* (1993), 66 Ohio St. 3d 186, 188 (to the extent an item does not document the activities of a public office; it is not a public record and need not be disclosed.)

**Portions of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:**

- ☐ The image or identity of a child or information that could lead to the identification of a child who is the primary subject of the recording;
- ☒ The death of a person or deceased person's body, unless the death was caused by a peace officer or under certain other circumstances
- ☐ The death of a peace officer or first responder that occurs when the decedent was performing official duties;
- ☒ Grievous bodily harm unless the injury was effected by a peace officer;
- ☒ An act of severe violence against a person that results in serious physical harm unless the injury was effected by a peace officer;
- ☐ Grievous bodily harm to, or an act of severe violence resulting in a serious physical harm, against a peace officer or first responder while the injured person was performing official duties;
- ☒ A person's nude body;
- ☒ Protected health information, the identity of a person in a health care facility who is not the subject of a law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a law enforcement encounter;
- ☐ Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;
- ☒ Information that does not qualify as a confidential law enforcement investigatory record that could identify a confidential source if disclosure of the source or the information provided could reasonably be expected to threaten or endanger a person's safety or property;
- ☒ A person's personal information who is not arrested, charged, or issued a written warning;
- ☐ Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;
- ☒ Personal conversations between peace officers unrelated to work;
- ☒ Conversations between peace officers and members of the public that do not concern law enforcement activities;
- ☒ Messages and/or throughput of any kind accessed through LEADS (ref. ORC 149.43 and OAC: 4501:2-10-03)

**Portions of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:  
(continued):**

- ☐ The interior of a residence unless it is the location of an adversarial encounter with, or use of force by, a peace officer; or
- ☒ The interior of a private business not open to the public unless it is the location of an adversarial encounter with, or use of force by, a peace officer. (ref. ORC 149.43(A)(1)(jj) and (A)(17))
- ☒ Restricted portions of camera recordings depicting death, grievous bodily harm, acts of severe violence resulting in serious physical harm, and nudity may be released with the consent of the injured person, the decedent's executor or administrator or the person/person's guardian if the recording will not be used in connection with any probably or pending criminal proceeding or the recording has been used in connection with a criminal proceeding that was dismissed or for which a judgement has been entered pursuant to Rule 32 of the Rules of Criminal Procedure, and will not be used again in connection with any probably or pending criminal proceedings. (ref. ORC 149.43(A)(17) (a)-(q) and (H))
- ☐ If a person has been denied access to a restricted portion of a body-worn camera or dashboard camera recording, that person may file a mandamus action or complaint with the clerk of Court of Claims, seeking an order to release the recording. The court shall order the release of the recording if it determines that the public interest in the recording substantially outweighs privacy and other interests asserted to deny release. (ref. ORC 149.43(H)(2))