

Public Records Language to Allow Police Departments to Charge for Production of Bodycam Videos

By Abigail Burke & Aaron Ross

House Bill 315, the township omnibus package, was signed into law by Governor Mike DeWine on January 2, 2025 and goes into effect on April 2, 2025. This bill permits law enforcement agencies to charge for the cost of production of videos in response to public records requests. This change will benefit law enforcement agencies who are inundated with public records requests for videos by allowing them to charge for the production of videos including patrol cars and body worn cameras.

Once in effect, the bill will allow a state or local law enforcement agency to charge up to \$75 per hour for the actual cost of preparing a video for inspection or production, while limiting the cost to a \$750 cap per video. The preparation includes but is not limited to the retrieval, download, review, redaction, time to seek legal advice, and production of the video recorded. "Actual cost" means "all costs incurred by the state or local law enforcement agency in reviewing, blurring or otherwise obscuring, redacting, uploading, or producing the video records, including but not limited to the storage medium on which the record is produced, staff time, and any other relevant overhead necessary to comply with the request."¹

If the agency chooses to charge a fee for the video request, the agency has an additional option to include in its public records policy the requirement that a requester pay the "estimated actual cost" before the agency begins the process of preparing a video record for inspection or production. The agency has five business days to provide an "estimated actual cost" from when the receipt of the public records request has been received. Once the estimated cost has been paid in full by the requester, the agency has an obligation to produce a video or make it available for inspection. If the actual cost exceeds the estimated actual cost already charged to the requester, then the agency may "charge a requester for the difference upon fulfilling a request for video records if the requester is notified in advance that the actual cost may be up to twenty percent higher than the estimated actual cost."² The agency is not allowed to exceed this twenty percent of the estimated actual cost regardless of the difference.

This is not a mandatory fee that a law enforcement agency must charge, but instead it is optional and at the discretion of the agency.

In the Governor's press release, the Governor spoke in favor of the bill stating that, "[n]o law enforcement agency should ever have to choose between diverting resources for officers on the street to move them to administrative tasks like lengthy video redaction reviews for which agencies receive no compensation and this is especially so for when the requester of the video is a private company seeking to make money off of these videos. The language in House Bill 315 is a workable compromise to balance the modern realities of preparing these public records and the cost it takes to prepare them. Ohio law has long authorized optional user fees associated with the cost of duplicating public records,

¹ Am. Sub. H. B. No. 315(B)(1)

² Am. Sub. H. B. No. 315(B)(1)

and the language in House Bill 315 applies that concept in a modern way to law enforcement-provided video records.”

The Governor has also stated that if this language “turns out to have unforeseen consequences” he will work with the General assembly to address it, as there are concerns from multiple groups that had strong aversions to the bill for fears that the language would price out those that are seeking the video.

In conclusion, House Bill 315 will give governments the choice to add language to their Public Records Policy to incorporate the new provision that allows Police Departments to charge for preparing body worn camera videos when requested by a Public Records Request.

For questions regarding this bill and how to incorporate it into your Public Records Policy, please contact one of the listed Roetzel attorneys.

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