*Corrections and Updates:*

* + - In 2014, state legislators made public the audio and video recordings from dashboard and lapel cameras of all law enforcement agencies, including the Oklahoma Highway Patrol. Specifically, agencies must make available those body camera recordings “that depict
      * + The use of any physical force or violence by a law enforcement officer,
        + Pursuits of any kind,
        + Traffic stops,
        + Any person being arrested, cited, charged or issued a written warning,
        + Events that directly led to any person being arrested, cited, charged or receiving a written warning,
        + Detentions of any length for the purpose of investigation,
        + Any exercise of authority by a law enforcement officer that deprives a citizen of his or her liberty,
        + Actions by a law enforcement officer that have become the cause of an investigation or charges being filed.
        + Recordings in the public interest that may materially aid a determination of whether law enforcement officers are appropriately performing their duties as public servants, [and]
        + Any contextual events occurring before or after the events depicted.” (§ 24A.8(A)(10)(a)(1-10))

However, state legislators in 2015 added a long list of exemptions. For example, agencies may “redact or obscure specific portions” of recordings from body and dashboard cameras that:

* + - * Depict nudity, “the death of a person or a dead body” unless the death was caused by an officer, or severe violence resulting in great bodily injury as well as the bodily injury itself,
      * Identify minors under the age of 16, or
      * Disclose “personal medical information that is not already public.”  
        (See § 24A.8(A)(9)(a-i) for list of exemptions for dash-cam recordings or associated audio recordings from body cameras and § 24A.8(A)(10)(b)(1-13) for a list of exemptions for audio and video recordings from body cameras.)

Agencies also may “redact or obscure specific portions” that would reveal the identity of law enforcement officers subject to internal investigation because of an event depicted in the recording. However, that portion would become public after the agency has “concluded the investigation and rendered a decision as to final disciplinary action.” The recording also must be “available for public inspection and copying before the conclusion of the investigation if the investigation lasts for an unreasonable amount of time.” The statute doesn’t define “unreasonable.” (See § 24A.8(A)(9)(i); § 24A.8(A)(10)(b)(13))

For body-camera recordings, agencies also may “redact or obscure specific portions” that would:

* + - * “Identify alleged victims of sex crimes or domestic violence,” or confidential informants;
      * Reveal “personal information other than the name or license plate number of a person not officially arrested, cited, charged or issued a written warning,” or
      * “Materially compromise an ongoing criminal investigation or ongoing criminal prosecution.” Under this provision, un-redacted video must be released 10 days “following the formal arraignment or initial appearance, whichever occurs first,” unless the court grants the prosecutor or defense attorney more time under which the video is withheld. Extensions can be granted in increments of up to six months but not total more than 18 months.If no one has been charged within 120 days of the events in the video, the person denied access under this provision could appeal to the district court. The judge could order extensions in increments of up to one year but not totaling more than three years. If charges are filed, the extension would end and a new request for an extension would have to be made to the court.  
        Four years after the recording was made, the un-redacted video must be made available for “public inspection and copying.” No more extensions may be granted.
    - The Open Records Act does not define radio logs. However, a 1984 Attorney General opinion interpreting the statute’s previous version indicated that radio logs include “any recorded electronic transmissions made between the police dispatcher(s) and other parties.” (1984 OK AG 119, ¶ 22) “[R]ecorded electronic transactions with the police department are subject to the Open Records Act,” said the opinion, relying upon a Wyoming case and upon Oklahoma cases broadly interpreting the term “record.” (*Id*. ¶ 28)Presumably, that would include recordings of 911 calls. In 2015, Tulsa County Judge Bill Musseman said 911 calls are synonymous with radio logs and, therefore, are public records. However, Musseman said release of only the computer-aided dispatch transcript, not the audio, of the 911 call to Broken Arrow, Oklahoma, police would comply with the Open Records Act. (Order Ruling on Defendants’ Request for Protective Order, Oklahoma v. Bever & Bever, No. CF-2015-3983 (Tulsa Cty. Dist. Ct. Oct. 27, 2015) (audio of 911 telephone call to be kept confidential))
    - A police dash cam video of a DUI arrest contains facts concerning the arrest and therefore is public under the state Open Records Act, a three-judge panel of the Oklahoma Court of Civil Appeals [**ruled**](http://foioklahoma.org/2013/05/31/police-dash-cam-video-audio-recordings-of-arrests-are-public-record-okla-court-of-civil-appeals-rules/) 2-1 in 2013.
    - Jail booking mug shots are public records that must be released in electronic format if kept that way by the law enforcement agency, Oklahoma Attorney General Scott Pruitt said in a [**formal opinion**](http://foioklahoma.org/2012/12/13/ag-mug-shots-are-public-records-whose-release-isnt-an-invasion-of-privacy/) in 2012.
    - Initial incident reports may not be withheld from the public as part of investigatory files, Attorney General Scott Pruitt [**told law enforcement agencies**](http://foioklahoma.org/2012/01/09/ag-to-police-incident-reports-must-be-open-for-public-inspection/) in 2012.
    - In early spring 2006, then-Attorney General Drew Edmondson asked several police departments to stop charging excessive search and copy fees that he said were illegal. For example, Tulsa police were charging $3 per report of up to 10 pages and $1 per page thereafter. Norman police charged $3 a report regardless of the number of pages. Edmond police charged a flat fee of $4 for all accident reports. Police in Yukon and El Reno charged a $4 search fee for basic records. Police departments were also charging excessive fees for reproducing video and audiotapes, Edmondson said. For example, Oklahoma City charged $35 for copies of video and audiotapes, while Enid charged $20 for videotapes. “The Open Records Act is very clear . . . about only being able to charge the actual cost of reproduction,” Edmondson told *The Oklahoman*. “If you’re reproducing a videotape for instance, you’re talking about the cost of a blank tape.”
    - The records requester may be asked for enough information to determine if a search fee should be charged because the records request is for a commercial purpose. Otherwise, according to a 1999 attorney general opinion, “In no event could a public body or public official ever require a requestor to provide the reason for a request for access to records. . . .” ([**1999 OK AG 55, ¶ 18**](http://www.oscn.net/applications/oscn/deliverdocument.asp?id=62815&hits=7031+7030+7029+7028+3174+3173+3172+3171+))