

1 1. An arrestee description, including the name, date of birth,
2 address, race, sex, physical description, and occupation of the
3 arrestee;

4 2. Facts concerning the arrest, including the cause of arrest
5 and the name of the arresting officer;

6 3. A chronological list of all incidents, including initial
7 offense report information showing the offense, date, time, general
8 location, officer, and a brief summary of what occurred;

9 4. Radio logs, including a chronological listing of the calls
10 dispatched;

11 5. Conviction information, including the name of any person
12 convicted of a criminal offense;

13 6. Disposition of all warrants, including orders signed by a
14 judge of any court commanding a law enforcement officer to arrest a
15 particular person;

16 7. A crime summary, including an agency summary of crimes
17 reported and public calls for service by classification or nature
18 and number;

19 8. Jail registers, including jail blotter data or jail booking
20 information recorded on persons at the time of incarceration showing
21 the name of each prisoner with the date and cause of commitment, the
22 authority committing the prisoner, whether committed for a criminal
23 offense, a description of the prisoner, and the date or manner of
24 discharge or escape of the prisoner;

1 9. Audio and video recordings from recording equipment attached
2 to law enforcement vehicles or unmanned aircraft as defined in
3 Section 322 of Title 3 of the Oklahoma Statutes, associated audio
4 recordings from recording equipment on the person of a law
5 enforcement officer or audio and video recordings from any other
6 source used by a law enforcement agency; provided, the law
7 enforcement agency may, before releasing any audio or video
8 recording provided for in this paragraph, redact or obscure specific
9 portions of the recording which:

- 10 a. depict the death of a person or a dead body, unless
- 11 the death was effected by a law enforcement officer,
- 12 b. depict nudity,
- 13 c. would identify minors under the age of sixteen (16)
- 14 years or would undermine any requirement to keep
- 15 certain juvenile records confidential as provided for
- 16 in Title 10A of the Oklahoma Statutes,
- 17 d. depict acts of severe violence resulting in great
- 18 bodily injury, as defined in Section 11-904 of Title
- 19 47 of the Oklahoma Statutes, against persons that are
- 20 clearly visible, unless the act of severe violence was
- 21 effected by a law enforcement officer,
- 22 e. depict great bodily injury, as defined in Section 11-
- 23 904 of Title 47 of the Oklahoma Statutes, unless the
- 24

1 great bodily injury was effected by a law enforcement
2 officer,

3 f. include personal medical information that is not
4 already public,

5 g. would undermine the assertion of a privilege provided
6 in Section 1-109 or Section 3-428 of Title 43A of the
7 Oklahoma Statutes for detention or transportation for
8 mental health evaluation or treatment or drug or
9 alcohol detoxification purposes,

10 h. include personal information other than the name or
11 license plate number of a person not arrested, cited,
12 charged or issued a written warning. Such personal
13 information shall include any government-issued
14 identification number, date of birth, address or
15 financial information, or

16 i. reveal the identity of law enforcement officers who
17 have become subject to internal investigation by the
18 law enforcement agency as a result of an event
19 depicted in the recording. The option to protect the
20 identity of a law enforcement officer shall not be
21 available to the law enforcement agency after the law
22 enforcement agency has concluded the investigation and
23 rendered a decision as to final disciplinary action.
24 At such time when an investigation has concluded and

1 the law enforcement agency has rendered its decision
2 as to final disciplinary action, the portions of the
3 recordings previously withheld as provided for in this
4 subparagraph shall be available for public inspection
5 and copying. The audio and video recordings withheld
6 as provided for in this subparagraph shall be
7 available for public inspection and copying before the
8 conclusion of the investigation if the investigation
9 lasts for an unreasonable amount of time; and

10 10. a. Audio and video recordings from recording equipment
11 attached to the person of a law enforcement officer
12 that depict:

- 13 (1) the use of any physical force or violence by a
14 law enforcement officer,
- 15 (2) pursuits of any kind,
- 16 (3) traffic stops,
- 17 (4) any person being arrested, cited, charged or
18 issued a written warning,
- 19 (5) events that directly led to any person being
20 arrested, cited, charged or receiving a written
21 warning,
- 22 (6) detentions of any length for the purpose of
23 investigation,

1 (7) any exercise of authority by a law enforcement
2 officer that deprives a citizen of his or her
3 liberty,

4 (8) actions by a law enforcement officer that have
5 become the cause of an investigation or charges
6 being filed,

7 (9) recordings in the public interest that may
8 materially aid a determination of whether law
9 enforcement officers are appropriately performing
10 their duties as public servants, or

11 (10) any contextual events occurring before or after
12 the events depicted in divisions (1) through (9)
13 of this subparagraph.

14 b. Notwithstanding the provisions of subparagraph a of
15 this paragraph, the law enforcement agency may, before
16 releasing any audio or video recording provided for in
17 this paragraph, redact or obscure specific portions of
18 the recording that:

19 (1) depict the death of a person or a dead body,
20 unless the death was effected by a law
21 enforcement officer,

22 (2) depict nudity,

23 (3) would identify minors under the age of sixteen

24 (16) years or would undermine any requirement to

1 keep certain juvenile records confidential as
2 provided for in Title 10A of the Oklahoma
3 Statutes,

4 (4) depict acts of severe violence resulting in great
5 bodily injury, as defined in Section 11-904 of
6 Title 47 of the Oklahoma Statutes, against
7 persons that are clearly visible, unless the act
8 of severe violence was effected by a law
9 enforcement officer,

10 (5) depict great bodily injury, as defined in Section
11 11-904 of Title 47 of the Oklahoma Statutes,
12 unless the great bodily injury was effected by a
13 law enforcement officer,

14 (6) include personal medical information that is not
15 already public,

16 (7) undermine the assertion of a privilege as
17 provided in Section 1-109 or Section 3-428 of
18 Title 43A of the Oklahoma Statutes for detention
19 or transportation for mental health evaluation or
20 treatment or drug or alcohol detoxification
21 purposes,

22 (8) identify alleged victims of sex crimes or
23 domestic violence,

24

1 (9) identify any person who provides information to
2 law enforcement or the information provided by
3 that person when that person requests anonymity
4 or where disclosure of the identity of the person
5 or the information provided could reasonably be
6 expected to threaten or endanger the physical
7 safety or property of the person or the physical
8 safety or property of others,

9 (10) undermine the assertion of a privilege to keep
10 the identity of an informer confidential as
11 provided for in Section 2510 of Title 12 of the
12 Oklahoma Statutes,

13 (11) include personal information other than the name
14 or license plate number of a person not
15 officially arrested, cited, charged or issued a
16 written warning. Such personal information shall
17 include any government-issued identification
18 number, date of birth, address or financial
19 information,

20 (12) include information that would materially
21 compromise an ongoing criminal investigation or
22 ongoing criminal prosecution, provided that:

23 (a) ten (10) days following the formal
24 arraignment or initial appearance, whichever

1 occurs first, of a person charged in the
2 case in question, the recording shall be
3 made available for public inspection and
4 copying with no redaction of the portions
5 that were temporarily withheld by reliance
6 on this division. Provided, before
7 potential release of a recording as provided
8 for in this subdivision, the prosecutor or
9 legal representative of the person charged
10 may request from the appropriate district
11 court an extension of time during which the
12 recording may be withheld under the
13 provisions of this division. When a request
14 for an extension of time has been filed with
15 the court, the recording in question may be
16 withheld until the court has issued a
17 ruling. Such requests for an extension of
18 the time during which the recording may be
19 withheld may be made on the grounds that
20 release of the recording will materially
21 compromise an ongoing criminal investigation
22 or criminal prosecution or on the grounds
23 that release of the recording will
24 materially compromise the right of an

1 accused to a fair trial that has yet to
2 begin. Courts considering such requests
3 shall conduct a hearing and consider whether
4 the interests of the public outweigh the
5 interests asserted by the parties. In
6 response to such requests, the court shall
7 order that the recording be made available
8 for public inspection and copying with no
9 redaction of the portions that were
10 temporarily withheld by reliance on this
11 division or order an extension of time
12 during which the recording may be withheld
13 under the provisions of this division.
14 Provided further, each such time extension
15 shall only be ordered by the court for an
16 additional six-month period of time or less
17 and cumulative time extensions shall not add
18 up to more than eighteen (18) months, or
19 (b) in the event that one hundred twenty (120)
20 days expire from the date of the events
21 depicted in the recording without any person
22 being criminally charged in the case in
23 question and release of a recording or
24 portions of a recording have been denied on

1 the grounds provided for in this division,
2 an appeal of such denial may be made to the
3 appropriate district court. In situations
4 where one hundred twenty (120) days have
5 expired since the creation of the recording,
6 criminal charges have not been filed against
7 a person and the recording is being withheld
8 on the grounds provided for in this
9 division, courts considering appeals to the
10 use of the provisions of this division for
11 temporarily withholding a recording shall
12 conduct a hearing and consider whether the
13 interests of the public outweigh the
14 interests of the parties protected by this
15 division. In response to such appeals, the
16 district court shall order that the
17 recording be made available for public
18 inspection and copying with no redaction of
19 the portions that were temporarily withheld
20 by reliance on this division or order an
21 extension of time during which the recording
22 may be withheld under the provisions of this
23 division. An order granting an extension of
24 time shall be applicable to the recording

1 against all appellants for the duration of
2 the extension. Provided, each such time
3 extension shall only be ordered by the
4 district court for an additional twelve-
5 month period of time or less and cumulative
6 time extensions shall not add up to more
7 than three (3) years. Provided, charges
8 being filed against a person in the case in
9 question automatically cancels any extension
10 of time. A new request for an extension of
11 time following an arraignment or initial
12 appearance may be requested by the parties
13 on the grounds and under the terms provided
14 for in subdivision (a) of this division.

15 The options presented in this division to
16 potentially withhold a recording or portions of a
17 recording on the grounds provided for in this
18 division shall expire in totality four (4) years
19 after the recording was made at which time all
20 recordings previously withheld on the grounds
21 provided for in this division shall be made
22 available for public inspection and copying, or
23 (13) reveal the identity of law enforcement officers
24 who have become subject to internal investigation

1 by the law enforcement agency as a result of an
2 event depicted in the recording. The option to
3 protect the identity of a law enforcement officer
4 shall not be available to the law enforcement
5 agency after the law enforcement agency has
6 concluded the investigation and rendered a
7 decision as to final disciplinary action. At
8 such time when an investigation has concluded and
9 the law enforcement agency has rendered its
10 decision as to final disciplinary action, the
11 portions of the recordings previously withheld as
12 provided for in this division shall be available
13 for public inspection and copying. The audio and
14 video recordings withheld on the grounds provided
15 for in this division shall be available for
16 public inspection and copying before the
17 conclusion of the investigation if the
18 investigation lasts for an unreasonable amount of
19 time.

20 B. Except for the records listed in subsection A of this
21 section and those made open by other state or local laws, law
22 enforcement agencies may deny access to law enforcement records
23 except where a court finds that the public interest or the interest
24 of an individual outweighs the reason for denial. The provisions of

1 this section shall not operate to deny access to law enforcement
2 records if such records have been previously made available to the
3 public as provided in the Oklahoma Open Records Act or as otherwise
4 provided by law.

5 C. Nothing contained in this section imposes any new
6 recordkeeping requirements. Law enforcement records shall be kept
7 for as long as is now or may hereafter be specified by law. Absent
8 a legal requirement for the keeping of a law enforcement record for
9 a specific time period, law enforcement agencies shall maintain
10 their records for so long as needed for administrative purposes.

11 D. Registration files maintained by the Department of
12 Corrections pursuant to the provisions of the Sex Offenders
13 Registration Act shall be made available for public inspection in a
14 manner to be determined by the Department.

15 E. The Council on Law Enforcement Education and Training
16 (C.L.E.E.T.) shall keep confidential all records it maintains
17 pursuant to Section 3311 of Title 70 of the Oklahoma Statutes and
18 deny release of records relating to any employed or certified full-
19 time officer, reserve officer, retired officer or other person;
20 teacher lesson plans, tests and other teaching materials; and
21 personal communications concerning individual students except under
22 the following circumstances:

23 1. To verify the current certification status of any peace
24 officer;

1 2. As may be required to perform the duties imposed by Section
2 3311 of Title 70 of the Oklahoma Statutes;

3 3. To provide to any peace officer copies of the records of
4 that peace officer upon submitting a written request;

5 4. To provide, upon written request, to any law enforcement
6 agency conducting an official investigation, copies of the records
7 of any peace officer who is the subject of such investigation;

8 5. To provide final orders of administrative proceedings where
9 an adverse action was taken against a peace officer; and

10 6. Pursuant to an order of the district court of the State of
11 Oklahoma.

12 F. The Department of Public Safety shall keep confidential:

13 1. All records it maintains pursuant to its authority under
14 Title 47 of the Oklahoma Statutes relating to the Oklahoma Highway
15 Patrol Division, the Communications Division, and other divisions of
16 the Department relating to:

17 a. training, lesson plans, teaching materials, tests, and
18 test results,

19 b. policies, procedures, and operations, any of which are
20 of a tactical nature, and

21 c. the following information from radio logs:

22 (1) telephone numbers,

23 (2) addresses other than the location of incidents to
24 which officers are dispatched, and

1 (3) personal information which is contrary to the
2 provisions of the Driver's Privacy Protection
3 Act, 18 United States Code, Sections 2721 through
4 2725; and

5 2. For the purpose of preventing identity theft and invasion of
6 law enforcement computer systems, except as provided in Title 47 of
7 the Oklahoma Statutes, all driving records.

8 SECTION 2. It being immediately necessary for the preservation
9 of the public peace, health or safety, an emergency is hereby
10 declared to exist, by reason whereof this resolution shall take
11 effect and be in full force from and after its passage and approval.

12
13 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/06/2021 - DO PASS,
14 As Amended.