

AN ORDINANCE AMENDING CHAPTER 46, “POLICE DEPARTMENT AND LAW ENFORCEMENT”, OF THE MOBILE CITY CODE

SPONSORED BY: COUNCIL PRESIDENT C. J. SMALL AND MAYOR WILLIAM S. STIMPSON

WHEREAS, the Alabama Legislature recently passed Acts 2023, No. 23-507, codified at ALA. CODE. §§ 36-21-210 – 214, setting forth a process governing the disclosure of Law Enforcement Agency Recordings; and

WHEREAS, the Mobile Police Department is the law enforcement agency established by and serving the City of Mobile; and

WHEREAS, the policy of the City of Mobile and the Mobile City Council is to be as transparent to the public as possible;

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE AS FOLLOWS:

SECTION ONE: Chapter 46 of the Mobile City Code is hereby amended to add Section 46-10 titled “Law Enforcement Recordings” as follows:

- (a) For purposes of law enforcement agency recordings within the meaning of sections 36-21-210 through 214 of the Alabama Code of 1975, it shall be the policy of the City of Mobile that any such recordings made by or in the custody of the Mobile Police Department shall be disclosed in response to any properly made request unless contrary to other applicable law.
- (b) A written statement identifying the legal reason(s) for non-disclosure shall be given to the applicant where such a request is denied. Such legal reasons include: (i) applicability of the grand jury secrecy act; (ii) pendency of an active criminal investigation involving the recordings; or (iii) any other proper legal basis under the laws of Alabama and/or the United States for denying the request.

SECTION TWO: Miscellaneous.

- (a) The provisions of this ordinance are severable. If any part of this ordinance is declared invalid, unconstitutional, or otherwise unenforceable by a court

of competent jurisdiction, that declaration shall not affect the part or parts that remain.

- (b) This ordinance shall be effective within the City of Mobile immediately upon its adoption and publication as required by law.

APPROVED:

City Clerk