

82.1 PUBLIC RECORDS POLICY

The Warren County Sheriff's Office is committed to providing exceptional service and transparency. In doing so, we utilize the Ohio Sunshine Laws for guidance in making decisions concerning public records, exemptions or redactions, and our duties as a public office.

A. Records, Public Records, and Public Office

1. A "record" as defined in Ohio Revised Code section 149.011(G) "includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office."
2. A "public record" is "kept by a public office" and must meet the following criteria:
 - The record must be stored on a fixed medium (tape, video, film, photos, etc.);
 - The record must have been created, received, or sent under the jurisdiction of a public office; and
 - The record must document what the office does.
3. A "public office" as defined in Ohio Revised Code section 149.011(A) "includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government.
4. A record is only a public record if it is "kept by" a public office. Records that do not yet exist, records not in possession or control of a public office, or properly disposed of records are no longer records of the office.

B. Rights and Obligations of Public Records Requesters and Public Offices**CALEA 82.1.3**

1. Records will be organized and maintained in a manner allowing availability in response to public records requests. The Warren County Sheriff's Office will also maintain a copy of the current records retention schedule (RC-2) readily available to the public upon request.
2. Any person can make a request for public records by asking a public office or person responsible for public records for specific, existing records.
3. The person responsible for public records will be designated by the Sheriff or his designee and will be considered the "Records Custodian" of the Sheriff's Office.
4. The Greater Warren County Drug Task Force will keep their own records separate from the Warren County Sheriff's Office in accordance with the Ohio Sunshine Laws and have their own "Records Custodian" designated by the Sheriff or his designee.

5. The requestor may make a request in any manner the requestor chooses: by phone, in person, or in an email or letter.
6. The requestor is not required to identify him or herself or indicate why he or she is requesting the record(s), unless a specific law permits or requires it. A discussion about the requester's purposes or interest in seeking certain information can aid the office in locating and producing the desired records more efficiently.
7. Upon receiving a request for specific, existing public records, the Warren County Sheriff's Office will provide prompt inspection at no cost during regular business hours, or provide copies at cost within a reasonable period of time.
8. The Warren County Sheriff's Office is in no way required, and will not give information, opinion, advice, draw conclusions, or otherwise in reference to any record or create new records to respond to a public records request even if it is only a matter of compiling information from existing records.

Example: A civilian calls the office and asks if they or anyone else has a warrant.

Response: This request is **not** a public records request, it is a request for information which we are not obligated to and do not release. This principle also applies to incident reports, crash reports, or any other request for information about a record.

9. A copy of the most recent edition of the Ohio Sunshine Laws is available via the Ohio Attorney General's website at www.ohioattorneygeneral.gov/YellowBook for the purpose of keeping employees of the office and the public educated as to the office's obligations under the Ohio Public Records Act, Ohio Open Meetings Act, public records retention laws, and Personal Information Systems Act.

C. Denial and/or Redaction of Public Records

1. If a requestor makes an ambiguous or overly broad request or has difficulty in making a request such that the office cannot reasonably identify what record(s) are being requested, the request may be denied. The office must provide the requestor an opportunity to revise the request by informing them of the manner in which records are maintained and accessed by the office.
 - An ambiguous request is one that lacks the clarity a public office needs to ascertain what the requester is seeking and where to look for records that might be responsive. The wording of the request is vague or subject to interpretation.

Example: A request for report (unknown name, location, the type of report, or other identifying information).

Example: All records containing particular names or words.

Response: An overly broad request is when it is so inclusive that the public office is unable to identify the records sought based on the manner in which the office routinely organizes and accesses records.

2. If the office withholds, redacts, or otherwise denies requested records it must provide an explanation, including legal authority, for the denial(s)/redaction(s). If the initial

request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the remainder of the record must be released. When making public records available for public inspection or copying, the office shall notify the requestor of any redaction or make the redaction plainly visible.

- A redaction means “obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a “record”. For records on paper, redaction is the blacking or whiting out of non-public information in an otherwise public document.

Example: A civilian requests an initial incident report which contains Social Security Number(s).

Response: The Social Security Number(s) are covered or otherwise removed or redacted.

3. If the office denies a request, and the requestor sends a follow-up letter reiterating a request for essentially the same records, the public office is not required to provide an additional response.
4. The full text of exemptions appears in R.C. 149.43(A)(1). Some common exemptions are but not limited to the following:
 - Medical Records;
 - Social Security Numbers;
 - Trial Preparation Records;
 - Confidential Law Enforcement Investigatory Records (CLEIRs);
 - Residential and Familial Information of Covered Professions (Peace Officer, Correctional Employee, etc.);
 - Select Juvenile Records;
 - Infrastructure Records;
 - Sealed/Expunged Court Records; and
 - Trade Secrets.

D. Fee Schedule

1. Those seeking public records may be charged a fee of the actual cost of making copies, not labor. The fees are as follows:
 - Paper copies – Five (\$0.05) cents per page after twenty (20) pages.

- Electronic files downloaded to a compact disc(s) – Twenty-five (\$0.25) cents per disc.
 - Electronic files downloaded to a flash drive(s) – Four (\$4.00) dollars per drive.
 - Electronic files electronically mailed – Free of Charge.
 - The requestor may also be charged the actual cost of postage and mailing supplies, or other actual cost(s) of delivery.
2. The requestor may choose whether to have the record(s) duplicated upon paper, upon the same medium which the record is kept, or upon any other medium on which the office determines the record(s) can be reasonably duplicated as an integral part of the office's normal operations.