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## P O L I C I E S and P R O C E D U R E S

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**TITLE:** Public Records Requests

**POLICY & PROCEDURE:** 07-104-m

**EFFECTIVE DATE:** September 29, 2007

**REVISED:** March 7, 2008

**DISTRIBUTE TO:** Support Services

**APPROVED:** Daniel A. Dunlap, Sheriff

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### **PURPOSE:**

The purpose of this policy is to establish guidelines and set procedure for processing requests from the public for RECORDS held by this office whether paper, electronic or other format. This policy is meant as an internal guide to the Lake County Sheriff's Office employees and is not meant to convey any substantive rights to any person. This policy is also not an enlargement of any deputy's civil duties to members of the general public.

### **POLICY:**

It is the policy of the Lake County Sheriff's Office that openness leads to a better informed public, which leads to better government and better public policy. It is the policy of the Lake County Sheriff's Office to adhere to House Bill 9.

All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code Chapter 149. If the request is in writing, the explanation must also be in writing.

### **1. DEFENITION – Public Records**

The Lake County Sheriff's Office, in accordance with the Ohio Revised code, defines a record as any item kept by a public office that meets all of the following:

- Is stored on a fixed medium (such as paper, electronic-including but not limited to e-mail, and other formats).
- Is created or received by, or sent under the jurisdiction of a public office
- Documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

All records of the Lake County Sheriff's Office are public unless they are specifically exempt from disclosure under the Ohio Revised Code (See Page 5). Records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and posted prominently.

## **2. PROCEDURE – Records Request**

Each request for public records should be *evaluated* for a response using the following guidelines:

1. Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records.

If it is not clear what records are being sought, the records custodian or representative will make a reasonable effort to contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the office keeps its records.

Request outside of the normal routine, i.e.; accident reports, CAD reports shall be forwarded to the Support Services Administrator. If the Support Services Administrator is not available the request shall go to the Patrol Division Commander, the Chief Deputy or Sheriff.

In cases involving records retained by Central Communications the request shall be promptly forwarded to the Central Communications Administrator or in the absence of the Administrator, the Lieutenant of Central Communications, the Chief Deputy or Sheriff.

The administrators of these Divisions shall determine if a prosecutor's review is needed before the records are released.

2. The requester does not have to put a records request in writing and does not have to provide his or her identity or the intended use of the requested public record. An optional form will be provided by this office to the requester that is voluntary (See Example #1). The information on the form will assist the Lake County Sheriff's Office in completing the request. If the form is completed, it will be scanned in our records management software to each electronic incident report that was produced for the public records request.
3. Public records are to be available for inspection during regular business hours with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested. The requester is not permitted to make their own copies of the requested records by any means.
4. Redactions will be made on a copy of the original record to preserve the authenticity and accuracy of the original document.

5. Public records requests may be submitted to the Sheriff's Office at any time. The records will be produced during regular business hours, Monday through Friday, 8:00 a.m. to 4:30 p.m.
6. Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including the legal authority; i.e., the Revised Code Section (See page 5).
7. Dissemination of a report must be logged. The date, time, and requestor's name are logged electronically in RMS. A step to step guide is on page 13 , Documenting Distribution
8. All denials shall be brought to the attention of the Chief Deputy and Sheriff as soon as possible.

### **3. COSTS for Public Records**

1. Those seeking public records will be charged only the actual cost of making copies. The following schedule will apply:
  - a. The charge for paper copies is .08 cents per page.
  - b. The charge for downloaded computer fields to a compact disc is \$1 per disc.
  - c. There is no charge for documents that are e-mailed.
2. Requesters may ask that documents be mailed to them. They will be charged the actual cost of postage and mailing supplies.
3. Payment in advance may be asked of the requester.

### **4. E-mail**

Documents in electronic mail format *are records* as defined by the Ohio Revised Code when their *content relates to the business of this office*. E-mail is to be treated in the same fashion as all other documents and records in other formats and should follow the same retention schedules.

Business related e-mails in private e-mail accounts are subject to disclosure. All employees of this office are instructed to print their business related e-mails and file them with the incident report, investigative file, booking packet, etc.

If applicable, the e-mail will be scanned to the each electronic incident that we have in Records or Jail Management.

The Records Custodian is to treat e-mails from private accounts as records of the public office. They will be filed, retained and made available for inspection and copying in accordance with the House Bill 9.

## **5. Failure to Respond**

The Lake County Sheriff's Office recognizes the legal and non-legal consequences of failure to properly respond to a public records request.

In addition to the distrust in government that failure to comply may cause, the Lake County Sheriff's Office's failure to comply with a request may result in a court ordering the Lake County Sheriff's Office to comply with the law and to pay the requester attorney's fees and damages and court costs.