

Public Records

It is the policy of the Tuscarawas County Sheriff's Office (T.C.S.O.) to strictly adhere to Ohio's Public Records Act.

Definition of a Public Record

T.C.S.O. in accordance with the Ohio Revised Code, defines records as including the following: any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations or other activities of the office. All records of T.C.S.O. are public unless they are specifically exempt from disclosure by federal or state law.

Request of Public Records

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 responsible employee must contact the requester for clarification and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records. If the requestor needs language assistance, please contact Dispatcher for a

The requestor 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. It is T.C.S.O.'s general policy that this information is not to be requested.

Availability of Public Records

Public records are to be available for inspection during regular business hours (Monday-Friday, 8:00 am-4:30 pm), 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.

Process for Releasing Public Records

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. If fewer than twenty (20) pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows. [If more copies are requested, an appointment should be made with the requester on when the copies or computer files can be picked up.]

It is the goal of our office that all requests for public records shall be acknowledged in writing, or, if possible, satisfied by within three (3) business days (Monday-Friday excluding weekends and published holidays) following the office's receipt of the request.

If a request is deemed significantly beyond "routine", such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

- A. An estimated number of business days it will take to satisfy the request.
- B. An estimated cost if copies are requested.
- C. Any items within the request that may be exempt from disclosure.

Any denial of public records requested must include an explanation including its 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 its legal authority.

All public records requests that are not fulfilled at the time they are made shall be denoted on a log maintained by the assigned records custodian. The log shall include the following: date of request; name of person or entity making the request (if provided); type of records requested; date of release; legal authority for any redactions/withholdings; and name of person fulfilling the request.

Costs of Releasing Public Documents

Those seeking public records will be charged only the actual cost of making copies.

- A. First twenty (20) pages of a copy request will be provided within a reasonable period of time free of charge.
- B. Any additional copies beyond the first twenty (20) pages as stated above will be provided within a reasonable period of time at five (5) cents per sheet.
- C. Personal copies cost five (5) cents per sheet.
- D. There is no charge for documents e-mailed or faxed.
- E. Downloaded computer files including recordings and digital photos to a compact disc will be free of charge limited to one (1) compact disc per month.
- F. Any additional copies of downloaded computer files including recordings and digital photos to a compact disc beyond one (1) compact disc per month will be \$1.00 per disc.
- G. Reproduced digital photos will be reimbursed at actual cost.
- H. Public records in any type of medium (i.e. paper, digital photo, etc...) will be provided to other governmental agencies (including law enforcement, fire and EMS) free of charge.
- I. Requesters may ask that documents be mailed to them. They may be charged the actual cost of the postage and mailing supplies.

Maintenance of Public Records

- A. The following reports will be maintained in the public records section (occupied by the person assigned to Records) of T.C.S.O: traffic crash reports, call records/incident reports/case reports and list of sex offenders.
- B. Other public records including photographs will be maintained by the responsible employees according to public records law and according to T.C.S.O.'s approved records retention schedule (Addendum I).
- C. While an overwhelming majority of the documentation produced by T.C.S.O. is considered public record, federal law and state law defined by the Ohio Revised Code state which records are not subject to public disclosure. Also, records involving concealed carry weapons

- are to remain confidential with very limited exceptions (refer to Ohio Revised Code).
- D. Original copies of public documents shall not be given to the public except: by court order, by an investigator or by the Sheriff or his designee.
 - E. Should a file need to be removed from public records section, a records control card will be placed in the file's space indicating officer's name, date of removal, case or report number of file and the reason for removal.
 - F. A person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication is not permitted to inspect or receive copies of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult unless the request to inspect or obtain a copy of the public record is for the purpose of acquiring information that is subject to release as a public record under the Ohio Revised Code and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justifiable claim to the person.
 - G. If a citizen requests more than ten (10) public records in a month, the citizen shall submit a written letter to the Sheriff that she/he does not intend to use or forward this information for commercial purposes. Otherwise, that citizen will be limited to ten (10) public records requests per month.
 - H. As defined by the Ohio Revised Code, employees' addresses, familial information and social security numbers will be redacted. Section 2.8 of T.C.S.O.'s Personnel Policies Manual and the Ohio Revised Code shall be followed when releasing employment/payroll records.
 - I. Any disposal of records shall be done in accordance with T.C.S.O.'s approved records retention schedule and in accordance with the Ohio Historical Society's approved records disposal process including use of its applicable approved forms (RC-1, RC-2 and RC-3).

Media Relations Regarding Public Records

Call records are readily available to the media for review via T.C.S.O.'s website. Press releases are made available to the media via fax, email, website, or at T.C.S.O. The records involving concealed carry weapons can only be made available pursuant to the Ohio Revised Code. If the media requests a public record, this policy shall apply.

E-Mails as Public Records

Records in the form of e-mail, text messaging and instant messaging including those sent and received via a hand-held communications device are to be treated in the same fashion as records in other formats such as paper. Public records transmitted to or from private accounts or personal devices are subject to disclosure. All employees are required to retain their e-mails records and other electronic records in accordance with T.C.S.O.'s approved records retention schedule.

Failure to Respond to a Public Records Request

T.C.S.O. 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, failure to comply with a request may result in a court order and may result in statutory damages as defined by the Ohio Revised Code.

Availability of Public Records Policy including Records Retention Schedules

T.C.S.O.'s Public Records Policy is available via hard copy. This policy is available in Personnel Manual folder (on the computer) and can be accessed by all employees. Applicable staff is notified of any updates via email.

This policy is posted on our website for public access and includes a copy our master records retention schedule. Approved individual records retention schedules are on file with records custodian. Poster is displayed in lobby to inform the public about our Public Records Policy. A copy of our policy in paper or electronic format is free of charge.

General Exemptions from Public Records Law

The public shall be referred to the applicable federal law or the applicable section of the Ohio Revised Code regarding general exemptions from disclosure.

Required Training by the Public Records Law

The Public Records Law requires that all elected officials or their designees attend three (3) hours of approved training every term of office.

Disclaimer: Because public records laws are subject to change, our office will make all attempts to abide by current federal and state laws. Nothing in this policy shall supersede or conflict with federal or state laws. If applicable and appropriate, our office adheres to Sup. R. 44-47.

Policy History: Public Records Policy was adopted September 14, 2007. Policy was updated March 2009, July 2009, November of 2009, May 2010, November 2010, March 2011, July 2011 and January 2012.