


**Belmont County Sheriff's Office  
Policies and Procedures**

<b>Subject:</b> Public Records Requests	<b>Policy Number:</b> 3.15-A
<b>Issue Date:</b> 10/01/19	<b>Revision Date:</b> 07/03/23
<b>Approval Authority</b> Title and Signature: Sheriff David M. Lucas	

### **I. MISSION STATEMENT**

Openness leads to a better-informed citizenry, which leads to a better government and better public policy. It is the mission of the Belmont County Sheriff's Office to, at all times, fully comply with and abide by both the spirit and the letter of the Ohio Public Records Act.

### **II. DEFINING PUBLIC RECORDS**

All records kept by the Belmont County Sheriff's Office are public unless they are exempt from disclosure under Ohio law.

A "record" is defined to include the following: A document in any format—paper, electronic (including, but not limited to, business e-mail)—that is created, received by, or comes under the jurisdiction of the Belmont County Sheriff's Office, that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

### **III. RESPONSE TIMEFRAME**

Public records are available for inspection during regular business hours, with the exception of published holidays. Public records will be made available for inspection promptly upon request. Copies of public records will 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, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

**RESTRICTED LAW ENFORCEMENT DATA**

This data is proprietary and will not be duplicated, disclosed, or discussed without the written permission of this agency. Data subject to this restriction is contained throughout this publication.

It is the goal of the Belmont County Sheriff's Office to acknowledge all requests for public records in writing or, if feasible, satisfied within three business days following the office's receipt of the request. ***THERE IS NO SAME-DAY SERVICE FOR PUBLIC RECORDS REQUESTS.***

#### **IV. HANDLING REQUESTS**

No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records. If it is not clear what records are being sought, the office will contact the requester for clarification, explain the manner in which the office keeps its records, and/or possibly attempt to assist the requester with revising their request.

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(s). It is this office's general policy that this information is not to be requested. However, the law does permit the office to ask for a written request, the requester's identity, and/or the intended use of the information requested, but only if (1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required and that the requester may decline to reveal the requester's identity or intended use. Public Records Request Forms (Attachment A) are available at this office and online at ***www.belmontsheriff.com***.

In processing the request, the office does not have an obligation to create new records or perform new analysis of existing information. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the office's standard use of sorting, filtering, or querying features. Although not required by law, the office may consider generating new records when it makes sense and is practical under the circumstances.

In processing a request for inspection of a public record, an office employee will accompany the requester during inspection to make certain original records are not taken or altered. There is no charge to inspect public records.

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A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Ohio Attorney General's website ([www.OhioAttorneyGeneral.gov](http://www.OhioAttorneyGeneral.gov)) for the purpose of keeping employees of the office and the public educated as to the office's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and the Personal Information Systems Act.

## V. ELECTRONIC 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 or audiotape.

Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of this office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

## VI. GENERAL COPYING AND MAILING FEES

Those seeking public records may be charged only for the actual cost of making copies, not for labor.

The following non-refundable fees will be charged for copies of public records:

1. E-mail – no cost;
2. Paper copies--black and white, 8 ½ x 11 - .10 cents per single-sided page; 8 ½ x 11 color - .20 cents per single-sided page (does not include photo paper);
3. Images placed on CD/DVD – 1.00 per CD/DVD;
4. USB flash drive:

1-2 GB	\$ 2.00	16 GB	\$ 5.00
4 GB	2.50	32 GB	6.00
8 GB	4.00	64 GB	8.00

*NOTE: Costs for larger-size drives will be based on the current market price.*

5. If documents are to be mailed to the requester, they must provide either a pre-paid envelope or pay the actual costs involved. The requester will be notified that this will delay fulfillment of their request until actual costs can be determined.

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If there are any additional costs involved in making copies of prints, the requester will be informed that this office must receive payment prior to the copies being made.

A requester may be required to pay in advance for actual costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium on which the public record is kept, or upon any other medium on which the office determines that the record can reasonably be duplicated as an integral part of the office's normal operations.

If a requester asks that documents be delivered to them, he/she will be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery. There is no charge for e-mailed documents, including crash reports and associated documents.

If the request is made by a governmental agency (i.e., military, police department, prosecutor, etc.), or is in response to a subpoena, there is no charge for copies of public records regardless of the method of duplication.

Payment can be made in the form of cash, check or money order, made payable to the Belmont County Sheriff's Office. Receipts will be provided for all payments.

## **VII. COPY FEES FOR CRASH REPORTS AND PHOTOGRAPHS**

The Belmont County Sheriff's Office shall furnish copies of crash reports and associated documents/photographs to any person, or their attorney, claiming to have an interest in a motor vehicle accident.

All crash reports must be completed and approved by a supervisor before they can be released. Necessary and appropriate redactions will be made on all documents, including photographs, in accordance with Ohio Revised Code (ORC) §149.43.

The following non-refundable fees will be charged for copies of crash reports and associated documents:

1. E-mail – no cost;
2. Paper copies--black and white, 8 ½ x 11 - .10 cents per single-sided page; 8 ½ x 11 color - .20 cents per single-sided page (does not include photo paper);
3. Images placed on CD/DVD – 1.00 per CD/DVD;

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4. USB flash drive:	1-2 GB	\$ 2.00	16 GB	\$ 5.00
	4 GB	2.50	32 GB	6.00
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If there are any additional costs involved in making copies of prints, the requester will be informed that this office must receive payment prior to the copies being made.

### VIII. INCARCERATED INDIVIDUALS

No person who is incarcerated will inspect or obtain a copy of any public record concerning a criminal investigation, unless the presiding judge 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 of the person. The inmate's request must be filed in the inmate's original criminal action, not in a separate, subsequent forfeiture action involving the inmate. The appropriate remedy for an inmate who is denied a 149.43(B)(8) order is an appeal of the sentencing judge's findings, not a mandamus action.

An inmate's designee may not make a public records request on behalf of the inmate that the inmate is prohibited from making directly.

**Reference:** *State ex rel. Papa v. Starkey*, 2014-Ohio-2989 (the statutory process applies to an incarcerated criminal offender who seeks records relating to any criminal prosecution, not just of the inmate's own criminal case).

### IX. DENIAL AND REDACTION OF RECORDS

If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the office cannot reasonably identify what public records are being requested, the request may be denied, but the office must then provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the office.

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If the office withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(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 rest must be released. When making public records available for public inspection or copying, the office shall notify the requester of any redaction or make the redaction plainly visible.

## **X. MANAGING RECORDS**

The Belmont County Sheriff's Office's records are subject to records retention schedules. The office's current Records Retention Schedule (RC-2) is available at the Administrative Offices, located at 68137 Hammond Road, St. Clairsville, OH 43950, a location readily available to the public as required by Ohio Revised Code (ORC) §149.43(B)(2). The current RC-2 can also be viewed on-line at [www.belmontsheriff.com](http://www.belmontsheriff.com).

### **Policy Non-Compliance**

The **Belmont County Sheriff's Office** and the employee's immediate Supervisor or Director will be advised of breaches of this policy and will be responsible for appropriate remedial action, up to and including termination of employment.

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# BELMONT COUNTY SHERIFF'S OFFICE

68137 Hammond Road, St. Clairsville, OH 43950



## PUBLIC RECORDS REQUEST FORM

### PART A – TO BE COMPLETED BY REQUESTER

- 1) Today's Date: \_\_\_\_\_ Your Name (optional): \_\_\_\_\_
- 2) What type of information are you requesting?
- |   |         |       |       |       |                   |       |
|---|---------|-------|-------|-------|-------------------|-------|
| <input type="checkbox"/> Incident Report                  | Case #: | _____ | Date: | _____ | Type of Incident: | _____ |
| <input type="checkbox"/> Incident Report with photographs | Case #: | _____ | Date: | _____ | Type of Incident: | _____ |
| <input type="checkbox"/> Crash Report                     | Case #: | _____ | Date: | _____ | Crash Location:   | _____ |
| <input type="checkbox"/> Crash Report with photographs    | Case #: | _____ | Date: | _____ | Crash Location:   | _____ |
| <input type="checkbox"/> Other (Specify)                  | _____   |       |       |       |                   | _____ |

### 3) How would you like this information returned to you?

- E-mail (no charge) E-mail address: \_\_\_\_\_
- 8 ½ x 11 Black/white copies .10 cents per single-sided page
- 8 ½ x 11 Color copies .20 cents per single-sided page
- CD/DVD \$1.00 per disk
- USB Flash Drive Cost varies by capacity (charge must be approved before copy is made)
- Mailed (additional postage fee) Mailing Address: \_\_\_\_\_
- Postage paid envelope provided

Payment can be made in the form of cash, or check or money order made payable to the **Belmont County Sheriff** and sent to the address above. Someone will contact you within three (3) business days regarding this request. What is the best way to reach you? \_\_\_\_\_

### PART B – FOR BCSO OFFICE USE

- |   |         |                    |   |       |                                      |
|---|---------|--------------------|---|-------|--------------------------------------|
| <input type="checkbox"/> E-mailed record(s) | Date:   | _____              | DATE PAID:                                    | _____ | <input type="checkbox"/> Refused     |
| <input type="checkbox"/> B/W Copies         | # _____ | X .10 = \$ _____   | <input type="checkbox"/> Cash                 | _____ | <input type="checkbox"/> No Response |
| <input type="checkbox"/> Color Copies       | # _____ | X .20 = \$ _____   | <input type="checkbox"/> Check/MO # _____     | _____ |                                      |
| <input type="checkbox"/> CD/DVD             | # _____ | X 1.00 = \$ _____  |   | _____ |                                      |
| <input type="checkbox"/> USB Flash Drive    | # _____ | X _____ = \$ _____ |   | _____ |                                      |
| <input type="checkbox"/> Postage            | # _____ | X _____ = \$ _____ | <input type="checkbox"/> BCSO Receipt # _____ | _____ |                                      |
| <b>TOTAL DUE = \$ _____</b>                 |         |                    |   |       |                                      |

Staff Initials