

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

Subject: Public Records	Policy Number: 3.17
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Approval Authority: <i>R. K. Jones</i>	

POLICY:

The Butler County Sheriff's Office believes that openness leads to a better informed citizenry, which leads to better government and better public policy. It shall be the policy of the Sheriff's Office to adhere to Ohio's Public Records Act.

DEFINITION:

The Butler County Sheriff's Office, in accordance with Ohio Revised Code section 149.011(G), defines *records* as any document, device, or item, regardless of physical form or characteristic, including an electronic record (including, but not limited to, e-mail), created or received by or coming under the jurisdiction of the Butler County Sheriff's Office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

All records of the Butler County Sheriff's Office are public unless they are specifically exempt from disclosure under the Ohio Revised Code or federal law.

PROCEDURES:

Organization and Maintenance

As required by Ohio law, 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.

Public Records Requests

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

1. Identification of Public Records Requested

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 Sheriff's Office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact

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the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the Sheriff's Office keeps its records.

2. Method of Public Records Request and Identity of Requester

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. This does not preclude members of the Sheriff's Office from asking for a written request to aid in clarification so the request may be properly responded to. However, if the requester chooses not to submit a written request, the request will be answered to the best of the agency's ability.

3. Availability of Public Records of Inspections and Production of Copies

Public records will 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.

4. Satisfying Public Records Requests

It is the goal of the Sheriff's Office that all requests for public records should be acknowledged in writing or, if feasible, satisfied promptly and within a reasonable amount of time based on the nature of the request. Each request should be evaluated for an estimated length of time required to gather the records. The estimated time for fulfillment may also include time for legal review.

In processing the request, the Sheriff's Office does not have an obligation to create new records or perform a search or research for information in the office's records. 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 feasible and practical.

A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the [Ohio Attorney General's website](#) for the purpose of keeping employees of the office and the public educated as to the office's obligations

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under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and the Personal Information Systems Act.

5. Denial of Public Records Requests

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 legal authority.

Costs for Public Records

Those seeking public records will be charged only the actual cost of making copies as follows:

- a. The charge for paper copies is five (5) cents per page. The fee will be waived for requests of less than twenty (20) pages.
- b. The charge for downloaded computer files to a compact disc is one dollar (\$1) per disc.
- c. There is no charge for documents e-mailed.
- d. All other media will be charged according to actual costs. Due to computer system integrity and security issues, blank media supplied by the requesting party shall not be accepted.
- e. Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies and may be required to pay the costs in advance.

Release of Information via Telephone

On a regular basis, employees receive telephone requests for public information from citizens, insurance carriers, any numerous other sources. If time permits, basic information from public records can be released over the phone. If time does not permit, the caller should be notified of the same and given direction on how to obtain the full record.

E-mail as Public Records

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

1. Private E-mail Accounts Holding Public Records

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the Sheriff's Office are instructed to retain their e-mails that relate to public business and to copy them

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to their business e-mail accounts and / or to the Sheriff's Office records custodian.

Records Retention

The records of the Butler County Sheriff's Office are subject to records retention schedules.

The office's current schedules are available at www.butlersheriff.org a location that is readily available to the public as required by Ohio Revised Code §149.43(B)(2).

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