

**The Athens County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Records and Retention Policy	Policy Number: 2.01	
Issue Date: 9-10-2011	Revision Date: 8-30-19	Review Date: 8-19-19
Approval Authority Title and Signature: Rodney Smith, Sheriff		

POLICY:

The purpose of this policy is to ensure that necessary records and documents of the Athens County Sheriff's Office are adequately protected and maintained and to ensure that records that are no longer needed by the Athens County Sheriff's Office or are of no value are discarded at the proper time.

This policy is also for the purpose of aiding employees of the Athens County Sheriff's Office in understanding their obligation in retaining electronic documents-including emails, Web files, text files, sound and movie files, PDF documents and all Microsoft Office or other formatted files.

In accordance with state law and the Athens County Records Commission, the Athens County Sheriff's Office has adopted Schedules of Records Retention and Disposition (RC-2) that identify these records: These schedules identify records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received, or sent under the jurisdiction of the Athens County Sheriff's Office and document the organization, functions, policies, decisions, procedures, operations, or other activities of the Athens County Sheriff's Office. (R.C. 149.01 (G); R. C. 149.43 (A) (1)).

The records maintained by the Athens County Sheriff's Office and the ability to access them are a means to provide trust between the public and the Athens County Sheriff's Office.

PROCEDURES

Public Records:

The Sheriff's Office has designated employees who serve as the custodian of all records maintained by the office.

1. Each record custodian has a copy of the Athens County Sheriff's Office public records policy. (R.C. 149.43 (E)(2)).

The Athens County Sheriff's Office public record policy, as well as, the Athens County Sheriff's Office Schedules of Records Retention and Disposition (RC-2) are located at Sheriff's Office so the public may access the Athens County Sheriff's Office records.

The Athens County Sheriff's Office public records policy is located in the Athens County Sheriff's policies and procedures manual.

Fees:

The Athens County Sheriff's Office, in accordance with Section 149.43 of the Revised Code, may request the following fees for providing bulk copies, as determined by the records division, or reproductions of public records maintained by the Athens County Sheriff's Office:

1. For photocopies of either letter or legal size documents, the fees shall be actual cost per photocopy calculated from the first photocopy. Advance payment may be required before any copies are prepared. Two sided photocopies shall be actual rate per sheet.
2. For video tapes, cassette tapes or for any other type of media, the fee shall be the replacement cost or the reproduction cost. Reproduction costs may only be charged if a commercial or professional service is contracted to provide the copy.
3. Any fees under this policy shall be clearly advised and understood by the requester prior to any records being provided.

Availability:

Inspection of all public records maintained by the Athens County Sheriff's Office shall be promptly prepared and made available to any person during regular business hours as well as a copy of the Athens County Sheriff's Office current records retention schedule. (R.C. 149.43 (B)(1)). (Promptness is to be determined by the facts and circumstances of each public records request). Regular business hours for the Athens County Sheriff's Office are Monday through Friday (except holidays), from 8:30 AM to 4:00 PM.

1. All public records maintained by the Athens County Sheriff's Office shall be promptly prepared and made available for inspection to any person during regular business hours as well as a copy of the Athens County Sheriff's Office current records retention schedule. (R.C. 149.43 (B)(1)). (Promptness is to be determined by the facts and circumstances of each public records request). Regular business hours for the Athens County Sheriff's Office are Monday through Friday (except holidays), from 8:30 AM to 4:00 PM.

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.

2. For the purpose of enhancing the ability of the Athens County Sheriff's Office to identify, provide for prompt inspection as well as, provide copies of the requested items in a reasonable period of time, the Athens County Sheriff's Office may provide to the requestor a form for the requestor to complete.
 - a. Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for legal review.
 - b. Although the Athens County Sheriff's Office may ask the requestor to make the request in writing, for the requestor's identity, and may inquire about the intended use of the information requested, the requestor shall be advised that:
 - 1) The requests are not mandatory; and
 - 2) The requestor's refusal to complete a form does not impair the requestor's right to inspect and/or receive copies of the public record. (R.C. 149.43 (B)(5)).
 - c. Any person, including corporations, individuals, and even governmental agencies, may request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
3. In the event a request is made to inspect and/or obtain a copy of a record maintained by the Athens County Sheriff's Office whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to legal counsel for the Athens County Sheriff's Office for research and/or review. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by the Athens County Sheriff's Office.
4. Records, whose release is prohibited or exempted by either state or federal law, or not considered public records as defined by R.C. 149.43 (A)(1), shall not be subject to public inspection. The following represents a partial list of records maintained by the Athens County Sheriff's Office, that may not be inspected or copied:
 - a. Carry Concealed Weapon License holders - unless requested by media in writing, but no copies
 - b. Peace Officer's residential and familial information
 - c. Medical records
 - d. Trial preparation records
 - e. Confidential Law Enforcement Investigatory Records
 - f. Uncharged suspect

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.

- g. Confidential source
- h. Investigatory techniques or procedures
- i. Security and infrastructure records
- j. DNA database records
- k. or other enumerates in RC149.43 and or federal, state, and local prohibitions

Public Records Request:

Mailed Requests for Public Records to the Athens County Sheriff's Office shall be processed in the following manner:

1. Upon receiving a written request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code via the United States Postal Service, the Athens County Sheriff's Office shall promptly respond to the request.
2. An authorized employee of the Athens County Sheriff's Office shall, by any means practical, contact the requestor and advise them if advance payment is required prior to providing copies of public records, and in addition, the fee shall also include the cost of postage and the envelope. (R.C. 149.43 (B)(7)).
3. When practical, the Athens County Sheriff's Office may forward copied records by any other means reasonably acceptable to the requestor.
 - a. If a person requests a copy of a public record, the Athens County Sheriff's Office shall permit the requestor to choose to have the public record duplicated on paper or upon the same medium upon which the Athens County Sheriff's Office maintains the public record or upon any other medium on which the record can reasonably be duplicated as an integral part of the normal operations of the Athens County Sheriff's Office, or the responsible Athens County Sheriff's Office employee for the public record. (R.C. 149.43 (B)(6)(7)).
 - b. Persons seeking copies of public records are not permitted to make their own copies of the requested records by any means. (R.C. 149.43 (B)(6)).
4. In accordance with section 149.43 (B)(7) of the Ohio Revised Code, the Athens County Sheriff's Office limits the number of requested public records, to be transmitted through the U.S. Mail, to a maximum of ten records per month, unless the requestor certifies that the records or information in them will not be used for commercial purposes.
 - a. "Commercial purposes" shall be narrowly construed and does not include reporting or gathering news,

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.

reporting or gathering information to assist citizen oversight or understanding of the operations or activities of government, or nonprofit educational research.

5. Authorized Athens County Sheriff's Office employees shall comply with the following procedures upon receiving a valid public record request through the United States Postal System:
 - a. Athens County Sheriff's Office employees shall promptly process requests.
 - b. Requestors may be charged the postage fees and the cost of the envelope required to properly send the requested records through the mail.

Written or verbal requests for copies made by the public records requestor or their designee shall be processed in the same manner as mailed requests.

Response and Denials:

Requests for inspection and/or copies of public records, which are not maintained by the Athens County Sheriff's Office shall be processed in the following manner:

1. If the Athens County Sheriff's Office receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, the requestor shall be so notified in writing as to the following:
 - a. Their request involves records that have never been maintained by the Athens County Sheriff's Office;
 - b. Their request involves records that are no longer maintained or have been disposed of or transferred pursuant to applicable Athens County Sheriff's Office Schedules of Record Retention and Disposition (RC-2);
 - c. Their request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1);
 - d. If the record that is requested is not a record used or maintained by the Athens County Sheriff's Office, the requestor shall be notified that in accordance with Ohio Revised Code Section 149.40, that the Athens County Sheriff's Office is under no obligation to create records to meet public record requests.
2. Ambiguous or Overly Broad Request for Public Records - If the requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the Athens County Sheriff's Office personnel is

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.

responsible for the requested public record cannot reasonably identify what public records are being requested:

- a. The Athens County Sheriff's Office may deny the request.
 - b. However, the Athens County Sheriff's Office shall provide the requestor with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by the Athens County Sheriff's Office in the ordinary course of business. (R.C. 149.43 (13)(2)).
3. Denial of a Record Maintained by the Athens County Sheriff's Office - The Athens County Sheriff's Office may deny request for a record maintained by the Athens County Sheriff's Office if:
- a. The record that is requested is prohibited from release due to applicable state or federal law.
 - 1) Employees of the Athens County Sheriff's Office shall consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure.
 - a) Employees may mark a form if they are simply applying the statutory exclusion.
 - b) Otherwise, legal counsel will respond with the legal authority for a denial.
 - b. As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in part or in whole, the Athens County Sheriff's Office shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied.
 - 1) If the initial request was provided in writing then the explanation shall also be provided in writing.
 - 2) The explanation shall not preclude the Athens County Sheriff's Office from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43.
4. Redacting Exempted Records/Procedure
- 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" in section 149.011 of the Ohio Revised Code. (R.C. 149.43(A)(11));
 - 1) A redaction shall be deemed a denial of a request to inspect or copy the redacted

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.

- information, except if federal or state law authorized or requires a public office to make the redaction. (R.C. 149.43(B)(1)).
- 2) If a request is ultimately denied, in part or in whole, the Athens County Sheriff's Office shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied. (R.C. 149.43 (B)(3)).
 - b. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, the Athens County Sheriff's Office shall make available all of the information within the public record that is not exempt.
 - c. When making that public record available for public inspection or copying that public record, the Athens County Sheriff's Office shall notify the requestor of any redaction or make the redaction plainly visible. (R.C. 149.43(B)(1)).
 - d. The releasing employee shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the requestor.
 - e. The original document shall be maintained in accordance with the retention period as established by the RC-2.

The Office of Victim of Crimes (OVC), Victim of Crimes Act (VOCA):

Except as otherwise provided by federal law, no recipient of monies under VOCA shall use or reveal any research or statistical information furnished under this program by any person, and identifiable to any specific private person for any purpose other than the purpose for which such information was obtained in accordance with VOCA. Such information, and any copy of such information, shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit or other judicial, legislative, or administrative proceeding. See section 1407(d) of VOCA, codified at 42 U.S.C. 10604.

Training and Education:

The Athens County Sheriff's Office continues to update and address all education, training, disclosure, and policy requirements mandated by R.C. 109.43 and R.C. 149.43 (E)(1)(2).

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.