



VAN WERT COUNTY SHERIFF'S OFFICE
SHERIFF THOMAS M. RIGGENBACH

Van Wert County Sheriff's Office
Office 419-238-3866
Fax 419-238-9531
113 N. Market Street
Van Wert, Ohio 45891
www.vanwertcountysheriff.com

PUBLIC RECORDS POLICY

The State of Ohio views public records as the people's records, and the Van Wert County Sheriff's Office as the custodian of the people's records. Records that rightfully belong to the citizens of this state, which they are entitled to access under Ohio's Public Records Act (Sunshine Laws). For this reason, it is the policy of the Van Wert County Sheriff's Office to strictly adhere to the state's Public Records Act.

A. Public Records.

- 1) Ohio Revised Code § 149.43 defines a public record as a "record" kept by any public office. A "record" is any item that:
 - a) Contains information stored on a fixed medium - paper, electronic including, but not limited to, e-mail), or other format; and
 - b) Is created or received by, or comes under the jurisdiction of a public office; and
 - c) Documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.
- 2) All records of the Van Wert County Sheriff's Office are public, unless they are specifically exempt from disclosure under the Ohio Revised Code or a specific provision of either state or federal law that prohibits their release.
- 3) As required by Ohio law, employees must organize and maintain records, including e-mail records, so they are readily available for inspection and copying.
- 4) The Ohio Sunshine Laws: An Open Government Resource Manual is an overview of statutes and case law prepared by the Attorney General's office that employees can use as a guide regarding the application of the public records law. Employees can access this manual on the Attorney General's website or by contacting the records custodian.

B. Records Custodian

- 1) The Sheriff's Records Section supervisor serves as the Sheriff's Office records custodian and is responsible for maintaining the security of agency files, ensuring compliance with Ohio's public records law, and disposing of documents in accordance with the Schedule of Records Retention and Disposition.



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C. E-mail as a Public Record

- 1) Documents in electronic mail format are records, as defined by the Ohio Revised Code, when their content relates to the business of the Sheriff's Office. Employees will treat e-mail in the same fashion as records in other formats and should follow the same retention schedules.

D. 9-1-1 Records.

- 1) Pursuant to case law, 9-1-1 tapes are public records that are not exempt from disclosure, and a caller has no reasonable expectation of privacy in matters communicated in a 9-1-1 call. Therefore, 9-1-1 tapes are subject to release, upon request, and employees may not redact the tapes for any reason.
- 2) Ohio Revised Code § 128.32 prohibits the public disclosure of information concerning telephone numbers, addresses, or names obtained from the 9-1-1 database.

E. Court Record Personal Identifiers

- 1) Because court records are open to public access, the Rules of Superintendence for the Courts of Ohio require employees to omit or redact personal identifiers when filing affidavits, complaints, or traffic citations with the court. "Personal identifiers" means any of the following:
 - Social security numbers, except for the last four digits.
 - Financial account numbers including but not limited to, debit card, charge card, and credit card numbers.
 - Employer and employee identification numbers.
 - Names of juveniles in abuse, neglect, or dependency cases, except for the initials or generic abbreviations (such as CV for child victim) used to identify these juveniles.
- 2) When an employee omits or redacts personal identifiers from an affidavit, complaint, or traffic citation, he attaches a Law Enforcement Automated Data System (LEADS) printout and, if necessary, a separate sheet of paper that shows the omitted or redacted identifiers.



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F. Public Records Requests.

- 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 must 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.
- 2) The requester does not have to put a records request in writing and does not have to provide his/her identity or the intended use of the requested public record. It is Van Wert County's general policy that this information not be requested.
- 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.
- 4) 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. Routine requests include but are not limited to meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 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.
- 5) If more copies are requested, an appointment should be made with the requester for when the copies or computer files can be picked up.
- 6) All requests for public records must either be satisfied or be acknowledged in writing by the office in which the records were requested within a reasonable period of time 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 acknowledgment 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.
- 7) 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.



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G. Failure to Respond to a Public Records Request

- 1) The Van Wert County Sheriff's Office recognizes the legal and non-legal consequences of failure to respond properly 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 ordering the Sheriff's Office to comply with the law and to pay attorney's fees and damages to the requester.

H. Costs for Public Records

- 1) Those seeking public records will be charged only the actual cost of making copies. See below for further clarification:
 - a) The charge for paper copies is 5 cents per page.
 - b) The charge for downloaded computer files to a compact disc is \$1 per disc.
 - c) The charge for thumb drives varies depending on the size of the records request.
 - d) There is no charge for documents e-mailed.
 - e) Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

I. Posting of "Public Records" Policy

- 1) The Van Wert County Sheriff's Office Public Records policy is available to the public via the Van Wert County Sheriff's Office website as required by ORC 143.43.

J. Public Records Instruction

- 1) In order to enhance his knowledge of the duty to provide access to public records, the Sheriff or his designee will attend three hours of public records training, as described in Ohio Revised Code § 109.43, for every term he/she is in office.



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K. Records Retention and Disposition

- 1) Following Ohio Revised Code § 149.38, Van Wert County has a county records commission. The Van Wert County Sheriff's Office follows the requirements of the county records commission, which are listed in the Schedule of Records Retention and Disposition. No record may be retained, transferred, destroyed, or otherwise disposed of in violation of this schedule.
- 2) The records custodian ensures that all records are maintained for public access subject to the provisions of state law and agency policy for the period of time established by the Schedule of Records Retention and Disposition.
- 3) All records listed in the Schedule of Records Retention and Disposition should be destroyed after the prescribed period of retention. A Certificate of Records Disposal must then be filed with the Records Center & Archives. Records should not be destroyed if in the opinion of the office, there is sufficient reason for retention. Employees shall destroy records containing sensitive or confidential information in a manner that renders the records unreadable.
- 4) Each component of the Sheriff's Office arranges for the disposal of records under their control through the records custodian.
- 5) Where the terms microfilm or microfiche are used, such files are prepared pursuant to Ohio Revised Code §9.01.
- 6) An itemized record retention schedule is in the county's Schedule of Record Retention and Disposition. The Sheriff's Records Section supervisor is the agency's liaison for record retention.
- 7) Annually, in September, each Division reviews for accuracy the Schedule of Record Retention and Disposition applicable to his division and submits all requests for additions, deletions, or corrections to the schedule to the records custodian. The records custodian compiles all revision requests and submits them to the Sheriff for approval. Upon approval of the Sheriff, the records custodian forwards the revision requests to the Records Center & Archives to obtain final approval.

Thomas M. Rigenbach
Sheriff