



DATE OF ISSUE: 9-28-21

REVISED DATE:

CHIEF OF POLICE: *Paul Keenan* CHIEF

MAYOR: *[Signature]*

LAW DIRECTOR: *[Signature]*

SUBJECT: PUBLIC RECORDS POLICY

**Purpose:** It is the intent of the Willowick Police Department to comply with and abide by the spirit of Ohio’s Public Records Act. This policy will provide guidelines to fulfill our duty as a public office under the Ohio Public Records Act.

**Policy:** This policy applies to all employees; full or part-time, contractor or consultant, and other holders of the Willowick Police Department’s (WPD) records.

**Definitions:**

1. A “record” is defined as a document in any format (paper, electronic, etc.) that is created, received by, or comes under the jurisdiction of WPD that serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of WPD. Ohio Revised Code Section 149.011.
2. A “public record” is a “record” that is kept by this office and is subject to applicable exemptions from release under Ohio or Federal Law. All public records must be maintained and organized in such a way that they can be made available for inspections and/or copying.

**Procedures:**

**A. Applicable Time Frames**

1. Inspection of public records should take place in a prompt manner;
2. Copies of public records requested must be made available within a reasonable period of time. “Prompt” and “Reasonable” take into account the amount of records requested, the location where the records are stored, the necessity of legal review and redactions, and other facts and circumstances that apply to the records requested.
3. Generally, requests for public records should be acknowledged in writing, especially if there is any reasonable delay, or should be fulfilled within a reasonable time frame.



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**B. Handling Requests**

1. There is no specific language required to make a request for public records. However, the requester must clearly identify the records requested so the office is able to identify, retrieve, and prepare the records. In processing a request the office is not required to create new records or perform research for information in the office's records.
2. An electronic record is deemed to exist so long as the computer is programmed to produce the record with the office's standard use of searching, sorting, or filtering records. The office is not required by law to generate new records but may choose to do so when it makes sense and is practical under the circumstances.
3. The requester does not have to put their request in writing, provide their identity, or provide their intended use of the requested records. The law does allow the office to ask for such information, but only if a written request or disclosure of identity or intended use would benefit the requestor by aiding in the office's ability to identify, locate, or deliver the public records requested. In this case the office must first tell the requester that a written request is not required and that the requester may decline to provide such information.
4. If a request is received for Certified Records, the documents should be prepared in accordance with the request and a Certified Copy Form should be completed, signed by the Records Custodian, and notarized by a records clerk/dispatcher.
5. If a request is made by a member of the media the recipient should notify the O.I.C. who will decide if the request needs to be reviewed by the Chief of Police, records custodian, law director, and/or a prosecutor.
6. In processing a request for inspection of records an employee of WPD must accompany the requestor during inspection to make certain original records are not taken or altered.
7. If a request has a high probability of litigation, or any complex or unique issue the request should be discussed or handled by the Chief of Police, a records custodian, the law director, a prosecutor, and/or any combination of the above.
8. The office shall utilize the appropriate forms when processing records requests;
  - a. Certified Copy Form, Copies Form, Records Check Response Form, Records Request Form, Public Record Log, or Redaction Checklist



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9. A log shall be kept of all requests received (see attached Public Record Log). Once the records are prepared for a request a copy of the documents shall be made and filed numerically in accordance with the records request log.
10. A copy of the most recent "Ohio Sunshine Laws" manual is available on line for reference by WPD employees in processing requests. <http://www.ohioattorneygeneral.gov/YellowBook>

**C. Electronic Records**

1. Records in the form of email, text messages, and instant messaging are to be treated in the same fashion as records in any other format. These records should be organized and stored according to content as categorized on this department's Records Retention Schedule (RC-2).
2. Public Record content that is transmitted to or from private accounts or personal devices is subject to disclosure. All employees of WPD are required to retain their email and other electronic records in accordance with our department's Records Retention Schedule.

**D. Denial and Redaction of Records**

1. If the request is ambiguous or overly broad WPD may deny the request but then must provide the requester an opportunity to revise it by explaining to them the manner in which WPD's records are maintained and accessed by employees.
2. If WPD withholds, redacts, or otherwise denies a records request, an explanation must be provided including legal authority for the denial(s). If the request was made in writing, the denial must be made in writing. If portions of the record are public and other portions are exempt from release, the exempted portions may be redacted and the rest of the record must be released. If the request is for inspection or copying of the records, the requester must be advised of any redaction and/or make the redaction plainly visible. Exemptions are listed under Ohio Revised Code 149.43 and a list of those most commonly used can be found on the "Redactions Checklist" form.



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**E. Copying And Mailing Costs**

1. A requester may only be charged the actual cost of making copies and not the labor of employees. The charge for paper copies of records is five cents (\$.05) per page. The charge for the records to be provided on a compact disc/DVD is one dollar (\$1) per disc.
2. A requester may be required to pay in advance for costs associated with providing the copies. The requester may choose to have the record provided on paper, on the same manner the records are kept, or on any other medium on which the office determines that the record can reasonably be duplicated as a part of normal operations.
3. If a requester asks that the document be delivered to them, they may be charged the actual cost of the postage and mailing supplies or other actual costs of delivery.
4. There is no cost associated with emailed documents.

**F. Managing records**

1. Current and obsolete records retention schedules for the Willowick Police Department are located at WPD and can be viewed or requested as a public record.
2. A brief overview of this policy shall be posted in a conspicuous place for the public to view in accordance with the Ohio Sunshine Laws.

This policy supersedes any previous policy and will remain in effect until cancelled or superseded.



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## THE PUBLIC RECORDS POLICY OF THE WILLOWICK POLICE DEPARTMENT

The public records policy of the Willowick Police Department guides employees in making available the materials to which the public is entitled to by law. Below is a summary of the policy that appears in the Willowick Police Department's policy and procedure manual. Information on public records laws can be found at [www.OhioAttorneyGeneral.gov/YellowBook](http://www.OhioAttorneyGeneral.gov/YellowBook).

### Defining and Organizing Public Records

Records that serve to document the work of the Willowick Police Department are public, unless they are exempt by law from disclosure. Public records laws apply to records in any format, including paper, electronic, or any other media.

### Making Records Accessible

Public records are available for inspection during WPD's normal operating hours. All records will be made available or copied in a reasonable period of time, provided the record requested is not exempt from release by law.

### Processing Requests

The requester may be asked to fill out a "Records Request" form in order to efficiently facilitate their request. A written request is not required and there is no specific language needed. The person requesting the records does not need to provide their identity or their intended use of the records. However, the requester must be able to clearly identify what records they are requesting to allow the PD to locate them. If a written request is received a written response will be given.

If a request is overly broad or ambiguous the agency may deny the request but should attempt to make contact with the requester to clarify it. The office should assist the person in revising the request by explaining how the records are organized and accessed.

### Handling Electronic Records

Electronic records are to be handled in the same manner as records in any other format. Electronic records are stored by content and according to WPD's Records Retention Schedule.

### Dealing With Denials or Redactions

If this department withholds, redacts, or otherwise denies requested records and explanation must be provided including legal authority. If portions of the record are public and portions are exempt, the exempt may be redacted and the rest released. Redactions should be made plainly visible and/or the requester should be notified.

### Determining Copying and Mailing Charges

There is no charge to inspect public records. If a request is made for a paper copy of a record the requester will be charged only the actual cost, excluding labor. The charge for paper copies is 5 cents per page. If the request is to have copies of files on a CD or DVD, the charge will be \$1.00 per disc. The cost for postage, supplies, and delivery will also be charged if the request is to have records mailed. Payment for all associated costs may be charged in advance of delivery.

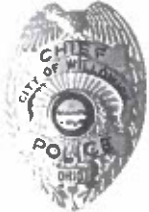
### Managing Records

The records of the Willowick Police Department are subject to records retention schedules which are available at the dispatch center upon request along with WPD's public records policy.





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# Willowick Police Department

**Brian C. Turner, Chief of Police**

30435 Lake Shore Boulevard  
 Willowick, OH 44095-4600  
 (LAKE COUNTY)  
 1-440-585-1234  
<http://www.willowick-ohio.com>

**DETECTIVE BUREAU**  
 1-440-585-1234

**FACSIMILE**  
 1-440-585-3770

September 28, 2021

Mary Joseph Clair  
 Attorney at Law  
 4132 Erie Street, Suite 202  
 Willoughby, Ohio 44094  
 (440) 942-6675

To Whom it may concern,

Please be advised this is a true and accurate copy of all records held by this department concerning Eugene D, Russell. The original records are on file with this Department.

Please feel free to contact me should you have any questions.

Respectfully yours,

Robert Daubenmire, Lt.  
 Records Custodian

Sworn to me this date \_\_\_\_\_, 20\_\_ at Willowick, OH.

Notary \_\_\_\_\_ Affiant \_\_\_\_\_



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It is not mandatory that you make your request in writing and you may decline to reveal your identity or the intended use of the public records, however a written request or disclosure of your identity and/or intended use of the public records may be to your benefit by enhancing the ability of the City of Willowick to identify, locate, or deliver the public records sought by you (Ohio Revised Code 149.43(B)(6)).

**WILLOWICK POLICE DEPARTMENT  
 30435 LAKESHORE BLVD  
 WILLOWICK OHIO 44095  
 440-585-1234**

To Whom It May Concern: Report # \_\_\_\_\_

Please be advised your request is being returned for the following reason:

- The cost for copies of this report is \$\_\_\_\_\_. Payment for copies is due In advance according to Ohio Revised Code, Section 149.43 (B).
- Returning your check as a result of underpayment/overpayment. Please Remit a check in the amount of \$\_\_\_\_\_.
- Report is incomplete or case is pending, unable to release under Ohio Revised Code, Section 149.43.
- Unable to locate report in our files.
- The record has been disposed of in accordance with Willowick Police Department's Retention Schedule, Ohio Revised Code 149.39.

Thank You,  
 Records Room  
 Willowick Police Department





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# Willowick Police Department

30435 Lakeshore Blvd.  
 Willowick, Ohio 44095  
 (Lake County) (440) 585-1234

DETECTIVE BUREAU  
 (440) 585-1234

FACSIMILE  
 (440) 585-3770

## RECORDS CHECK

Date:	To:
From:	Agency:

Name: \_\_\_\_\_  
 Social Security # \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_

- Please be advised that this Department holds NO arrest record on the above individual.
- Please be advised that this Department holds the following arrest record on the above individual.

Arrest Date	Charge	Disposition	Court

Additional Comments:

It is not mandatory that you make your request in writing and you may decline to reveal your identity or the intended use of the public records, however a written request or disclosure of your identity and/or intended use of the public records may be to your benefit by enhancing the ability of the City of Willowick to identify, locate, or deliver the public records sought by you (Ohio Revised Code (B)(6)).







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***WILLOWICK POLICE DEPARTMENT  
RECORDS REQUEST FORM***

DATE: \_\_\_\_\_

1. REPORT NUMBER: \_\_\_\_\_

2. DATE OF INCIDENT: \_\_\_\_\_

3. TYPE OF INCIDENT: \_\_\_\_\_  
(Accident, Assault, Theft, etc.)

4. NAMES OF INVOLVED  
PARTIES: \_\_\_\_\_

5. TYPE: a) paper copy      \$.05 /page  
          b) audio/video/CD   \$1.00  
          c) other: \_\_\_\_\_

6. PERSON REQUESTING: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_



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**REDACTIONS**

**CITE LEGAL AUTHORITY: EXEMPT UNDER ORC 149.43 (A) (1).**

The following are sections of Ohio Revised Code that are exemptions that must be redacted from records before being released to the public. The letter to the left of the Exemption is the Section of Code. Example: 149.43 (A) (1) (a)

- a) Medical Records
- b) Probation / Parole / Post-Release Control
- Trial Preparation Records
- Confidential Law Enforcement Investigatory Records 149.43 (A)(2)(a-d)
- Confidential information under 2710.03 or 4112.05 (Mediation)
- k) Inmate records released by the Department of Rehabilitation and corrections
- l) Department of Youth Services Records
- o) Ohio Department of Job and Family Services: Records maintained by the Department of Job and Family Services
- p) Designated Public Service Workers (To Include: Peace officer, Parole officer, Prosecuting Attorney, Assistant Prosecuting Attorney, Correctional Employee, Youth Services, Firefighter, EMT, etc. – Residential & Familial Info, & Photos.
- q) County Hospital information under RC 1333.61(D)
- r) Recreational Activities of Minors
- t) Death of a Minor
- v) Records, the release of which is prohibited by state or federal law
- y) Foster Care / Child Care Centers
- dd) Personal Information: including an individual’s SSN, state or federal tax id, driver’s license, state id, checking, savings, credit, or debit account number, or any other financial or medical account numbers
- gg) Minors involved in school vehicle accidents (name, address, contact information, or other personal information)
- ii) Depictions of victims of sexually oriented offenses
- jj) Restricted Portions of dashboard camera and body camera
- mm) Telephone numbers for a victim as defined in section

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Willowick, Ohio 44095  
(440) 585-1234