

CITY OF ENGLEWOOD, OHIO

PUBLIC RECORDS POLICY

I. PURPOSE

The City of Englewood maintains many records that are used in the administration and operation of the City. In accordance with State law and the City's Records Commission, the City has adopted schedules of records retention and disposition (RC-2) that identify these records. The City's current schedules are available for inspection at the Englewood Government Center, during regular business hours, as required by Ohio Revised Code section 149.43(B)(2). The records maintained by the City and the ability to access them are means to provide trust between the public and the City. It is always the intent of the City of Englewood to fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

II. SCOPE

The Director of Human Resources is the official Public Records Custodian of all records which are centrally maintained by the City. Department heads are the official custodians of all records maintained within their departments. However, with the exception of police department records, all public records requests must be directed to the Public Records Custodian.

Public records requests will be accommodated during regular business hours between 8:00 a.m. and 4:30 p.m. on regular business days. Public record requests will not be accepted on weekends or holidays. Any request submitted electronically will be received by the Public Records Custodian no later than the next business day.

Requests for records from the police department must be made directly to the police records custodian between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday. Public record requests will not be accepted on weekends or holidays. Any request submitted electronically will be received by the Public Records Custodian no later than the next business day.

III. INSPECTION AND COPIES

All public records maintained by the City shall be promptly prepared and made available for inspection to any person during regular business hours. Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for legal review. The time for compliance with a request for public records will depend upon the availability of records, the way they are kept, and the volume of records requested.

A public records request may be written or verbal. The Public Records Custodian may ask the requester to put a verbal request in writing, may ask for the requester to give identifying information, or may inquire about the intended use of the information; but a written request is not mandatory, identifying information is not required and the intended use does not have to be disclosed. However, providing such information would benefit the requester by enhancing the ability of the Public Records Custodian to identify, locate and deliver the public records requested.

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Public records can be accessed by one of the following methods: a request to view public records in person; a request for copies of public records that the requester will personally pick up from the Public Records Custodian; or a request for copies of public records that the requester wants to have mailed or otherwise transmitted to the requester.

Request to view public records. The requester may make a request to view public records. The Public Records Custodian shall prepare the public records for inspection “promptly,” as required by the Ohio Revised Code. The actual time required to comply with the request may depend on the circumstances (such as the location of the records, the manner kept, or the volume of records requested). In performing a request for inspection of a public record, a City employee may accompany the requester during inspection to make certain original records are not taken or altered.

Copies of public records. The requester may make a request to the Public Records Custodian to have copies of the public records made.

Transmitting copies of public records. A requester may request that copies of public records be transmitted to him or her by U.S. Mail or by any other means of transmission that is available and is conducive to transmitting the public records. The cost of transmission must be paid by the requester before the public records are provided. The number of records requested by a person that the City will transmit by U.S. mail shall be limited to ten records per month, unless the person verifies to the City in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes as defined in Ohio R.C. 149.43(b)(7). While the City is under no obligation to provide records in electronic format, it is the policy of the City to provide information to the public in the most practical and convenient manner, considering all the circumstances. Therefore, if the City receives a request for information to be made available in an electronic format, such request will be forwarded to the Public Records Custodian for a determination as to whether such information will be generated and released in an electronic format.

IV. FEES AND PAYMENT

Public Records will be provided at the actual cost of copying or reproducing the records, not labor. The requester shall also pay the actual cost (postage) of delivery and other supplies used in the mailing, delivery or transmission of the public record. Payment for public records requests must be made prior to the actual copying of the records.

Copies made on letter or legal size paper are \$0.05 per page. When fewer than 20 pages of copies are requested, no fee will be charged. If the request exceeds 20 pages, the fee will be \$0.05 per page for all pages copied. If the Public Records Custodian uses an outside copying service to make the copies, the requester will be required to pay the cost of the entire copying job, as billed by the copying service. Copies that are requested in some format other than normal letter or legal paper will be “at cost,” without considering employee time spent preparing the copies. (For example, public records in electronic

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format placed on a CD or thumb drive will be assessed the cost of the CD or thumb drive, plus the cost, if any, of creating the electronic copies).

Public records will only be copied by the Public Records Custodian or other authorized officers, employees or representatives. The Public Records Custodian may use an outside copying service to make copies, at the Public Records Custodian's discretion. Under no circumstances will the requester be permitted to make the copies himself or herself. The manner of copying is at the discretion of the Public Records Custodian. Requests to copy a certain number of public records on a given page, by "reducing" copy size or otherwise, may be met at the discretion of the Public Records Custodian.

A. VIDEO RECORD REQUESTS

1. Scope:

All public records requests involving video records (e.g., body camera, cruiser camera, or other video footage) maintained by the Englewood Police Department ("the Department") pursuant to R.C. 149.43(B)(1), as amended by House Bill 314 (effective April 3, 2025).

2. Fees for Video Records:

- (a) The Department will charge all requesters the "actual cost" of preparing video records for production to offset the considerable time and expenses incurred in retrieving, downloading, reviewing, redacting, uploading, and producing such video records.
- (b) The statutory term "a video record," for the purposes of this policy, means a video from one source for one start and stop recording (essentially the beginning and end of a distinct incident). For example, three officers responding to an incident will each have "a video record" of that incident from each of their respective body cameras and potentially patrol vehicles. This will result in an actual cost charge for each video record – in this example, six video records.
- (c) The amount charged for each video record will be based on the actual cost of the hourly rate(s) of the employee(s) or contractor(s) involved in retrieving, downloading, reviewing, redacting, uploading, and producing the video record requested, but will not exceed \$75 per hour of footage from a particular video record. Further, the total amount charged for retrieving, downloading, reviewing, redacting, uploading, and producing a video record will not exceed \$750 for that particular video record.
- (d) "Actual cost" includes all employee or contractor time and materials expended in retrieving, downloading, reviewing, redacting, uploading, and producing the video record, including staff time, storage media, and a

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portion of necessary overhead expenses required to comply with the request.

- (e) As part of the necessary overhead charges authorized by statute, each request for video records will include a flat \$10 per video record fee to partially cover costs such as redaction software, video storage, upload and transmissions, and other necessary expenses. This fee is included within the total actual cost and subject to the \$750 maximum per video record.

3. Exceptions:

The Department shall not charge costs as provided in Section 2 under the following circumstances:

- (a) The request is made by the victim, a parent or legal guardian of a minor child victim, an attorney representing the victim, or a person having power of attorney on behalf of a victim of a crime where a police report has been filed.
- (b) The request is made by any federal, state or local government or agency or any federal, state or local law enforcement agency.
- (c) The request is made by any public or private school.
- (d) The video is proactively made publicly available by the Department, which may include but is not limited to, law enforcement video records that are of great public interest.
- (e) The video record is of a critical incident – defined as any instance where an officer from this Department fires a deadly weapon at a person. This exception is intended to ensure transparency and public accountability in such incidents.

4. Estimate Process and Advance Payment Requirement:

- (a) Within five business days of receiving a public records request for video records, the Department will provide the requester with an estimate of the cost of fulfilling the request.
- (b) The estimated cost will include all applicable fees as outlined in Section 2, including the \$10 per video record overhead fee and an estimate of the cost required for video redaction and production, not to exceed the \$750 per video record limit.
- (c) Except as provided in Section 3, the Department will not begin preparing a video record for production until the requester pays in full the estimated cost.

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5. Cost Adjustment:

- (a) If the actual cost exceeds the estimated cost, the requester will be charged the difference, prior to release of the video records.
- (b) Under no circumstances will the requester be required to pay more than 20% above the original estimated cost, regardless of how much the actual cost exceeds the estimate. Any additional cost beyond this 20% threshold will be borne by the Department.
- (c) If the estimated amount exceeds the actual cost by more than 20%, the difference will be refunded to the requester in a reasonable amount of time.

6. Compliance Timeline:

- (a) Except as provided in Section 3, the Department's obligation to make a video record available for production begins only after the requester pays in full the estimated cost.
- (b) The time required for retrieving, downloading, reviewing, redacting, uploading, and producing (as well as seeking legal advice), will be considered in determining a "reasonable period of time" under R.C. 149.43.

7. Contact Information:

For questions about this video record policy or to submit a public records request, contact the Department at 937-836-1194 or police@englewood.oh.us

V. DENIAL OF PUBLIC RECORDS REQUEST

Under certain circumstances, records are not defined as "public records" under Ohio law. In these situations, the public record request will be denied on that basis. The Ohio Revised Code requires that any denial be supported by legal authority. A denial that is responding to a written public records request will also be given in writing. Written reasons for denial will not be required for verbal public records requests. Any denial of the 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, unless federal or state law authorized or required the redaction.

The Ohio Revised Code regards certain actions as being "denials" of public records requests. These situations are handled as follows:

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Redaction. The Ohio Revised Code defines a “redaction” as “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 Revised Code.” Examples of redaction are “blacking out” or “whiting out” or “cutting out” portions of a document.

When a public record contains information that is not within the definition of a “public record” as defined by law, the Public Records Custodian will make available that portion of the public record that does meet the definition of a “public record.” The Public Records Custodian shall make a copy of the public record, perform the redaction, then make a copy of that record and make the second copy available to the requester. The requester will not be charged for the first copy made. If practical, the first copy will be retained by the Public Records Custodian.

Requests that are ambiguous, overly broad, or are difficult to identify the public records requested. At times, a requester may make a public records request from which the Public Records Custodian cannot determine which public records are being sought. In such circumstances, the Public Records Custodian will inform the requester that the public records request is denied but will give the requester an opportunity to more accurately describe the public records sought. If the requester is seeking public records organized in a certain way, but the public records are not organized in that way, the Public Records Custodian will inform the requester of the manner that the public records of the office under discussion are maintained and accessed. The requester may then submit a public records request that more accurately reflects the actual organization of the public records sought.

VI. COMPLIANCE

The Public Records Custodian reserves the right to consult with legal counsel prior to the release of any public records. This is to allow the City to comply with laws regarding the release of certain records.

VII. FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST

The City recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the City’s failure to comply with a request may result in a court ordering the City to comply with the law and to pay the requester’s attorney’s fees, court costs and damages.

Revised & Adopted: 6/10/2025 (Resolution #19-25)
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