



Euclid, Ohio

The Lakefront City with Superior Services

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POLICY STATEMENT

SUBJECT: RECORDS RELEASE

Department of Police
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The Euclid Police Department acknowledges that it maintains, for public review, many documents and records. In accordance with state law, and the Records Commission for the City of Euclid, a Records Retention Schedule has been established. This Records Retention Schedule lists all records and the period of time they are maintained by the Euclid Police Department. These records are maintained for the operation of the Euclid Police Department and to provide a source of information for the public we serve. It is the primary goal of the Euclid Police Department that it serves the citizens of Euclid in a manner of trust. These records, and the ability to have access to them, is a means to provide trust between the citizens we serve and the members of the Euclid Police Department.

The Period of time which the Euclid Police Department stores or maintains public records was determined by assessing the records administrative, legal, fiscal, or historical value, in accordance with the guidelines established in the Ohio Municipal Records Manual/Revised Edition 1990.

Wayne C. Baumgart



STANDARD OPERATING PROCEDURE

Effective Date	June 15, 1998	Number	98-001-600
Subject	RECORDS RELEASE		
Reference	77-001-710	No. Pages	1 of 7
		C.A.L.E.A. reference:	82.1.1

PURPOSE: To establish guidelines for the release of public records to those persons requesting same and still performing our "MISSION" to keep the public safe.

I. DEFINITIONS

- A. **Records:** Includes any document, device, or item regardless of physical form or characteristic, create or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, function, policies, decisions, procedures, operations, or other activities of the office.
- B. **Public Record (for the purpose of this procedure):**
1. A "public record" means any record that is kept by any public office, including, but not limited to, . . . (a) city . . .
 2. A "public record" does NOT mean any of the following:
 - a. Trial preparation records;
 - b. Confidential law enforcement investigatory records;
- C. ~~Trial~~ **preparation record** means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.
- D. **Confidential law enforcement investigatory record** means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

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1. The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;
 2. Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;
 3. Specific confidential investigatory techniques or procedures or specific investigatory work product;
 4. Information that would endanger the life or physical safety of law enforcement Personnel, a crime victim, a witness, or a confidential information source.
- E. **Redact:** To edit; to select or adapt for publication; (for the purpose of this procedure: to strike out that information not legally releasable to the public).
- F. **Requester:** That person seeking information; to seek to obtain by making one's wants known; REQUEST implies greater formality and courtesy

II. GENERAL

- A. Routine motor vehicle crash and initial offense reports are public records.
- B. If there are indications that confidential information is included in any report, the report shall be forwarded to the Law Department or Prosecutor's Office prior to release.
- C. When conditions in section "B" exist the following procedure shall be instituted:

PROCEDURE: THE FIVE "R's"

1. **REQUEST:** A written request shall be required before release of records.
2. **RETRIEVE:** The records shall be gathered by the Record Room or custodian of said records.
3. **REVIEWED:** The records shall be reviewed by the Law Department.
4. **REDACTED:** The Law Department shall redact confidential information which is not public record (IE: Juvenile information, social security number, etc.)

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5. RECOPY: The redacted records shall be copied for the requesting party.

III. AVAILABILITY

- A. All public records shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Upon request, a member of the Euclid Police Department who is authorized by the Chief of Police, shall make copies available at the established cost, within a reasonable amount of time.
1. All established costs associated with the release of public records, which are maintained by the Euclid Police Department, are set by the elected council for the City of Euclid, not by the Euclid Police Department.
 2. Established costs/fees under this procedure shall be clearly posted and visible to the public.
- B. The regular business hours for the Euclid Police Department Record Room are from 8:00 A.M. to 6:00 P.M., Monday through Friday. Saturday business hours are between the hours of 9:00 A.M. through 2:00 P.M. The Euclid Police Department Record Room is closed Sundays and Holidays.

DISCLAIMER: The staffing of the police record room may vary according to scheduled or unscheduled time off of its staff. Therefore, there may be occasions when the police record room may close earlier than ^u6:00 P.M. weekdays and 2:00 P.M. Saturday.

- C. If a citizen allegedly is aggrieved by the failure of a member of the Euclid Police Department to promptly prepare a public record, maintained by the Department in accordance with the Records Retention Schedule, the citizen shall:
1. Make contact with the Record Room Supervisor advise them of their complaint. If the citizen is not satisfied with the results they shall;
 2. Request a meeting with the Staff Services Commander and advise them of their complaint. If the citizen is not satisfied with the results they shall;
 3. Request a meeting with the Chief of Police. If the citizen is not satisfied with the results, they shall be requested to place their complaint into written form and it shall be forwarded to the Law Director's Office for reconciliation.
 4. Allegedly aggrieved citizens shall also be advised that ORC 149.43 provides a legal means for addressing their complaints in these disputes.

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IV. CONFIDENTIAL LAW ENFORCEMENT INVESTIGATORY RECORDS

- A. No member of the Euclid Police Department is authorized to release any public record maintained by the Department which contains information that is classified as a Confidential Law Enforcement Investigatory Record or is exempted from public release by state or federal law.
- B. Confidential law enforcement record means any record that pertains to a law enforcement matter of a criminal, quasi criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:
1. The identity of a suspect who has not been charged with the offense to which the record pertains, or of any information source or witness to whom confidentiality has been reasonably promised;
 2. Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose his or her identity;
 3. Specific confidential investigatory techniques or procedures or specific investigatory work product;
 4. Information that would endanger the life or physical safety of a law enforcement personnel, a crime victim, a witness, or a confidential information source.
- C. Members of the Euclid Police Department, who are authorized to release public records maintained by the Department, shall take the appropriate action to ensure that confidential law enforcement information is not released. Excluded information shall be redacted from releasable information in the following manner:
1. After reviewing the requested record and determining that it contains non-releasable information, the releasing member shall make a copy of all pages containing the excluded information;
 2. The releasing member shall then place the date, their unit number, initials, and the name of the requester (person seeking the information) on the reproduced page.
 3. The releasing member shall then color over the restricted information on the reproduced copy with a black marking pen in a neat manner.

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4. The releasing member shall then reproduce a copy of this page, which shall be the page that is released to the requester.
5. The first reproduction page, which is the work sheet, shall then be attached to the original report, which is maintained by the Euclid Police Department.

V. GENERAL EXCEPTIONS TO THE RELEASE OF PUBLIC RECORDS

- A. Members of the Euclid Police Department are not authorized to release any investigatory report under the following guidelines:
 1. During the pendency of a criminal case, information not subject to discovery pursuant to Criminal Rule 16 is not a public record.
 2. During the investigation of a criminal case, both before and after criminal charges are initiated, law enforcement records are not public records under the work product exception, except for routine offense and incident reports (Time and date of the call, etc., but not the narratives)
 3. After the defendant has been convicted, records which are not discoverable under Criminal Rule 16 are still not public records until all appeals and post-conviction proceedings are completed.
- B. All requests for police investigatory reports, in which criminal prosecution is pending or possible, shall be handled as follows. This request shall be reviewed by the Record Room Supervisor or by the Staff Services Commander. Only with the prior approval of the Record Room Supervisor or Staff Services Commander shall any information, other than what is allowed above, be released.

EXCEPTION: Records relating to DWI/DUI arrests, as to the results of the intoxilizer test, are public records and shall be released upon request.

VI. ACCESS

- A. Police Record Room
 1. All requests for public documents maintained by the Euclid Police Department shall be directed to the Euclid Police Department Record Room.
 - a. All persons requesting to review, and/or to gain copies of public records shall be requested to place their request in writing, on a form provided by the Euclid Police Department.

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- b. If the requesting person(s) refuses to place the request in writing, a member of the Euclid Police Department shall complete the form, by asking the requester for the required information.
 - c. No person shall be refused access to public records based on their refusal to submit a written request for the records.
2. Persons requesting public records maintained by the Euclid Police Department, but not as part of the general operation of the Euclid Police Department Record Room, shall have their request forwarded to the appropriate office (IE: personnel records forwarded to the Chief's office)
 - a. Persons requesting public records that are maintained in an area other than the Record Room shall be advised that their request shall normally be reviewed and processed within three to five working days.
 - b. This time period is provided to allow the administrative staff adequate time to search, review, and copy the requested public records.

VII. VIDEO, AUDIO AND PHOTOGRAPHS

- A. The Euclid Police Department maintains a limited storage of audio and video tapes.
- B. Persons requesting copies of these records are required to furnish blank recording tapes, of sufficient quality, to allow reproduction of the requested material.
- C. Costs shall be determined on a request basis, following the guidelines established in the procedure.
- D. Photographs
 1. Persons requesting photographs pursuant to this procedure shall be charged only the actual cost incurred by the Department for the reproduction of these photographs.
 2. Requests for photos will take an average of three to five working days to accomplish.

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VIII. AMERICANS WITH DISABILITIES ACT COMPLIANCE

- A. The Euclid Police Department shall facilitate all requests made by all citizens, regardless of handicap or disabilities. Members of the Euclid Police Department, authorized to release public records, shall take all reasonable steps to ensure that no one is denied access to public information on the basis of a handicap or disability.
- B. The Euclid Police Department shall follow all standards and guidelines established by local, state, and federal laws or mandates, as it pertains to the Americans with Disabilities Act, and other applicable laws.