

MARION POLICE DEPARTMENT
Public Records Policy Poster

Ohio Revised Code §149.43 (E)(2)

The Marion Police Department is committed to providing public access to records in a manner that is consistent with the Ohio Public Records Act (ORC § 149.43).

DEFINITION OF PUBLIC RECORD: The term “records” includes “any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in [R.C. 1306.01], created 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, functions, policies, decisions, procedures, operations, or other activities of the office.” If a document or other item does not meet all three parts of the definition of a “record,” then it is a non-record and is not subject to the Public Records Act or Ohio’s records retention requirements.

REQUEST FOR RECORDS: Any police department employee who receives a request for any record shall route the request to the Records Clerk or Custodian of Records.

PROCESS FOR RELEASING RECORDS: Records requests will be promptly prepared and made available for inspection during regular business hours within a reasonable period. Requested records must be identified with enough clarity to allow the office to identify, retrieve, and review.

- Creation of documents - The Department is not required to create records that do not exist.
- Ambiguous or overly broad requests - If a request is ambiguous or overly broad, or if the Custodian of Records cannot reasonably identify what public records are being requested, the request may be denied. The requester will be provided with an opportunity to revise the request and shall be informed by the Records Clerk of the way records are maintained by the Department and how the records are accessed in the ordinary course of business.
- Written request - There is no requirement to provide a written request. The purpose of the written request or disclosure of the person’s identity or intended use would benefit the person making the request by enhancing the ability of Records Clerk to identify, locate or deliver the records requested.
- Your identity - There is no requirement to provide your identity.
- Use of records - There is no requirement to disclose the intended use of the records.

EXEMPTIONS TO PUBLIC RECORDS: The confidential nature of certain types of information or records precludes their release per Ohio Revised Code 149.43 (A)(1).

- When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material will be redacted, and the unrestricted material released.
- The requester shall be notified of any redaction in the public record if the redaction is not plainly visible.
- If there is a question on what may be released, the Law Director may be consulted, and the record release may be slightly delayed.

DENIAL OF RECORDS: If a request is denied, either in whole or in part, the Records Clerk will provide the requester with an explanation setting forth the reason(s) for the denial, including the legal authority relied upon in making the determination. If the initial request was in writing, the explanation shall also be provided in writing.

COST: There may be certain costs associated with your request. The cost of a record depends on a variety of variables that may include the fixed medium on which it’s provided, and/or the time required to complete necessary redactions. Below is a list of the costs associated with record requests with Marion PD.

- **Copies:** \$0.05 (after 25 pages)
- **CD/DVD/Photographs:** \$0.19 - \$1.47 (dependent of DVD size needed)
- **Body camera & in-car videos:** Maximum of \$75 per hour of video produced with a cap of \$750 per video record. You will be provided with an estimated cost based on the total minutes of video requested and will be required to pay before the request is started. If the actual cost exceeds the estimated cost, you will be charged the difference, up to 20% higher than the estimated cost, after advanced notification. (effective 4/9/2025)

FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST: If a requester feels that they have been improperly denied public records, the Records Clerk shall advise the requester that they may contact the Custodian of Records, request a meeting with the Law Director, or seek legal remedy as outlined in the Ohio Revised Code.

A full version of the Marion Police Department’s Public Records Policy (Policy 804 - Records Maintenance and Release) may be obtained by calling 740-387-0326, emailing records@marionohio.org, or by asking for a copy of the policy where this poster is located.