



## Public records for private college/university law enforcement: What's next?

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Earlier this summer, the Ohio Supreme Court decided the case of [State ex rel. Schiffbauer v. Banaszak](#) and determined that where a private university's police department employs sworn, state-certified police officers who exercise plenary police power, the police department is a public office for purposes of Ohio's public records law. This was the first time that a single department of a private entity has been determined to be a public office for purposes of compliance with this law.

If your college or university has a police department with sworn officers, or is contemplating creating one, you need to be aware of the requirements of [Ohio Revised Code Section 149.43](#). At the Association of Independent Colleges & Universities' (AICUO) Public Records Workshop, we and representatives from the Attorney General's office covered the basics of the law's requirements, and more in-depth information on some of the special topics can be found in the Attorney General's 2015 "Yellow Book". We also covered a to-do list to get you started on making this major change:

1. Adopt a public records policy, widely distribute it, and have employees acknowledge receipt of it.
2. Adopt a records retention schedule, using helpful information from the Ohio History Center's Local Government Records Program for similar police entities.
3. Prepare a public records poster that describes your policy and place it in a conspicuous place in your office(s).
4. Identify a point person for public records requests, and train them. The Ohio Attorney General regularly offers free public records training, both **in person** and **online**. The Ohio Peace Officers Training Academy also offers free public records training specifically for police departments.
5. Train the rest of your staff so that they understand your policy and records retention schedule, know how to respond to a records request, and are conscientious about the fact that their records, including emails, may be subject to public release.
6. Create template letters for the release of records as requested, the refusal to release records, and the release of redacted records.
7. Consult with legal counsel if releasing something doesn't feel right due to the sensitive nature of the information. There may be an exception that applies to protect the record, or certain information contained in the record, from release.
8. Watch for new legal developments in this area.

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