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June 29, 2017

Josh Sweigart  
Cox Media Group Ohio  
1611 S. Main St.  
Dayton, Ohio 45409

Re: Public Records Request to Montgomery County Sheriff's Office dated June 8, 2017

Dear Mr. Sweigart:

You have requested certain information from the Montgomery County Sheriff's Office (the "MCSO"), to wit:

1. Records illustrating the racial breakdown of inmates at the Montgomery County Jail.
2. Records illustrating the housing of inmates at the Montgomery County Jail, including the race of the inmates.

The MCSO does not maintain records that are responsive to this request, and does not have a database or system in place to specifically search for this information. This request would require research in order to identify a specific subset of records containing the requested information. The Public Records Act does not compel a public office to "do research or to identify records containing selected information." *State ex rel. Shaughnessy v. Cleveland*, 2016-Ohio-8447 at ¶10, 2016 WL 7645333 at \*2.

Moreover, your request is a request for information, not a request for records. See, O.R.C. 149.011(G), which defines "records." A request for information is not a request for records under Ohio's Public Records Act. See, *State ex rel. Fant v. Mengel*, 62 Ohio St.3d 455, 584 N.E.2d 664 (1992). A public office in Ohio is not required under Ohio's Public Records Act to search a database for information and compile it to create a new document to satisfy a request for information. *Id.*; *State ex rel. White v. Goldsberry*, 85 Ohio St.3d 153, 154.

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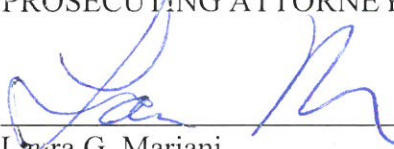
I am aware that you made a similar request for information in October 2016, and MCSO produced records to you in response. However, those were not "records that are kept" by the MCSO within the meaning of O.R.C. 149.43(A)(1). Rather, those records were compiled and created as a result of your request. As stated above, the MCSO is not required to compile and create a new record, and therefore we will not do so here.

For these reasons, the MCSO must deny your request.

Very truly yours,

MATHIAS H. HECK, JR.  
PROSECUTING ATTORNEY

By:



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