

IN THE SUPREME COURT OF OHIO

<p>THE STATE OF OHIO <i>ex rel.</i> CHANTELLE GLASS c/o The Chandra Law Firm LLC 1265 W. 6th St., Ste. 400 Cleveland, OH 44113</p> <p style="text-align: center;"><i>Relator,</i></p> <p style="text-align: center;">v.</p> <p>CLIFFORD PINKNEY 1215 West 3rd Street Cleveland, Ohio 44113</p> <p>and</p> <p>CUYAHOGA COUNTY 2079 East Ninth Street Cleveland, OH 44115</p> <p style="text-align: center;"><i>Respondents.</i></p>	<p>Case No.</p>
VERIFIED PETITION FOR WRIT OF MANDAMUS	

Relator Chantelle Glass respectfully alleges as follows:

PARTIES

1. Relator Chantelle Glass is a resident of Cleveland.
2. Respondent Clifford Pinkney is the Cuyahoga County Sheriff. He is responsible for administration of the Cuyahoga County Corrections Center¹ and is the “person responsible” for the center’s public records under the Ohio Public Records Act, R.C. 149.43 (“the Act”).

¹ R.C. 341.01.

3. Respondent Cuyahoga County is a political subdivision of the State of Ohio and a “public office” within the meaning of the Act and as that term is defined by R.C. 149.011(A).

4. As the person and public office responsible for the public records that they hold, Respondents are obligated under the Act to promptly prepare such records and make them available for inspection and copying upon request.²

JURISDICTION & VENUE

5. This Court has jurisdiction based on Section 2 of Article IV, Ohio Constitution, which establishes original jurisdiction over petitions for writs of mandamus; Ohio S. Ct. R. 10, which governs original actions in the Ohio Supreme Court; R.C. 2731.02, *et seq.*, which are the code sections governing mandamus actions; and R.C. 149.43, which is the statute establishing the public’s right to public documents.

6. Venue is appropriate in this Court under R.C. 2731.02 and R.C. 149.43(C).

FACTS

7. On July 16, 2018, Cleveland police responded to an incident at Ms. Glass’s mother’s home, where Ms. Glass’s sister had engaged in self-harm. While there, police apparently ran a warrant check and discovered an old misdemeanor warrant from New Jersey for Ms. Glass. Police arrested her and booked her into the Cuyahoga County Corrections Center.

8. After being booked, Ms. Glass asked to make a phone call to alert her immediate family to her situation or to find a lawyer.

9. Corrections officers refused to allow Ms. Glass to make a call.

10. Ms. Glass continued to demand a phone call.

² R.C. 149.43(B).

11. When Ms. Glass persisted, corrections officers threatened that if she did not stop, they would tie her down and Mace her.
12. Ms. Glass did not stop asking for her phone call.
13. Corrections officers removed Ms. Glass from her holding cell, strapped her to a chair, grabbed her by her hair, held her head in position, and pumped pepper spray into her eyes, nose, and mouth.
14. Rather than providing medical treatment to Ms. Glass, corrections officers dumped a bucket of water on her and left her alone in a cell for hours.
15. Ms. Glass was released from jail two days later after New Jersey officials confirmed that they did not want her extradited on the old warrant.
16. Two corrections officers, Idris-Farid Clark and Robert Marsh, have been indicted for attacking Ms. Glass.

Ms. Glass requests public records.

17. Through counsel, Ms. Glass electronically submitted a written request for records to Judith A. Blatnik on April 24, 2019.
18. As authorized by Cuyahoga County ordinance 106.04(E)(2)(d), Respondents have designated Ms. Blatnik as the person to receive and respond to requests under the Act for records from the Cuyahoga County Sheriff's Department.
19. Ms. Glass's request sought access to the following records:
20. "All custody records for Ms. Glass created in compliance with Section A.3.2 of the United State Marshals Service Federal Performance-Based Detention Standards ("FPBDS") including intake/booking information; cash and property receipts; reports of disciplinary actions, grievances, incidents, or crime(s) committed while in custody";

21. “To the extent not included with the response to the request above, all kites Ms. Glass sent from January 1, 2018, through [April 24, 2019]”;³
22. “All admission and orientation records regarding Ms. Glass created in compliance with Section A.4 of the FPBDS, including the form of [her] basic personal data and information to be used for mail and visiting lists; photographs or fingerprints; medical, dental, and mental-health screenings; screening to detect signs of drug/alcohol abuse; suicide screening; search records; inventory of [her] personal property”;
23. “All records regarding Ms. Glass provided to the U.S. Department of Justice or any of its components in connection with the 2018 Quality Assurance Review”;
24. “All video footage of Ms. Glass from July 2018”;
25. “Records of administrative discipline approvals regarding Ms. Glass created in compliance with OAC 5120:1-8-12(B)”;
26. “Incident reports, waivers, investigative reports, and notifications involving Ms. Glass created in compliance with OAC 5120:1-8-12(F)”;
27. “All records of Ms. Glass’s medical treatment.”
28. Ms. Blatnik confirmed receipt of the request on April 25, 2019.
29. Ms. Blatnik’s response did not transmit copies of any requested records.
30. Ms. Blatnik’s response did not respond affirmatively to the request.
31. Ms. Blatnik’s response did not respond negatively to the request.

Cuyahoga County’s new law director ignores a plea for intervention.

32. On May 15, 2019, Greg Huth was sworn in as the law director for Cuyahoga County.

³ A “kite” is a message from an inmate to the jail’s administrative staff, typically used in the first step of the jail’s grievance process.

33. On May 16, 2019, counsel for Ms. Glass wrote to Mr. Huth to detail the problems they have encountered in accessing public records from the jail, on behalf of Ms. Glass and numerous other clients who were abused by jail staff.

34. The letter to Mr. Huth identified many of the County's numerous deficiencies and requested that he take action to ensure that the county allocate sufficient resources to respond to public-records requests and that its responses comply with the law.

35. Mr. Huth never responded.

The County releases video of the attack on Ms. Glass—but not to her.

36. News media also requested video of the attack on Ms. Glass.

37. No later than May 29, 2019, the County provided that video to Cleveland.com.

38. The County did not provide that video to Ms. Glass.

39. On June 5, counsel for Ms. Glass wrote to Katrina Stinnett in the Cuyahoga County Law Department to follow up on the request and demand production of the video by the close of business on June 7, 2019.

40. Ms. Stinnett never responded or provided any responsive records.

41. As this filing—47 days after the request—Cleveland.com, WKYC, WEWS, WJW, and WOIO have copies of the video of the attack on Ms. Glass, but Ms. Glass does not.

42. To date, Respondents have not provided any records in response to Ms. Glass's public-records request.

VIOLATIONS OF THE OHIO PUBLIC RECORDS ACT

Failure to make copies available within a reasonable time

43. Under the Act, a public office or person responsible for public records shall make copies of requested public records available to the requester within a reasonable period of time.⁴

44. Relator requested copies of the records, but Respondents did not make copies of them available within a reasonable period of time.

45. Forty-seven days have passed between Relator's request and the time Respondents made copies of the requested records available.

46. Forty-seven days is not reasonable.

Failure to maintain records in an accessible manner

47. Under the Act, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section.⁵

48. Respondents' records are not organized and maintained in a way that allows them to be made available for inspection or copying as required by the Act.

Failure to justify refusal to produce records

49. Under the Act, if a request is ultimately denied, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing.⁶

⁴ R.C. 149.43(B)(1).

⁵ R.C. 149.43(B)(2).

⁶ R.C. 149.43(B)(3).

50. Relator submitted a written request for records, but Respondents have not provided a written explanation, including legal authority, explaining why they have not produced the requested records.

Failure to transmit records within a reasonable time

51. Under the Act, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy.⁷

52. Respondents did not transmit a copy of the requested records within a reasonable period of time after receiving Relator's request.

53. It has been forty-seven days since Relator's request, but Respondents still have not transmitted copies of the requested records.

54. Forty-seven days is not reasonable.

STATUTORY DAMAGES

55. If a requester transmits a written request by hand delivery, electronic submission, or certified mail to inspect or receive copies of any public record in a manner that fairly describes the public record or class of public records, the requester is entitled to recover statutory damages if a court determines that the Respondent failed to comply with its obligation under R.C. 149.43(B).

56. Statutory damages equal \$100 for each business day during which the Respondent fails to comply with an obligation under R.C. 149.43(B), beginning with the day on which the requester files a mandamus action, up to a maximum of \$1,000.

⁷ R.C. 149.43(B)(7)(a).

57. Respondents have failed to comply with their obligations under R.C. 149.43(B) as detailed above.

ATTORNEYS' FEES AND COSTS

58. The Court may award Relator's attorney's fees if it finds that the Respondent failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

59. After 47 days, Respondents still have not responded affirmatively or negatively to Relator's request.

60. Forty-seven days is not a reasonable time.

61. Both the propriety and the amount of an award of attorneys' fees may be affected by a determination of whether a "well-informed" public officer reasonably would believe that its failure to comply was both well-founded⁸ and consistent with the public policy underlying any claimed exemption.⁹

62. A well-informed public officer would not reasonably believe that Respondents' refusal to provide Ms. Glass with her records was well-founded.

63. Respondents have not claimed any exemption permitting them to continue withholding the requested records, so a well-informed public officer could not reasonably believe that their refusal to provide Ms. Glass with her records was consistent with the public policy underlying a claimed exemption.

64. A writ of mandamus in this case will serve the public interest.

65. The public benefit of releasing the records outweighs any private benefit that might exist.

⁸ R.C. 149.43(C)(2)(c)(i).

⁹ R.C. 149.43(C)(2)(c)(ii).

ORAL ARGUMENT

66. If this Court finds that its decision process would be aided by oral argument, or finds itself hesitant to grant the relief requested, Relator respectfully requests such argument to address any of the Court's concerns.

PRAYER FOR RELIEF

Relator therefore requests that the Court:

- Issue a peremptory writ of mandamus directing Respondent to make responsive public records available promptly and without improper redactions;
- Award statutory damages, attorneys' fees, and costs; and
- Order any other relief available under R.C. 149.43 or R.C. 2731.01 *et seq.*, and any other relief as is appropriate.

Respectfully submitted,

THE CHANDRA LAW FIRM LLC

/s/Ashlie Case Sletvold

Ashlie Case Sletvold (Ohio Bar No. 0079477)

Subodh Chandra (Ohio Bar No. 0069233)

Brian Bardwell (Ohio Bar No. 0098423)

The Chandra Law Building

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Attorneys for Relator

IN THE SUPREME COURT OF OHIO

<p>THE STATE OF OHIO <i>ex rel.</i> CHANTELLE GLASS</p> <p><i>Relator,</i></p> <p>v.</p> <p>CLIFFORD PINKNEY, et al.</p> <p><i>Respondents.</i></p>	<p>Case No.</p>
<p>AFFIDAVIT OF ASHLIE CASE SLETVOLD</p>	

I, Ashlie Case Sletvold, having been duly sworn, state as follows:

1. I am over the age of 18 and competent to testify to the facts below based on personal knowledge.
2. The Chandra Law Firm LLC represents Chantelle Glass.
3. Ms. Glass alleges that she was the victim of an assault by corrections officers in the Cuyahoga County Corrections Center on July 16, 2018. Two of the officers involved are now under indictment.
4. On behalf of Ms. Glass, our firm electronically submitted a written request for records to Judith A. Blatnik, the Cuyahoga County Sheriff's Department's Public Records Manager, on April 24, 2019. An authentic copy of that request is attached as Exhibit A.
5. As authorized by Cuyahoga County ordinance 106.04(E)(2)(d), Respondents have designated Ms. Blatnik as the person to receive and respond to requests under the Act for records from the Cuyahoga County Sheriff's Department.
6. Ms. Glass's request sought access to the following eight sets of records:
 - a. "All custody records for Ms. Glass created in compliance with Section A.3.2 of the United State Marshals Service Federal Performance-Based Detention Standards ("FPBDS") including intake/booking information; cash and property receipts; reports of disciplinary actions, grievances, incidents, or crime(s) committed while in custody";
 - b. "To the extent not included with the response to the request above, all kites Ms. Glass sent from January 1, 2018, through [April 24, 2019]";
 - c. "All admission and orientation records regarding Ms. Glass created in compliance with Section A.4 of the FPBDS, including the form of [her]

basic personal data and information to be used for mail and visiting lists; photographs or fingerprints; medical, dental, and mental-health screenings; screening to detect signs of drug/alcohol abuse; suicide screening; search records; inventory of [her] personal property”;

- d. “All records regarding Ms. Glass provided to the U.S. Department of Justice or any of its components in connection with the 2018 Quality Assurance Review”;
 - e. “All video footage of Ms. Glass from July 2018”;
 - f. “Records of administrative discipline approvals regarding Ms. Glass created in compliance with OAC 5120:1-8-12(B)”;
 - g. “Incident reports, waivers, investigative reports, and notifications involving Ms. Glass created in compliance with OAC 5120:1-8-12(F)”;
 - h. “All records of Ms. Glass’s medical treatment.”
7. Ms. Blatnik confirmed receipt of the request on April 25, 2019. An authentic copy of that letter is attached as Exhibit B.
 8. Ms. Blatnik’s response did not transmit copies of any requested records.
 9. Ms. Blatnik’s response did not respond affirmatively to the request.
 10. Ms. Blatnik’s response did not respond negatively to the request.
 11. On May 16, 2019, I wrote to new Cuyahoga County Law Director Greg Huth to detail problems our firm has encountered in accessing public records from the jail, on behalf of Ms. Glass and numerous other clients who have been abused by jail staff. An authentic copy of that message is attached as Exhibit C.
 12. The letter to Mr. Huth identified many of the County’s numerous deficiencies and requested that he take action to ensure that the county allocate sufficient resources to respond to public-records requests and that its responses comply with the law.
 13. I never received a response from Mr. Huth.
 14. Like Ms. Glass, news media requested video of the attack on Ms. Glass.
 15. No later than May 29, 2019, the County had provided that video to a reporter for Cleveland.com.
 16. The County did not provide that video to Ms. Glass.
 17. On June 6, our firm wrote to Katrina Stinnett in the Cuyahoga County Law Department to follow-up on the request and demand production of the video by

the close of business on June 7, 2019. An authentic copy of that message is attached as Exhibit D.

- 18. I never received a reply or any responsive records from Ms. Stinnett.
- 19. As of today—47 days after the request—Cleveland.com, WKYC, WEWS, WJW, and WOIO have copies of the video of Ms. Glass, but Ms. Glass does not.

I declare the preceding facts to be true under penalty of perjury.

Dated: June 10, 2019



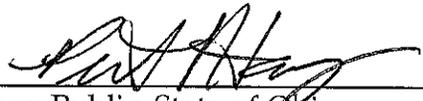
 Ashlie Case Sletvold

State of Ohio)
) SS.
 County of Cuyahoga)

Sworn to and subscribed before me this 10th day of June, 2019.



PATRICK HANEY
NOTARY PUBLIC
STATE OF OHIO
 My Commission Expires
 September 6, 2023



 Notary Public, State of Ohio

My commission expires: Sept. 6, 2023

April 24, 2019

Via e-mail to jblatnik@cuyahogacounty.us

Judith Blatnik
Public Records Manager
Cuyahoga County Sheriff's Office
1215 W. 3rd St.
Cleveland, OH 44113

Re: Request for records

Dear Ms. Blatnik:

This is a request¹ for the following records regarding Chantelle Glass (D.O.B. 05-12-1989) regarding her detention at the Cuyahoga County Corrections Center:

1. All custody records for Ms. Glass created in compliance with Section A.3.2 of the United State Marshals Service Federal Performance-Based Detention Standards ("FPBDS")² including intake/booking information; cash and property receipts; reports of disciplinary actions, grievances, incidents, or crime(s) committed while in custody;
2. To the extent not included with the response to the request above, all kites Ms. Glass sent from January 1, 2018, through today;
3. All admission and orientation records regarding Ms. Glass created in compliance with Section A.4 of the FPBDS, including the form of his basic personal data and information to be used for mail and visiting lists; photographs or fingerprints; medical, dental, and mental-health screenings; screening to detect signs of drug/alcohol abuse; suicide screening; search records; inventory of his personal property;

¹ Your duty to produce the requested records may derive from multiple sources, such as the First Amendment, the Freedom of Information Act (5 U.S.C. § 552), the Privacy Act of 1974 (5 U.S.C. § 552a), the Health Information Portability and Accountability Act (45 C.F.R. § 164.524), the Family Educational Rights and Privacy Act (20 U.S.C.A. § 1232g), the Ohio Public Records Act (R.C. 149.43), the Ohio Personal Information Systems Act (R.C. 1347.08), the Ohio Medical Records Access Act (R.C. 3701.74), or Ohio Supreme Court Rules of Superintendence 44–47. Please provide the maximum disclosure required by these or any other laws.

² (November 2017 update) (available at <https://www.usmarshals.gov/prisoner/detention-standards.pdf>).

4. All records regarding Ms. Glass provided to the U.S. Department of Justice or any of its components in connection with the 2018 Quality Assurance Review;
5. All video footage of Ms. Glass from July 2018;
6. Records of administrative discipline approvals regarding Ms. Glass created in compliance with OAC 5120:1-8-12(B)³;
7. Incident reports, waivers, investigative reports, and notifications involving Ms. Glass created in compliance with OAC 5120:1-8-12(F)⁴; and
8. All records of Ms. Glass's medical treatment.⁵

This request covers all addenda, appendices, attachments, codicils, enclosures, exhibits, riders, supplements, etc., to all responsive records. It also covers all information in any responsive record, including nonresponsive portions of otherwise responsive records.

Please note that records documenting the business of a public entity or the basis for the decisions of its officials are still public records even when they are in officials' personal e-mail accounts, cell phones, personal computers, etc.⁶ Therefore, you should perform an exhaustive search for responsive records of this nature.

Ohio law requires that a public office, upon receiving a public-records request, promptly make its records available for inspection.⁷ We expect to receive your complete response by May 3, 2019.

Further, the statute gives the requester the right to choose the medium in which the records are received for inspection.⁸ Please provide the records in their native electronic format.⁹ They may be transmitted to me by e-mail at Ashlie.Sletvold@ChandraLaw.com and to Tabitha.Gillombardo@ChandraLaw.com. In the alternative, you may provide a link to a file-sharing site (such as Box, Dropbox, Accellion, etc.) to that same e-mail address.

³ "There shall be a sanctioning schedule for rule violations. The jail administrator or designee shall approve any penalty exceeding suspension of rights or disciplinary isolation for more than one hundred twenty hours. The maximum sanction for rule violations shall be no more than sixty days for violations arising out of one incident. Continuous confinement for more than thirty days requires the review and approval of the jail administrator or designee."

⁴ "Pre-disciplinary hearing requirements shall include, at minimum a written incident report, an inmate's opportunity to waive in writing the disciplinary hearing, an investigation that commences within twenty-four hours of the incident to determine whether sufficient evidence exists to support the charge, and written notification to the inmate of the nature and date of the violation within twenty-four hours of the alleged violation(s) or discovery of the alleged violation(s)."

⁵ We expect to forward a medical-information release from Ms. Glass next week.

⁶ See, e.g., *State ex rel. Glasgow v. Jones*, 119 Ohio St.3d 391, ¶ 23 (2008) and *State ex rel. Bott Law Group v. Ohio Dept. of Natural Resources*, 10th Dist. Franklin No. 12AP-448, ¶ 29(2013).

⁷ R.C. 149.43(B)(1). See *State ex rel. Wadd v. City of Cleveland*, 81 Ohio St.3d 50, 54 (1998) (requiring public office to produce records within eight days of request).

⁸ R.C. 149.43(B)(6).

⁹ Do not convert records to PDF.

If the responsive records are too large to e-mail and you do not have access to a file-sharing service, please contact Tabitha Gillombardo in our office at the number above. She will send you a link to our file-sharing site where you can upload the records at no cost.

Please contact me at the number above if you have any questions regarding this request.

Very truly yours,

A handwritten signature in purple ink, appearing to read "Ashlie Case Sletvold". The signature is fluid and cursive, with the first name being the most prominent.

Ashlie Case Sletvold



THE CUYAHOGA COUNTY SHERIFF'S DEPARTMENT

SHERIFF CLIFFORD PINKNEY

THE JUSTICE CENTER 1215 West 3rd Street, Cleveland, Ohio 44113

April 25, 2019

Ashlie Sletvold, Esq.
The Chandra Law Firm
The Chandra Law Building, Suite 400
Cleveland, OH 44113-1326

Dear Attorney Sletvold,

The Cuyahoga County Sheriff's Department has received your public records request dated April 24, 2019. In an emailed letter, you requested the following records for Chantelle Glass (DOB: 05/12/1989) regarding her detention at the Cuyahoga County Corrections Center:

- 1. All custody records for Ms. Glass created in compliance with Section A.3.2 of the United State Marshal Service Federal Performance-Based Detention Standards ("FPBDS") including intake/booking information; cash and property receipts; reports of disciplinary actions, grievances, incidents, or crime(s) committed while in custody.**
- 2. To the extent not included with the response to the request above, all kites Ms. Glass sent from January 1, 2018 through today.**
- 3. All admission and orientation records regarding Ms. Glass created in compliance with Section A.4 of the FPBDS, including the form of his basic personal data and information to be used for mail and visiting lists; photographs or fingerprints, medical, dental, and mental health screenings; screening to detect signs of drug/alcohol abuse; suicide screening; search records; inventory of his personal property.**

**EXHIBIT
B**



THE CUYAHOGA COUNTY SHERIFF'S DEPARTMENT

SHERIFF CLIFFORD PINKNEY

THE JUSTICE CENTER 1215 West 3rd Street, Cleveland, Ohio 44113

4. All records regarding Ms. Glass provided to the U.S. Department of Justice or any of its components in connection with the 2018 Quality Assurance Review.
5. All video footage of Ms. Glass from July 2018.
6. Records of administrative discipline approvals regarding Ms. Glass created in compliance with O.A.C. 5120:1-8-12(B).
7. Incident reports, waivers, investigative reports, and notifications involving Ms. Glass created in compliance with O.A.C. 5120:1-8-12(F)
8. All records of Ms. Glass's medical treatment.

The Cuyahoga County Sheriff's Department is processing your request. If you should have any questions regarding this request, please feel free to contact me at jblatnik@cuyahogacounty.us or (216) 443-6130.

Sincerely,

Judith A. Blatnik, MS
Public Records Manager

May 16, 2019

Via U.S. mail and e-mail (ghuth@cuyahogacounty.us)

Greg Huth
Director of Law
Cuyahoga County
2079 East Ninth Street
Cleveland, OH 44115

Re: Outstanding requests for public records

Dear Mr. Huth:

Congratulations on your confirmation as Law Director. We have enjoyed working with your predecessor, Nora Hurley, and look forward to continuing a productive relationship with the Law Department under your leadership.

We are writing today to alert you to several gross deficiencies in the County's responses to a variety of requests our firm has submitted for clients seeking public records held by the Cuyahoga County Sheriff's Department.

We have sent several targeted requests for records relating to the detention of our clients in the Cuyahoga County Corrections Center, but the County has fallen far short of its obligations under the Ohio Public Records Act and other records-disclosure laws.

As you know, R.C. 149.43 requires the County to provide responsive records within a "reasonable" time after a request is made. While that term's meaning is case-specific, the courts have held that it could require production of records "immediately" or within eight days.² As of today, we are still awaiting production of records requested as far back as November 30, 2018 — a delay of almost six months that the Ohio Supreme Court would likely have little difficulty condemning as untimely.

In many cases, the jail is taking months to produce even the most basic records, such as the jail's suicide-prevention plan (118 days), the jail's quality-control plan (117 days), and a roster of jail employees (166 days). We continue to await production of these records. The County has provided no excuse for withholding them.

¹ *State ex rel. Beacon Journal Publishing Co. v. Maurer*, 91 Ohio St.3d 54, 56 (2001).

² *State ex rel. Wadd v. Cleveland*, 81 Ohio St.3d 50, 54 (1998).

On some requests, the jail has responded rapidly but with refusals to produce records that border on frivolous:

- Our January 15 request for records related to our client Corrienne Lawrence sought access to his booking report, cash and property receipts, mugshots, and other records, but the jail denied access to all of these records, claiming that they are “confidential law enforcement investigatory records.”
- Our request for a simple roster of employees was denied because the jail asserts that its list of employees is an “infrastructure” record.
- And our request for surveillance footage of Pod 6B was denied because the jail deems it a “medical” record.

Even when the jail has produced records, its productions have rarely complied with the law:

- Many records that we know to exist have been withheld from requests specifically targeted at them. The jail’s productions have not disclosed the existence of the records or explained the refusal to produce them, as required by law.
- Records that are produced are typically over-redacted. The jail is refusing to identify which pods inmates were assigned to, claiming that these assignments are infrastructure records. It is redacting the name of witnesses to the offenses for which inmates have been placed in jail. The names of employees trained to use pepper spray were redacted for no apparent reason. The list goes on.
- All of our requests have sought access to the records in their original, electronic format, but the jail has refused to comply with this request in virtually every case. Instead of simply e-mailing us the original PDF of the U.S. Marshals Service’s audit, for instance, the jail insisted on printing the full report out onto paper, scanning all those papers back into a computer, turning that scanned image into a new PDF, and then sending us that file. It has followed this same protocol for virtually every record it has produced, wasting paper, money, and employee time to adhere to a procedure that provides no one with any benefit.

Throughout this process, we have sought to narrowly tailor our requests for records, waited patiently for responses, followed up as necessary, and provided detailed explanations of the deficiencies in the productions we have received.

Ms. Hurley’s intervention last month resulted in a quick turnaround of records held by the Department of Human Resources. But nearly six months into this process, we still have no reason to believe that records held by the jail are likely to be produced in a timely manner.

These delays are all the more frustrating given the County’s obligation to allocate sufficient resources to public-records compliance. The County has been on notice for some time that the jail is seriously mismanaged and that it will continue to be the subject of requests for records from law enforcement, the press, and former inmates. Despite this, we see no indication that the County has made any effort to provide support for the single person who appears to be solely responsible for every request that the jail receives. It is not fair to her or to the public to understaff this area under the circumstances.

Given these failures, we are imploring you to take immediate action to ensure both that the jail has sufficient resources to respond to public-records requests and that its responses comply with the law. If we do not see marked improvement within the next two weeks, we will begin litigating to secure prompt compliance with the law.

We have had considerable success litigating these timeliness issues against non-compliant public entities. *See, e.g., State ex rel. Kesterson v. Kent State University*, Ohio Supreme Court Case Nos. 2016-0615 and 2016-1123, 2018-Ohio-5108, 2018-Ohio-5110, 2018-Ohio-2019-Ohio-1852 (finding respondent public entity failed to provide public records within a reasonable time and ordering it to pay \$2,000 in statutory damages and \$32,624.98 attorneys' fees).

If mandamus enforcement is required, we will seek to recover our fees for time devoted to litigating for records that should have been timely provided. Our court-approved hourly rates for attorneys range from \$275–500, with law clerks and paralegals billing at \$150 hourly.

For your convenience, we are providing a list of our outstanding requests. If you have any questions about these requests, please do not hesitate to reach out to discuss them.

Very truly yours,



Ashlie Case Sletvold

Attachment (list of outstanding public-records requests)

Date	Record requested
11/30/18	The roster(s) of all corrections officers at the Cuyahoga County Jail from October 15, 2018 to the present
	All records regarding the incarceration of Glen Mayer, Jr. at the County Jail, including medical records and any incident reports involving him for the time period of October 15, 2018 to the present
	All video security footage from and/or of the medical floor 6B from October 15, 2018 to November 15, 2018 in which Mr. Mayer appears
	All communications between, among, or involving any corrections officer regarding Mr. Mayer from October 15, 2018 to the present, including specifically communications regarding Mr. Mayer being choked and/or otherwise injured at the County Jail.
01/15/19	All detainee records for Corrienne Lawrence created in compliance with Section A.3.2 of the United States Marshals Service Federal Performance-Based Detention Standards ("FPBDS") including intake/booking information; cash and property receipts; reports of disciplinary actions, grievances, incidents, or crime(s) committed while in custody;
	All admission and orientation records for Mr. Lawrence created in compliance with Section A.4 of the FPBDS, including the form of his basic personal data and information to be used for mail and visiting lists; photographs or fingerprints; medical, dental, and mental-health screenings; screening to detect signs of drug/alcohol abuse; suicide screening; search records; inventory of his personal property;
	All records of medical treatment provided to Mr. Lawrence;
	All records regarding Mr. Lawrence provided to the U.S. Department of Justice or any of its components in connection with the 2018 Quality Assurance Review;
	All video footage of Mr. Lawrence on October 18, 2018, including footage of Mr. Lawrence being attacked by inmate Stacy Norris, Mr. Lawrence being escorted for medical care after that attack, footage of Mr. Lawrence being escorted back to his cell after that treatment, and footage of Mr. Lawrence for the three hours thereafter;
	Records of administrative discipline approvals regarding Mr. Lawrence created in compliance with OAC 5120:1-8-12(B); and
Incident reports, waivers, investigative reports, and notifications regarding Mr. Lawrence created in compliance with OAC 5120:1-8-12(F).	
01/15/19	All custody records for Glenn Mayer Jr. created in compliance with Section A.3.2 of the United State Marshals Service Federal Performance-Based Detention Standards ("FPBDS") including intake/booking information; cash and property receipts; reports of disciplinary actions, grievances, incidents, or crime(s) committed while in custody;

	To the extent not included with the response to the request above, all kites Mr. Mayer sent from October through December 2018;
	All admission and orientation records created in compliance with Section A.4 of the FPBDS, including the form of his basic personal data and information to be used for mail and visiting lists; photographs or fingerprints; medical, dental, and mental-health screenings; screening to detect signs of drug/alcohol abuse; suicide screening; search records; inventory of his personal property;
	All records regarding Mr. Mayer provided to the U.S. Department of Justice or any of its components in connection with the 2018 Quality Assurance Review;
	All video footage of Mr. Mayer, including footage of the afternoon pill distribution in Pod 6B on October 16, 2018 and footage of Mr. Mayer receiving any medical treatment on October 16–17, 2018. Please also provide footage of the 10 minutes before and after these events.
	All records regarding Mr. Mayer provided to the U.S. Department of Justice or any of its components in connection with the 2018 Quality Assurance Review;
	Records of administrative discipline approvals created in compliance with OAC 5120:1-8-12(B);
	Incident reports, waivers, investigative reports, and notifications created in compliance with OAC 5120:1-8-12(F);
	All records of medical treatment; and
	Communications with MetroHealth personnel regarding Mr. Mayer’s treatment, diagnosis, prognosis, or condition.
01/16/19	Regarding Corporal Little: All records in his personnel file;
	All requests for disciplinary investigations;
	All notices of disciplinary or pre-disciplinary conferences;
	All lists of employee disciplinary history;
	Statements CS-35;
	All records created in compliance with Section A.9.3 of the FPBDS regarding any background investigation for Mr. Little including criminal history, employment references, credit history, verification of U.S. citizenship, pre-employment interview, and drug screening;
	All records created in compliance with Section A.9.5 of the FPBDS regarding the steps taken to review, identify, and resolve all derogatory information obtained during the background investigation;
	All records created in compliance with Section A.9.10 of the FPBDS regarding acknowledgement in writing that staff have reviewed facility work rules, ethics regulations, conditions of employment, and related documents;
	All records created in compliance with Section A.9.13 of the FPBDS regarding the misconduct allegations against Mr. Little being investigated and/or reported to appropriate law-enforcement entities;

	All records created in compliance with Section A.9.14 of the FPBDS regarding notification to the agency of jurisdiction of sexual misconduct allegations by any detainee against Mr. Little
01/16/19	Regarding CO Hayes: Records of any investigation relating to reports that Officer Hayes assaulted Mr. Mayer on or about October 16, 2018, such as witness statements, recorded interviews, and notes;
	Records of any other investigation into reports of Officer Hayes's misconduct;
	All requests for disciplinary investigations;
	All notices of disciplinary or pre-disciplinary conferences;
	All lists of employee disciplinary history;
	Statements CS-35;
	All records created in compliance with Section A.9.3 of the FPBDS regarding any background investigation for Mr. Hayes including criminal history, employment references, credit history, verification of U.S. citizenship, pre-employment interview, and drug screening;
	All records created in compliance with Section A.9.5 of the FPBDS regarding the steps taken to review, identify, and resolve all derogatory information obtained during the background investigation;
	All records created in compliance with Section A.9.13 of the FPBDS regarding the misconduct allegations against Mr. Hayes being investigated and/or reported to appropriate law-enforcement entities;
All records created in compliance with Section A.9.14 of the FPBDS regarding notification to the agency of jurisdiction of sexual misconduct allegations by any detainee against Mr. Hayes.	
01/17/19	A roster of all CCCC personnel as of July 1, 2018 and January 1, 2019;
	Clock-in/clock-out records for all CCCC personnel for November and December 2018;
	All requests for disciplinary investigations (formerly known as "Form LR-1") from September 1, 2018, through December 31, 2018;
	All notices of pre-disciplinary conference (formerly known as "Form LR-3") from September 1, 2018, through December 31, 2018;
	CCCC's inmate rules created in compliance with OAC 5120:1-8-12(A);
	CCCC's sanction schedule created in compliance with OAC 5120:1-8-12(B);
	CCCC's disciplinary-hearing policy created in compliance with OAC 5120:1-8-12(E);
	CCCC's security policies and procedures created in compliance with OAC 5120:1-8-03(B);
	CCCC's food-served records for November and December 2018 created in compliance with OAC 5120:1-8-10(D);
	CCCC's suicide-prevention plan created in compliance with OAC 5120:1-8-09(N);
CCCC's staffing plan created in compliance with OAC 5120:1-8-17(D); and	

	CCCC's written policies and procedures for administrative segregation created in compliance with OAC 5120:1-8-15(A).
01/18/19	Contract 60-10-0049 between the U.S. Marshals Service ("USMS") and the Cuyahoga County Correctional Facility;
	All drafts of the USMS Quality Assurance Review from November 2018;
	All records provided to the U.S. Department of Justice or any of its components in connection with the Quality Assurance Review;
	Minutes and notes taken during the November 1, 2018, closeout meeting with the USMS review team;
	Staffing analyses for 2014 through 2019 created in compliance with Section A.9 of the USMS Federal Performance-Based Detention Standards ("FPBDS");
	The Quality Control Plan required by Section A.2 of the FPBDS;
	Annual inspection reports and deficiency-correction plans for 2014 through 2019 created in compliance with OAC 5120:1-8-05(E).
02/06/19	All custody records for Brandon Singleton created in compliance with Section A.3.2 of the United State Marshals Service Federal Performance-Based Detention Standards ("FPBDS") including intake/booking information; cash and property receipts; reports of disciplinary actions, grievances, incidents, or crime(s) committed while in custody;
	To the extent not included with the response to the request above, all kites Mr. Singleton sent from October through today;
	All admission and orientation records regarding Mr. Singleton created in compliance with Section A.4 of the FPBDS, including the form of his basic personal data and information to be used for mail and visiting lists; photographs or fingerprints; medical, dental, and mental-health screenings; screening to detect signs of drug/alcohol abuse; suicide screening; search records; inventory of his personal property;
	All records regarding Mr. Singleton provided to the U.S. Department of Justice or any of its components in connection with the 2018 Quality Assurance Review;
	All video footage of Mr. Singleton from October 30, 2018, through November 2, 2018.
	Records of administrative discipline approvals regarding Mr. Singleton created in compliance with OAC 5120:1-8-12(B);
	Incident reports, waivers, investigative reports, and notifications involving Mr. Singleton created in compliance with OAC 5120:1-8-12(F); and
	All records of Mr. Singleton's medical treatment.

04/24/19	All custody records for Chantelle Glass created in compliance with Section A.3.2 of the United State Marshals Service Federal Performance-Based Detention Standards (“FPBDS”) including intake/booking information; cash and property receipts; reports of disciplinary actions, grievances, incidents, or crime(s) committed while in custody;
	To the extent not included with the response to the request above, all kites Ms. Glass sent from January 1, 2018, through today;
	All admission and orientation records regarding Ms. Glass created in compliance with Section A.4 of the FPBDS, including the form of his basic personal data and information to be used for mail and visiting lists; photographs or fingerprints; medical, dental, and mental-health screenings; screening to detect signs of drug/alcohol abuse; suicide screening; search records; inventory of his personal property;
	All records regarding Ms. Glass provided to the U.S. Department of Justice or any of its components in connection with the 2018 Quality Assurance Review;
	All video footage of Ms. Glass from July 2018;
	Records of administrative discipline approvals regarding Ms. Glass created in compliance with OAC 5120:1-8-12(B);
	Incident reports, waivers, investigative reports, and notifications involving Ms. Glass created in compliance with OAC 5120:1-8-12(F); and
	All records of Ms. Glass’s medical treatment.
04/25/19	re: Corporal Idris-Farid Clark: Complete employment and personnel records, including all records of training, discipline, and allegations or reports of misconduct from the time of employment start date through the time you receive this request;
	All requests for disciplinary investigations;
	All notices of disciplinary or pre-disciplinary conferences;
	All lists of employee disciplinary history;
	Statements CS-35;
	All records created in compliance with Section A.9.3 of the FPBDS, which requires background investigation of all staff members, including criminal history, employment references, credit history, verification of U.S. citizenship, pre-employment interview, and drug screening;
	All records created in compliance with Section A.9.5 of the FPBDS, which requires the review, identification, and resolution of all derogatory information obtained during the background investigation;
	All records created in compliance with Section A.9.10 of the FPBDS, which requires written acknowledgement that each staff member has reviewed facility work rules, ethics regulations, conditions of employment, and related documents;

	All records created in compliance with Section A.9.13 of the FPBDS, which requires that misconduct allegations against the officer be investigated and/or reported to appropriate law-enforcement entities; and
	All records created in compliance with Section A.9.14 of the FPBDS, which requires notification to the agency of jurisdiction of sexual misconduct allegations by any detainee against the officer.
04/26/19	re CO Robert Marsh: Complete employment and personnel records, including all records of training, discipline, and allegations or reports of misconduct from the time of employment start date through the time you receive this request;
	All requests for disciplinary investigations;
	All notices of disciplinary or pre-disciplinary conferences;
	All lists of employee disciplinary history;
	Statements CS-35;
	All records created in compliance with Section A.9.3 of the FPBDS, which requires background investigation of all staff members, including criminal history, employment references, credit history, verification of U.S. citizenship, pre-employment interview, and drug screening;
	All records created in compliance with Section A.9.5 of the FPBDS, which requires the review, identification, and resolution of all derogatory information obtained during the background investigation;
	All records created in compliance with Section A.9.10 of the FPBDS, which requires written acknowledgement that each staff member has reviewed facility work rules, ethics regulations, conditions of employment, and related documents;
04/24/19	All records created in compliance with Section A.9.13 of the FPBDS, which requires that misconduct allegations against the officer be investigated and/or reported to appropriate law-enforcement entities; and
	All records created in compliance with Section A.9.14 of the FPBDS, which requires notification to the agency of jurisdiction of sexual misconduct allegations by any detainee against the officer.
	All custody records for Rayshon Reed created in compliance with Section A.3.2 of the United State Marshals Service Federal Performance-Based Detention Standards ("FPBDS") including intake/booking information; cash and property receipts; reports of disciplinary actions, grievances, incidents, or crime(s) committed while in custody;
	To the extent not included with the response to the request above, all kites Mr. Reed sent from January 1, 2018, through today;
	All admission and orientation records regarding Mr. Reed created in compliance with Section A.4 of the FPBDS, including the form of his basic personal data and information to be used for mail and visiting lists; photographs or fingerprints; medical, dental, and mental-health screenings; screening to detect signs of

	drug/alcohol abuse; suicide screening; search records; inventory of his personal property;
	All records regarding Mr. Reed provided to the U.S. Department of Justice or any of its components in connection with the 2018 Quality Assurance Review;
	All video footage of Mr. Reed from June 2018;
	Records of administrative discipline approvals regarding Mr. Reed created in compliance with OAC 5120:1-8-12(B);
	Incident reports, waivers, investigative reports, and notifications involving Mr. Reed created in compliance with OAC 5120:1-8-12(F); and
	All records of Mr. Reed's medical treatment.
04/26/19	All custody records for Ms. Julie McCullough, including intake/booking information; extradition information; cash and property receipts; reports of disciplinary actions, grievances, incidents, or crime(s) committed while in custody
	To the extent not included with the response to the above request, all kites Ms. McCullough sent
	All admission and orientation records, including the form of her basic personal data and information to be used for mail and visiting lists; photographs or fingerprints; medical, dental, and mental-health screenings; screening to detect signs of drug/alcohol abuse; suicide screening; search records; inventory of her personal property
	All records of medical treatment



Brian Bardwell <brian.bardwell@gmail.com>

Follow-up on public records request

Brian Bardwell <brian.bardwell@chandraLaw.com>
To: KStinnett@cuyahogacounty.us
Cc: Tabitha Gillombardo <tabitha.gillombardo@chandraLaw.com>

Wed, Jun 5, 2019 at 1:39 PM

Hi, Ms. Stinnett.

I'm writing to follow up on my firm's requests for public records dated April 24, May 3, May 10, which I have attached for your reference. Those requests sought access to surveillance footage of an attack on our client, Chantelle Glass, as well as other records related to the brief period in which Ms. Glass was detained at the Cuyahoga County Corrections Center.

As you know, the Ohio Public Records Act requires that public offices make copies of requested records available within a "reasonable" time. Although the definition of that term may change based on the request, there is little question that at 42 days, the County has now exceeded the time it has available to produce the requested records.

We are told that the County is receiving an unusual number of requests due to the widespread problems in County government, so we have endeavored to extend you greater forbearance than usual.

However, it has now been more than a week since you released the video of Ms. Glass being tortured by corrections officers to the media -- and potentially many other records our firm has requested -- but we are still waiting on a copy, for unknown reasons. We see no justification for releasing the video to the media while refusing to provide it to the victim of the crimes it depicts and to her legal counsel.

It is unclear to us whether your continued refusal to produce these records is due to an administrative oversight or is simply a continuation of the County's retaliation against Ms. Glass for exercising her constitutional rights. In any event, we expect that the error will be remedied in full no later than close of business on June 7. Absent full compliance, we intend to move directly to mandamus proceedings.

If there is anything I can do to help facilitate the County's compliance, please let me know.

Thank you,

Brian D. Bardwell
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3 attachments

-  **2019-04-24 Sletvold PRR to CCSD re Chantelle Glass.pdf**
193K
-  **2019-05-10 Sletvold PRR to PO re surveillance video.pdf**
188K
-  **2019-05-03 Sletvold PRR to CCSD re surveillance video.pdf**
181K

EXHIBIT D
