

December 4, 2015

Via email to KRoberson@city.cleveland.oh.us and U.S. Mail (certified)

Kimberly Roberson
Public Records Administrator
City of Cleveland, Department of Law, Room 106
601 Lakeside Avenue
Cleveland, OH 44114

Re: Public-records request

Dear Ms. Roberson:

This is a public-records request under R.C. 149.43 to inspect the following records:

1. Personnel records, including personnel files and all records that would generally be kept in a personnel file including all records of discipline, for Patrol Officer Kazimer (#844);
2. Personnel records, including personnel files and all records that would generally be kept in a personnel file including all records of discipline, for and Patrol Officer Crisan (#263);
3. Any Use of Non-Deadly Force Report(s) or Use of Less Lethal Force Report(s) involving Patrol Officer Kazimer (#844) from July 25, 2011 to the present;
4. Any Use of Non-Deadly Force Report(s) or Use of Less Lethal Force Report(s) involving Patrol Officer Crisan (#263) from July 25, 2011 to the present;
5. Any Use of Deadly Force Report(s) involving Patrol Officer Kazimer (#844) from July 25, 2011 to the present;
6. Any Use of Deadly Force Report(s) involving Patrol Officer Crisan (#263) from July 25, 2011 to the present;
7. Records of any Use of Force investigation(s) regarding Patrol Officer Kazimer (#844);
8. Records of any Use of Force investigation(s) regarding Patrol Officer Crisan (#263);

9. Records of any Precedent Crime Investigation(s) regarding Patrol Officer Kazimer (#844);
10. Records of any Precedent Crime Investigation(s) regarding Patrol Officer Crisan (#263);
11. Records of any Administrative Review Investigation(s) regarding Patrol Officer Kazimer (#844);
12. Records of any Administrative Review Investigation(s) regarding Patrol Officer Crisan (#263);
13. Records of any Office of Professional Standards Review(s) regarding Patrol Officer Kazimer (#844);
14. Records of any Office of Professional Standards Review(s) regarding Patrol Officer Crisan (#263);
15. Records of any complaints regarding Patrol Officer Kazimer (#844), whether made to the Division of Police or the Civilian Police Review Board from July 25, 2011 to the present (including all investigative files, videos, and related materials);
16. Records of any complaints regarding Patrol Officer Crisan (#263), whether made to the Division of Police or the Civilian Police Review Board from July 25, 2011 to the present (including all investigative files, videos, and related materials);
17. All records, including emails, text messages, or memoranda, related to the consideration of discipline of Patrol Officer Kazimer (#844) including, but not limited to, discipline regarding OPS Complaint No. OPS10-339;
18. All records, including emails, text messages, or memoranda, related to the consideration of discipline of Patrol Officer Crisan (#263) including, but not limited to, discipline regarding OPS Complaint No. OPS10-339;
19. Records demonstrating when the Civilian Police Review Board's recommendation (dated November 9, 2010) regarding OPS Complaint No. OPS10-339 was transmitted to or received by the Chief of Police, including records demonstrating or documenting any delay in transmittal to or receipt by the Chief of Police;
20. All records of consideration, disposition, or implementation of the Civilian Police Review Board's recommendation (dated November 9, 2010) that Patrol Officers Kazimer and Crisan be disciplined for violating police procedures regarding (1) excessive force, (2) engaging in conduct tending to diminish the esteem of the police force, (3) failing to conduct themselves in a manner so as to command the respect of the public, and (4) failing to conduct themselves in a courteous and respectful manner during the incident that occurred on August 16, 2010 involving Juan Ortiz (OPS Complaint No. OPS10-339);

21. Records of public-records requests or other inquiries from attorneys, the media, or the public about Juan Ortiz or the incident that occurred on August 16, 2010 involving Juan Ortiz and Patrol Officers Kazimer and Crisan;
22. Records of responses to public-records requests or other inquiries from attorneys, the media, or the public in response to inquiries about Juan Ortiz or the incident that occurred on August 16, 2010 involving Juan Ortiz and Patrol Officers Kazimer and Crisan;
23. Records of any public statements by any member of the Division of Police regarding the incident that occurred on August 16, 2010 involving Juan Ortiz and Patrol Officers Kazimer and Crisan;
24. Records of any policies from August 2009 to the present that relate to discipline of officers while litigation is pending;
25. Records documenting any internal discussions or consideration of policies regarding discipline of officers while litigation is pending (August 2009 to the present);
26. Records documenting any change to the policies regarding discipline of officers while litigation is pending, and the reasons for such change (August 2009 to the present);
27. Records of any body camera video from Patrol Officer Kazimer on August 11, 2015;
28. Personnel records, including personnel files and all records that would generally be kept in a personnel file including all records of discipline, for the Patrol Officer Kazimer who shot Justin Damato on August 11, 2015[;
29. Records of any body camera video from Patrol Officer Ortiz from August 11, 2015;
30. Records of any policies regarding police use of body cameras, including when officers are required to wear and activate body cameras; and
31. Records of any discipline against Cleveland officers for failure to follow procedures regarding use or activation of body cameras.

Ohio's public-records law requires that a public office, upon receiving a public-records request, *promptly* make its records available for inspection.¹ The Ohio Supreme Court has required public offices to produce records within eight days of a request.² We expect to receive your complete response by **January 4, 2016**.

¹ R.C. 149.43(B)(1).

² *State ex rel. Wadd v. City of Cleveland*, 81 Ohio St.3d 50, 54, 689 N.E.2d 25 (1998).

Further, the statute gives the requester the right to choose the medium in which the records are received for inspection.³ Please provide .pdf files of the records by email to me at ashlie.sletvold@chandralaw.com. If it would be more convenient to provide the records as .pdf files on a disk, please contact my paralegal, Suzanne Zaranko, at 216.578.1700 and she will provide the necessary disk(s).

Please note that records documenting the business of a public office or the basis for the decisions of its officials that are in officials' personal email accounts, cell phones, personal computers, etc. are still public records.⁴ Therefore, an exhaustive search should be made for responsive records of this nature.

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

Sincerely,



Ashlie Case Sletvold

³ R.C. 149.43(B)(6).

⁴ See, e.g., *State ex rel. Glasgow v. Jones*, 119 Ohio St.3d 391, 2008-Ohio-4788, 894 N.E.2d 686, ¶ 23.