

MEMO

October 5, 2020

TO: Morrow County Prosecutor Charles Howland

FR: Lynn Tramonte (latramonte@gmail.com, 202-255-0551)

RE: Public records from Morrow County Sheriff's Office, Morrow County Prosecutor's Office, and other county officials

This is a second public records request, following the one sent on September 8, 2020, which remains unfulfilled. We note that Ohio law requires public officials to respond to Public Records Act requests within a "reasonable time period."

CORRUPTION WITHIN MORROW COUNTY CORRECTIONAL FACILITY (MCCF)

Employee Bad Acts

It has come to our attention that an employee at MCCF was recently fired for smuggling contraband into the facility, allegedly illegal drugs and tobacco. These bad acts were recorded on the facility's security cameras. Therefore, we request:

- The police report or reports filed in this incident, charging documents, and records of any hearings that have been held.
- The video footage documenting the incidents. N.B. this request is being made less than 30 days from the activity, so video records should be maintained.
- Email correspondence between MCCF and other county officials regarding this incident and its resolution.
- The MCCF personnel records of [REDACTED] (NAME REDACTED FOR PUBLIC USE) and [REDACTED] (NAME REDACTED FOR PUBLIC USE).
- The MCCF personnel records of any staff alleged or suspected to have participated in this act.

The Morrow County Sheriff, Prosecutor, and any other public official with these records is required to release them, but may redact certain personal information. See:

State ex rel. Master v. Cleveland, 75 Ohio St.3d 23, 31 (1996) ("[W]hen a governmental body asserts that public records are excepted from disclosure and such assertion is challenged, the court must make an individualized scrutiny of the records in question. If the court finds that these records contain excepted information, this information must be redacted and any remaining information must be released." (quoting State ex rel. Natl. Broadcasting Co., Inc. v. Cleveland, 38 Ohio St.3d 79, 85 (1998))); State ex rel. White

v. Watson, 8th Dist. No. 86737, 2006- Ohio-5234, ¶ 4 (“The government has the duty to disclose public records, including the parts of a record which do not come within an exemption. Thus, if only part of a record is exempt, the government may redact the exempt part and release the rest.”). State ex rel. Rocker v. Guernsey Cty. Sheriff’s Office, 126 Ohio St.3d 224, 2010-Ohio-3288, ¶¶ 11-15; Narciso v. Powell Police Dept., Ct. of Cl. No. 2018-01195PQ, 2018-Ohio-4590, ¶¶ 29-30 (uncharged suspect exemption “does not exempt investigatory information about the facts alleged, evidence obtained, investigator activities, and determinations, or any other item that does not disclose the identity of the suspect” or allow a public office to “deny access the entire investigatory file merely because the request identifies the investigation by the name of the suspect or other person involved”).

Personal Use of MCCF-Owned Vehicle by Sheriff and/or Other Personnel

It has also come to our attention that Sheriff John Hinton has been witnessed using an MCCF-owned truck to tow his personal boat during weekend excursions.

Therefore, we request all records pertaining to the purchase of trucks for use by MCCF or Morrow County Sheriff’s Office; the written policy regarding use of county vehicles for personal and professional use; and records of use for this particular truck, including documented trips, dates, and mileage readings.

STAFFING AND JAIL POLICIES

We have learned that new corrections officers have been brought into the jail from out of the jurisdiction. We have also learned that they confiscated possessions of inmates and detainees that they had purchased with their own money at jail commissaries throughout their incarceration, including but not limited to extra blankets, extra sheets, nail clippers, and other personal items.

We also understand that the jail is now requiring people incarcerated there to “rent” a bed for \$1/day, or be forced to use a very small and less comfortable bed.

Therefore we request:

- Any/all email correspondence regarding the decision to bring new corrections officers in to the facility from another jurisdiction, as well as the contract.
- Any/all email correspondence regarding confiscation of commissary items purchased by inmates and the policy regarding bed rentals.

MEDICAL CARE

N.B. The requested records are not subject to the Privacy Rule under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") because they do not contain "individually identifiable health information."¹

Lack of medical care at MCCF remains a consistent problem, with dangerous results. It is our understanding that requests for maintenance medication, including insulin and inhalers for asthmatics, are frequently denied. Therefore we are requesting:

- All grievances filed within MCCF relating to medical care, from both ICE and county inmates, protected information redacted.
- All grievances filed within MCCF by Kevin Fields, protected information redacted.

We are also adding the following to our previous records request regarding [REDACTED] (NAME REDACTED FOR PUBLIC USE), the man who collapsed in the MCCF lunchroom on September 12, 2020:

- Video footage of the lunchroom before, during, and after [REDACTED] (NAME REDACTED FOR PUBLIC USE) collapsed.
- Copies of any requests made for medical assistance from [REDACTED] (NAME REDACTED FOR PUBLIC USE) throughout his stay at MCCF, protected information redacted.
- Booking sheet for [REDACTED] (NAME REDACTED FOR PUBLIC USE) or other records that indicate MCCF was aware of his name, date of birth, and other personal data, protected information redacted.
- A copy of the policy for notifying next of kin of medical problems experienced by MCCF inmates/detainees, as well as evidence of such communication in this specific case..
- Copies of all correspondence between county officials or county and medical officials, regarding [REDACTED] (NAME REDACTED FOR PUBLIC USE)'s medical incident.

¹ Individually identifiable health information is defined as an "individual's past, present or future physical or mental health or condition, the provision of health care to [an] individual, or the past, present, or future payment for the provision of health care to [an] individual ... that identifies the individual or for which there is a reasonable basis to believe it can be used to identify the individual. Individually identifiable health information includes many common identifiers (e.g., name, address, birth date, Social Security Number)." None of the records requested include individually identifiable information. Source: Summary of the HIPAA Privacy Rule, U.S. Department of Health and Human Services, retrieved from <https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html>, September 6, 2020.