



June 18, 2020

VIA EMAIL

Ohio Department of Rehabilitation and Corrections  
4545 Fisher Road, Suite D  
Columbus, OH 43228  
[Cheryl.jordan@odrc.state.oh.us](mailto:Cheryl.jordan@odrc.state.oh.us)

**Re: Public Records Act Request**

Dear Public Records Officer:

Pursuant to the Ohio Public Records Act (PRA), Ohio Rev. Code § 149.43, and other applicable Ohio law, American Oversight makes the following request for records.

Jails and prisons across the county, including in Ohio, have suffered severe coronavirus outbreaks. As of May 25, 2020, at least sixty-three people in Ohio prisons and four prison employees have died.<sup>1</sup> Around 10% of people held in Ohio prisons have contracted COVID-19, the second highest rate of infection in the nation.<sup>2</sup>

**Requested Records**

American Oversight requests that Ohio Department of Rehabilitation and Corrections promptly produce the following:

1. Any assessments prepared by your agency's staff that evaluate the risk to your facilities associated with the novel coronavirus (COVID-19) outbreak.
2. Any assessments provided to your agency by any federal or state agencies, including but not limited to members of the Ohio Department of Public Health, the Ohio Governor's Office, the White House Coronavirus Task Force, the Centers for Disease Control and Prevention (CDC), the National Institute of Health (NIH), the National Institute of Allergy and Infectious Diseases (NIAID), or the Food and Drug Administration (FDA), that evaluate the risk to your facilities associated with the novel coronavirus (COVID-19) outbreak.
3. All records reflecting any directive, order, decision, protocols, or guidance from your agency to camps, institutions, penitentiaries, complexes, detention

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<sup>1</sup> Catherine Candisky, *Ohio Prisons Chief Defends Coronavirus Response*, COLUMBUS DISPATCH, May 25, 2020, <https://www.dispatch.com/news/20200525/ohio-prisons-chief-defends-coronavirus-response>.

<sup>2</sup> Id.



centers, or correctional facilities regarding the novel coronavirus, including but not limited to measures to prevent or mitigate the virus's spread.

Please provide all responsive records from January 30, 2020, through the date of the search.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

### **Guidance Regarding the Search & Processing of Requested Records**

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, since the request seeks “communications,” please search all locations likely to contain communications.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.<sup>3</sup> If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

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<sup>3</sup> Ohio Rev. Code § 149.43(B)(1).

- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

### **Conclusion**

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>4</sup>

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any

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<sup>4</sup> American Oversight currently has approximately 15,500 page likes on Facebook and 102,000 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited June 16, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited June 16, 2020).

part of this request, please contact Emma Lewis at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 919-6303.

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin R. Evers", with a long horizontal flourish extending to the left.

Austin R. Evers  
Executive Director  
American Oversight