

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, *ex rel.*
OFFICE OF THE OHIO
PUBLIC DEFENDER
250 E. Broad Street
Columbus, Ohio 43215

Relator,

v.

Case No.

HARRISON POLICE DEPARTMENT
311 Harrison Avenue
Harrison, Ohio 45030

and

CHARLES LINDSEY, in his
Official Capacity as Chief
Harrison Police Department
311 Harrison Avenue
Harrison, Ohio 45030

Respondent.

COMPLAINT FOR WRIT OF MANDAMUS

The Office of the Ohio Public Defender petitions this Court of a writ of mandamus requiring the Harrison Police Department to comply with R.C. 149.43 and provide the Office with copies of certain public records identified herein. Mandamus is the recognized procedure to secure release of public records after a request for public records has been made and the request has been denied. In support of its complaint, the Office of the Ohio Public Defender alleges the following:

1. Relator operates and does business as the Ohio Public Defender, a state agency of Ohio.

2. Respondent Charles Lindsey is the chief of Respondent Harrison Police Department.

3. Chief Charles Lindsey is a public official in the state of Ohio. His official duties include responsibility for the custody and maintenance of certain records pertaining to matters in which the Harrison Police Department is involved.

4. The Harrison Police Department is a “public office” as defined by R.C. 149.011(A). Records maintained by the Harrison Police Department are “public records” pursuant to R.C. 149.43(A)(1).

5. On January 14, 2016, Amanda Hansel, an administrative assistant with the Office of the Ohio Public Defender, contacted the Harrison Police Department. She requested a copy of the Harrison Police Department’s public records policy and record retention schedule. She also requested a copy of the police reports and summaries involving the investigation of the homicide of Amber Nicole Garrett and police reports and summaries involving Eric Horn, Justin Horn, and Peggy Garrett. (Exhibit 1).

6. On January 25, 2016, the Harrison Police Department provided a written response to Ms. Hansel’s January 14, 2016 requests. The Department’s response included the requested policy and record retention schedule. Concerning Ms. Hansel’s request for police reports and summaries involving the investigation of the homicide of Amber Nicole Garrett, and reports involving Eric Horn, Justin Horn, and Peggy Garrett the Department responded, “The defense has received this information numerous times already. You are free to come down and review them once again.” (Exhibit 2).

7. On January 26, 2016, Ms. Hansel emailed Lieutenant Steve Wilson, because he had previously responded to record request from the Ohio Public Defender, and requested to know when the records would be available to be viewed. (Exhibit 3).

8. Lieutenant Wilson responded to Ms. Hansel's email that Lieutenant Detective Steve Mathews would be the best person to contact concerning the viewing of the records because he had worked on the case. (Exhibit 4).

9. On January 27, 2016, Ms. Hansel responded to Lieutenant Wilson stating that discussing the case with anyone was not necessary and that the Office of the Ohio Public Defender only wanted to view the records. (Exhibit 5). Ms. Hansel suggested a time to view the records during Lieutenant Wilson's work hours. (*Id.*).

10. On January 28, 2016, Ms. Hansel received an email from Lieutenant Wilson instructing her to contact Lieutenant Detective Mathews or the Law Director for the City of Harrison to view the records. (Exhibit 6).

11. That same day, Ms. Hansel emailed Lieutenant Detective Mathews requesting a time to view the records. (Exhibit 7). Ms. Hansel included the string of emails that previously took place with Lieutenant Wilson for clarity. (*Id.*).

12. On January 29, 2016, Lieutenant Detective Mathews, responded to Ms. Hansel that he was not available at the suggested date and time contained in her January 27, 2016 email. (Exhibit 8). He further replied that he had previously been told by the Hamilton County Prosecutor's Office and the City Law Director to deny the request. (*Id.*). He stated that he previously collected this information less than a year ago and provided it to the Hamilton County Prosecutor's Office so they could deliver it to the Ohio Public Defender. *Id.* Lieutenant Detective Mathews did not specify to which records he was referring. (*Id.*).

13. On February 4, 2016, Ms. Hansel via email contacted both Lieutenant Detective Mathews and City Law Director Bill Deters and again requested the opportunity to review police reports and summaries involving the investigation of the homicide of Amber Nicole Garrett, and reports concerning Eric Horn, Justin Horn, and Peggy Garrett. (Exhibit 9).

14. On February 26, 2016, Ms. Hansel received in the mail a letter from Philip Cummings, an Assistant Prosecuting Attorney with the Hamilton County Prosecutors Office, stating the Office was in receipt of the public records request and that it was denied pursuant to *State ex rel. Steckman v. Jackson*, 70 Ohio St.3d 420, 437 (1994) and *State ex rel. Baginski v. Lee*, 2016-Ohio-221. (Exhibit 10).

15. Respondents violated ORC 149.43 by failing to allege or prove that the requested records squarely fit within any exceptions enumerated under ORC 149.43. Respondents also violated ORC 149.43 by refusing to make the requested records available for inspection and copying.

16. The Office of the Ohio Public Defender has a clear legal right to inspect and copy the records, and Respondents have a clear legal duty to promptly make the records available to the Office of the Ohio Public Defender for inspection and copying.

17. The Office of the Ohio Public Defender has no adequate, alternative remedy in the ordinary course of the law.

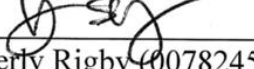
18. Respondents have no valid excuse for refusing to permit the Office of the Ohio Public Defender or any member of the public to inspect and copy the records in their entirety, and no valid excuse for failing to comply with Ohio law by either identifying the exemption from disclosure alleged or by promptly making the records available for inspection.


19. For instituting this Mandamus action commanding Respondents to comply with its obligations under R.C. 149.43(B), the Office of the Ohio Public Defender requests that the Court award it all court costs as provided by 149.43(C). Based on the ordinary application of the statutory law and case law as it existed at the time, the Office of the Ohio Public Defender requested access to the Records. Respondents could not have reasonably believed that their refusal to grant access to the Records complied with R.C. 149.43(B), nor could they have reasonably believed that their refusal would serve the public policy underlying the Ohio Public Records Act.

WHEREFORE, Relator seeks a Peremptory Writ of Mandamus or, in the alternative, an Alternative Writ of Mandamus commanding Respondents to make available the Records for inspection and copying in accordance with R.C. 149.43(B), and for any other relief deemed just and proper by the Court.

Respectfully submitted,

Office of the Ohio Public Defender

By: 
Kimberly Rigby (0078245)
Supervising Attorney, Death Penalty Dept.

By: 
Elizabeth Arrick (0085151)
Assistant Public Defender

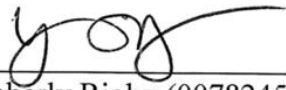
250 East Broad Street, Suite 1400
Columbus, Ohio 43215
(614) 466-5394 (Phone)
(614) 644-0708 (Fax)
kim.rigby@opd.ohio.gov
elizabeth.arrick@opd.ohio.gov

COUNSEL FOR RELATOR

PRAECIPE FOR SERVICE

TO THE CLERK:

Please issue a Summons along with a copy of this COMPLAINT to the Respondents identified in the caption on page one via Certified Mail, return receipt requested.



Kimberly Rigby (0078245)



Office of the Ohio Public Defender
250 East Broad Street - Suite 1400
Columbus, Ohio 43215-2998

www.opd.ohio.gov

TIMOTHY YOUNG
State Public Defender

(614) 466-5394
Fax (614) 644-0708
TTY (800) 750-0750

January 14, 2016

Harrison Police Department
Attn: Records
311 Harrison Avenue
Harrison, Ohio 45030

To whom it may concern:

This is a public records request made pursuant to § 149.43 of the Ohio Revised Code. I am requesting that you provide to me, within a reasonable time, the following:

- A copy of your public records policy;
- a copy of the record retention schedule for your office;
- police reports and summaries regarding the investigation of the homicide of Amber Nicole Garrett;
- police reports involving Eric Horn;
- police reports involving Justin Horn;
- police reports involving Peggy Garrett.

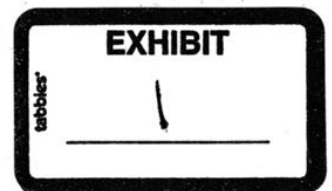
If you need any clarification, additional information, or payment to comply with this request please contact me at the email address listed below. If you intend to deny or redact any or all of my request please cite to me the specific exception or authority you believe applies.

Thank you for your time with this matter.

Sincerely,

Amanda Hansel
Administrative Professional
250 East Broad Street, Suite 1400
Columbus, Ohio 43215
614-644-1591
614-644-0708 (Fax)
Amanda.Hansel@opd.ohio.gov

457948



City of Harrison, Ohio Public Records Request Response

Thank you for your recent records request. The City of Harrison has responded below in accordance with the applicable provisions of the Ohio Public Records Act.

Name of Requester: <u>Ohio Public Defender</u>	Total fee: \$ _____
Number of copies requested _____ @ _____ cents per page	Total fee: \$ _____
Copies of other materials _____	Total fee: \$ _____
Receipt number: _____	Total fee: \$ _____

On 01/14/16, you requested the following records:

A copy of MPD public records policy, a copy of record retention schedule, police reports on the Amber Garrett homicide investigation, police reports on Eric Horn, Justin Horn, and Peggy Garrett.

The records that you requested:

Are attached hereto

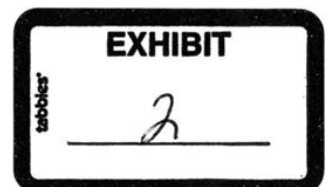
Are partially subject to release; however, redactions have been made to protect exempted information. The redactions are plainly visible on the records provided and have been made for the following reasons:

Are not subject to release because the records requested:

Are not maintained by this office

Do not exist and/or no obligation to create

Are overly ambiguous; however, you have the opportunity to amend your request to make it more specific (R.C. 149.43(B)(2)). To assist you in



being more specific, please be advised that the City's records are maintained and accessed in the following manner:

- Have been disposed of pursuant to a one time records disposal or the records retention schedule (R.C. 149.41)
- Are attorney/client privileged information that are not subject to disclosure (*State ex rel. Nix v. Cleveland* (1998), 83 Ohio St.3d 379, 700 N.E.2d 1)
- Are Bureau of Criminal Identification and Investigation (BCII) records that are not subject to disclosure (R.C. 2151.86(E); 109.57(D) and (E))
- Are medical records that are not subject to disclosure (R.C. 149.43(A)(1)(a) and (A)(3))
- Are confidential law enforcement investigatory records that are not subject to disclosure (R.C. 149.43(A)(1)(h))

Other:
The defense has received this information numerous
times already. You are free to come down and review
them once again.
C.C. Hamilton County Prosecutor's Office - Phil Cummings
Harrison City Solicitor - Bill Deters

CITY OF HARRISON, OHIO

PUBLIC RECORDS POLICY

Introduction

It is the policy of the City of Harrison, Ohio (hereafter the "City") that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the City to adhere to the state's Public Records Act.

Section 1. Public Records

The City, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the City are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1

It is the policy of the City that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the e-mail record policy). Additionally, record retention schedules are to be updated regularly and posted prominently.

Section 2. Record Requests

Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian may deny the request but shall provide the requester with an opportunity to revise the request by informing the requestor of the manner in which the office keeps its records.

Section 2.2

There is no requirement that an individual making a public records request put a records request in writing or provide his or her identity or the intended use of the requested public record. However, the City may ask a requester to make the request in writing, may ask the requester's identity, and may inquire about the intended use, but only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

Section 2.3

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records shall be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" shall take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

Section 2.4

Any denial of public records requested shall include an explanation, including citation to legal authority. If portions of the record are public and portions are exempt, the exempt portions are to be redacted and the public portions released. If there are redactions, each redaction must be accompanied by a supporting explanation, including citation to legal authority.

Section 3. Costs for Public Records

Those seeking public records will be charged only the actual cost of making copies.

Section 3.1 The charge for paper copies is 10 cents per page.

Section 3.2 The charge for downloaded computer files to a compact disc is \$1 per disc.

Section 3.3 There is no charge for documents sent via e-mail.

Section 3.4

Requesters may ask that documents be mailed to them. They will be charged the actual cost of postage and mailing supplies.

Section 4. E-Mail

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Section 4.1

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this City are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the office's records custodian.

Section 4.2

The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

Section 5. Failure to Respond to a Public Records Request

The City recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the City's failure to comply with a request may result in a court ordering the City to comply with the law and to pay the requester attorney's fees and damages.

Section 6 - Fire and Police Records

Record Series Title and Description	Retention Period	Media Type	For Use By Auditor of State or OHS-LGRP
Subject and Administrative Files	5 years	Paper	
Fire Department			
Above and Underground Storage Tank Records	10 years after tank is out of service or sold	Paper	
Alarm Response Reports	5 years	Paper	
Arson Reports	50 years appraise for historical value	Paper	
Burning Complaint File	1 year	Paper	
Daily Alarm Log	5 years	Paper	
Disaster Plans	Until Superseded	Paper	
Dispatch Sheets/Logs	3 years	Paper	
EMS Records	7 Years	Paper	
EPA Burning Violation Record	5 years after violation corrected	Paper	
Fire and Loss Record	Permanent	Paper	
Fire Code	Until Superseded	Paper	
Fire Incident Reports	10 years	Paper	
Fire Investigation Files and Index	50 years appraise for historical value	Paper	
Fireworks Application and Permits	1 year after Expiration	Paper	
Hydrant Location Record	Permanent	Paper	
Hydrant Maintenance Record	2 years after test date	Paper	
Inspection Reports/Cards	3 years	Paper	
Master Run Reports	3 years	Paper	
Mutual Aid Agreements	10 years after superseded	Paper	
Standpipe Test	3 years	Paper	
Violation Notices	1 year after violation corrected	Paper	
Police Department			
Accident Reports Property Damage, Bodily Injury and Traffic	3 years	Paper	
Alcohol Breath Testing Records:		Paper	
Operator Permits	Until renewed	Paper	
Breath Test Result Forms	3 years	Paper	
Calibration Records	3 years	Paper	
Radio Frequency Interference Survey	Until the machine is moved	Paper	
Animal Complaints	2 years	Paper	
Arrest Cards/Records (Non-Traffic)	15 years	Paper	
Arrest Cards/Records (Traffic)	10 years	Paper	
Arrest Cards/Records/Reports (Juvenile)	Until person turns 18 years of age or when expungement order received from a Court	Paper	
Arrest Reports (Adult)	50 years	Paper	
Assignment Schedules/Sheets	3 years	Paper	
Bicycle License Receipts	3 years, provided audited	Paper	
Bicycle License Register	7 years	Paper	

Bicycle Theft Log	3 years	Paper
Block Watch Records	1 year	Paper
Business Security Records	Until superseded, review annually	Paper
Child Abuse Case Records	7 years after case closed	Paper
Citizen Complaints	4 years, provided no action pending	Paper
Compliance Reports	5 years, provided no action pending	Paper
Criminal Case Files - Felonies Except Homicide	6 years, provided no action pending	Paper
Criminal Case Files - Misdemeanors	2 years, provided no action pending	Paper
Daily Slatting Records	1 year	Paper
Dispatch Sheet/Log (Record of Runs)	3 years	Paper
Expunged Records per Expungement Orders	Destroy all files, records and computer references when expungement order received from Court	
FBI/BCI Investigation Reports	3 years	Paper
Field Interrogation Cards	6 months	Paper
Fingerprints	50 years	Paper
Firearm Records and Inventories	3 years, provided audited	Paper
Homicide Reports and Evidence (Closed Cases)	30 years after all appeals exhausted	Paper
House/Business Alarm Records	90 days	Paper
Incident Log/Reports	5 years, provided no action pending	Paper
Investigations:		Paper
Homicide and Rape including evidence (Pending)		
Homicide including evidence (Closed)	Permanent	Paper
Internal Affairs	10 years after all appeals exhausted	Paper
Jail Daily Book - In Records	4 years, provided no action pending	Paper
Jail Inmate Records:	3 years	Paper
Commissary Records	2 years	Paper
Intake/Discharge Records	6 years	Paper
Medical Records	6 years	Paper
Personal Property Returned	2 years	Paper
Jail Register/Log Book	25 years	Paper
Junk Vehicle Records	2 years after sale or other disposition	Paper
Juvenile Records	Until person turns 18 years of age or when expungement order received from a Court	Paper
Law Enforcement Automatic Data System Records:		
Logs	2 years	Paper
Printouts	Destroy when no longer administratively necessary	Paper
Liquor Permit Records	3 years	Paper

Record Series Title and Description	Retention Period	Media Type	For Use By Auditor of State or OHS-ICRP
Master Name Index	Permanent	Paper	
Missing Person Reports	20 years, or until found	Paper	
Offense Reports, Felonies Except Homicide	6 years, provided no action pending	Paper	
Offense Reports, Misdemeanors	2 years, provided no action pending	Paper	
Parking Citations/Infractions	3 years	Paper	
Parking Meter Collection Record	Until audited	Paper	
Prisoner Booking Video Recording Tape	30 days, erase and reuse provided no action pending	Paper	
Property Room:		Paper	
Records (Releases, Transfers, Disposals, etc.)	25 years	Paper	
	5 years	Paper	
Radio/Phone Calls Audio Recordings	30 days erase and reuse, provided no action pending	Paper	
Radio and Telephone Log	2 years	Paper	
Records (Background) Check Requests	2 years	Paper	
Recovered Property Record	2 years after disposal of property	Paper	
Ride Along Forms	3 years	Paper	
Seizure Log/Record	6 years	Paper	
State of Ohio Traffic Crash Reports (OH-1)	3 years	Paper	
Stolen Property Hot List or Cards	3 years	Paper	
Subpoenas, Summonses, or Warrants	Until served, discharged, answered or withdrawn	Paper	
Tow Tickets	3 years after paid, provided audited	Paper	
Traffic Citations	3 years, provided audited	Paper	
Type of Crime File	Permanent	Paper	
Uniform Crime Reports (UCR)	3 years	Paper	
Vacation House Check Records	30 days after owners return	Paper	
Wanted Posters	Until person apprehended	Paper	
Section 7 - Utilities Records			
Record Series Title and Description	Retention Period	Media Type	For Use By Auditor of State or OHS-ICRP
Bad Check Report	2 years, after payment	Paper	
Bank Deposit Records	3 years, provided audit	Paper	
Billing Adjustment Books	Until audited	Paper	
Cards for Paid Bills	3 years, provided audit	Paper	
Cash Receipts	3 years, provided audit	Paper	
Daily Work Orders	3 years	Paper	
Deposit Refund Requests	Until deposit is refunded and account audited	Paper	
Fixed Asset Records	10 years	Paper	
General Correspondence	2 years	Paper	
Meter Reading Records	4 years	Paper	
Monthly Account Register	10 years	Paper	
Monthly Collection Report	3 years, provided audit	Paper	
Rate Schedules	Until superseded	Paper	

HARRISON POLICE DEPARTMENT
311 HARRISON AVE.
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Administrative Professional
Office of the Ohio Public Defender
250 E. Broad St. - Suite 1400
Columbus, OH 43215-2998



HARRISON POLICE DEPARTMENT
311 HARRISON AVE
HARRISON, OHIO 45030

UNITED STATES POSTAGE
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0003161645 JAN 21 2016
MAILED FROM ZIP CODE 45030



Amanda Hansel
Administrative Professional
Office of the Ohio Public Defender
250 E. Broad St. - Suite 1400
Columbus, OH 43215-2998

Hansel, Amanda

From: Hansel, Amanda
Sent: Tuesday, January 26, 2016 12:42 PM
To: 'swilson@harrisonohio.gov'
Subject: Public Records Information
Attachments: PRR- City of Harrison.pdf

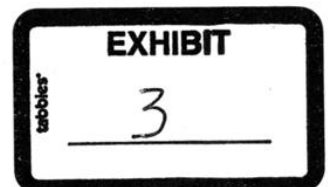
Lt. Wilson –

I received the attached response to my public records request and wanted to schedule a time with you to view the records responsive to my request.
When will they be available for us and what days/times will work for you?

Thanks in advance your time,

Amanda Hansel
Administrative Professional

Amanda Hansel | Administrative Professional
Death Penalty Division | Office of the Ohio Public Defender
250 East Broad Street | Suite 1400 | Columbus, Ohio 43215
M: 614.466.5394 | D: 614.644.1591 | F: 614.644.0708
Amanda.Hansel@opd.ohio.gov



City of Harrison, Ohio Public Records Request Response

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Number of copies requested _____ @ _____ cents per page	Total fee: \$ _____
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- Are attached hereto

- Are partially subject to release; however, redactions have been made to protect exempted information. The redactions are plainly visible on the records provided and have been made for the following reasons:

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- Are medical records that are not subject to disclosure (R.C. 149.43(A)(1)(a) and (A)(3))
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Other:
The defense has received this information numerous
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NarrisDA City Solicitor - Bill Deters

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Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records shall be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" shall take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

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Alarm Response Reports	5 years	Paper
Arson Reports	50 years appraise for historical value	Paper
Burning Complaint File	1 year	Paper
Daily Alarm Log	5 years	Paper
Disaster Plans	Until Superseded	Paper
Dispatch Sheets/Logs	3 years	Paper
EMS Records	7 Years	Paper
EPA Burning Violation Record	5 years after violation corrected	Paper
Fire and Loss Record	Permanent	Paper
Fire Code	Until Superseded	Paper
Fire Incident Reports	10 years	Paper
Fire Investigation Files and Index	50 years appraise for historical value	Paper
Fireworks Application and Permits	1 year after Expiration	Paper
Hydrant Location Record	Permanent	Paper
Hydrant Maintenance Record	2 years after test date	Paper
Inspection Reports/Cards	3 years	Paper
Master Run Reports	3 years	Paper
Mutual Aid Agreements	10 years after superseded	Paper
Standpipe Test	3 years	Paper
Violation Notices	1 year after violation corrected	Paper
Police Department		
Accident Reports Property Damage, Bodily Injury and Traffic	3 years	Paper
Alcohol Breath Testing Records:		
Operator Permits	Until renewed	Paper
Breath Test Result Forms	3 years	Paper
Calibration Records	3 years	Paper
Radio Frequency Interference Survey	Until the machine is moved	Paper
Animal Complaints	2 years	Paper
Arrest Cards/Records (Non-Traffic)	15 years	Paper
Arrest Cards/Records (Traffic)	10 years	Paper
Arrest Cards/Records/Reports (Juvenile)	Until person turns 18 years of age or when expungement order received from a Court	Paper
Arrest Reports (Adult)	50 years	Paper
Assignment Schedules/Sheets	3 years	Paper
Bicycle License Receipts	3 years, provided audited	Paper
Bicycle License Register	7 years	Paper

2

Bicycle Theft Log	3 years	Paper
Block Watch Records	1 year	Paper
Business Security Records	Until superseded, review annually	Paper
Child Abuse Case Records	7 years after case closed	Paper
Citizen Complaints	4 years, provided no action pending	Paper
Compliance Reports	5 years, provided no action pending	Paper
Criminal Case Files - Felonies Except Homicide	6 years, provided no action pending	Paper
Criminal Case Files - Misdemeanors	2 years, provided no action pending	Paper
Daily Slating Records	1 year	Paper
Dispatch Sheet/Log (Record of Runs)	3 years	Paper
Expunged Records per Expungement Orders	Destroy all files, records and computer references when expungement order received from Court	
FBI/BCI Investigation Reports	3 years	Paper
Field Interrogation Cards	6 months	Paper
Fingerprints	50 years	Paper
Firearm Records and Inventories	3 years, provided audited	Paper
Homicide Reports and Evidence (Closed Cases)	30 years after all appeals exhausted	Paper
House/Business Alarm Records	90 days	Paper
Incident Log/Reports	5 years, provided no action pending	Paper
Investigations:		Paper
Homicide and Rape including evidence (Pending)	Permanent	Paper
Homicide including evidence (Closed)	10 years after all appeals exhausted	Paper
Internal Affairs	4 years, provided no action pending	Paper
Jail Daily Book - In Records	3 years	Paper
Jail Inmate Records:		Paper
Commissary Records	2 years	Paper
Intake/Discharge Records	6 years	Paper
Medical Records	6 years	Paper
Personal Property Returned	2 years	Paper
Jail Register/Log Book	25 years	Paper
Junk Vehicle Records	2 years after sale or other disposition	Paper
Juvenile Records	Until person turns 18 years of age or when expungement order received from a Court	Paper
Law Enforcement Automatic Data System Records:		
Logs	2 years	Paper
Liquor Permit Records	Destroy when no longer administratively necessary	Paper
	3 years	Paper ³

HARRISON POLICE DEPARTMENT
311 HARRISON AVE.
HARRISON, OHIO 45030



Amanda Hansel
Administrative Professional
Office of the Ohio Public Defender
250 E. Broad St. - Suite 1400
Columbus, OH 43215-2998



HARRISON POLICE DEPARTMENT
341 HARRISON AVE
HARRISON, OHIO 45030

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Amanda Hansel
Administrative Professional
Office of the Ohio Public Defender
250 E. Broad St. - Suite 1400
Columbus, OH 43215-2998

Hansel, Amanda

From: Steve Wilson <swilson@harrisonohio.gov>
Sent: Tuesday, January 26, 2016 9:51 PM
To: Hansel, Amanda
Subject: Re: Public Records Information

I am available m-f 7am - 3pm.... Lt Mathews is the person who worked this case and would be the best person to visit.

Smathews@harrisonohio.gov

Sent from my iPhone

On Jan 26, 2016, at 12:44 PM, "amanda.hansel@opd.ohio.gov" <amanda.hansel@opd.ohio.gov> wrote:

Lt. Wilson –

I received the attached response to my public records request and wanted to schedule a time with you to view the records responsive to my request.

When will they be available for us and what days/times will work for you?

Thanks in advance your time,

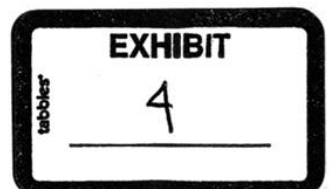
Amanda Hansel
Administrative Professional

Amanda Hansel | Administrative Professional
Death Penalty Division | Office of the Ohio Public Defender
250 East Broad Street | Suite 1400 | Columbus, Ohio 43215
M: 614.466.5394 | D: 614.644.1591 | F: 614.644.0708
Amanda.Hansel@opd.ohio.gov

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<PRR- City of Harrison.pdf>

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Hansel, Amanda

From: Hansel, Amanda
Sent: Wednesday, January 27, 2016 3:16 PM
To: 'Steve Wilson'
Subject: Public Information

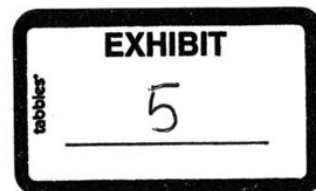
Lt. Wilson –

Thanks for your prompt response to my question. We just want to review the records so it's not necessary for us to meet with anyone. We have compared schedules, and Monday works best for us. We will be there at 9:00am on Monday, February 1st to review the records.

Thanks again,

Amanda Hansel
Administrative Professional

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Death Penalty Division | Office of the Ohio Public Defender
250 East Broad Street | Suite 1400 | Columbus, Ohio 43215
M: 614.466.5394 | D: 614.644.1591 | F: 614.644.0708
Amanda.Hansel@opd.ohio.gov



Hansel, Amanda

From: Steve Wilson <swilson@harrisonohio.gov>
Sent: Thursday, January 28, 2016 2:41 PM
To: Hansel, Amanda
Subject: RE: Public Information

I have been advised by Lt. Mathews that the Hamilton County Prosecutors Office is involved in this request. Please make contact with Lt. Mathew at smathews@harrisonohio.gov to make arrangements, or you can contact the Law Director for the City of Harrison at wmdeters@ennisbritton.com who is the command person for the City's public records.

Lt. Wilson

From: amanda.hansel@opd.ohio.gov [amanda.hansel@opd.ohio.gov]
Sent: Wednesday, January 27, 2016 3:15 PM
To: Steve Wilson
Subject: Public Information

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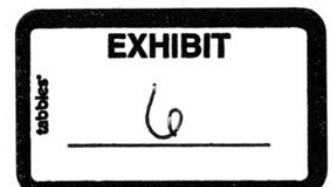
Thanks again,

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Administrative Professional

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250 East Broad Street | Suite 1400 | Columbus, Ohio 43215
M: 614.466.5394 | D: 614.644.1591 | F: 614.644.0708
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Hansel, Amanda

From: Hansel, Amanda
Sent: Thursday, January 28, 2016 4:06 PM
To: 'smathews@harrisonohio.gov'
Subject: RE: Public Information

Lt. Mathews,

As you are aware, we made a public records request for materials housed at the Harrison Police Dept. related to the death of Amber Garrett and subsequent investigation of Jeffrey Wogenstahl. We contacted Lt. Wilson, as he was who contacted us previously when we made a public records request in your department. He directed us to contact you to make arrangements for viewing the materials related to our request. As you can see below, we compared schedules, and we would like to view the records on Monday, February 1st. We can be there at approximately 9:00am.

Thank you in advance for your assistance.

Amanda Hansel
Administrative Professional

Amanda Hansel | Administrative Professional Death Penalty Division | Office of the Ohio Public Defender
250 East Broad Street | Suite 1400 | Columbus, Ohio 43215 Amanda.Hansel@opd.ohio.gov

-----Original Message-----

From: Steve Wilson [<mailto:swilson@harrisonohio.gov>]
Sent: Thursday, January 28, 2016 2:41 PM
To: Hansel, Amanda
Subject: RE: Public Information

I have been advised by Lt. Mathews that the Hamilton County Prosecutors Office is involved in this request. Please make contact with Lt. Mathew at smathews@harrisonohio.gov to make arrangements, or you can contact the Law Director for the City of Harrison at wmdeters@ennisbritton.com who is the command person for the City's public records.

Lt. Wilson

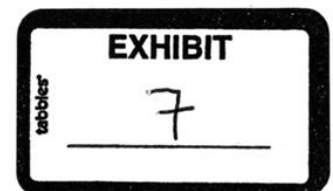
From: amanda.hansel@opd.ohio.gov [amanda.hansel@opd.ohio.gov]
Sent: Wednesday, January 27, 2016 3:15 PM
To: Steve Wilson
Subject: Public Information

Lt. Wilson –

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Thanks again,

Amanda Hansel



Administrative Professional

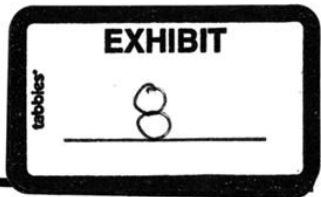
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Hansel, Amanda

From: Steve Mathews <smathews@harrisonohio.gov>
Sent: Friday, January 29, 2016 12:41 AM
To: Hansel, Amanda
Subject: Re: Public Information

Apparently parts of your communication weren't forwarded in this email, as I do not see a comparison of schedules. I know it couldn't have been my schedule.

Your date and time request is unacceptable. I am currently on vacation. I'm sure you can understand that I am not cutting short my vacation to handle something your office already possesses a complete copy. I have taken time out of my vacation several times already responding to this.

I will contact the Hamilton County Prosecutor's Office and The Law Director's office when I get back from vacation.

The previous instruction I had received from the Hamilton County Prosecutor's Office and the City Law Director was to deny your office's request; since your office had clearly received complete copies of all this information previously on numerous occasions, the last time was less than a year ago. I was also instructed that all the appeals processes are over.

It was I who your office last dealt with from our department, not Lt. Wilson. I spent a great deal of time collecting all this information less than a year ago for your office as quickly as possible. I believe all copies were done and delivered to the prosecutor's office within a work week. And then making sure it was properly delivered to your office in Columbus through the Hamilton County Prosecutor's Office. I also spent a great deal of time talking to your representatives in person at our department, without prior notification, less than a year ago. I also spent a great deal of time on the phone with your office before and after you received all this information less than a year ago.

There has been no new investigation or documentation since your office received all this information less than a year ago.

The last I heard from the prosecutor's appeals office on the same day I received your written request, if memory serves me, on January 19th, he was going to contact you and advise of the prosecutor's office decision. You should have the contact information for the Hamilton County Prosecutor's Appeals Office, if he hasn't had time in his busy schedule to call you over this matter.

Lt. Det. Steve Mathews
Criminal Investigations Commander
Harrison Police Department

Sent from my iPhone

> On Jan 28, 2016, at 4:06 PM, "amanda.hansel@opd.ohio.gov" <amanda.hansel@opd.ohio.gov> wrote:

>

> Lt. Mathews,

>

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make arrangements for viewing the materials related to our request. As you can see below, we compared schedules, and we would like to view the records on Monday, February 1st. We can be there at approximately 9:00am.

>
> Thank you in advance for your assistance.

>
> Amanda Hansel
> Administrative Professional

>
> Amanda Hansel | Administrative Professional Death Penalty Division |
> Office of the Ohio Public Defender
> 250 East Broad Street | Suite 1400 | Columbus, Ohio 43215
> Amanda.Hansel@opd.ohio.gov

>
> -----Original Message-----

> From: Steve Wilson [mailto:swilson@harrisonohio.gov]

> Sent: Thursday, January 28, 2016 2:41 PM

> To: Hansel, Amanda

> Subject: RE: Public Information

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>
> Lt. Wilson

>
> _____
> From: amanda.hansel@opd.ohio.gov [mailto:amanda.hansel@opd.ohio.gov]

> Sent: Wednesday, January 27, 2016 3:15 PM

> To: Steve Wilson

> Subject: Public Information

>
> Lt. Wilson -

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> Amanda Hansel | Administrative Professional Death Penalty Division |
> Office of the Ohio Public Defender

> 250 East Broad Street | Suite 1400 | Columbus, Ohio 43215

> M: 614.466.5394 | D: 614.644.1591 | F: 614.644.0708

> Amanda.Hansel@opd.ohio.gov<mailto:Amanda.Hansel@opd.ohio.gov>

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> son@harrisonohio.gov](http://www.exchangedefender.com/verify.asp?id=u0SJfKno007122&from=swilson@harrisonohio.gov)

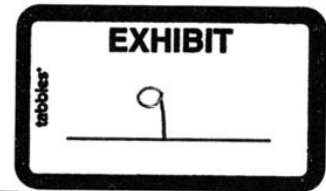
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Hansel, Amanda

From: Hansel, Amanda
Sent: Thursday, February 04, 2016 10:10 AM
To: 'wmdeters@ennisbritton.com'; smathews@harrisonohio.gov
Subject: RE: Public Information

Lt. Mathews and Law Director Bill Deters,

This is a follow-up to our previous email exchange and written request for public records. Pursuant to the public records law in Ohio as well as your in-office public records policy, we believe that we should be able to view the requested public records relevant to the death of Amber Garrett and any relevant follow-up investigation concerning the Garrett family. Despite the fact that we may have been provided with all or any portion of these records in the past, we would like to re-review these records at this time. Our team has changed over the years, and we have a new member of the team. As for a time/date, when we first chose a date convenient for the various members of our team, we did not realize that Lt. Mathews was out on vacation. Now that we have been made aware of this fact, we would be happy to move our visit to a convenient time/date for Lt. Mathews. Please let us know when would be a good time for us to view the records pertinent to our request. Thanks in advance for your assistance.

Amanda Hansel
Administrative Professional

Amanda Hansel | Administrative Professional Death Penalty Division | Office of the Ohio Public Defender
250 East Broad Street | Suite 1400 | Columbus, Ohio 43215 Amanda.Hansel@opd.ohio.gov

-----Original Message-----

From: Steve Mathews [mailto:smathews@harrisonohio.gov]
Sent: Friday, January 29, 2016 12:41 AM
To: Hansel, Amanda
Subject: Re: Public Information

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Criminal Investigations Commander
Harrison Police Department

Sent from my iPhone

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> Amanda Hansel

> Administrative Professional

>

> Amanda Hansel | Administrative Professional Death Penalty Division |

> Office of the Ohio Public Defender

> 250 East Broad Street | Suite 1400 | Columbus, Ohio 43215

> Amanda.Hansel@opd.ohio.gov

>

>

> -----Original Message-----

> From: Steve Wilson [mailto:swilson@harrisonohio.gov]

> Sent: Thursday, January 28, 2016 2:41 PM

> To: Hansel, Amanda

> Subject: RE: Public Information

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>

> Lt. Wilson

>
> From: amanda.hansel@opd.ohio.gov [amanda.hansel@opd.ohio.gov]
> Sent: Wednesday, January 27, 2016 3:15 PM
> To: Steve Wilson
> Subject: Public Information

>
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> Administrative Professional

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> Amanda Hansel | Administrative Professional Death Penalty Division |
> Office of the Ohio Public Defender
> 250 East Broad Street | Suite 1400 | Columbus, Ohio 43215
> M: 614.466.5394 | D: 614.644.1591 | F: 614.644.0708
> Amanda.Hansel@opd.ohio.gov<mailto:Amanda.Hansel@opd.ohio.gov>

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> son@harrisonohio.gov

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<http://www.exchangedefender.com/verify.asp?id=u0T5fTgT029101&from=smathews@harrisonohio.gov>



JOSEPH T. DETERS
HAMILTON COUNTY PROSECUTING ATTORNEY

ADMINISTRATION DIVISION
230 EAST NINTH STREET, SUITE 4000
CINCINNATI, OH 45202-2151
PHONE: (513) 946-3000
FAX: (513) 946-3017
WWW.HCPROS.ORG
WRITER'S DIRECT DIAL NUMBER
(513) 946-3006

February 10, 2016

Amanda Hansel
Ohio Public Defender
250 East Broad Street, Suite 1400
Columbus, Ohio 43215-2998

Re: B-9206287 Jeffrey Wogenstahl

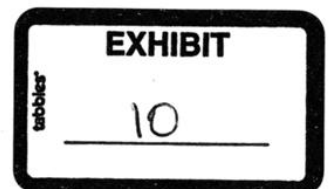
Dear Ms. Hansel:

This office is in receipt of a public records request for materials related to case B-9206287. This case has been completed for some time. The request for these materials is declined as in *State ex rel. Steckman v. Jackson*, 70 Ohio St.3d 420, 437, 639 N.E.2d 83 (1994), the Supreme Court of Ohio held "that a defendant in a criminal case who has exhausted the direct appeals of his conviction may not avail himself of R.C. 149.43 to support a petition for postconviction relief." See also, *State ex rel. Baginski v. Lee*, 2016-Ohio-221.

Sincerely,

Philip R. Cummings
Assistant Prosecuting Attorney

PRC/gmy



Joseph T. Deters
Hamilton County Prosecuting Attorney
Appellate Division
230 East Ninth Street, Suite 4000
Cincinnati, Ohio 45202

Amanda Hansel
Ohio Public Defender
250 East Broad Street, Suite 1400
Columbus, Ohio 43215-2998

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