



Ohio Coalition for Open Government OPEN GOVERNMENT REPORT

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Analysis of Ohio Supreme Court cases shows increased support for open gov issues

By Jason Sanford

The Ohio Supreme Court issued rulings more favorable to the position of open government advocates during the past two years than during the previous five years, according to an analysis by the Ohio Coalition for Open Government (OCOG).

During the 2015 and 2016 calendar years, the Court issued 13 rulings which OCOG considered supportive of open government, open meeting, and sunshine law issues. These rulings including high-profile cases such as deciding that police dash-cam videos are public records along with more routine rulings such as admonishing the city of South Euclid for not releasing requested records to citizens.

(see *Ohio Supreme Court*, page 4)



Adam White (center, holding award) after receiving the Champion of Open Government Award from the Ohio Coalition for Open Government at the 2017 Ohio News Media Association convention. While serving on the Olentangy School Board, White filed a lawsuit against the other board members for violating the Ohio open meetings statute. White took his case all the way to the Ohio Supreme Court, which ruled that prearranged discussions by e-mail violate the statute. Also pictured, from right: Dennis Hetzel, OCOG President and Monica Nieporte, OCOG Chair, along with White's family.

It's counterintuitive to hide police body camera footage

By Steven D. Zansberg

Imagine if Congress had funded the National Institutes of Health to develop an antibiotic to combat a contagious disease. And, using millions of dollars of taxpayer funds, such a drug was created. But then local health-care providers improperly administered it to patients, thereby exacerbating the spread of the infection. No doubt, there would be a public outcry.

Yet that is precisely the situation today with a different taxpayer-funded treatment for a different "illness" besetting our society: profound distrust in the integrity of our police. In 2014, in the wake of the riots following the killing of Michael Brown in Ferguson, Mo.,

Commentary

President Obama urged Congress to provide \$75 million to help police agencies across the nation deploy body-worn cameras to capture the interactions between peace officers and citizens, part of a broader effort to restore public trust. Ultimately, Congress did provide a substantial sum, \$20 million.

Yet across the nation, state legislatures and local police departments have refused to administer the treatment. They've enacted laws and adopted policies precluding the public from seeing the recordings made by

(see *police camera footage* page 3)

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Why General Assembly shouldn't close off access to accident reports

By Dennis Hetzel, OCOG President



Hetzel

Journalists understand immediately why a bill to ban access to the names of minors on police reports of school bus accidents is a bad idea.

This isn't obviously clear to the general public and our Legislature. Instinctively, the reaction is the one I heard in an Ohio House committee hearing not long ago: "Well, of course, this information should not be released. The parents should have full control of the information."

Several legislators, both Democrats and Republicans, added that the bill should be broadened to redact the names of minors on all accident reports.

The sponsors of House Bill 8 are Rep. Stephen Hambley, R-Brunswick, and Rep. Jeffrey Rezabek, R-Clayton. The effort is well-intentioned. It's also based on a single anecdote with no evidence – at least to us – of a serious problem occurring that outweighs removal of the presumption of openness that is supposed to attach to all Ohio public records.

The Ohio News Media Association (ONMA) can match anecdotes. Consider the horrific school bus accident in Tennessee last year in which a Chattanooga driver was indicted after his alleged reckless driving led to the death of six children. Media reports included interviews with parents and children who talked about prior complaints against the driver. There's now a flurry of civil lawsuits against the private company that operated the bus.

Hambley said in his testimony (and during the ONMA's meeting with him) that he was approached by a constituent whose child was in a school bus accident. Since the incident report was a public record, this information became available to outsiders, including the media, personal injury attorneys, chiropractors and others. The constituents didn't appreciate attorneys contacting the home. In his testimony, Rezabek also brought up potential identity theft but offered no evidence that this is a problem specific to minors' names in accident reports.

Hambley offered a striking statistic that is a story itself, and – at least to my mind – is more likely to support ONMA's position. Quoting state data, Hambley said that there were more than 1,500 school buses involved in accidents in Ohio in 2014 and 2015.

So, in those two years, there were 1,500 accidents involving thousands of students, bus drivers, public buses and public highways. So, yes, journalists might want complete information as an important part of the reporting process.

ONMA recognizes that it's difficult to explain to people outside the profession that reporting and publishing are two different things – and today's turbocharged, anti-media mood makes matters worse. ONMA members do not harass kids or parents. What reporters might do is call a home or knock on the door and politely ask if they can talk to the family. If the answer is "no," most reporters will leave a business card and say to contact if they change their mind.

And, it's also a fact that some of those families may need to talk to a lawyer or to a chiropractor. Ask those families in Tennessee. Not all school districts and bus operators are forthcoming with information either.

During the meeting with Rep. Hambley, the ONMA also noted that any effort to keep this information secret is a fool's errand. When the names are needed as part of the reporting process, good reporters simply will have to work harder to learn the names. Social media also magnifies our responsibility to debunk rumors and report accurately. In many cases, children's names will be on the neighborhood Facebook page or other social media outlets in a matter of minutes – often with inflated and inaccurate information of names and extent of injuries.

Sunshine issues in the budget bill

As the Ohio Legislature hurtles toward passage of a two-year budget in late June (or early July if things don't go well), this is a good time to summarize where things stand.

- **Drug fatality review board:** ONMA hopes to tighten overly broad language that would restrict any scrutiny of how these new boards will operate. Confidential information, such as personal medical information, will continue to be protected.
- **Office of Long Term Care ombudsman investigations:** There already is expansive language in the law that protects release of proprietary information of long-term

care facilities being investigated. New language would block access to all records in the ombudsman’s files.

- **Lottery internal audit reports:** The Ohio Lottery would receive a special open records exemption that would allow the lottery director and commission chair to delay release of an internal audit until both have physical possession of the report. The opportunity to play games with this information is obvious.
- **Probate judges and parks boards:** Ohio probate judges have had control over parks for decades. Because of feuds and controversies in Geauga County, expansive language was added to HB 49 that, in our opinion, is unconstitutional. It allows probate judges to “fine or penalize outside groups that ‘interfere’ with a park district’s purpose or mission.” (Cleveland.com) No definition of “interfere.” ONMA agreed to an amendment suggestion that addresses the free-speech issues.
- **Confidential contract information:** Responding to a Columbus Dispatch investigation of contract practices at the Ohio Department of Administrative Services, Rep. Keith Faber added language that increases legislative

oversight. Some records used in the bid analysis of IT contracts would be confidential. ONMA has clarified that these records would be public once the bid or contract is awarded.

- **Teleconference and video conference public meetings:** Meetings of the Workforce Investment Board and Ohio Banking Commission could be conducted by videoconference and/or teleconference. The WIB is using ONMA model language; the OBC is not. ONMA achieved an agreement so that the banking commission language ensures public access and good procedures.

Other sunshine law bills

- **School bus accidents:** As I mentioned earlier, House Bill 8, which ONMA strongly opposes, may be headed to the House floor soon. It will require redaction of the names of minors in school-bus accident reports. Aside: The “fiscal note” attached to HB 8 notes that it will cost the state Highway Patrol \$200,000 in the first year and \$100,000 annually to perform these redactions. ONMA has offered some compromise ideas to no avail.
- **‘Mugshot’ sites:** ONMA supports Rep. John Barnes’ bill that would penalize those who charge for removal of a public

record. This is a targeted at websites that post arrest booking photos and charge hundreds of dollars for removal – something no ONMA member would do. The bill is headed to the Ohio Senate for consideration.

- **Expungement vs. sealing:** Sealing records and expunging records are very different things. Sealing, when it works correctly, sharply limits access and should prevent horror stories of unfounded arrests popping up on criminal background checks. Expungement means complete destruction of records. House Bill 64 would expunge records of those who are falsely arrested for certain crimes. The answer is to fix and enforce the record-sealing law, not destroy records of when the government makes mistakes.

We also are working in the background on other long-term goals, such as “anti-SLAPP” legislation and access to body camera video. As always, I welcome your comments and questions.

Dennis Hetzel is executive director of the Ohio News Media Association and president of OCOG. Send email to dhetzel@ohionews.org.

It’s counterintuitive to hide police body camera footage

Continued from page 1

these cameras. In the past year alone, Kansas, North Carolina and South Carolina have declared body-worn camera recordings exempt from their open-records laws, and several other states have imposed severe restrictions on public access.

These non-disclosure mandates seek to protect the privacy of the citizens captured on the recording, conceal the identities of confidential informants, and avoid further traumatization of crime victims. While those are legitimate concerns, a narrower withholding regime – requiring, for example, the blurring of residents’ faces, alteration of voices or partial withholding of recordings as the circumstances warrant – could adequately protect those interests while still fulfilling a primary objective of body-worn cameras: to restore and maintain public trust in our police by opening their official, on-duty conduct to public scrutiny.

At a time when the brave men and women who don police uniforms every day are literally under attack, it is essential that steps be taken, immediately, to shore up public support for them. Recordings made by body-worn cameras will, in the vast majority of the cases, exonerate the police

by showing that their conduct was justified. As in any other profession, the few bad apples in the barrel are the exception. But keeping all of the recordings under wraps (or worse, releasing only those recordings that reflect appropriate police conduct) only serves to fan the flames of doubt and distrust, providing support for the unjustified suspicion that there are far more bad apples – or that the whole barrel is rotten.

Policies that deny public access to body-worn camera recordings are fundamentally counter-productive. They defeat the very purpose for deploying the cameras in the first place. As Chuck Wexler, executive director of the Police Executive Research Forum, puts it, “With certain limited exceptions ... body-worn camera video footage should be made available to the public upon request ... because doing so enables police departments to demonstrate transparency and openness in their interactions with members of the community.” Conversely, withholding the recordings feeds the public’s suspicion that there is something to hide.

Congress and state legislatures that provide public funds to police departments to deploy body-worn cameras should attach strings to that purse and mandate

that there be a strong presumption of public access to such recordings, with only narrow, carefully defined exceptions. Otherwise, the taxpayer-funded treatment will prove ineffective in healing a serious societal illness: the loss of trust in our badge-wearing public servants.

Steven D. Zansberg is an attorney with Levine, Sullivan, Kock and Schulz LLP, where he represents media companies, online publishers, and individuals in defending claims based upon content, fighting subpoenas, and seeking access to government information and proceedings. This column is reprinted with permission.

Body camera paper

Last year the Ohio News Media Association released the discussion paper “Police Body Cameras – An FOI Battled Headed to Ohio,” which is now available for download. To access the paper, go to http://ohionews.org/aws/ONA/asset_manager/get_file/105972

Extended Coverage of Ohio Supreme Court analysis

Continued from page 1

During that same period, the Court issued seven rulings that OCOG scored as unfavorable to open government interests, supporting the governmental agency seeking to deny access to a record or a meeting.

Court officials correctly point out that there are many factors that go into rulings, including the facts of the cases, quality of the arguments and the laws the justices must interpret. OCOG also stresses that when it evaluates case outcomes as “unfavorable” to open government, that does not mean that the court ruled incorrectly.

Still, the last two years contrasted with the 24 rulings issued from 2010 through July 2015, when OCOG first produced the spreadsheet. During that period, 24 of 36 cases considered had results in favor of the government position.

“The database is serving the purpose intended, particularly as it grows,” said Dennis Hetzel, OCOG president. “First of all, this is the only place to see all these cases in one spot. We recognize that some of our scoring is open to interpretation, particularly with complex cases, but that’s a good basis for the start of a discussion.

“Still, for whatever reason – and it just may be that lawyers are bringing better

cases and arguing them better – the current trend is very encouraging. Three years ago, we were very concerned that the pendulum of court decisions had swung too far in favor of secrecy.”

For the original analysis, released in 2015, the Ohio Coalition for Open Government built a spreadsheet to track court rulings and individual justice votes in every open government case the Court had handled in the preceding five years.

In the new analysis 18 open government rulings were examined from August 2015 through December 2016. These rulings were added to the previous 44 examined from July 2010 to July 2015. The final OCOG analysis excluded routine prisoner appeals and 11 cases in which the opinions were too mixed to be fairly scored one way or the other.

The six-year analysis also includes comparisons between justices to compare the frequency with which each justice votes for and against open government.

Among current justices, Justice Terrence O’Donnell was, by far, the justice least likely to decide in favor of open government, doing so only 27 percent of the time. Justice Judith French had the best pro-access voting record among incumbent justices, voting in favor of open government 55 percent of the time, or 28 percent more often than O’Donnell.

The OCOG analysis was compiled using the WestLaw website to identify cases involving open government cases handled by the Ohio Supreme Court since 2010.

To view the OCOG spreadsheet and other supporting materials, go to www.ohioopengov.com/news/supremecourt.

“The database also is working as intended in terms of the rulings of individual justices,” Hetzel said. “Even though they hear the same arguments and read the same pleadings, justices vary considerably in how they vote on these cases. This gives the public a window into how they view the law.”



Recent open government rulings by the Ohio Supreme Court

Here is a bit more information on some of the more consequential cases of the past two years:

- In *Caster v. Columbus*, the Ohio Innocence Project won the right to see closed police case files in a capital punishment case. For years, some police agencies had relied on an outdated decision to say they wouldn’t release case files until after the defendant was dead.
- In *White v. King*, the Court issued its most important open-meetings law decision in years. It said that a school board could not use email as an end-run around the open meetings law if back-and-forth email exchanges among a majority of board members rise to the level of deliberating and deciding matters.
- In *Griffith v. Aultman Hospital*, the Court issued a strong ruling in favor of a daughter seeking all the medical records related to her father’s care.
- In *Schiffbauer v. Banaszek*, the Court said that sworn officers at private colleges are subject to the open records laws, meaning that such campus police did not have the right to secretly arrest and detain people.
- In *Enquirer v. Deters*, the Court left for another day a broad ruling on access to footage from police-worn body cameras. However, the Court did not agree with the prosecutor’s assertion that the footage in this murder case was exempt from consideration under the open records law. In a related Cincinnati case, the Court said dash-camera footage is presumptively open, though portions may be withheld if they fit an exemption.

Current Scorecard by Individual Justices

(Cases decided July 2010 through December 2016, excluding 11 mixed opinion cases)

About the scoring: Some cases were included in the database that are important Sunshine Law decisions but are not possible or fair to score as "pro" or "con" in favor of access. Cases with mixed results were not included in the scoring. Votes "in favor" or "not in favor" of open government could stem from numerous factors in often-complex cases. For example, a vote "not in favor" of open government could be perfectly consistent with the law as written. However, OCOG believes that differences among judges in how they read and interpret the statutes and the law may be illuminating over time. Readers are encouraged to examine the specifics of individual cases.

Only Supreme Court justices were included in these tallies. Visiting judges who ruled on Supreme Court open government cases were not included in the tallies below but are listed in the spreadsheet listing all cases.

For the complete analysis, including detailed synopsis and holdings for each examined case and information on the previous analysis of cases released between 2010 and July 2015, go to www.ohioopengov.com/news/supremecourt.

Justice	Case votes in favor of open government	Case votes not in favor of open government	Total cases voted	Percent of pro open government votes
O'Connor	18	32	50	36%
Pfeifer	17	34	51	33%
Lanzinger	15	36	51	29%
French	16	13	29	55%
O'Neill	13	19	32	41%
O'Donnell	13	35	48	27%
Kennedy	15	13	28	54%
Lundberg Stratton	4	15	19	21%
Cupp	5	14	19	26%
McGee Brown	4	10	14	29%
Brown	3	2	5	60%

Total cases considered: 51 (mixed opinion cases excluded)

Previous Scorecard by Individual Justices

(Cases decided July 2010 through July 2015, excluding 8 mixed opinion cases)

Justice	Case votes in favor of open government	Case votes not in favor of open government	Total cases voted	Percent of pro open government votes
O'Connor	12	24	36	33%
Pfeifer	12	24	36	33%
Lanzinger	10	26	36	28%
French	6	9	15	40%
O'Neill	6	11	17	35%
O'Donnell	7	27	34	21%
Kennedy	5	9	14	36%
Lundberg Stratton	4	15	19	21%
Cupp	5	14	19	26%
McGee Brown	4	10	14	29%
Brown	3	2	5	60%

Total cases considered: 36 (mixed opinion cases excluded)

Extended Coverage of Ohio Supreme Court analysis

List of Ohio Supreme Court open government cases, 8/2015 to 12/2016

The charts below lists all Ohio Supreme Court open government cases decided between August 2015 and December 2016. For OCOG’s complete analysis, including detailed synopsis and holdings for each examined case and information on the previous analysis of cases released between 2010 and July 2015, go to www.ohiopengov.com/news/supremecourt.

Case Type	Case Number	Case Name	Date Decided	Ruling	Vote	Justices voting with majority	Justices voting with minority	Mixed vote	Did outcome favor open government?
Public records	2014-1621	State ex rel. Caster v. Columbus (Slip Opinion)	12/28/2016	Writ granted	6-1	Pfeifer, Kennedy, French, O'Neill with O'Connor concurring in part joined by Lanzinger	O'Donnell		Yes
Public records	2015-1222	State ex rel. Cincinnati Enquirer v. Deters (Slip Opinion)	12/20/2016	Writ denied	7-0	Lanzinger, O'Connor, Pfeifer, Kennedy, French, O'Neill, O'Donnell			Mixed
Public records	2015-0390	State ex rel. Cincinnati Enquirer v. Ohio Dept. of Pub. Safety (Slip Opinion)	12/6/2016	writ granted	7-0	French, O'Connor, Pfeifer, O'Donnell, Lanzinger, Kennedy. O'Neill concurred in part and dissented in part.			Yes
Public records	2015-0197	SER Pietrangelo v. Avon Lake	9/13/2016	Judgement denied	5-2	O'Connor, Pfeifer, O'Donnell, and O'Neill. Lanzinger concurred in judgment only without a written opinion.	Kennedy, French	N/A	No
Public records, school district	2014-0749	State ex rel. School Choice Ohio, Inc. v. Cincinnati Pub. School Dist. (Slip Opinion)	7/21/2016	Judgement affirmed	7-0	Lanzinger, Pfeifer, Kennedy, O'Neill, O'Donnell, and French. O'Connor concurred in part and dissented in part.	O'Connor concurred in part and dissented in part, indicating she would not award attorney fees.	N/A	Yes
Public records, local government	2015-0495	State ex rel. Pietrangelo v. Avon Lake	5/17/2016	Judgement affirmed	5-2	O'Connor, Pfeifer, O'Donnell, Lanzinger, and O'Neill.	Kennedy and French	N/A	No
Public records, local government	2014-1796	White v. King	5/3/2016	Judgement reversed	5-2	O'Donnell, Pfeifer, Kennedy, French, and O'Neill	Lanzinger and O'Connor	N/A	Yes
Public records, local government	2014-1801	Salemi v. Cleveland Metroparks	3/24/2016	Judgement affirmed	7-0	O'Connor, Pfeifer, O'Donnell, Lanzinger, French, O'Neill. Kennedy concurred in judgement only.		N/A	No
Medical records	2014-1055	Griffith v. Aultman Hosp.	3/23/2016	Judgment reversed	5-2	Kennedy, Pfeifer, French, O'Neil, with O'Connor concurring in judgement only.	O'Donnell, Lanzinger		Yes
Public records	2014-2026	State ex rel. Davis v. Metzger	3/16/2016	Judgement affirmed	7-0	O'Connor, Pfeifer, O'Donnell, Lanzinger, French, O'Neill. Kennedy concurred in judgement only.			Mixed
Public records, county health dept.	2014-0223	Cuyahoga Cty. Bd. of Health v. Lipson O'Shea Legal Group	2/18/2016	Judgement affirmed	7-0	Pfeifer, O'Connor, O'Donnell, Lanzinger, Kennedy, French, O'Neill			No

List of Ohio Supreme Court open government cases, 8/2015 to 12/2016

Case Type	Case Number	Case Name	Date Decided	Ruling	Vote	Justices voting with majority	Justices voting with minority	Mixed vote	Did outcome favor open government?
County government	2014-1141	State ex rel. Ohio Republican Party v. FitzGerald	12/9/15	Writ granted	4-3	O'Connor, O'Donnell, Sadler, Singer	Pfeifer, Lanzinger, O'Neill	N/A	Yes
City government	2014-1761	State ex rel. DiFranco v. S. Euclid	12/2/15	Judgement affirmed	7-0	O'Connor, O'Donnell, Lanzinger, Kennedy, French, O'Neill, Pfeifer		N/A	Mixed
City government	2014-0831	State ex rel. DiFranco v. S. Euclid	12/2/15	Writ granted	6-1	O'Connor, O'Donnell, Lanzinger, Kennedy, French, O'Neill	Pfeifer	N/A	Yes
Police, College/ University	2014-0244	State ex rel. Schiffbauer v. Banaszak	12/1/15	Motions denied	4-3	O'Connor, O'Donnell, Lanzinger, Pfeifer	Kennedy, French, O'Neill	N/A	No
County Government, School Board	2014-0164	Stewart v. Lockland School Dist. Bd. of Edn.	9/2/4/15	Judgment affirmed	6-1	Pfeifer, O'Connor, Lanzinger, Kennedy, French, O'Neill	O'Donnell	N/A	No
State Government, School Board	2013-2050	Hope Academy Broadway Campus v. White Hat Mgt.	9/15/15	Affirmed in part and reversed in part		Lanzinger, O'Connor, Wise, Kennedy, French	O'Neill, Pfeifer	N/A	Yes
County Government	2014-1122	State ex rel. Clough v. Franklin Cty. Children Servs.	8/27/2015	Writ denied	7 to 0	O'Connor, Pfeifer, O'Donnell, Kennedy, French, O'Neill, Lanzinger		N/A	No

OCOG needs your support; receive Ohio open government legislative watch list with membership

The need for the Ohio Coalition of Open Government (OCOG) has never been greater. The need for your support of OCOG has also never been more urgent. Don't take a chance that open government issues in Ohio could be curtailed or harmed. Join OCOG today!

Along with supporting fights to preserve Ohio's open government, members also receive the OCOG Legislative Watch List, which tracks pending legislation in the Ohio General Assembly which may have an impact on state open government issues. The watchlist provides a synopsis on the current status of open government bills, including the pros and cons of the proposed legislation.

The watch list will not take specific positions on pending legislation but will alert OCOG members to legislation which could improve or harm Ohio's sunshine laws. The watchlist will be continually updated during the legislative year.

To join OCOG and receive the OCOG legislative watchlist, see the membership information on the back cover of this issue of the Open Government Report. You can also go to www.ohioopengov.com for more information and to apply.

And don't forget that OCOG's website at www.ohioopengov.com is continually updated with news and information about Ohio open government issues.



Open Government Editorials and Commentary

The solid news reporting that's helped bring sunshine

By Dave Yost, Ohio Auditor

At a time when no one can agree on anything, everyone still agrees on this: Everybody is for accountability. I sometimes refer to the auditor of state as the chief accountability officer for state and local government – and my experience in this job tells me that a free press is like the work lights on a construction site of accountability.

The work site of accountability requires specialized tools and well-trained workers – from auditors to cops, from elected officials with specific, designated duties to judges. There are plenty of crews with different roles to play. And the press's function of shining light often benefits the work crews of accountability.

Each year during Sunshine Week we celebrate transparency in government and the freedom of the press. I have witnessed circumstances when that free press shined the light on something that warranted official action by my office.

There's not enough money in the world to examine every dime of spending by every government – state and local governments spend \$130 billion a year in Ohio, and that doesn't include direct federal spending.

Auditing relies on sampling. Auditors think about where the areas of risk are, and review a sample of transactions in those areas. If everything looks good, we move on. It's not foolproof, but it's proved to be the most cost-efficient way to monitor what government does and

how it spends your money.

So it matters where you think the risk is, and where you look. There are lots of tools we use for sampling, including various statistical measures, the nature of the controls in place, and tipsters and whistleblowers.

Sometimes, the media do the "sampling" for us, identifying problems that need review.

Back in 2012, The Columbus Dispatch began to report on irregularities in the student attendance data reported to the Ohio Department of Education that was the basis for some funding. That reporting alerted us to the problem, and we commenced a statewide investigation that uncovered other school districts that had engaged in similar fraud.

That underlying problem – data integrity – had not been a major topic in most audit programs. But it's being talked about now, and *Governing* magazine reported on our work.

Our work there also uncovered other wrongdoing at the Columbus city schools, and led to criminal convictions and new management. But it started with solid reporting by a newspaper.

Our current special audit in the Cincinnati Metropolitan Sewer District was prompted by some anonymous tips, the identification of a horribly flawed management structure – and some good reporting by *The Cincinnati Enquirer*.

In Cleveland, *The Plain Dealer* did some notable work uncovering the failure of the Cleveland city schools in collecting

millions of dollars due from the federal government for installation of certain equipment in the E-rate program. That turned out to be simple incompetence, not fraud – but our auditors went out to the schools and made sure the equipment had been installed and the work had been done, something that had not been done. Since one of the main contractors had been convicted on other corruption charges, it was worth checking out.

Matters that appear in the media are a small percentage of the work we do, but those matters are an important part of the work of accountability in a free society. Reporters have the training, skills and trust of citizens to uncover things that don't come to the attention of others in the normal course of work.

Auditors and reporters have one other area where the paths run parallel: Both are independent. We look at things that no one in the power structure wants to see, but that the public interest demands be examined.

The great newspaper man, E.W. Scripps, built a media giant by grooming local editors and giving them freedom to cover their local communities without interference from the home office. He said, "Give light, and the people will find their own way."

Dave Yost is in his second term as Ohio auditor. He began his career as a reporter for the Columbus Citizen-Journal, a Scripps-Howard newspaper that ceased publication in 1985.

Bring clarity to body cams

Editorial from The Columbus Dispatch

On (December 29) the state's largest city started equipping its police officers with body cameras. But Columbus and other cities are still waiting for the state to provide uniform standards for their use.

The questions surrounding police body cameras are complex: Which officers should be required to wear them? When can they turn them on or off? And, given that the law has a presumption of openness for public records, what, if any, exceptions should be made to protect the privacy of victims and residents who have

contact with officers? Should video of a brutalized rape victim be released? Most people would agree, no. But what about a video of a juvenile? What if that juvenile was Tyre King, the 13-year-old shot dead by Columbus police last year?

Decisions on withholding footage shouldn't be left to the best intentions – or self-interest – of an individual police department. Residents of one Ohio community deserve the same protections as residents of another. This is a matter for the legislature.

Public demand for police body cameras gathered steam after several high-profile

police shootings of black males around the nation. Columbus, as the nation's 15th-largest city, wasn't immune to these tragedies. In June, Henry Green, 23, was fatally shot by plainclothes officers who exited from an unmarked car to confront him about a gun he was carrying; and in September, King was shot multiple times as police responded to reports of an armed robbery. The cameras, proposed by Columbus Mayor Andrew J. Ginther long before those shootings, became a priority.

The first 12 Columbus officers got the clip-ons last week. While 1,432 officers

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Open Government Editorials and Commentary

Public-records delays seem part of Ohio State's protection of brand

By Theodore Decker, Columbus Dispatch

Here's a trademark idea for Ohio State University to consider: the chirping of crickets.

The university's latest bid for a trademark, we learned (in early March), is The Oval. If approved by the U.S. Patent and Trademark Office, The Oval would join a list of existing OSU trademarks that exemplify the university. Think Brutus Buckeye, Woody Hayes, Urban Meyer and The Shoe.

Given the university's epic non-responses to public-records requests, chirping crickets seem equally emblematic.

In (the Columbus) Dispatch, reporters Jill Riepenhoff, Mike Wagner and Lucas Sullivan detailed OSU's long-standing habit of digging in its heels when it comes to complying with state open-records laws.

The Ohio Public Records Law was created so you can assess how government agencies and officials are spending your money. It gives you access to all kinds of documents, emails, reports, videos, databases and photographs, from police-cruiser dash camera footage to the minutes of municipal meetings.

There are too many qualifying records to outline whether each and every one is considered public, so the

law is sometimes black-and-white. But more often some shade of gray.

"Our default is, why not give it out?" Damian W. Sikora, who leads the Ohio attorney general's public-records office, told The Dispatch. "Transparency and openness are good things."

A university spokesman agreed, using "open" and "transparent" to describe OSU's public-records philosophy.

Actions, as they say, speak louder than words.

Taken on its own, the university's growing collection of trademarks seems innocuous. Trademarking prevents freeloaders from making money from trademarked images or phrases without OSU's approval. It's brand protection, and OSU is most certainly a valuable brand.

Now broaden your perspective.

You might remember that OSU last year required its alumni clubs and societies to agree not to make comments that could be seen as disparaging the school. Violation of the agreement could mean the loss of money and other perks.

So the trademarks are in effect, and the sanctions prepared for alumni groups who go off-message. But what to do about those pesky records requesters?

Stall 'em.

This all might feel like inside baseball

to the average Buckeye, who is as likely to wear maize and blue as file a public-records request at Ohio State. But only half of the 3,000 requests fielded by OSU in the past five years came from the media. And nearly 20 percent of those who filed requests waited at least a month for an answer from Ohio State.

Agencies and institutions of all persuasions come up with all kinds of excuses for these delays, but none ever seems to 'fess up to the most obvious. In an era of immediacy, negative news loses steam with each passing minute, hour and day. The longer a request regarding potentially damaging information drags, the less damage it is likely to inflict.

That could be why it took six months for the university to release a letter in which Leslie H. Wexner, the L Brands founder and former Ohio State trustee, criticized the university's secrecy following a high-profile shooting in the Wexner Center in 2015.

That also could be why a Columbus television reporter looking for upkeep and cost records on the school president's Bexley residence was told to hang on Sloopy, Sloopy hang on.

For 253 days.

Bring clarity to body cams

Continued from page 8

will be equipped with the body cameras, the city started with its traffic division -- for the reason that they rarely go into homes, sidestepping complex privacy concerns about who gets to see these videos.

Columbus Police Chief Kim Jacobs said the city is hopeful that the legislature will soon develop exemptions to public-records laws that would allow them to shield private spaces from public viewing.

Whatever exemptions are created should be limited and narrow. The presumption under Ohio law is that police recordings are public records. In a ruling last month, the Ohio Supreme Court unanimously found that police dashboard-

camera videos are public records. It then follows that video recorded by a camera attached to an officer's uniform should be treated likewise.

"If one of the stated goals of having these body cameras is to increase transparency and accountability, that's not going to be accomplished if it's too easy to say, 'No, you can't have it,' "said Dennis Hetzel, executive director of the Ohio Newspaper Association. "That would be bad policy. And the police, if anything, will lose credibility if it's all too easy to restrict access to it."

To guide Ohio to a thoughtful, statewide body-camera policy, Hetzel and the association have put together a set of policies that balance public access with

privacy concerns (<http://bit.ly/1UJAZ5z>).

This isn't just a Columbus issue. These body cameras are likely to show up as routine equipment throughout the state, to protect officers against false claims and to protect residents against improper use of force. They represent a new way of policing, and a substantial investment for taxpayers; the cost to Columbus is more than \$9 million over five years.

The legislature, having failed to take action on a camera-policy bill last year, is now in a position of playing catch-up. It should do so.

Open Government Editorials and Commentary

Collision of priorities: Don't close accident reports

Editorial from The Beacon Journal

While the efforts often seem well-meaning on the surface, carving out exemptions to the state's open records law is far too often based on imagined possibilities rather than solid evidence about the need to withhold information from the public. That is clearly the case with a misguided bill under consideration in the Ohio House. It would expand public records disclosure exemptions to include information on minors involved in school-related traffic crashes.

Out of bounds under the bill would be names, addresses, contact information or other personal details of minors involved in a crash involving a school vehicle.

Among other arguments, proponents point to state and federal laws that protect student privacy. In effect, they view a school bus or vehicle as an extension of the classroom. On closer examination, such a rationale falls apart.

Student privacy laws already allow directory information, such as names and addresses, to be released, and records

of crashes are kept by law enforcement agencies, not schools.

Dennis Hetzel, the executive director of the Ohio News Media Association, pointed to the lack of evidence of abuse by pedophiles or identity thieves. What must be carefully balanced, he effectively countered, is the public's right to know details about school bus crashes, a serious public safety issue.

Good journalism, Hetzel reminded, means getting access to information to tell a story with maximum impact. Watering down access to crash reports involving school vehicles would create obstacles to that important mission, not to mention continuing the dangerous trend toward punching more holes in public records law, already riddle with some 30 major exemptions.

With more than 1,500 school bus accidents in Ohio in 2014 and 2015, the public deserves to know more, not less, about what is happening to children put in harm's way going to and from school. Such coverage could push school officials to address more closely safety concerns,

while hiding them would protect them from potential liability. Unfortunately, organizations representing school administrative and business officials support the House bill.

One proponent, state Rep. Bill Seitz, a Cincinnati Republican, went over the top in imaging the possibility of "some fine, budding journalist sticking a microphone in front of a 5-year-old."

That's a powerful image. What must be weighed carefully in the balance are the real statistics about school bus crashes and the need for reporting that could lead to safety improvements.

In the past, lawmakers have bowed too easily to pleas for secrecy based on illusions, protecting, for example, the names of those with a concealed carry permit out of fears their weapons might be stolen or shrouding details on how the death penalty is conducted to somehow protect those carrying it out.

Yet without transparency, it is certain that citizens will have increased difficulty knowing what is done in their names and holding public officials accountable.

Public records shed light on heroin crisis

By Alan Miller, The Columbus Dispatch

A small item in Gov. John Kasich's budget proposal caught our attention.

He wants to allow counties to create committees to review opioid overdose deaths.

Good idea. Ohio is awash in heroin and other opioids, and they are killing people at an alarming rate.

The weeklong Dispatch series "Heroin's hold on us," published in September, showed the stunning effects throughout virtually every neighborhood.

Among the things we learned during the reporting for the series is that the Franklin County coroner already employs such a review board. The idea is to learn as much as possible about those who die by opioid overdose in hopes of finding better ways to keep addicts alive – and maybe even keep them from becoming addicts.

As stated in the budget proposal, the purpose of the review committee would be to decrease the incidence of preventable overdose deaths by promoting cooperation, collaboration, and communication among all groups,

professions, agencies, or entities engaged in drug-abuse prevention, education, or treatment efforts.

It also would maintain a database of victims' names and demographic information, where deaths occurred and contributing factors. It would recommend plans for implementing or adjusting local programs to help prevent overdose deaths. And it would advise the Ohio Department of Health by providing aggregate data, trends, and patterns concerning overdose deaths, all of which would be available to the public.

Excellent goals, but there's a catch: The budget language says that committee meetings would be closed to the public and any records the committee would review would be shielded from public disclosure.

This is a big problem.

Many of the records such committees could review already are public records. Without clarity on that point, we are left to wonder whether records currently considered open and available for public inspection, such as police reports and autopsy records, would become secret.

Further, we are left to wonder why those meetings or the details of these tragic deaths should be shielded. The point is to save lives by understanding how and why people died.

Here's an example of why it's important for the public to see those details: The 2015 Dispatch series "Silent Suffering," which examined the suicide crisis in Ohio and across the country, was built on a foundation of information obtained by reporters who reviewed hundreds of public records documenting the deaths of people who died by suicide.

The public – you, our readers – learned many important facts about suicide because of the information in those records. You learned, for example, that since 2000, more than 20,000 people have died by suicide in Ohio – nearly triple the number of homicide victims.

We learned that more than 80 percent of those who took their own lives were male. Middle-age men, ages 45 to 64, account for nearly a quarter of all suicides. The youngest victims were just 8 years old – and there were three of them.

(see heroin crisis page 11)

Ohio's Sunshine Law easy to follow if you're inclined

Editorial from The Vindicator

The press in general – and this newspaper in particular – are too often obliged to fight what we call Sunshine battles, when public entities inadvertently or purposely violate open meetings or public records laws.

These cases result in wasted time and money by the public entity, the press and, sometimes, public-minded citizens who take the role of watchdogs.

Few of these Sunshine disputes have happy endings, but a recent incident in Trumbull County is an exception. It didn't start out well, when reporters learned that Trumbull County commissioners had held two days of budget hearings without having notified the public or the press. But we have to commend Prosecutor Dennis Watkins – with whom this newspaper has had its public-access disagreements in the past – and William J. Danso, an assistant prosecuting attorney, who sent commissioners a three page-letter that should be read by every elected official in the county.

The letter lays out in detail how the unannounced budget hearings were a likely violation of the state's open meetings law, how courts have viewed similar actions by other public bodies and how commissioners could best rectify their error.

Most importantly, Watkins and Danso used as the lynchpin of their explanation a phrase from the state's open meetings law that it "shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law."

Note the use of shall, all and specifically in that phrase. It doesn't take a lawyer to recognize that the Legislature was sending a clear message that public officials must conduct the public's business in the open.

There is no excuse for public officials to be ignorant of what the law requires, and yet, there is no shortage of instances where those officials – often elected and sometimes appointed – choose to interpret the law to their benefit, not that of the citizenry.

In the Trumbull County case, the failure to announce the budget meetings was a clerical oversight that resulted in two days of hearings that addressed some of the county's most pressing financial challenges being held out of view of the press and the public. How the county is going to use its

dwindling financial resources to provide vital services, including safety services provided by the Sheriff's Department, is of obvious public interest.

The prosecutor's office recommended the best possible solution: Hold new hearings and make the proper public announcement of the rescheduling. The alternative would have been for the commissioners to risk a subsequent challenge to any action they took on the budget because those actions would have been grounded on deliberations that were conducted behind closed doors.

Wisely, the commissioners accepted that counsel.

Contrast that attitude toward conducting the public's business within the letter and the spirit of the Sunshine law with some of the contortions we have witnessed in the past by other boards and other legal advisers.

In March, Mahoning County commissioners went behind closed doors twice to discuss lead levels detected in tap water at the county-owned Oakhill Renaissance Place. One of the rationales

Prosecutor Paul J. Gains offered at the time was that state law allows commissioners to go into a closed session to discuss labor-union grievance, Workers Compensation claims and civil lawsuits. But no grievances, compensation claims or lawsuits had been filed – or even threatened. Instead of liberally construing the law toward openness, commissioners and Gains chose to look into their crystal balls and see a possibility they used to justify discussing matters of clear public interest out of the public eye.

Recent years also have seen violations of the "liberally construed" clause or outright assaults on openness by a number of area school boards, various county offices, the Mill Creek MetroParks Board and several city councils and township boards of trustees.

Almost none of those assaults on the public's right to know would have happened had the officials involved simply followed the mandate of the law and the recently offered advice from the Trumbull County prosecutor: construe the law liberally toward openness.

Public records shed light on heroin crisis

Continued from page 10

And even though the state's suicide rate dropped in 2014 to its lowest point in more than a decade, it still accounted for 10.8 deaths per 100,000 people. That meant that more than three Ohioans died by suicide every day that year.

With access to public records, we were able for the first time to get a broad picture of the details behind suicide – "how many had suffered with mental illness, or had a relative who died by suicide, or had a serious medical condition and suffered chronic pain. It was a pull-back-the-curtain look at the factors that led to 20,000 deaths," said Mike Wagner, one of the Dispatch reporters who spent weeks looking at the records.

The records included some of the information that the review committees would shield, such as investigators' notes about conversations with family members and neighbors who knew the victims well. "You really understood why people felt like they felt and why they were in the situation that led to suicide," Wagner said. "It was those details that made readers say, 'Oh, my God; yes, I know someone who is on that road and needs help.'"

And we heard this repeatedly after the series: "What you wrote saved my life."

They said that because they could see themselves in the details about those who didn't make it, and those details jolted them into action. They sought help before it was too late.

"Some coroners and prosecutors were skeptical, and some tried to block our path to those records," Wagner said. "But some of those same officials complimented us after the series was published. They could see the value.

"The bottom line is that without those records, we couldn't have done that series," he said. "We could have written stories about the numbers of deaths, but it was the details about individuals that made the difference. People don't respond to numbers. They respond to people they can relate to."

We applaud the effort to create committees to review opioid overdose deaths, but we urge openness when it comes to access to the details. Because they will save lives. *trict well, he has benefited all Ohioans.*

Open Government Coverage from Ohio Newspapers

Ohio program helped reporter get public records from Ohio University

By Conor Morris, The Athens News

In Ohio, what do you do when a public agency flat out ignores your request for public records?

Usually, if you don't have access to an attorney and large sums of money to fight the agency in court, you don't have much recourse, other than to continue bugging the person in charge of those records until he or she relents or the sun explodes.

Well, that's the exact situation The Athens NEWS finds itself in on occasion, most recently with my good ol' alma mater, Ohio University. But luckily, a relatively new program through the Ohio Court of Claims is here to help. More on that later.

Under Ohio's Public Records law, which I actually know pretty well (being a nerd for these kind of things), a public agency must provide you with all or part of records you request if they are indeed determined to be public documents under those laws. The main problem that arises when I'm making these requests? The public agency (OU's legal office in this case) is the one that gets to decide what is public and what isn't.

Case in point (and the reason why I'm writing this column): OU has been undergoing a search for its next president since last summer. The Board of Trustees is set to vote (February 22) on appointment of the university's next president, likely to be Duane Nellis of Texas Tech University (he's the last candidate standing at this point).

Nearly 12 weeks ago, on Dec. 1, I requested records of the curriculum vitae of people whom I knew the university would be interviewing for the position during a meeting at OU's Dublin Campus later that month. I did not know the identities of these potential candidates but did know from other received records that they would meet with OU's search committee in early December.

For more than two months (Dec. 1 – early February), the university's legal office under General Counsel John Biancamano ignored my request for those records. They didn't even do us the courtesy of explicitly denying the records, which is part of what public agencies are required to do under the records law if they do not think the records are public, or otherwise do not have them.

At one point after weeks of my emailing and asking for a response, OU's records

clerk herself asked Biancamano, "Are we responding?" in an email that appeared to have accidentally CC'd me. Oof.

Complicating matters is the fact that the university had hired a private search firm for about \$150,000 to help conduct the search process. Often, these search firms have their own databases of executives throughout the higher-education world who, while not actively applying for jobs elsewhere, are still interested in learning more about positions at other institutions. Still, under Ohio law, private firms can hold records that by law are considered public, provided they are doing the business of a public agency.

So, we made a complaint through the Ohio Court of Claims. After an initial flub (I forgot to send in the \$25 application fee – whoops!), the process got underway pretty quickly. Just about a week later, the Court of Claims informed me that the process would go forward to "mediation." The point of this complaint/mediation process is actually a lot less scary than you'd think – it's not a lawsuit, and you don't need to know a whole lot about the law in order to get a positive result. The entire point is for you and the state agency you have requested records from to be questioned by a neutral, third-party mediator (who is an expert on public records) on the intent of your request, what records the public agency actually has available, and talking through whatever stumbling blocks the public agency faced that may have caused it to delay or decline to provide the records.

My end result? We got the records – just last week, actually. I can't talk much about the mediation process because it is confidential (which is a plus for both sides, but especially the public agency who may want to save face), but safe to say, I'm happy. We received record of the CVs of five semifinalist candidates last week. And you know what? I'm not even going to report on the names of those semifinalists. They're no longer being considered for this position, and it's not fair to put their names on blast. My complaint was never about them: It was about this university providing information that is unquestionably a matter of public record, as it is obligated to do under Ohio law.

Mark Reed, clerk of the court at the Court of Claims, explained last week that

the records mediation process is meant to be accessible and non-adversarial, because journalists often are the one needing the aid, and the journalists sometimes have long-standing relationships with agencies from which they request information.

Similarly, Reed, who was the mediator in my case, knows the records law incredibly well – so long as somebody's complaint is valid (meaning public-records law backs you up), he will help you get the records. That includes members of the public, who Reed said already have found some success through the program.

"The best place for people to start is to look at the Court of Claims website," Reed said. "We have a lot of information on our website about how to do it."

How to file a public records complaint through the Ohio Court of Claims

Step 1: Download and submit the Public Records Access Complaint form from www.ohiocourtofclaims.gov/public-records.php. The cost to file a complaint is \$25.

Step 2: The Court of Claims staff will determine if your complaint meets minimum legal requirements. If not, they will either return it to you so you can correct any errors or summarily dismiss the complaint. If your complaint meets legal requirements, a Court attorney will review your request and contact you. The staff attorney will also contact the public office for an explanation of why your request was denied. This contact frequently resolves the problem. If it does not, then your complaint will be referred for formal mediation.

For more information on the process, go to www.ohiocourtofclaims.gov/public-records.php.

What information Ohio citizens can access

By Shelly Schultz, The Times Recorder (Zanesville)

A recent proposal by Gov. John Kasich has advocates for access to public records worried that the plan will prohibit access to information that would be public record if requested from other sources.

In response to Ohio's drug overdose epidemic, Kasich's plan would allow counties to create committees that would review overdose fatalities behind closed doors, and the public would have limited access to the findings.

"My concern with the legislation is that it will sweep under its umbrella non-exempt information," said Jack Greiner, a First Amendment attorney in Cincinnati who specializes in media and advertising. "The passage that provides information, documents, or reports presented to the committee, would seem to invite this."

The Ohio Open Meetings Act provides the public with a right of access to the meetings of a vast number of government bodies at the state and local level.

Under Kasich's proposal, the committee meetings would be closed to the public. Any records they review, such as corners' reports, law enforcement records and medical histories, would not be disclosed to the public. While some of the information these committees would collect would be exempt from public viewing, under the Freedom of Information Act, some of these reports are public record.

"It is entirely possible that the committee will be presented with law enforcement records that are not exempt," Greiner said. "The mere fact that these non-exempt records are presented to the committee should not cause them to become exempt."

This week, March 13-19, is Sunshine Week, an annual event that promotes access to public information and government transparency.

While anyone can file a request for public information and attend meetings of government bodies at the state and local level, these rights are regularly used by journalists to keep the public informed. As government watchdogs, journalists have long provided for public scrutiny of state and local government records.

Government agencies are subject to public transparency and accountability under the Open Meetings Act.

At the state government level, the Ohio Sunshine Law defines a public body as any board, commission, committee, council or similar decision-making body of

a state agency, institution or authority. At the local government level, a public body is defined as any legislative authority board, commission, committee, council, agency, authority or similar decision-making body of any county, township, municipal corporation, school district or other political subdivision or local public institution.

At both the state and local government level, the term public body also includes any committee of one of the above-described public bodies.

The Open Meetings Act does not apply to a single government official acting in his or her individual capacity. It also does not apply to the state legislature which has separate rules requiring that sessions be open to the public, the judiciary or federal government bodies.

The general rule is that all meetings of public bodies must be open to the public. If a body wants to hold a closed or executive session, it must identify a specific statutory exemption. Under the Open Meeting Act, a public body may hold a closed session when it is dealing with one of seven subject-area exemptions.

If a citizen believes a public body has violated the Open Meetings Act, they may file an injunctive action in common pleas court to compel the public body to obey the act.

"I recommend all citizens become familiar with these laws by reading the Americans for Civil Liberties Union Guide to Public Records and Open Meetings," said Dennis Hetzel, president and executive director of the Ohio News Media Association.

The proposed language for the overdose review board is nearly the same as the language that authorizes child death review boards to meet in closed meetings, according to ONA activists. The only public record is an annual report submitted to the state health department.

"While the rationale for this committee is certainly well-intentioned, citizens should have concerns about the amount of information that would be confidential," Hetzel said. "Basically, everything the committee does will be secret other than one report."

Hetzel said ONA has trouble with Kasich's proposal to close these meetings to the public.

"We don't see how such expansive secrecy helps communities cope with the opioid crisis," Hetzel said. "And there will be no way to even assess if these committees are doing their jobs."

Hetzel said current exemptions in the law cover every public record that this committee needs to keep confidential, such as personal medical information.

"If supporters want clarifying language along those lines, we would have no objection to that," Hetzel said.

A public body may hold a closed session to discuss the following topics:

- The appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official licensee or regulated individual requests a public hearing. This exemption does not apply to the discipline of an elected official for conduct related to the performance of his or her duties.
- The purchase or sale of real estate for public purposes
- Pending or imminent litigation
- Negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment
- Matters required to be kept confidential by federal law or regulations or state statutes
- Details about the security arrangements and emergency response protocols for a public body or a public office
- Matters involving trade secrets, but only in connection with local hospitals





OHIO ROUNDUP

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Ohio Supreme Court rules on Enquirer suit: Dashcam videos are public record

From The Cincinnati Enquirer

The Ohio Supreme Court ruled (December 6) that most dash camera footage is a public record, but portions can be withheld as part of a criminal investigation.

Any request for dashcam footage should be reviewed on a case-by-case basis, the court ruled in a 7-0 decision.

"This is a very significant victory for the public's right to know," Enquirer attorney Jack Greiner said.

The lawsuit stems from a request from The Enquirer, which requested dashcam footage from a high-speed chase on Interstate 71 in January 2015. Aaron Teofilo, 19, of Alabama, led police on a chase for about 15 miles before crashing near Norwood.

The Ohio Department of Public Safety denied the request for footage, so The Enquirer sued in March 2015. The footage was released in May 2015.

The Supreme Court determined that the OSHP should have promptly released to The Enquirer more than an hour of video from three dashcam recordings of the January 2015 police chase.

"Under even the most generous view of investigative work product, these images held no investigative value and should have been disclosed," wrote Justice Judith French.

Just a small portion of that footage, about 90 seconds, could have been withheld — when the trooper took the suspect to her patrol car, read his Miranda rights and questioned him.

"We appreciate the guidance that the Ohio Supreme Court decision has provided," OSHP Lt. Robert Sellers said.

Ohio Supreme Court: Police records must be released to public

From The Dayton Daily News

In a victory for open government, the Ohio Supreme Court ruled (December 28) that police investigation records are public documents once a suspect's criminal trial concludes.

The court ruled 5-1 that most of the records sought by the Ohio Innocence Project from Columbus police since 2013 must be turned over.

The decision will likely reverse a practice by police departments across Ohio to withhold investigative records until all potential proceedings are exhausted or the defendant dies.

The court said that under Ohio's open record laws, the lawyer requesting defendant Adam Saleh's file from Columbus police "had a clear legal right to the requested records and that respondents had a clear legal duty to provide the records," said Justice Paul Pfeifer, writing for the majority.

Ohio Innocence Project Director Mark Godsey called it a huge win for justice.

"When we first started investigating post-conviction cases in Ohio in 2003, the police regularly turned over files to us in response to public records request. By about 2010, after we had used those records to exonerate a number of people, many police departments started stonewalling us, which made it difficult to investigate claims of innocence. This ruling will go a long way to helping us correct injustices," Godsey said. "And it is a huge win for transparency in Ohio."

Dennis Hetzel, executive director of the Ohio Newspaper Association, said: "It's an important, long-sought ruling to ensure that potentially exonerating evidence can't be withheld until after the

defendant is dead. The Ohio Coalition for Open Government is proud to have supported the appeal in this case."

Columbus paying \$20,000 after loss in police public records case

From The Columbus Dispatch

Columbus officials have agreed to pay \$20,000 in damages and legal fees after the Ohio Supreme Court found the city's police division illegally refused to release public records.

The justices ordered lawyers to submit records to the court proposing the amount of attorney fees and damages owed, but the two sides reached a settlement, the court was notified (January 17).

The city will pay \$19,000 to the law firm of Fred Gittes, the Columbus lawyer who represented Ohio Innocence Project attorney Donald Caster in the case. The Ohio Innocence Project will receive \$1,000 in damages for the city's violation of public records laws.

The court majority ruled on Dec. 28 that police officials improperly had refused to years to release many investigative records in closed criminal cases, including homicide cases, to The Dispatch, the Innocence Project, private investigators and others.

Ohio Supreme Court finds delayed release of body cam video in police shooting death 'reasonable'

From The Plain Dealer

Hamilton County officials were within the law to withhold body camera footage for six business days after a University of Cincinnati police officer fatally shot a man during a traffic stop, the state's highest court ruled (December 20).

But the much-anticipated decision did not address concerns about whether

police body camera videos are public records and when they fall under the public records exemption for confidential law enforcement investigation records.

The Cincinnati Enquirer, Associated Press and four southwest Ohio TV stations had sued Hamilton County Prosecutor Joe Deters in July 2015 for failing to immediately release body camera footage from the shooting of Cincinnati resident Samuel DuBose.

Deters withheld the video out of concern for the officer's right to a fair trial. But two days after the suit was filed, a grand jury indicted officer Ray Tensing and Deters released the video.

The Ohio Supreme Court, in a 7-0 opinion, found the delay was reasonable under state public records law, which does not set an exact time frame for when records must be made available. The court denied statutory damages and attorney fees to the news organizations.

"Because the prosecutor was entitled to review the video to determine whether any redaction was necessary and produced the body-camera video six business days after it was initially received by his office, we conclude that he responded in a reasonable period of time," Justice Judith Ann Lanzinger wrote for the majority.

Ohio high court wants to see full autopsies from 8 slayings

From The Associated Press

The Ohio Supreme Court wants to see unredacted autopsy reports from eight slayings in one family as justices consider media lawsuits seeking access to those full reports from the year-old, unsolved case.

The court on (April 19) ordered the Pike County coroner to submit the reports within two weeks for justices to review outside of public view. The court said it would receive the autopsies under seal but won't consider additional materials about why authorities want to continue withholding some of that information.

The decision came days before the one-year mark of when seven adults and a teenage boy from the Rhoden family were found shot to death at four homes near Piketon, in rural southern Ohio, on April 22, 2016.

The Columbus Dispatch and The Cincinnati Enquirer separately sued for

access to the full final autopsies, but authorities want to shield the information, arguing that its release could compromise the investigation. Pike County Coroner David Kessler also has noted the victims' relatives raised concerns about sharing details of their loved ones' deaths.

Records relating to former county executive Edward FitzGerald ordered released

From Court News Ohio

The Ohio Supreme Court ruled (April 12) that nine incident reports relating to former Cuyahoga County Executive Edward FitzGerald from May 2012 to August 2014 are public records and must be released to the requestor.

In a unanimous per curiam opinion, the Court held that the Cuyahoga County Sheriff's Office incorrectly determined the reports were "security records" that were exempt from the Ohio Public Records Act.

The Court explained that incident reports initiate criminal investigations but are not part of the investigation and that routine offense and incident reports are public records and typically subject to immediate release upon request.

After conducting an in camera inspection of the records in the possession of the sheriff's office that are responsive to Miller's request, the Court determined that among those records are nine incident reports that are not security records and that are subject to release with the redaction of exempt information. The Court therefore granted the writ in part and denied it in part and attached the nine redacted reports to its opinion as an appendix. The Court also awarded Miller costs and reasonable attorney fees to be determined after he files an itemized application.

Delaware County power couple's divorce case is sealed; is that legal?

From The Columbus Dispatch

State Sen. Kris Jordan and Delaware County Recorder Melissa Jordan are embroiled in a not-so-secret divorce.

What is secret, however, is every legal

filing made in their apparently contentious case in Delaware County Common Pleas Court. That includes the judge's order making the entire court file confidential.

The judge's approval of the estranged Republican couple's joint request to seal their case from public view appears contrary to an Ohio Supreme Court ruling.

Citing Ohio's public-records law and court rules, The Dispatch submitted an April 28 written request to inspect the Jordans' divorce case file. But the newspaper's request was denied by clerk's employees, who cited the court order sealing the case.

Legal authority to seal a divorce case because the parties are public officials and children are involved doesn't appear to exist.

In a 2004 case involving the sealing of the Adams County divorce of former state Rep. Danny Bupp, the Ohio Supreme Court ruled that information about the case could not be withheld from the public.

"Any record used by a court to render a decision is a record subject" to release under public-records laws, the court said in citing a ruling made earlier in 2004.

Ohio Supreme Court rules attempted acts of violence not eligible for expungement

From Court News Ohio

The Ohio Supreme Court ruled (December 13) that attempted robbery is a crime of violence and that someone convicted of it is statutorily ineligible to have the record of conviction sealed.

In an 7-0 opinion written by Justice Paul E. Pfeifer, the Supreme Court reversed an Eighth District Court of Appeals' decision and upheld a trial court's decision not to seal the record of an attempted-robbery conviction in a 2000 Cuyahoga County case.

"We hold that attempted robbery is a crime of violence and that, pursuant to R.C. 2953.36, a person convicted of that crime is ineligible to have the record of that conviction sealed," Justice Pfeifer wrote.



OHIO ROUNDUP

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Updated ‘Yellow Book’ of Ohio Sunshine Laws now online

From The Columbus Dispatch

The updated “bible” of Ohio Sunshine Laws was released (during) Sunshine Week by the office of Ohio Attorney General Mike DeWine.

The 2017 version contains changes in laws and court rulings that have affected -- for better or worse -- Ohioans’ rights to governmental transparency during the past year.

One of the largest changes in decades has set up an appeals process at the Ohio Court of Claims that allows average Ohioans to challenge record denials by government for the mere cost of a \$25 filing fee.

Clickable bookmarks added to this year’s edition are a welcome addition since the reference stretches 244 pages.

Download a copy at www.ohioattorneygeneral.gov/YellowBook.

New appeals process prying loose records for public

From The Columbus Dispatch

The Ohio Court of Claims’ public-records appeals process is prying loose documents improperly withheld by government.

For the cost of a \$25 filing fee, average Ohioans are employing a new tool to contest the denial of public records requests.

Less than six months since its inception, the court has accepted nearly three dozen appeals — 21 by private citizens, seven by the news media, three

by organizations and one by an elected official.

(As of mid-March), ten cases have been settled as part of the first-step mediation process, with those denied records winning them in nine cases. Fourteen cases remain in the mediation process.

Nine appeals not settled in mediation have advanced to a special master, Jeffrey Clark, with four resulting in rulings requiring governmental entities to turn over records.

Mark Reed, the Court of Claims administrator, has handled about two-thirds of the public-records mediation sessions.

“It does look like there was a need” for the appeals process, Reed said. “It gives citizens access ... for a quick action in court.”

The process is the product of legislation by Rep. Keith Faber, R-Celina, when he was Senate president last year.

Meanwhile, “there’s still some work to do” in educating both the public and the custodians of its records about their rights to records, Reed said.

Cleveland is target of more public records complaints than any other public entity in Ohio

From The Plain Dealer

Six months after the state of Ohio set up a new system to deal with public records disputes, the city of Cleveland has generated the most complaints of any public entity in the state.

Since the system was set up in September, Cleveland has been the target of 14 complaints, more than a third of the statewide total of 39, according to the Ohio Court of Claims clerk’s office.

No other public entity was the subject of more than two complaints.

Of the 14 cases filed against Cleveland, (as of mid-March) three are now closed. In all three of those cases, either court filings showed or

the complainants told cleveland.com that the city turned over their records. The other 11 cases are pending, though two complainants said in interviews that they received documents after filing their claims.

Blue Ash loses records lawsuit on employee evaluations

From The Cincinnati Enquirer

A Hamilton County court has ruled the city of Blue Ash failed to properly maintain public records and provide them to The Community Press.

“The court’s decision is a victory for the community. Government must operate in an open and transparent fashion,” said Jack Greiner, attorney for The Community Press, which is published by Enquirer Media.

Judge Steven Martin ruled in The Community Press’s favor, declaring Blue Ash must provide the records of evaluations of senior-level employees. In early May, The Community Press requested a copy of a contract and related documents between the city and Inner Summit LLC, which conducted the evaluations.

The court also ruled that Blue Ash must produce and provide emails exchanged regarding the contract to The Community Press by March 10. The Community Press was awarded \$2,000 in damages.

Streetcar crash reviews should be public records, lawmaker says

From The Cincinnati Enquirer

Why did the Cincinnati Bell Connector crash into a cement truck or a Metro bus? Current Ohio law shields details from the public.

Rep. Tom Brinkman, R-Mount Lookout, wants to change that. He hopes to eliminate a 21-year-old law that prevents the streetcar’s riders from reading internal crash investigations and safety audits.

Under current law, Southwest Ohio Regional Transit Authority must conduct annual safety audits of the streetcar, and the Ohio Department of Transportation must perform periodical, on-site safety reviews. But none of those records are available for public inspection – unless the ODOT director grants an exception.

Internal investigations into each crash are reported to ODOT, but the public can’t inspect them either because state law forbids disclosure. In its first months, the streetcar was involved in 10 traffic accidents and another four safety “incidents.”

“Our streetcar has been using that as an excuse for not giving us the records,” said Brinkman, a longtime opponent of the streetcar project.

Geauga-Trumbull waste district committee has do-over after meeting questioned

From The Vindicator

The hiring committee of the Geauga Trumbull Solid Waste District had a short do-over meeting to address questions raised by *The Vindicator* about a closed-door meeting it had (in January) to narrow down candidates for its director’s job.

The committee also interviewed seven finalists for the job, which will pay \$68,000 to \$75,000 annually. The board has narrowed down its choices to recommend to the full district board, consisting of the six county commissioners from Geauga and Trumbull.

Atty. Greg O’Brien, the district’s legal adviser and a member of the hiring committee, said he still doesn’t think the committee did anything improper when four of its seven committee members discussed job applications in private Jan. 17 without convening the meeting as a public meeting or voting to close it to the public.

After the meeting, committee members said they had narrowed down the candidates from 24 to seven.

When *The Vindicator* asked O’Brien in the midst of the Jan. 17 meeting whether

it was a public meeting, O’Brien said it wasn’t because not enough members were present, but the newspaper’s attorney advised that it did appear to meet the requirements to be a public meeting under Ohio’s open meetings law.

East Cleveland school board settles with board member for \$100,000

From The Plain Dealer

East Cleveland’s school board settled a dispute with member Patricia Blochowiak by agreeing to a list of changes to better comply with open government laws and reimbursing Blochowiak \$100,000 for legal fees.

Blochowiak sued the board in 2014, accusing it of holding illegal closed-door meetings and keeping improper minutes, among other complaints, according to a press release from the Chandra Law Firm.

The allegations relate to Ohio’s Open Meetings Act, which requires that a public body, such as a school board, discuss business in open meetings except in limited circumstances, where an “executive session” can be held.

The complaint Blochowiak filed includes claims the board improperly handled the evaluation of the superintendent and treasurer and held numerous executive sessions without stating a proper purpose. The complaint also claims a singular board member made spending decisions for a 2013 board retreat, instead of it being discussed and approved in open meeting.

The settlement includes correcting past minutes, rescinding certain policies regarding superintendent and treasurer evaluations, attending regular open-government training, along with other requirements for the board.

The settlement comes two weeks before the case would have come to trial, according to the press release.

“This agreement holds the board accountable for betraying the promise of open government, and is a victory for democracy,” Subodh Chandra, lead counsel for Blochowiak, said in the release. “Schoolchildren and their

families deserve to know and understand their public officials’ decisions—good and bad—and how they made those decisions.”

Court: Ohio Mayor and his lawyer must pay sanctions to family they sued to silence

From The 1851 Center for Constitutional Law

An Ohio Court (on December 28) ordered Maple Heights, Ohio Mayor Jeffery Lansky and his attorney to pay \$9,395 in attorney’s fees and costs to internet critics they sued to silence.

In 2014, Lansky and his attorney, Brent English, filed a lawsuit for defamation and infliction of emotional distress, demanding “an amount in excess of \$25,000” from Bill and Lynde Brownlee, husband and wife, after they questioned Lansky’s job performance on their blog, *Maple Heights News*

The 1851 Center took up the case and the Cuyahoga County Court of Common Pleas ruled for the family in late 2015. The court explained that “a primary purpose of the First Amendment is to encourage self-government by permitting comment and criticism of those charged with its leadership.”

(On December 28) the Court finalized the case, ordering the sanctions pursuant to two Ohio statutes prohibiting “frivolous conduct” in litigation, Ohio Revised Code Section 2323.51 and Civil Rule 11.

“Those who would use the courts to silence their political opponents should take this ruling seriously,” explained Maurice Thompson, Executive Director of the 1851 Center.



OHIO ROUNDUP

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State improperly withheld records on troopers sent to protest

From The Columbus Dispatch

The Ohio Department of Public Safety improperly withheld public records concerning the deployment of 37 troopers to a North Dakota pipeline protest, a court expert ruled (in late April).

A special master in the Ohio Court of Claims found that state officials improperly cited privacy laws and security exemptions in refusing to release records to The Cincinnati Enquirer.

Records identifying the deployed state troopers should have been turned over once the troopers returned to Ohio and most sections of a multi-state, mutual-aid agreement also should have been released, the special master ruled.

State lawyers had argued that the release of the information would imperil the troopers' personal safety amid protester threats accompanying the clash-filled Dakota Access Pipeline protest.

Special Master Jeffrey Clark rejected that premise, ruling the troopers' names could be shielded during their deployment Oct. 30 to Nov. 15, but should later have been released.

Editor's Note: *The Attorney General's office is appealing the ruling.*

Debate over livestreaming meetings splits Akron City Council

From The Akron Beacon Journal

A divided Akron City Council will air its public meetings as they unfold.

With dissenting voices, City Council

passed legislation (May 1) that amends a contract with WhiteSpace Creative, the Akron firm that manages the city's official website and records council meetings, then uploads them the next day. The legislation requires WhiteSpace to livestream the meetings instead, a process that gives anyone with an internet connection access in real time.

Proponents of the move say it opens up government to the voters, residents and taxpayers. Even those on the council who admittedly reject social media or lack technological skills have taken note that the public expects convenient access. It's time to get with the times, they argue.

"The fact is, people aren't going to come down here to" City Hall to see meetings, said at-large Councilwoman Veronica Sims. "But when you have 200, 400, 1,800 people looking through livestreaming, I don't really know how much longer we can drag our feet."

Sims supported the measure, which was first offered weeks ago by Councilwoman Tara Mosley-Samples.

Despite apparent interest, President Marilyn Keith of Ward 8, President Pro Tem Donnie Kammer of Ward 7, Bob Hoch of Ward 6 and Mike Freeman of Ward 9 voted against the livestream bill.

None said they want to keep the meetings hidden. To the contrary, each voiced support of open and accessible government that works for the people. But for various reasons, they objected to the livestream plan.

Kramer's reservations included how the council would be depicted in an unedited feed. The legislative process can get messy. For this and the unpredictably of open-door meetings, Kammer worried about the council becoming a "laughing stock."

"This is a public meeting with public access, for God's sake," Mosley-Samples responded. "If anyone here is doing something unprofessional, anyone can come down and record that. We need to be mindful that this is open government."

The last dissenter, Freeman, tried to amend the plan so that the livestream feed would be hosted "solely and strictly

on our council website" as a way to drive internet traffic to a responsible, civic space that council can control while providing resources and information for the public. With other council members not willing to forfeit the engaging power of Facebook, YouTube, Twitter or other social media platforms, Freeman's amendment was rejected.

Upper Arlington releases previously withheld meeting recording

From The Columbus Dispatch

The Upper Arlington City Council has released a recording that's the subject of a public-records lawsuit, reversing an earlier decision to withhold it.

Upper Arlington resident Robert Foulk, who filed the lawsuit Feb. 6, called the move a "victory for the concept of open government."

At issue is a recording of a nearly-five-hour public council retreat Jan. 10 in Lewis Center. Foulk requested a copy of the recording and received it, but city officials withheld about 14 minutes because it included the city's attorney discussing legal issues.

The once-redacted portion occurs approximately 2 hours and 45 minutes into the meeting, Upper Arlington spokeswoman Emma Speight said.

It includes a conversation about the city's February decision to outsource its 911 dispatching services to the Dublin-based Northwest Regional Emergency Communications Center.

The city charter gives City Manager Ted Staton the authority to approve the move himself, Hummer said in the recording. The discussion concerned whether council intended to approve an ordinance anyway. They eventually did.

Staton's authority means the public cannot overturn the controversial decision with a ballot initiative or referendum, according to the conversation.



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As FBI and others move to FOIA portals, email options disappear

From The Reporter’s Committee for Freedom of the Press

The FBI’s FOIA page already has removed any mention of an email submission option, though it has notified some requesters that it will allow email requests until the end of (February). According to the agency page, requesters now have to submit written requests by fax or standard mail, or they can use an online portal system called eFOIA. The FBI used to allow for requests to be filed via email in addition to the online portal system.

“With this full implementation, eFOIA will provide the FBI with an automated process for the receipt and opening of requests,” said that FBI in an emailed statement to the Reporters Committee. “Given the FBI’s high volume of requests, this will significantly increase efficiency.”

The FBI made no comment regarding why fax and standard mail will still be allowed, while email, the most ubiquitous form of communication, will not.

The Daily Dot first reported (on February 6) that the FBI would also place limits on the new eFOIA portal: only one request could be filed per day, only certain types of requests could be fulfilled, and requesters had to disclose personal information to process the request on the portal. The news site issued an updated report the next day, however, saying that once the system is running the FBI will allow multiple requests per day, allow

requests of all types, and limit the amount of personal information that needs to be disclosed on the form.

Still, many open government advocates are expressing concerns about the FBI’s decision to stop allowing emailed FOIA requests, even with the promised revisions to the portal. Senator Ron Wyden of Oregon, a long time government transparency advocate, wrote a letter to the FBI’s Record Dissemination Section urging the FBI to continue accepting emailed requests. In the letter, he points out that the revisions to the portal do not correct all of its limitations, and argues that this change in policy “may place an unnecessary burden on those requesters who must now send requests to the FBI by fax or letter.”

U of Minnesota football crisis made worse by train wreck of a privacy law

From The Star Tribune

The abortive University of Minnesota football walkout could have been avoided if the university had been more forthcoming about the seriousness of disciplinary charges that led to the removal of 10 players from the Holiday Bowl roster.

It took the leak of internal investigative documents to a local TV station to awaken Gopher players to the severity of sexual-misconduct allegations against their teammates. It shouldn’t have.

Time and again in the course of the bowl-boycott saga, the U cited the federal Family Educational Rights and Privacy Act as an excuse for being opaque about its disciplinary practices. Coach Tracy Claeys even claimed that FERPA forbade him from disclosing the number of student-athletes that the U had recommended for expulsion.

FERPA is a train wreck of a statute. Intended to protect only the confidentiality of “education records,” the law has become a catchall excuse for educational institutions to avoid accountability.

In New York, a grieving family was told that if they wanted to see the video of the football game where their son was fatally injured, they’d have to take the school to court because videos of

football games are “FERPA education records.” In California, a mother nearly had to sue to get the scores of her own children’s swimming meets. If your child comes home beaten up on the school bus and you ask to see the surveillance video to identify the attackers, prepare to be turned away – because, yes, that privacy law.

Even statistics increasingly are being concealed under the blanket of FERPA. In Ohio, you can’t find out how many times guns were brought into your child’s school, because the state Department of Education claims revealing the data would – how, nobody can explain – compromise federally protected privacy rights.

Congress drafted FERPA in 1974 with one narrow purpose in mind: To keep K-12 schools from disclosing psychological evaluations and similar documents to law enforcement before parents had the opportunity to inspect and correct them for misleading information. But thanks to aggressive lawyering by secretive colleges – and “home cooking” from deferential state-court judges – the statute has been judicially expanded beyond all rational boundaries. One Ohio court even classified e-mails between a football coach and a booster suspected of offering cars to recruits as “education records.”

Journalists around the country are joining a Slack channel devoted to FOIA and Trump

From Poynter

A few days before President Trump’s inauguration, MuckRock opened up a Slack channel to help journalists better cover him and his administration.

More than 3,000 people have now signed up.

“Anytime we have a new administration, there’s turnover and there are changes,” said Michael Morisy, MuckRock’s co-founder. “I always think it’s important for reporters to get an understating of what that new administration’s priorities are. I think that’s true no matter who’s taking office.”

To access the Slack channel, go to www.muckrock.com/slack.



Ohio Coalition for Open Government

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The Ohio Coalition for Open Government (OCOG) is a tax-exempt 501 (c)(3) corporation established by the Ohio News Media Foundation in June 1992. The Coalition is operated for charitable and educational purposes by conducting and supporting activities to benefit those who seek compliance with public access laws. It is also affiliated with a national network of similar state coalitions.

The Coalition serves as a clearinghouse for media and citizen grievances that involve open meetings and open records, and offers guidance to reporters in local government situations. The activities of the Coalition include monitoring

government officials for compliance, filing “amicus” briefs in lawsuits, litigation and public education.

The annual memberships to OCOG, as approved by the board, entitle a group or individual the use of the FOI telephone hotline, handled directly by attorneys at Baker & Hostetler in Cleveland, and subscription to the newsletter.

OCOG is funded by contributions from The Ohio News Media Foundation and other outside sources. Its seven-member board includes public trustees from organizations with an interest in freedom of information. For board members, please see the masthead on page 2.

OCOG needs your support!

OCOG’s most public – and expensive – activity is supporting legal cases involving open government issues in Ohio. The Coalition receives multiple requests each year to provide “amicus” (friend of the court) briefs in pending cases. OCOG’s experienced attorneys have helped plaintiffs achieve major wins at the Ohio Supreme Court. Just in the past two years, cases OCOG supported resulted in the following rulings:

- Thanks to the efforts of courageous student journalists, police records kept by private college police forces utilizing sworn and commissioned officers are now subject to Ohio’s open records law – meaning that these forces no longer can secretly arrest and detain people or investigate thefts, assaults and other campus incidents that should be open to scrutiny. (Schiffbauer v. Otterbein University)
- Public bodies cannot use email to discuss and deliberate in an effort to exclude other board members and end-run requirements of Ohio’s open meetings law. OCOG supported a school board member who didn’t like what he saw. (White v. Olentangy School District)

- Police can no longer indefinitely withhold entire files of closed cases just because someone could file a future action, thus providing access to those who may be able to prove they were wrongfully convicted. OCOG’s support was critical in a multi-year battle to provide an avenue for the Innocence Project at the University of Cincinnati to evaluate these claims. (Caster v. City of Columbus)

The cost of such briefs is high – ranging from a minimum of \$5,000 in most cases to \$10,000 or considerably more with additional appeals adding more costs. Given OCOG’s resources, only one or two cases a year can be considered.

These issues never go away. There is an urgent need for an organization such as OCOG to help fight these battles. The Coalition particularly seeks support to bolster the Hal Douthit Fund, named after OCOG’s founding board chairman, and maintained to cover the expenses for legal work.

Donations to OCOG can be mailed to the address above. You can also submit donations online at www.ohioopengov.com.

Join OCOG

Any non-Ohio Newspapers Foundation member may submit an application for OCOG membership to the OCOG trustees for approval. Membership includes use of the OCOG hotline through the OCOG retainer to Baker & Hostetler and two issues of the OCOG newsletter. The cost of OCOG dues varies with the membership category the applicant falls under. The categories and dues prices are as follows:

Attorneys and Corporate Members	\$70
Non-Profit Organizations	\$50
Individual Membership.....	\$35
College & University Students	\$25
High School Students	\$10

To download the OCOG application form, please go to www.ohioopengov.com.