

In the
Supreme Court of Ohio

STATE ex rel. Jocelyn Rosnick,

Relator,

v.

Geauga County Sheriff's Office and Geauga
County Sheriff Scott A. Hildenbrand,

Respondents.

Original Action in Mandamus

COMPLAINT FOR ALTERNATIVE AND PEREMPTORY WRITS OF MANDAMUS

Jocelyn Rosnick
ACLU OF OHIO FOUNDATION, INC.
4506 Chester Avenue
Cleveland, Ohio 44103

Relator

Amy Gilbert (100887)
Counsel of Record
Freda J. Levenson (45916)
ACLU OF OHIO FOUNDATION, INC.
4506 Chester Avenue
Cleveland, Ohio 44103
(614) 586-1972
agilbert@acluohio.org
flevenson@acluohio.org

Counsel for Relator

Geauga County Sheriff's Office
12450 Merritt Rd.
Chardon, OH 44024

Sheriff Scott A. Hildenbrand
12450 Merritt Rd.
Chardon, OH 44024

Respondents

INTRODUCTION

1. Relator Jocelyn Rosnick brings this action to compel Respondents the Geauga County Sheriff's Office and Sheriff Scott A. Hildenbrand to comply with Ohio law and provide the public records she requested.

2. Ohio's public records law grants individuals the right to request public records and requires government agencies to transmit copies of those records "within a reasonable period of time," unless the records are covered by an exception to disclosure. R.C. 149.43(B)(7). Pursuant to this law, on March 12, 2025, Relator submitted a request for three categories of public records in the possession of the Respondents. Respondents have produced documents responsive to two of those requests, but not the third. Respondents have not denied that they possess these records, but rather, have asserted that the requested records are not public and therefore not subject to disclosure under the Ohio Public Records Act (PRA), R.C. 149.43(A)(1)(v), because, they claim, "the release of such records is prohibited by federal law." None of the federal statutes Respondents have cited, however, prohibit the disclosure of the requested records. Because Respondents have refused to perform their clearly defined duty to provide the requested records, Relator respectfully submits this complaint for alternative and peremptory writs of mandamus to require Respondents to provide her with the records she seeks.

JURISDICTION

3. This Court has jurisdiction to hear this case pursuant to Article IV, Section 2(B)(1)(b) of the Ohio Constitution. "Mandamus is an appropriate action by which to compel compliance with the Public Records Act." *State ex rel. Summers v. Fox*, No. 2018-0959, 2020 WL 7250544, *4 (Ohio Dec. 10, 2020); *see also* R.C. 149.43(C)(1) (providing for the commencement of a mandamus action to obtain wrongly withheld public records).

PARTIES

4. Relator Jocelyn Rosnick is a resident of Cuyahoga County, Ohio, and is employed as the Chief Policy and Advocacy Officer for the ACLU of Ohio.

5. Respondent Geauga County Sheriff's Office is a public entity that is charged with maintaining its records and making copies of them available within a reasonable period of time after they have been requested. R.C. 149.43.

6. Respondent Sheriff Scott A. Hildenbrand is the Sheriff of Geauga County.

FACTS

7. As part of her professional interest in ensuring accountability for local law enforcement agencies that enter into a contractual relationship with Immigration Customs and Enforcement (ICE) to carry out federal immigration functions, Relator seeks public records pertaining to these contractual arrangements.

8. On March 12, 2025, Relator transmitted a letter to Respondents via email. Exhibit 1, p. 6. Her letter contained three requests for public records. Exhibit 2. For purposes of this Action, the relevant request is:

2. Contracts, drafts of contracts, and related memorandums, agreed to and executed by DHS, ICE, and / or USMS Service with SCJ from June 1, 2024 to March 3, 2025.

9. On April 8, 2025, Respondents responded, providing documents responsive to some of the requests, but indicating the release of the above requested records “is prohibited by federal law” and therefore the records are not public per the Ohio Revised Code section 149.43(A)(1)(v). Specifically, Respondents cited the Federal Privacy Act, 5 U.S.C. § 552a and 8 C.F.R. § 236.6, explaining this “prohibits the disclosure of names or other information relating to ICE detainees by any local government who houses any detainee.” Respondents “strongly urge[d] anyone interested in obtaining ICE records to contact the ICE FOIA[.]” Exhibit 1, p. 5.

10. Relator responded on April 21, 2025, noting that her request for records does not seek any records related to individual detainees, but rather seeks contracts, drafts of contracts, and other documents directly related to those contracts. As a result, 5 U.S.C. § 552a, “Records Maintained on Individuals,” is not applicable, and nothing within that statute or 8 C.F.R. § 236.6 prohibits the disclosure of the requested records. Relator further noted that any personally identifiable information in the requested records could be redacted pursuant to R.C. 149.43(a)(13). Relator again requested prompt compliance with her March 12 public records request. Exhibit 1, pp. 3-4.

11. On April 22, 2025, Respondents emailed Relator, stating that “a ‘public record’ is not ‘records the release of which is prohibited by state or federal law,’” citing two federal statutes, the Federal Records Act (FRA), 44 U.S.C. § 3301(A), defining “federal records”, and 26 C.F.R. § 1222.10(b)(4),¹ defining “received” under the National Archives and Record Administration Act (NARA) as it pertains to federal records. Respondents again instructed Relator to instead contact ICE for these records. Exhibit 1, pp. 2-3.

12. On May 4, 2025, Relator emailed Respondents, seeking confirmation that their April 22, 2025 response was a denial of the records requested. Exhibit 1, p. 2.

13. On May 5, 2025, Respondents emailed Relator stating that “a ‘public record’ is not ‘records the release of which is prohibited by state or federal law,’” again citing the FRA, 44 U.S.C. § 3301(A), and the NARA, 26 C.F.R. § 1222.10(b)(4).² Respondents again instructed Relator to instead contact ICE for the records. Exhibit 1, p. 1.

¹ Respondent erroneously cited 26 C.F.R. § 1222.10(b)(4), a provision that does not exist. We assume Respondent intended 36 C.F.R. § 1222.10(b)(4), which pertains to National Archives and Records Administration Act (NARA) regulations regarding the Federal Records Act.

² Respondent erroneously cited 26 C.F.R. § 1222.10(b)(4), a provision that does not exist. We assume Respondent intended 36 C.F.R. § 1222.10(b)(4), which pertains to National Archives and Records Administration Act (NARA) regulations regarding the Federal Records Act.

14. On May 8, 2025, Relator served an O.R.C. Section 149 Complaint to Respondents, pursuant to R.C. 149.43(C)(1), for Respondents' failure to promptly make the requested records available to Relator for inspection. Exhibit 3. The Section 149 Complaint was delivered on May 12, which began the statutory three-day period for Respondents to cure or address the failure alleged in that complaint. Rosnick Affidavit ¶ 4. The three-day period expired on May 15. As of the date of filing this Action, Relator has not received any response from Respondents. Rosnick Affidavit ¶ 5.

15. R.C. 149.43(C)(1) provides that after the expiration of that period, an aggrieved party may file a mandamus action seeking the requested records.

ARGUMENT

16. This Court should issue a writ of mandamus because Relator has a clear legal right to the records requested, and Respondents have a clear legal duty to provide them. No exception to Ohio Public Records law applies to the requested records. A public "record" in Ohio's Public Records law is defined as "any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code, created *or received by* or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office." R.C. 149.011(G) (emphasis added). This definition of "records" is "broad enough to encompass anything a governmental unit utilizes to carry out its duties and responsibilities." *State ex rel. Mazzaro v. Ferguson*, 49 Ohio St. 3d 37, 39 (1990) (internal citations omitted).

17. Ohio's Public Records law contains an exception for "Records the release of which is prohibited by state or federal law[.]" R.C. 149.43(A)(1)(v). However, "[e]xceptions to disclosure

under the Public Records Act, R.C. 149.43, are strictly construed against the public-records custodian, and the custodian has the burden to establish the applicability of an exception. . . . A custodian does not meet this burden if it has not proven that the requested records fall squarely within the exception.” *State ex rel. Cincinnati Enquirer v. Jones-Kelley*, 886 N.E.2d 206, 210 (Ohio 2008).

18. Respondents cite the Federal Records Act (FRA), 44 U.S.C. § 3301(A), which includes a definition of a federal “record,” and the definition of “received” as used in the National Archives and Records Administration (NARA) Act, 36 C.F.R. § 1222.10(b)(4), intended to provide guidance to agencies on how they “should . . . apply the statutory definition of Federal records[.]” But neither the FRA nor the NARA prohibit the disclosure of the requested records merely because they are federal records. Respondents thus have not, and cannot, identify any basis for the exception they claim under R.C. 149.43(A)(1)(v).

19. To the extent Respondents also rely on 5 U.S.C. § 552a, “Records Maintained on Individuals”, or 8 C.F.R. § 236.6, “Information regarding detainees”, neither statute prohibits the release of the requested records, which include contracts, drafts of contracts, and related documents of Respondents, as the requested records do not seek information on specific detainees. Additionally, to the extent that any of the requested records contain such information, any personally identifiable information can be redacted pursuant to R.C. 149.43(a)(13).

20. Moreover, regardless of whether the requested records happen also to be in the possession of ICE, if Respondents have them, Ohio law requires their disclosure. *See State v. Sanchez*, 79 Ohio App. 3d 133, 136 (6th Dist. 1992) (“Since particular records can be so utilized simultaneously by different governmental units, the same records can be simultaneously ‘kept’ by more than one governmental unit, all of which are required to make such records available for

inspection.”). There is simply no requirement that the public go through “third parties in order to gain access to public records.” *State ex rel. Recodat Co. v. Buchanan*, 46 Ohio St. 3d 163, 165 (1989).

21. Respondents have failed to fulfill their clear legal duty by failing to provide requested public records that are not subject to an exception. Relator is an aggrieved person under the law. Therefore, this Court should issue a writ of mandamus compelling Respondents to provide Relator copies of the public records she requested.

CLAIMS FOR RELIEF

22. WHEREFORE, Relator prays for a peremptory writ and/or an alternative writ of mandamus compelling Respondents Geauga County Sheriff’s Office and Sheriff Scott A. Hildenbrand to provide the records that Relator sought on March 12, 2025, in conjunction with statutory damages, attorney fees, court costs and all other relief permitted by law.

Dated: May 20, 2025

Respectfully submitted,

/s/ Amy Gilbert
Amy Gilbert (100887)
Counsel of Record
Freda J. Levenson (45916)
ACLU OF OHIO FOUNDATION, INC.
4506 Chester Avenue
Cleveland, Ohio 44103
(614) 586-1972
agilbert@acluohio.org
flevenson@acluohio.org

Counsel for Relators

In the
Supreme Court of Ohio

STATE ex rel. Jocelyn Rosnick,

Relator,

v.

Geauga County Sheriff's Office and Geauga
County Sheriff Scott A. Hildenbrand,

Respondents.

Original Action in Mandamus

Affidavit of Relator Jocelyn Rosnick

State of Ohio

County of Franklin, ss:

Now comes affiant, Jocelyn Rosnick, being duly sworn and states as follows:

1. My name is Jocelyn Rosnick. I am over 18 years of age, suffer no legal disabilities, and am of sound mind and capable of making this sworn statement.
The facts contained in this affidavit are within my personal knowledge and are true and correct.
2. On March 12, 2025, I submitted via email a public records request to the Geauga County Sheriff's Office seeking three categories of records. I continued to email with the Records Clerk of the Geauga County Sheriff's Office until it became clear that they would not be providing records responsive to one of my requests.

3. On Thursday, May 8, 2025, I caused the Ohio Court of Claims Public Records Access Formal Complaint and exhibits to be sent by certified mail to the Geauga County Sheriff's Office.
4. On Wednesday, May 14, 2025, I received a confirmation of receipt that showed the Complaint was delivered on Monday, May 12, 2025 (Exhibit A).
5. As of the date of executing this Affidavit, I have not received any response from the Geauga County Sheriff's Office.

Signed by Black Knight EXP-DocVerify: 2025-05-20 10:33:40 EDT
Jocelyn Rosnick
5586994-32152013-39293570

5/20/2025

Jocelyn Rosnick

Sworn to or affirmed before me and subscribed in my presence in Franklin County, Ohio on this 20th day of May, 2025.

Signed by Black Knight EXP-DocVerify: 2025-05-20 10:33:51 EDT
Theresa M Sabo
5586994-32152013-292790

Signature of Notary Public



Notarial Act Performed by Audio visual communication

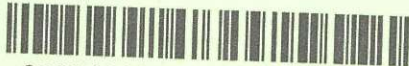
Exhibit A

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Geauga County Sheriff's
Office
Diane Peterson
12450 Merritt Rd.
Chardon, OH 44024



9590 9402 9276 4295 2277 79

2. Article Number (Transfer from service label)

9589 0710 5270 1809 2829 53

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

- ☐ Agent
- ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

5-12-85

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Exhibit 1

From: Peterson, Diane M. <DMPeterson@CO.GEAUGA.OH.US>
Date: Monday, May 5, 2025 at 12:13 PM
To: Jocelyn Rosnick <jrosnick@acluohio.org>
Cc: Wieland, Susan <SWieland@CO.GEAUGA.OH.US>, Rowan, Thomas <trowan@CO.GEAUGA.OH.US>, Rose, Kathy <KRose@CO.GEAUGA.OH.US>, Jonovich, Amanda <AJonovich@CO.GEAUGA.OH.US>
Subject: RE: Records Request on Jail Population - Geauga

Mrs. Rosnick
This is our response to your request

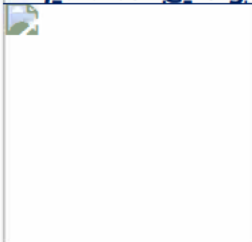
We were advised by our legal counsel to respond with the following:

The Ohio Public Records Act at ORC Section 149.43(A)(1)(v) states that a "public record" is not "records the release of which is prohibited by state or federal law." The FRA defines federal records as all recorded information, regardless of form or characteristics, made or received by a Federal Agency under Federal law or in connection with the transaction of public business and appropriate for preservation by the agency as evidence of its operations. See 44 U.S.C. § 3301(A). NARA regulations regarding the FRA indicate that "received" means the acceptance or collection of documentary materials by or on behalf of the agency in the course of their official duties regardless of their origin (for example, other units of the agency, private citizens, public officials, other agencies, and contractors.) See 26 C.F.R. § 1222.10(b)(4).

We apologize for any inconvenience this may cause and strongly urge anyone interested in obtaining ICE records to contact the ICE FOIA (Freedom of Information Act) office at ice-foia@ice.dhs.gov.

Diane Peterson/ Records Clerk

Geauga County Sheriff's Office
Sheriff Scott A. Hildenbrand
12450 Merritt Rd
Chardon, OH 44024
Office (440) 279-2009 Option 4
Fax (440) 286-3251
dmpeterson@co.geauga.oh.us



From: Jocelyn Rosnick <jrosnick@acluohio.org>
Sent: Sunday, May 4, 2025 4:43 PM
To: Peterson, Diane M. <DMPeterson@CO.GEAUGA.OH.US>
Cc: Wieland, Susan <SWieland@CO.GEAUGA.OH.US>
Subject: Re: Records Request on Jail Population - Geauga

Attention: This is an external email and contains an attachment or image

Be cautious when opening attachments or clicking on images in this email. They may contain viruses or malware. Only open attachments from trusted sources and if you were expecting them.

- ADP Security Team

Attention: This is an external email and contains a link

Be cautious when clicking links in this email. They may direct you to potentially unsafe websites.

- ADP Security Team

Dear Ms. Peterson,

Am I correct to understand your below email dated April 22, 2025, to be a denial by the Geauga County Sheriff's Office regarding my Request # 2 for records? If I do not hear otherwise by the end of business on Tuesday, May 6, I will assume that such is the case.

Thank you for your assistance,

Jocelyn

Jocelyn Rosnick, Esq.

Chief Policy & Advocacy Officer | | ACLU of Ohio

4506 Chester Ave. | | Cleveland, OH 44103

216.329.0141 | | jrosnick@acluohio.org

Pronouns: she, her, hers

Become a card-carrying member of the ACLU.

[Stand with us. We've got your back.](#)

 EmailSig-2017Logo_155-81

From: Peterson, Diane M. <DMPeterson@CO.GEAUGA.OH.US>
Date: Tuesday, April 22, 2025 at 11:14 AM
To: Jocelyn Rosnick <jrosnick@acluohio.org>
Cc: Wieland, Susan <SWieland@CO.GEAUGA.OH.US>
Subject: RE: Records Request on Jail Population - Geauga

Hello Ms. Rosnick

We were advised by our legal counsel to respond with the following:

The Ohio Public Records Act at ORC Section 149.43(A)(1)(v) states that a "public record" is not "records the release of which is prohibited by state or federal law." The FRA defines federal records as all recorded information, regardless of form or characteristics, made or received by a Federal Agency under Federal law or in connection with the transaction of

public business and appropriate for preservation by the agency as evidence of its operations. See 44 U.S.C. § 3301(A). NARA regulations regarding the FRA indicate that "received" means the acceptance or collection of documentary materials by or on behalf of the agency in the course of their official duties regardless of their origin (for example, other units of the agency, private citizens, public officials, other agencies, and contractors.) See 26 C.F.R. § 1222.10(b)(4).

We apologize for any inconvenience this may cause and strongly urge anyone interested in obtaining ICE records to contact the ICE FOIA (Freedom of Information Act) office at ice-foia@ice.dhs.gov.

Diane Peterson/ Records Clerk

Geauga County Sheriff's Office
Sheriff Scott A. Hildenbrand
12450 Merritt Rd
Chardon, OH 44024
Office (440) 279-2009 Option 4
Fax (440) 286-3251
dmpeterson@co.geauga.oh.us



From: Jocelyn Rosnick <jrosnick@acluohio.org>
Sent: Monday, April 21, 2025 2:49 PM
To: Peterson, Diane M. <DMPeterson@CO.GEAUGA.OH.US>
Subject: Re: Records Request on Jail Population - Geauga

Attention: This is an external email and contains an attachment or image

Be cautious when opening attachments or clicking on images in this email. They may contain viruses or malware. Only open attachments from trusted sources and if you were expecting them.

- ADP Security Team

Attention: This is an external email and contains a link

Be cautious when clicking links in this email. They may direct you to potentially unsafe websites.

- ADP Security Team

Hello again Ms. Peterson,

Upon further review, I wanted to provide some clarification around request 2. We are not seeking personally identifiable information—simply contracts/ drafts of contracts and documents directly related to those contracts.

USC 552a – “Records Maintained on Individuals” – prohibits the release of records that pertain to individuals – which is not what we are asking for. Nothing within 5 U.S.C. 552a or 8 C.F.R. 236.6 prohibits the disclosure of records previously requested. Of course, if any personally identifying information that is protected by 5 U.S.C. 552a or 8 C.F.R. 236.6 is contained within those records, Ohio Revised Code Section 149.43(a)(13) allows for the redaction of that information. We therefore request your office promptly comply with our Public Records Request, initially dated March 12, 2025.

Thank you for your attention to this matter and assistance.

Sincerely,

Jocelyn

Jocelyn Rosnick, Esq.

[Chief Policy & Advocacy Officer](#) || [ACLU of Ohio](#)

4506 Chester Ave. || Cleveland, OH 44103

216.329.0141 || jrosnick@acluohio.org

Pronouns: she, her, hers

Become a card-carrying member of the ACLU.

[Stand with us. We've got your back.](#)

 EmailSig-2017Logo_155-81

From: Jocelyn Rosnick <jrosnick@acluohio.org>

Date: Wednesday, April 16, 2025 at 3:48 PM

To: Peterson, Diane M. <DMPeterson@CO.GEAUGA.OH.US>

Subject: Re: Records Request on Jail Population - Geauga

Hello Ms. Peterson,

Thank you for your response and additional information. I'll reach out if I have any questions upon our internal review.

Have a wonderful rest of your week.

Sincerely,

Jocelyn

Jocelyn Rosnick, Esq.

[Chief Policy & Advocacy Officer](#) || [ACLU of Ohio](#)

4506 Chester Ave. || Cleveland, OH 44103

216.329.0141 || jrosnick@acluohio.org

Pronouns: she, her, hers

Become a card-carrying member of the ACLU.

[Stand with us. We've got your back.](#)

 EmailSig-2017Logo_155-81

From: Peterson, Diane M. <DMPeterson@CO.GEAUGA.OH.US>

Date: Tuesday, April 8, 2025 at 1:49 PM

To: Jocelyn Rosnick <jrosnick@acluohio.org>
Subject: FW: Records Request on Jail Population - Geauga

You don't often get email from dmpeterson@co.geauga.oh.us. [Learn why this is important](#)

Good Afternoon

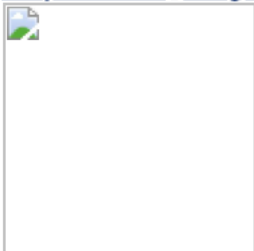
The public records responsive to your request are attached.

Per our legal counsel regarding item 2.

The records are not public per Ohio Revised Code section 149.43 (A)(1)(v), as the release of such records is prohibited by federal law. Geauga County contracts with the federal government for the housing of Immigration and Customs Enforcement (ICE) detainees. We have been advised by legal counsel for the U.S. Department of Homeland Security that the release of requested records would be a violation of the federal Privacy Act, 5 U.S.C. 552a. Additionally, 8 C.F.R. section 236.6 prohibits the disclosure of names or other information relating to ICE detainees by any local government who houses any detainee. We apologize for any inconvenience this may cause and strongly urge anyone interested in obtaining ICE records to contact the ICE FOIA (Freedom of Information Act) office at ice-foia@ice.dhs.gov.

Diane Peterson/ Records Clerk

*Geauga County Sheriff's Office
Sheriff Scott A. Hildenbrand
12450 Merritt Rd
Chardon, OH 44024
Office (440) 279-2009 Option 4
Fax (440) 286-3251
dmpeterson@co.geauga.oh.us*



From: Jocelyn Rosnick <jrosnick@acluohio.org>
Sent: Tuesday, March 18, 2025 13:07
To: GeaugaSO <Gaugaso@CO.GEAUGA.OH.US>
Subject: Re: Records Request on Jail Population - Geauga

Some people who received this message don't often get email from jrosnick@acluohio.org. [Learn why this is important](#)

Attention: This is an external email and contains an attachment or image

Be cautious when opening attachments or clicking on images in this email. They may contain viruses or malware. Only open attachments from trusted sources and if you were expecting them.

- ADP Security Team

Attention: This is an external email and contains a link

Be cautious when clicking links in this email. They may direct you to potentially unsafe websites

Hello,

I am writing to confirm receipt of the public records request sent on March 12.

Thank you in advance,

Jocelyn Rosnick, Esq.

Policy Director || **ACLU of Ohio**

4506 Chester Ave. || Cleveland, OH 44103

216.329.0141 || jrosnick@acluohio.org

Pronouns: she, her, hers

Become a card-carrying member of the ACLU.

[Stand with us.](#) *We've got your back.*

 EmailSig-2017Logo_155-81

From: Jocelyn Rosnick <jrosnick@acluohio.org>

Date: Wednesday, March 12, 2025 at 3:15 PM

To: geaugaso@co.geauga.oh.us <geaugaso@co.geauga.oh.us>

Subject: Records Request on Jail Population - Geauga

Good afternoon,

Please see the attached request for public records in possession of the Geauga County Safety Center (GCSC).

If you have any questions, please do not hesitate to contact me.

Sincerely,

Jocelyn

Jocelyn Rosnick, Esq.

Policy Director || **ACLU of Ohio**

4506 Chester Ave. || Cleveland, OH 44103

216.329.0141 || jrosnick@acluohio.org

Pronouns: she, her, hers

Become a card-carrying member of the ACLU.

[Stand with us.](#) *We've got your back.*

 EmailSig-2017Logo_155-81

Exhibit 2

March 12, 2025

Geauga County Safety Center
12450 Merritt Road
Chardon, OH 44024

Sent via email to geaugaso@co.geauga.oh.us

Re: Public Records Request related to the Geauga County Safety Center (GCSC) contract and communications with U.S Immigration and Customs Enforcement, the U.S Department of Homeland Security, and the U.S. Marshals Service



4506 Chester Avenue
Cleveland, OH 44103
P: (614) 586-1959
F: (216) 472-2210

1108 City Park Avenue
Suite 203
Columbus, OH 43206
P: (614) 586-1959
F: (614) 586-1974

acluohio.org
contact@acluohio.org

Dr. Ebony Speakes-Hall, LISW-S
President

J. Bennett Guess
Executive Director

Dear Sheriff Hildenbrand:

Pursuant to Ohio's open record laws, Revised Code 149.43, the following is a formal request for public records in possession of the Geauga County Safety Center, and specifically, Sheriff Scott Hildenbrand, Chief Deputy Tom Rowan, and Lieutenant Kathy Rose.

I hereby request copies of the following records:

1. Communications between individuals listed above and representatives or agents of the U.S Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), and the U.S Marshals Service (USMS) regarding partnerships with GCSC, including but not limited to pending or executed contracts, from June 1, 2024 to March 3, 2025.
2. Contracts, drafts of contracts, and related memorandums, agreed to and executed by DHS, ICE, and/ or USMS Service with GCSC from June 1, 2024 to March 3, 2025.
3. Communications between the individuals listed above and leadership of Geauga County including, but not limited to, County Commissioners Carolyn Brakey, James Dvorak, and Ralph Spidalieri, County Auditor Charles Walder, and County Prosecutor James Flaiz pertaining to partnerships with GCSC, including but not limited to pending or executed contracts, between CCNO and DHS, ICE, and USMS between June 1, 2024 to March 3, 2025.

For purposes of this request, "communications" means any and all e-mails, text messages, correspondence, papers, text files, notes, and/or minutes.

Please send the requested records to me via email at jrosnick@acluohio.org within fourteen (14) days of receipt of this request. If more time is needed, please contact me via email to discuss your anticipated response timeline. I remain open to receiving the records on a rolling basis. If there is any cost related to the production of these documents, please notify me before incurring that cost.

If you have any questions related to this request, please contact me via email. Thank you in advance for your assistance.

Respectfully submitted,

Jocelyn Rosnick, Esq.
Policy Director
ACLU of Ohio

Exhibit 3

**OHIO COURT OF CLAIMS
PUBLIC RECORDS ACCESS
FORMAL COMPLAINT**

OCC Form Rev. (4/2025a)

Ohio Court of Claims
65 South Front Street, 3rd Floor
Columbus, Ohio 43215
(614) 387-9800
www.ohiocourtclaims.gov

All information provided may be disclosed pursuant to the Ohio Public Records Act, O.R.C. 149.43.

PLEASE TYPE OR PRINT

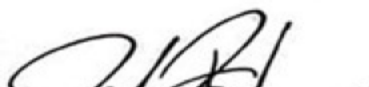
CLAIMANT CONTACT INFORMATION			
Name of person or organization that made public records request (last, first, middle initial or organization name) Jocelyn Rosnick, ACLU of Ohio			
c/o (contact person if claimant is an organization) Jocelyn Rosnick			
Address 4506 Chester Avenue	City Cleveland	State OH	Zip Code 44103
Telephone number 216-329-0141	E-mail address jrosnick@acluohio.org		
PUBLIC OFFICE CONTACT INFORMATION			
Name of public office Geauga County Sheriff's Office			
Address (number and street) 12450 Merritt Rd.	City Chardon	State OH	Zip Code 44024
County Geauga	Telephone number 440-279-2009 option 4	E-mail address dmpeterson@co.geauga.oh.us	
Name of public official who responded to records request (if no response made, state "None") Diane Peterson / Records Clerk			
COMPLAINT			
Please describe how access to public records was denied in violation of R.C. 149.43(B) (see codes.ohio.gov/orc/149.43). Attach additional sheets if necessary. Give the date of each request and be specific as to what records have not been provided.			
See attached Complaint (Exhibit A), Public Records Request (Exhibit B), Timeline (Exhibit C), and all of the			
correspondence between the parties (Exhibit D).			
REQUIRED ATTACHMENTS OR INFORMATION			
Attach <input checked="" type="checkbox"/> copy of original public records request, and <input checked="" type="checkbox"/> copy of any and all written responses or other communications relating to the request from the public office. If the request and/or denial was verbal, provide a detailed description below of the verbal communication with the public office. Attach additional sheets if necessary.			
<input checked="" type="checkbox"/> I affirm that a copy of this complaint was properly transmitted to the public office or person responsible for public records, that they were provided three business days to cure or otherwise address the failure alleged in this complaint, and that the failure alleged in the complaint has not been cured or otherwise resolved.			
Signature 		Date (mm/dd/year) 05/08/2025	

Exhibit A

COMPLAINT

1. On March 12, 2025, Jocelyn Rosnick (“Rosnick”) sent a Public Records Request (PRR) via email to Geauga County Sheriff’s Office (“GCSO”) making three requests. *See Exhibit B.*
2. On April 8, 2025, GCSO responded via email with records responsive to Requests 1 and 3, but not as to Request 2. *See Exhibit D* at p. 5.
3. The records requested in Request 2 that GCSO refused to provide were: Contracts, drafts of contracts, and related memorandums, agreed to and executed by DHS (the Department of Homeland Security), ICE (Immigration and Customs Enforcement), and /or USMS (US Marshals Service) Service with GCJ from June 1, 2024 to March 3, 2025. *See Exhibit B.*
4. Instead, as to Request 2, GCSO asserted that such “records are not public per Ohio Revised Code section 149.43(A)(1)(v) as the release of such records is prohibited by federal law.” Specifically, GCSO cited two federal statutes: the federal Privacy Act, 5 U.S.C. 552a, which limits the disclosure of records containing information about an individual, and 8 C.F.R. § 236.6, prohibiting the release of information identifying detainees. The email also instructed Rosnick to request these records instead from ICE. *See Exhibit D* at p. 5.
5. After additional clarification from Rosnick noting that Request 2 did not seek information regarding any individual or detainee, and even if it did, such information could be redacted pursuant to Ohio Revised Code Section 149.43(a)(13), GCSO again responded via email on April 22, 2025, that the disclosure of such records are “prohibited by state or federal law,” citing two additional federal statutes: 44 U.S.C. § 3301(A) defining federal “records” as used in the Federal Records Act (FRA) and 26 C.F.R. § 1222.10(b)(4)¹ defining “received” as used in the National Archives and Record Administration Act (NARA). GCSO again instructed Rosnick to request the records instead from ICE. *See id.* at pp. 2-3.
6. Neither the FRA nor the NARA, however, prohibit the disclosure of federal records, and such documents are therefore not exempt under Ohio’s public records law. Additionally, merely because another agency also possesses the records requested does not relieve GCSO of the duty to release the records in their possession.
7. For a timeline of these events, see **Exhibit C**. For the complete correspondence between the parties, see **Exhibit D**.

¹ GCSO erroneously cited 26 C.F.R. § 1222.10(b)(4), a provision that does not exist. We assume Respondent intended 36 C.F.R. § 1222.10(b)(4), which pertains to National Archives and Records Administration Act (NARA) regulations regarding the Federal Records Act.

Exhibit B

March 12, 2025

Geauga County Safety Center
12450 Merritt Road
Chardon, OH 44024

Sent via email to geaugaso@co.geauga.oh.us

Re: Public Records Request related to the Geauga County Safety Center (GCSC) contract and communications with U.S Immigration and Customs Enforcement, the U.S Department of Homeland Security, and the U.S. Marshals Service



4506 Chester Avenue
Cleveland, OH 44103
P: (614) 586-1959
F: (216) 472-2210

1108 City Park Avenue
Suite 203
Columbus, OH 43206
P: (614) 586-1959
F: (614) 586-1974

acluohio.org
contact@acluohio.org

Dr. Ebony Speakes-Hall, LISW-S
President

J. Bennett Guess
Executive Director

Dear Sheriff Hildenbrand:

Pursuant to Ohio's open record laws, Revised Code 149.43, the following is a formal request for public records in possession of the Geauga County Safety Center, and specifically, Sheriff Scott Hildenbrand, Chief Deputy Tom Rowan, and Lieutenant Kathy Rose.

I hereby request copies of the following records:

1. Communications between individuals listed above and representatives or agents of the U.S Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), and the U.S Marshals Service (USMS) regarding partnerships with GCSC, including but not limited to pending or executed contracts, from June 1, 2024 to March 3, 2025.
2. Contracts, drafts of contracts, and related memorandums, agreed to and executed by DHS, ICE, and/ or USMS Service with GCSC from June 1, 2024 to March 3, 2025.
3. Communications between the individuals listed above and leadership of Geauga County including, but not limited to, County Commissioners Carolyn Brakey, James Dvorak, and Ralph Spidalieri, County Auditor Charles Walder, and County Prosecutor James Flaiz pertaining to partnerships with GCSC, including but not limited to pending or executed contracts, between CCNO and DHS, ICE, and USMS between June 1, 2024 to March 3, 2025.

For purposes of this request, "communications" means any and all e-mails, text messages, correspondence, papers, text files, notes, and/or minutes.

Please send the requested records to me via email at jrosnick@acluohio.org within fourteen (14) days of receipt of this request. If more time is needed, please contact me via email to discuss your anticipated response timeline. I remain open to receiving the records on a rolling basis. If there is any cost related to the production of these documents, please notify me before incurring that cost.

If you have any questions related to this request, please contact me via email. Thank you in advance for your assistance.

Respectfully submitted,

Jocelyn Rosnick, Esq.
Policy Director
ACLU of Ohio

Exhibit C

Timeline

<u>Date</u>	<u>Description</u>
March 12, 2025	Rosnick emails a Public Records Request (PRR) to the Geauga County Sheriff's Office (GCSO) making 3 requests for public records.
March 18, 2025	Rosnick emails to confirm receipt of the PRR.
April 8, 2025	GCSO responds with records responsive to Requests 1 and 3, but asserts that the records requested in Request 2 are not public records, citing 5 U.S.C. 552a and 8 C.F.R. § 236.6. GCSO instructs Rosnick to request the records instead from ICE.
April 16, 2025	Rosnick responds that she will reach out with any questions after an internal review of GCSO's response.
April 21, 2025	Rosnick emails to provide clarification around Request 2, which does not seek personally identifiable information, but rather seeks contracts, drafts of contracts, and related documents. Rosnick also explains that nothing within 5 U.S.C. 552a or 8 C.F.R. § 236.6 prohibits the disclosure of the records requested, and notes that Ohio's Public Records Act allows for the redaction of any personally identifiable information pursuant to O.R.C. 149.43(a)(13). Rosnick again requests prompt compliance with her PRR.
April 22, 2025	GCSO responds via email stating that the Request seeks records "the release of which is prohibited by state or federal law" and cites the FRA, 44 U.S.C. § 3301(A), and the NARA, 26 C.F.R. § 1222.10(b)(4). ¹ GCSO again instructs Rosnick to instead obtain the records from ICE.
May 4, 2025	Rosnick emails GCSO confirming that their email dated April 22, 2025, is a denial of her PRR regarding Request 2.
May 5, 2025	GCSO responds via email stating that the Request seeks records "the release of which is prohibited by state or federal law" and cites the FRA, 44 U.S.C. § 3301(A), and the NARA, 26 C.F.R. § 1222.10(b)(4). ² GCSO again instructs Rosnick to instead obtain the records from ICE.

¹ GCSO erroneously cited 26 C.F.R. § 1222.10(b)(4), a provision that does not exist. We assume Respondent intended 36 C.F.R. § 1222.10(b)(4), which pertains to National Archives and Records Administration Act (NARA) regulations regarding the Federal Records Act.

² GCSO erroneously cited 26 C.F.R. § 1222.10(b)(4), a provision that does not exist. We assume Respondent intended 36 C.F.R. § 1222.10(b)(4), which pertains to National Archives and Records Administration Act (NARA) regulations regarding the Federal Records Act.

Exhibit D

From: Peterson, Diane M. <DMPeterson@CO.GEAUGA.OH.US>
Date: Monday, May 5, 2025 at 12:13 PM
To: Jocelyn Rosnick <jrosnick@acluohio.org>
Cc: Wieland, Susan <SWieland@CO.GEAUGA.OH.US>, Rowan, Thomas <trowan@CO.GEAUGA.OH.US>, Rose, Kathy <KRose@CO.GEAUGA.OH.US>, Jonovich, Amanda <AJonovich@CO.GEAUGA.OH.US>
Subject: RE: Records Request on Jail Population - Geauga

Mrs. Rosnick
This is our response to your request

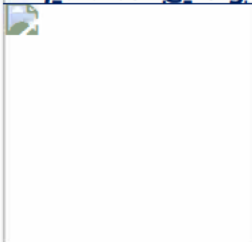
We were advised by our legal counsel to respond with the following:

The Ohio Public Records Act at ORC Section 149.43(A)(1)(v) states that a "public record" is not "records the release of which is prohibited by state or federal law." The FRA defines federal records as all recorded information, regardless of form or characteristics, made or received by a Federal Agency under Federal law or in connection with the transaction of public business and appropriate for preservation by the agency as evidence of its operations. See 44 U.S.C. § 3301(A). NARA regulations regarding the FRA indicate that "received" means the acceptance or collection of documentary materials by or on behalf of the agency in the course of their official duties regardless of their origin (for example, other units of the agency, private citizens, public officials, other agencies, and contractors.) See 26 C.F.R. § 1222.10(b)(4).

We apologize for any inconvenience this may cause and strongly urge anyone interested in obtaining ICE records to contact the ICE FOIA (Freedom of Information Act) office at ice-foia@ice.dhs.gov.

Diane Peterson/ Records Clerk

Geauga County Sheriff's Office
Sheriff Scott A. Hildenbrand
12450 Merritt Rd
Chardon, OH 44024
Office (440) 279-2009 Option 4
Fax (440) 286-3251
dmpeterson@co.geauga.oh.us



From: Jocelyn Rosnick <jrosnick@acluohio.org>
Sent: Sunday, May 4, 2025 4:43 PM
To: Peterson, Diane M. <DMPeterson@CO.GEAUGA.OH.US>
Cc: Wieland, Susan <SWieland@CO.GEAUGA.OH.US>
Subject: Re: Records Request on Jail Population - Geauga

Attention: This is an external email and contains an attachment or image

Be cautious when opening attachments or clicking on images in this email. They may contain viruses or malware. Only open attachments from trusted sources and if you were expecting them.

- ADP Security Team

Attention: This is an external email and contains a link

Be cautious when clicking links in this email. They may direct you to potentially unsafe websites.

- ADP Security Team

Dear Ms. Peterson,

Am I correct to understand your below email dated April 22, 2025, to be a denial by the Geauga County Sheriff's Office regarding my Request # 2 for records? If I do not hear otherwise by the end of business on Tuesday, May 6, I will assume that such is the case.

Thank you for your assistance,

Jocelyn

Jocelyn Rosnick, Esq.

Chief Policy & Advocacy Officer | | ACLU of Ohio

4506 Chester Ave. | | Cleveland, OH 44103

216.329.0141 | | jrosnick@acluohio.org

Pronouns: she, her, hers

Become a card-carrying member of the ACLU.

[Stand with us. We've got your back.](#)

 EmailSig-2017Logo_155-81

From: Peterson, Diane M. <DMPeterson@CO.GEAUGA.OH.US>
Date: Tuesday, April 22, 2025 at 11:14 AM
To: Jocelyn Rosnick <jrosnick@acluohio.org>
Cc: Wieland, Susan <SWieland@CO.GEAUGA.OH.US>
Subject: RE: Records Request on Jail Population - Geauga

Hello Ms. Rosnick

We were advised by our legal counsel to respond with the following:

The Ohio Public Records Act at ORC Section 149.43(A)(1)(v) states that a "public record" is not "records the release of which is prohibited by state or federal law." The FRA defines federal records as all recorded information, regardless of form or characteristics, made or received by a Federal Agency under Federal law or in connection with the transaction of

public business and appropriate for preservation by the agency as evidence of its operations. See 44 U.S.C. § 3301(A). NARA regulations regarding the FRA indicate that "received" means the acceptance or collection of documentary materials by or on behalf of the agency in the course of their official duties regardless of their origin (for example, other units of the agency, private citizens, public officials, other agencies, and contractors.) See 26 C.F.R. § 1222.10(b)(4).

We apologize for any inconvenience this may cause and strongly urge anyone interested in obtaining ICE records to contact the ICE FOIA (Freedom of Information Act) office at ice-foia@ice.dhs.gov.

Diane Peterson/ Records Clerk

Geauga County Sheriff's Office
Sheriff Scott A. Hildenbrand
12450 Merritt Rd
Chardon, OH 44024
Office (440) 279-2009 Option 4
Fax (440) 286-3251
dmpeterson@co.geauga.oh.us



From: Jocelyn Rosnick <jrosnick@acluohio.org>
Sent: Monday, April 21, 2025 2:49 PM
To: Peterson, Diane M. <DMPeterson@CO.GEAUGA.OH.US>
Subject: Re: Records Request on Jail Population - Geauga

Attention: This is an external email and contains an attachment or image

Be cautious when opening attachments or clicking on images in this email. They may contain viruses or malware. Only open attachments from trusted sources and if you were expecting them.

- ADP Security Team

Attention: This is an external email and contains a link

Be cautious when clicking links in this email. They may direct you to potentially unsafe websites.

- ADP Security Team

Hello again Ms. Peterson,

Upon further review, I wanted to provide some clarification around request 2. We are not seeking personally identifiable information—simply contracts/ drafts of contracts and documents directly related to those contracts.

USC 552a – “Records Maintained on Individuals” – prohibits the release of records that pertain to individuals – which is not what we are asking for. Nothing within 5 U.S.C. 552a or 8 C.F.R. 236.6 prohibits the disclosure of records previously requested. Of course, if any personally identifying information that is protected by 5 U.S.C. 552a or 8 C.F.R. 236.6 is contained within those records, Ohio Revised Code Section 149.43(a)(13) allows for the redaction of that information. We therefore request your office promptly comply with our Public Records Request, initially dated March 12, 2025.

Thank you for your attention to this matter and assistance.

Sincerely,

Jocelyn

Jocelyn Rosnick, Esq.

[Chief Policy & Advocacy Officer](#) | [ACLU of Ohio](#)

4506 Chester Ave. | Cleveland, OH 44103

216.329.0141 | jrosnick@acluohio.org

Pronouns: she, her, hers

Become a card-carrying member of the ACLU.

[Stand with us. We've got your back.](#)

 EmailSig-2017Logo_155-81

From: Jocelyn Rosnick <jrosnick@acluohio.org>

Date: Wednesday, April 16, 2025 at 3:48 PM

To: Peterson, Diane M. <DMPeterson@CO.GEAUGA.OH.US>

Subject: Re: Records Request on Jail Population - Geauga

Hello Ms. Peterson,

Thank you for your response and additional information. I'll reach out if I have any questions upon our internal review.

Have a wonderful rest of your week.

Sincerely,

Jocelyn

Jocelyn Rosnick, Esq.

[Chief Policy & Advocacy Officer](#) | [ACLU of Ohio](#)

4506 Chester Ave. | Cleveland, OH 44103

216.329.0141 | jrosnick@acluohio.org

Pronouns: she, her, hers

Become a card-carrying member of the ACLU.

[Stand with us. We've got your back.](#)

 EmailSig-2017Logo_155-81

From: Peterson, Diane M. <DMPeterson@CO.GEAUGA.OH.US>

Date: Tuesday, April 8, 2025 at 1:49 PM

To: Jocelyn Rosnick <jrosnick@acluohio.org>
Subject: FW: Records Request on Jail Population - Geauga

You don't often get email from dmpeterson@co.geauga.oh.us. [Learn why this is important](#)

Good Afternoon

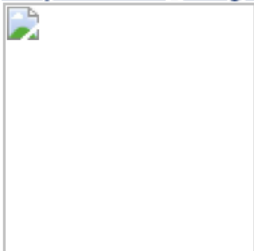
The public records responsive to your request are attached.

Per our legal counsel regarding item 2.

The records are not public per Ohio Revised Code section 149.43 (A)(1)(v), as the release of such records is prohibited by federal law. Geauga County contracts with the federal government for the housing of Immigration and Customs Enforcement (ICE) detainees. We have been advised by legal counsel for the U.S. Department of Homeland Security that the release of requested records would be a violation of the federal Privacy Act, 5 U.S.C. 552a. Additionally, 8 C.F.R. section 236.6 prohibits the disclosure of names or other information relating to ICE detainees by any local government who houses any detainee. We apologize for any inconvenience this may cause and strongly urge anyone interested in obtaining ICE records to contact the ICE FOIA (Freedom of Information Act) office at ice-foia@ice.dhs.gov.

Diane Peterson/ Records Clerk

*Geauga County Sheriff's Office
Sheriff Scott A. Hildenbrand
12450 Merritt Rd
Chardon, OH 44024
Office (440) 279-2009 Option 4
Fax (440) 286-3251
dmpeterson@co.geauga.oh.us*



From: Jocelyn Rosnick <jrosnick@acluohio.org>
Sent: Tuesday, March 18, 2025 13:07
To: GeaugaSO <Gaugaso@CO.GEAUGA.OH.US>
Subject: Re: Records Request on Jail Population - Geauga

Some people who received this message don't often get email from jrosnick@acluohio.org. [Learn why this is important](#)

Attention: This is an external email and contains an attachment or image

Be cautious when opening attachments or clicking on images in this email. They may contain viruses or malware. Only open attachments from trusted sources and if you were expecting them.

- ADP Security Team

Attention: This is an external email and contains a link

Be cautious when clicking links in this email. They may direct you to potentially unsafe websites

Hello,

I am writing to confirm receipt of the public records request sent on March 12.

Thank you in advance,

Jocelyn Rosnick, Esq.

Policy Director || **ACLU of Ohio**

4506 Chester Ave. || Cleveland, OH 44103

216.329.0141 || jrosnick@acluohio.org

Pronouns: she, her, hers

Become a card-carrying member of the ACLU.

[Stand with us.](#) *We've got your back.*

 EmailSig-2017Logo_155-81

From: Jocelyn Rosnick <jrosnick@acluohio.org>

Date: Wednesday, March 12, 2025 at 3:15 PM

To: geaugaso@co.geauga.oh.us <geaugaso@co.geauga.oh.us>

Subject: Records Request on Jail Population - Geauga

Good afternoon,

Please see the attached request for public records in possession of the Geauga County Safety Center (GCSC).

If you have any questions, please do not hesitate to contact me.

Sincerely,

Jocelyn

Jocelyn Rosnick, Esq.

Policy Director || **ACLU of Ohio**

4506 Chester Ave. || Cleveland, OH 44103

216.329.0141 || jrosnick@acluohio.org

Pronouns: she, her, hers

Become a card-carrying member of the ACLU.

[Stand with us.](#) *We've got your back.*

 EmailSig-2017Logo_155-81