



June 26, 2017

VIA FAX AND U.S. CERTIFIED MAIL

Sheriff Dallas Baldwin
Franklin County Sheriff's Office
373 South High St., Floor 2B
Columbus, OH 43215

RE: Arrests and detention of Wriply Bennet, Ashley Braxton, Kendall Denton, and Deandre Miles

Dear Sheriff Baldwin:

I write in regards to the recent arrests and detention of Wriply Bennet, Ashley Braxton, Kendall Denton, and Deandre Miles, who staged a peaceful protest during the Columbus Pride parade on Saturday, June 17, 2017. Many of these individuals identify as LGBTQ, and there were reports that some were housed in solitary confinement while at Franklin County Correctional Center because of their sexual orientation or gender identity.

Previously, the ACLU of Ohio requested records indicating whether the Franklin County Jail had any Prison Rape Elimination Act-related policies or procedures. In a response dated April 19, 2017, the jail indicated it did not have a PREA policy nor conducted any PREA audits. We urge you to review your policies to comply with PREA and strengthen procedures for interacting with LGBTQ people who are detained.

PREA was passed with overwhelming bi-partisan support and signed into law by President George W. Bush in 2003. It was intended to protect prisoners from sexual assault, and among the most vulnerable are those who identify as LGBTQ. Beyond simply protecting them from danger, PREA policies should also affirm LGBTQ prisoners and respect their sexual orientation and gender identity.

Issues such as where to house LGBTQ prisoners, how to and who conducts searches, and how to best facilitate recreation and other activities can be addressed through comprehensive PREA policies. Determining facility, housing, work, or bed assignments solely on a person's LGBTQ status is in clear violation of PREA. Additionally, under PREA, prisoners cannot be placed in solitary confinement/protective custody unless an assessment of all available alternatives is made *and* it is determined that no alternative means of separation are available.

AMERICAN CIVIL
LIBERTIES UNION
OF OHIO FOUNDATION
4506 CHESTER AVENUE
CLEVELAND, OH 44103-3621
T/216.472.2220
F/216.472.2210
WWW.ACLUOHIO.ORG
contact@acluohio.org

While we have already received your response in regards to records for any PREA-related policies, we request you provide any policies that guide how LGBTQ prisoners are treated.

Under Ohio's open records law, Ohio Revised Code §149.43, we request that you provide the following records.¹

- a. Any and all policies, procedures, or standards at the Franklin County Corrections Center that are intended to prevent, detect, respond to, and monitor the sexual abuse of detainees;
- b. Any and all policies, practices, or protocols, written or unwritten, referring or relating to treatment of LGBTQ detainees.

We ask that you produce the requested records in a reasonable period of time,² and in any event no later than two weeks from today, on July 10, 2017. Please send these records via email, and on a rolling basis as you prepare them. If there is a cost related to production, please advise me before incurring that cost.

If there are any questions related to this request, please contact Emma Keeshin via email at [REDACTED] or by phone at [REDACTED].

Sincerely,



Mike Brickner
Senior Policy Director
ACLU of Ohio

¹ Records include, without limitation: writings, documents, papers, text files, computer files, emails from official or personal accounts, audio recordings, photographs, video recordings, annals, archives, journals, logs, notes, and drafts of those records.

² Ohio law requires delivery of public records within a reasonable time of request. *See, e.g., Consumer News Serv., Inc. v. Worthington City Bd. of Edn.*, 97 Ohio St. 3d 58, 65, 776 N.E.2d 82 (2002) (holding that school district violated Public Records Act by failing to respond to provide records within four business days).