

July 12, 2023

Malik Law
Sara Gedeon, Esq.
8437 Mayfield Road, Suite 101
Chesterland, Ohio 44026

**RE: Public Records Request
Maalik Roquemore**

Dear Ms. Gedeon:

The Cuyahoga Metropolitan Housing Authority (CMHA) is in receipt of your public records request dated April 27, 2023. Please allow this letter and documentation to serve as CMHA's response to each of your seven requests.

1. Full, complete, and unedited video and audio of the incident with Maalik Roquemore and CMHA Officer Ragland on 09/05/2022 including but not limited to all video provided to the Cleveland Police Department which was viewed by Ms. Kim Roquemore at the Cleveland Police Department the morning of her son's death.

RESPONSE: All video and audio to be produced in response to your request will not be produced "unedited" where redactions are either required or permitted by law. "If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt."¹. Therefore, a public office may redact audio, video, and other electronic records by processes that obscure or delete specific content.

Your request is ambiguous as CMHA has no knowledge of what was viewed by Ms. Kim Roquemore at the Cleveland Division of Police ("CDP"). CMHA has produced video from Officer Desmond Ragland's ("Officer Ragland") body camera of the incident as well as all related dispatch audio.

¹ ORC §149.43(B)(1).



COMMITMENT ACCOUNTABILITY RESPECT EXCELLENCE SAFETY

Please be advised that redactions have been made to video for a “person’s nude body” pursuant to ORC §149.43(A)(17)(h). Dispatch audio redactions have been made to personally identifiable information of CMHA residents. CMHA through its contract with the United States Department of Housing and Urban Development is required to comply with Federal Regulations including the Federal Privacy Act, 5 USC §552(a). Additionally, the Ohio Supreme Court has determined that if an item within a public record does not meet all the criteria of a public record and is personal information, it must be withheld. State ex rel. Dispatch Printing Company et al. v Johnson, (106 Ohio St 3d 160, 2005-Ohio-4384, 833 N.E.2d 274), State of Ohio ex rel. O’Shea & Associates Company, L.P.A. v Cuyahoga Metropolitan Housing Authority, (131 Ohio St. 3d 149, 2012-Ohio-115); vulnerability assessments pursuant to ORC §149.433(A)(2)(a) exempting security infrastructure records; and peace officer personal information pursuant to ORC §149.433(A)(8) and State ex rel. Dispatch Printing Company et al. v Johnson, (106 Ohio St 3d 160, 2005-Ohio-4384, 833 N.E.2d 274), State of Ohio ex rel. O’Shea & Associates Company, L.P.A. v Cuyahoga Metropolitan Housing Authority, (131 Ohio St. 3d 149, 2012-Ohio-115).

2. Full, complete, and unedited video and audio of CMHA officer Ragland and all other CMHA officers that responded to the scene on 09/05/2022 with Maalik Roquemore.

RESPONSE: See Response to #1. Officer Ragland was the only officer on scene with Maalik Roquemore.

3. Full, complete, and unedited video and audio related to Maalik Roquemore of any and all CMHA officers that went to the hospital on 09/05/2022 – 09/06/2022.

RESPONSE: This request is ambiguous. If you are seeking video or audio from a hospital on 09/05/2022 – 09/06/2022, CMHA has no responsive records.

4. The complete investigative file related to Maalik Roquemore and the incident on 09/05/2022.



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RESPONSE: CMHA Police Department (CMHA PD) is not the investigative agency in this matter, and thus does not have an investigative file. CPD is the investigative agency and CMHA PD turned over all the materials listed in Response #5 to CPD.

5. All files produced to the Cleveland Police Department related to Maalik Roquemore and the incident on 09/05/2022.

RESPONSE: Please see redacted copies of Officer Ragland's Personnel File and Training File; CMHA PD Division Case Report Summary, Incident Report and CAD Narrative; and 83 dispatch audio files.

Redactions made to records:

- Peace Officer's address (ORC §149.43(A)(8)(a)).
- Peace Officer's social security number, telephone number, financial information; and medical information (ORC §149.43(A)(8)(c)).
- Familial information and personal references (State ex rel. Dispatch Printing Company et al. v Johnson, (106 Ohio St 3d 160, 2005-Ohio-4384, 833 N.E.2d 274), State of Ohio ex rel. O'Shea & Associates Company, L.P.A. v Cuyahoga Metropolitan Housing Authority, (131 Ohio St. 3d 149, 2012-Ohio-115).
- Military paperwork (Privacy Act of 1974 and ORC §149.43(A)(1)(v)).
- Personal email addresses (OAG Opinion 2014-029).
- Driver's license numbers (ORC § 149.45(A)(c)).
- Law Enforcement firearm serial number (ORC §149.433).
- Confidential personal information (ORC §1347 and §149.43(A)(1)(v)).

Redactions to the dispatch audio files are listed in Response #1.

6. All files produced to the Cuyahoga County Medical Examiner related to Maalik Roquemore and the incident on 09/05/2022.

RESPONSE: None.

7. All files produced to the Ohio Attorney General's Office related to Maalik Roquemore and the incident on 09/05/2022.



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RESPONSE: None.

Thank you and this concludes CMHA's response to your public records request.

RJ Roberto

/s/ RJ Roberto
Deputy General Counsel



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