

**In the
Supreme Court of Ohio**

STATE <i>ex rel.</i> NADINE YOUNG	:	Case No.
2627 Divot Place	:	
Columbus, Ohio 43211,	:	
Relator,	:	Original Action in Mandamus
v.	:	
BLENDON TOWNSHIP	:	
Police Department	:	
6330 South Hempstead Road,	:	
Westerville, Ohio 43081,	:	
Respondent.	:	

COMPLAINT FOR WRIT OF MANDAMUS

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For her Complaint for Writ of Mandamus, Relator Nadine Young states as follows:

Preliminary Statement

1. Relator, Nadine Young, seeks a writ of mandamus ordering that Respondent, Blendon Township Police Department (hereinafter, “BTPD”), release to her public records without redaction of the names and/or identifying information of the two BTPD officers involved in the death of her granddaughter, Ta’Kiya Young.
2. Two independent and alternative grounds support Ms. Young’s request herein: first, that Ta’Kiya Young, and not the two unidentified BTPD officers, meets the definition of “victim” in the Ohio Constitution and Ohio Revised Code, and, therefore, the two unidentified BTPD officers have no right to redaction of their names and identifying information pursuant to Revised Code Sections 2930.07 and 149.43(A)(1)(rr); and, second, that failure to release these records to Ms. Young violates her state constitutional rights and the general public policy favoring open government records.

Jurisdiction and Venue

3. This Court has jurisdiction of this original action in mandamus against Blendon Township Police Department pursuant to Ohio Constitution, Article IV, Section 2(B)(1)(b) and Revised Code Section 149.43(C)(1)(b).
4. Venue is proper pursuant to Ohio Constitution, Article IV, Section 2(B)(1)(b) and Revised Code Section 149.43(C)(1)(b).

Parties

5. Relator, Nadine Young (hereinafter, “Ms. Young”), is an Ohio citizen, next of kin to crime victim, Ta’Kiya Young, and the client on whose behalf Ohio Crime Victim Justice Center requested records from BTPD.
6. Respondent, Blendon Township Police Department, is a “public office” within the meaning of Revised Code Section 149.011(A), which is refusing to supply records to Ms. Young in violation of Revised Code Section 149.43(B).

Facts

7. Relator repeats, realleges, and incorporates by reference all foregoing paragraphs.
8. On or about August 24, 2023, Ta’Kiya Young (hereinafter, “Ta’Kiya”) was at a Kroger grocery store in Blendon Township, Ohio.
9. Upon leaving the store, Ta’Kiya was approached by the two unidentified BTPD officers who were on scene for a purpose unrelated to Ta’Kiya.
10. The two unidentified officers approached Ta’Kiya as she was inside her vehicle, preparing to leave the store parking lot.
11. The two unidentified officers instructed Ta’Kiya to exit her vehicle.
12. One officer placed his hands inside the driver’s side window of Ta’Kiya’s vehicle.
13. The other officer ran in front of Ta’Kiya’s vehicle and drew his firearm, pointing it at Ta’Kiya.
14. After approximately one minute, Ta’Kiya attempted to drive away, turning the wheel away from the officers and moving her vehicle slowly.
15. The officer in front of the vehicle, rather than simply moving aside, fired a shot through the windshield, killing Ta’Kiya and her unborn child.

16. On November 14, 2023, Ohio Crime Victim Justice Center (hereinafter, “OCVJC”) submitted a public records request (within the meaning of Revised Code Section 149.43) to BTPD on behalf of its client, Relator Nadine Young. (Davis Affidavit, Exhibit A.)
17. On November 15, 2023, BTPD confirmed receipt of the request and contacted OCVJC to determine the preferred email address to which to send the fulfilled request. (Davis Affidavit, Exhibit B.)
18. On November 15, 2023, BTPD provided an email with a link and documents with its response to OCVJC’s request, stating, in pertinent part: “You can find and download all of the video footage that the Blendon Township Police Department has in its possession related to Ms. Young at the following link. Redactions in these videos were made as required by R.C. 149.43(A)(17)(h),(k),(l); R.C. 149.43(A)(1)(rr); and R.C. 2930.07(D).” (Davis Affidavit, Exhibit C.)
19. On November 15, 2023, OCVJC noticed that officer names and identifying information was missing from the produced documents and videos and replied to BTPD’s email, requesting the following information: “We see that officers’ names seem to have been removed from the list of officers. Can you tell us, specifically, which section of the Revised Code authorizes this redaction? Can you also tell us which specific section authorizes removal of victim information, including age?” (Davis Affidavit, Exhibit D.)
20. On November 21, 2023, after several days with no response, OCVJC sent the following email to BTPD’s records contact: “I hope this email finds you well. I wanted to follow-up on my previous email. My Legal Director and I noticed that the officers’ names seem to have been removed from the list of officers. Can you tell us, specifically, which section

of the Revised Code authorizes this redaction? Can you also tell us which specific section authorizes removal of victim information, including age?” (Davis Affidavit, Exhibit E.)

21. On November 21, 2023, BTPD responded with the following: “Redactions were made in accordance with R.C. 149.43(A)(1)(rr) and R.C. 2930.07(D).” (Davis Affidavit, Exhibit F.)

22. On December 6, 2023, OCVJC provided the following clarification and legal authority to support its public records request:

I am writing to follow up on Ohio Crime Victim Justice Center’s public records request. As a point of clarification, we submitted this request on behalf of our client, Nadine Young, next of kin to victim Ta’Kiya Young.

I understand that you shared with my advocate partner, Cierra Davis, that redactions of the names and identifying information of the two officers involved in the death of Ta’Kiya Young were made pursuant to R.C. 2930.07(D) and R.C. 149.32(A)(1)(rr)[sic in original].

I would like to draw your attention to Ohio Constitution, Article I, Section 10a(D), which states: ‘(D) As used in this section, ‘victim’ means a person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. The term ‘victim’ does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.’ Under Revised Code Section 2930.01, all rights contained in Chapter 2930 are afforded to those who meet the above definition.

Our position is that Ta’Kiya Young is the person who meets the ‘victim’ definition in the constitution and the Revised Code, not the officers involved in her death. Therefore, on behalf of her family and next of kin, we again ask that complete records be produced, without redaction of the names, addresses, and identifying information of the officers involved in her death. Please note that if these records are not produced, it is our intent to file an action in mandamus, seeking a court ruling that Ta’Kiya Young is the victim in this matter, the officers are not victims since they are not acting in her best interests, and, therefore, the records must be released. Thank you for your prompt response.

(Well Affidavit, Exhibit H.)

23. After receiving no response for several days, on December 11, 2023, OCVJC followed up with the following: “Good morning, I am writing to follow up on my email from 12/6 and also to request a copy of the department’s policies and procedures surrounding use of force incidents. If you could confirm receipt of my email requests, I would really appreciate it.” (Well Affidavit, Exhibit I.)
24. On December 12, 2023, OCVJC made a phone call to BTPD and was able to speak to its records department, which confirmed receipt of OCVJC’s communications and indicated records would soon be released. (Davis Affidavit, Exhibit G.)
25. On December 19, 2023, OCVJC made a phone call to BTPD and was informed that BTPD’s use of force policies would be produced, but that there was no estimated timeframe for production. Fortunately, OCVJC was able to obtain BTPD’s use of force policies (as well as the remainder of its policies) through co-counsel, Sean L. Walton, who previously made a public records request to obtain these policies.
26. Upon review of BTPD’s use of force policies, it is evident that both unidentified BTPD officers acted in violation of BTPD’s policies, specifically sections 300.2.1, 300.3.6, 300.4. and 300.4.1.
27. Section 300.4.1 is particularly pertinent in this case and states:
300.4.1 MOVING VEHICLES
Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

28. As noted above, several other policies were also violated.¹
29. Not only did the two unidentified BTPD officers violate BTPD's use of force policies, the officers also violated the law in the homicide of Ta'Kiya Young.

Claims for Relief in Mandamus

30. Relator repeats, realleges, and incorporates by reference all foregoing paragraphs.
31. Revised Code Section 149.43(B)(1) provides "[u]pon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time." That

¹ BTPD's use of force policy, attached in its entirety as Exhibit 1, states as follows:

300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts. Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.

(b) *An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended.* Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

(Emphasis added.)

section further provides that “[i]f 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.”

32. Revised Code Section 149.43(B)(3) states that “[i]f a request is ultimately denied, in part or in whole, the public office * * * shall provide the requester with an explanation, including legal authority, setting forth why the request was denied.”
33. “ ‘Mandamus is the appropriate remedy to compel compliance with R.C. 149.43, Ohio’s Public Records Act.’ ” *State ex rel. Cincinnati Enquirer v. Sage*, 142 Ohio St.3d 392, 2015-Ohio-974, 31 N.E.3d 616, ¶ 10, quoting *State ex rel. Physicians Comm. for Responsible Med. v. Bd. of Trs. of Ohio State Univ.*, 108 Ohio St.3d 288, 2006-Ohio-903, 843 N.E.2d 174, ¶ 6. To establish entitlement to a writ of mandamus under the Public Records Act, a relator must establish, by clear and convincing evidence, a “clear legal right to the requested relief and a clear legal duty on the part of [the Respondent] to provide relief.” *Id.*
34. “Exceptions 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.” *State ex rel. Cincinnati Enquirer v. Jones-Kelley*, 118 Ohio St.3d 81, 2008-Ohio-1770, 886 N.E.2d 206, ¶ 10, citing *State ex rel. Carr v. Akron*, 112 Ohio St.3d 351, 2006-Ohio-6714, 859 N.E.2d 948, ¶ 30; *State ex rel. Beacon Journal Publishing Co. v. Akron*, 104 Ohio St. 3d 399, 2004-Ohio-6557, 819 N.E.2d 1087, ¶ 23. “A custodian does not meet this burden if it has not proven that the requested records fall squarely within the exception.” *Id.*

35. “When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.” R.C. 149.43(B)(1).

36. Therefore, BTPD bears the burden of establishing the applicability of an exception to disclosure to justify the redactions made in this case.

Count 1: Body-worn Camera Video

37. Relator repeats, realleges, and incorporates by reference all foregoing paragraphs.

38. BTPD redacted the names and identifying information of two unidentified BTPD officers from the body-worn camera recordings of the killing of Ta’Kiya Young provided to Ms. Young in response to her public records request.

39. Recordings from body-worn cameras are “public records” within the meaning of Revised Code Section 149.43(A). *See State ex rel. Cincinnati Enquirer v. Cincinnati*, 157 Ohio St.3d 290, 2019-Ohio-3876, 135 N.E.3d 772, ¶ 13.

40. Further, names of peace officers are public record. R.C. 149.434(A) (“Each public office or person responsible for public records shall maintain a database or a list that includes the name of all public officials and employees elected to or employed by that public office. The database or list is a public record and shall be made available upon a request made pursuant to section 149.43 of the Revised Code.”).

41. BTPD’s own policies require that its officers’ names be publicly displayed at all times that an officer is in uniform.²
42. BTPD has redacted the two unidentified BTPD officers’ names and identifying information on the grounds that it considers the two unidentified BTPD officers “victims” within the meaning of Revised Code Section 2930.07 and Revised Code Section 149.43(A)(1)(rr).
43. Ohio Constitution, Article I, Section 10a provides victims with enumerated rights, with the intent “[t]o secure for victims justice and due process throughout the criminal and juvenile justice systems * * *.”
44. Ohio Constitution, Article I, Section 10a(D) defines “victim” as
- a person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. The term ‘victim’ does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.
45. Subsequent to the passage of Ohio Constitution, Article I, Section 10a, the Ohio legislature passed 2022’s House Bill 343 and 2023’s Senate Bill 16, which amend Revised Code Chapter 2930, among other Revised Code sections, to provide implementation guidance for Ohio Constitution, Article I, Section 10a.
46. Revised Code Section 2930.01(H) states: “ ‘Victim’ has the same meaning as in Section 10a of Article I of the Ohio Constitution.”
47. Revised Code Section 2930.07(D)(1)(a)(i) states:

² “1024.4 INSIGNIA AND PATCHES

(c) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee’s first and last name.” (Excerpt attached as Exhibit 2.)

On written request of the victim or victim's representative to a law enforcement agency, prosecutor's office, or court, all case documents related to the cases or matters specified by the victim maintained by the entity to whom the victim or victim's representative submitted the request shall be redacted prior to public release pursuant to section 149.43 of the Revised Code to remove the name, address, or other identifying information of the victim.

48. Revised Code Section 2930.07(A)(1) states, in pertinent part:

As used in this section: (a) 'Case document' means a document or information in a document, or audio or video recording of a victim of violating a protection order, an offense of violence, or a sexually oriented offense, regarding a case that is submitted to a court, a law enforcement agency or officer, or a prosecutor or filed with a clerk of court, including, but not limited to, pleadings, motions, exhibits, transcripts, orders, and judgments, or any documentation, including audio or video recordings of a victim of violating a protection order, an offense of violence, or a sexually oriented offense, prepared or created by a court, clerk of court, or law enforcement agency or officer, or a prosecutor regarding a case.

(b) 'Case document' does not include materials subject to the work product doctrine, materials that by law are subject to privilege or confidentiality, or materials that are otherwise protected or prohibited from disclosure by state or federal law. * * * .

49. Revised Code Section 149.43(A)(1)(rr) states that public records do not include:

“Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.”

50. Therefore, in order to be entitled to redaction of their name, address, and identifying information, a person must qualify as a “victim” under the definition contained in Ohio Constitution, Article I, Section 10a and Revised Code Section 2930.01(H).

51. BTPD bears the burden of demonstrating that the names and identifying information of the officers involved in the killing of Ta’Kiya Young fall squarely within Revised Code Section 149.43(A)(1)(rr). It cannot meet this burden for two reasons.

First, because the two unidentified BTPD officers do not meet the definition of “victim” under Ohio Constitution, Article I, Section 10a.

52. Ohio Constitution, Article I, Section 10a(D) defines “victim” as

a person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. The term ‘victim’ does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.

53. “In construing constitutional text that was ratified by direct vote, we consider how the

language would have been understood by the voters who adopted the amendment.” *City of Centerville v. Knab*, 162 Ohio St.3d 623, 2020-Ohio-5219, 166 N.E.3d 1167, ¶ 22, citing *Castleberry v. Evatt*, 147 Ohio St. 30, 33, 67 N.E.2d 861 (1946). “The court generally applies the same rules when construing the Constitution as it does when it construes a statutory provision, beginning with the plain language of the text.” *Id.*, citing *State v. Jackson*, 102 Ohio St.3d 380, 2004-Ohio-3206, 811 N.E.2d 68, ¶ 14.

54. “But in ascertaining the intent of the voters who approved the amendment, our inquiry

must often include more than a mere analysis of the words found in the amendment.” *Id.*, citing *State ex rel. Swetland v. Kinney*, 69 Ohio St.2d 567, 570, 433 N.E.2d 217 (1982). “The purpose of the amendment and the history of its adoption may be pertinent in determining the meaning of the language used.” *Id.* “When the language is unclear or of doubtful meaning the court may review the history of the amendment and the circumstances surrounding its adoption, the reason and necessity of the amendment, the goal the amendment seeks to achieve, and the remedy it seeks to provide to assist the court in its analysis.” *Id.*

55. Under the plain language analysis, the two unidentified BTPD officers are not victims

because the two unidentified BTPD officers were neither persons against whom a

criminal offense was committed, nor persons directly and proximately harmed by a criminal offense.³

56. In fact, the redacted body-worn camera video provided by BTPD makes clear that Ta’Kiya Young is the victim in this matter.

57. In the video, two unidentified BTPD officers approached Ta’Kiya purportedly on the suspicion that she had taken alcohol from the Kroger store without paying for it. Even if true, this offense would be a misdemeanor of the first degree. R.C. 2913.02(B)(2).

58. The two unidentified BTPD officers violated their own policies and procedures (set forth above) in responding to a misdemeanor report when one officer both put his hands inside Ta’Kiya’s car and did nothing to stop the other officer who stood in front of Ta’Kiya’s car, drew his firearm, pointed it at Ta’Kiya, and ultimately shot through Ta’Kiya’s windshield as the vehicle was moving, killing her and her unborn child.

59. Further, the two unidentified BTPD officers violated BTPD’s policies while committing a criminal homicide offense, and, therefore, were not the victims of a criminal offense, but those responsible for the commission of one.

60. Likewise, “the history of the amendment and the circumstances surrounding its adoption, the reason and necessity of the amendment, the goal the amendment seeks to achieve, and the remedy it seeks to provide” are all contrary to BTPD’s position that its officers are victims in this matter. *See Knab* at ¶ 22.

³ Further, under the constitutional “victim” definition, there can be no argument that the two unidentified BTPD officers responsible for the death of Ta’Kiya Young are or were acting in her best interests as the deceased victim. However, this Court need not reach this portion of the definition because the officers fail under the first portion of the definition.

61. As this Court has stated: “* * * Marsy’s Law engrains into our Constitution protections for victims of crimes. It seems incongruent in this context to interpret the word ‘person’ in the amendment in a way that would give the government rights enforceable against its own citizens.” *Knab* at ¶ 29.
62. Chief Justice Kennedy, concurring in the judgment, wrote: “Marsy’s Law is contained in Ohio’s Bill of Rights, and the purpose of a bill of rights is ‘to protect people from the state.’ ” *Id.* at ¶ 47 (Kennedy, J. concurring in judgment), quoting *Walker v. Rowe*, 791 F.2d 507, 510 (7th Cir.1986). “Marsy’s Law therefore creates rights that victims of crime may wield against the government; it does not grant the government rights against the people or itself.” *Id.* at ¶ 48.
63. Peace officers, like municipal corporations, are state actors. *See United States v. Classic*, 313 U.S. 299, 326, 61 S.Ct. 1031, 85 L.Ed. 1368 (1941) (“Misuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken ‘under color of’ state law.”); *see also Screws v. United States*, 325 U.S. 91, 111, 65 S.Ct. 1031, 89 L.Ed. 1495 (1945) (“Acts of officers who undertake to perform their official duties” constitute state action, “whether they hew to the line of their authority or overstep it.”).
64. A peace officer who is on duty and uses lethal violence cannot claim victim status. The presumption must be that peace officers who use lethal force while on duty are not victims, and, here, there is nothing to contradict that presumption.
65. The voters who approved Ohio Constitution, Article I, Section 10a would not have understood or intended the term “victim” to encompass peace officers when the officer violated the use of force policies of his own department and committed the criminal

offense of shooting and killing a pregnant woman suspected of a misdemeanor theft offense.

66. Finally, though it is not legally determinative, this Court took into consideration the history, intent, and positions of the Marsy's Law for All national campaign in *Knab, id.* at ¶ 30, so it is worthwhile to note the Marsy's Law campaign's position on law enforcement officers as victims: "When reviewing the conduct of an on-duty law enforcement officer who has used physical force, the right to privacy of their name must quickly yield to the public's right to know." *Questions arise about intent of Marsy's Law, meant to protect crime victims in Ohio.* <https://nbc24.com/news/local/questions-about-intent-of-marsys-law-meant-to-protect-crime-victims-in-ohio#>

67. As such, the two unidentified BTPD officers are not entitled to redaction of their names and identifying information pursuant to Revised Code Sections 2930.07(D) and 149.43(A)(1)(rr).

Second, BTPD's interpretation of Ohio Constitution, Article I, Section 10a and Revised Code Sections 2930.07(D) and 149.43(A)(1)(rr) burdens the right of Ms. Young, and all Ohio citizens, to redress of injury pursuant to Ohio Constitution, Article I, Section 16 and freedom of speech pursuant to Ohio Constitution, Article I, Section 11.

68. The right to access the name and identifying information of one who harms you is integral to the right of Ohio citizens to seek a "remedy in due course of law" protected by Ohio Constitution, Article I, Section 16. It is also critical to the right of Ohio citizens to engage in political speech protected by Ohio Constitution, Article I, Section 11.

69. Without knowing the identities of peace officers involved in use of force incidents, Ms. Young is deprived of the information necessary to pursue her constitutional right to seek a remedy against the officers involved in the death of her granddaughter.

70. Further, Ms. Young is deprived of the information needed to engage in constitutionally protected political speech concerning police violence and its impact on her family and the community.
71. This Court has recognized that “open access to government papers is an integral entitlement of the people, to be preserved with vigilance and vigor.” *Kish v. City of Akron*, 109 Ohio St.3d 162, 2006-Ohio-1244, 846 N.E.2d 811, ¶ 17.
72. Therefore, BTPD cannot meet its burden under Revised Code Section 149.43(B)(1).
73. Revised Code Section 149.43(C)(2) mandates an award of statutory damages where a public office failed to comply with an obligation in accordance with Revised Code Section 149.43(B).
74. Ms. Young is thus entitled to statutory damages of \$1,000.00.
75. Ms. Young also requests an award of costs in bringing this action pursuant to Revised Code Section 149.43(C)(3).

Count 2: Incident Report and Related Reports

76. Relator repeats, realleges, and incorporates by reference all foregoing paragraphs.
77. BTPD provided Ms. Young with an incident report with the names and identifying information of the two unidentified BTPD officers redacted.
78. The incident report is a public record under the meaning of Revised Code Section 149.43, *State ex rel. Lanham v. Smith*, 112 Ohio St. 3d 527, 2007-Ohio-609, 861 N.E.2d 530, ¶ 13, and, thus, it should have been provided to Ms. Young without the names and identifying information of the BTPD officers redacted for all the reasons set forth above.
79. Therefore, BTPD cannot meet its burden under Revised Code Section 149.43(B)(1).

80. Revised Code Section 149.43(C)(2) mandates an award of statutory damages where a public office failed to comply with an obligation in accordance with Revised Code Section 149.43(B).

81. Ms. Young is thus entitled to statutory damages of \$1,000.00.

82. Ms. Young also requests an award of costs in bringing this action pursuant to Revised Code Section 149.43(C)(3).

Prayer for Relief

Relator therefore respectfully requests that this Court:

- A. Issue a peremptory writ of mandamus directing BTPD to make the requested records available without further delay, or, in the alternative, issue an alternative writ of mandamus requiring BTPD to show cause as to why the peremptory writ should not be issued.
- B. Make a finding that the two unidentified BTPD officers are not victims.
- C. Award Ms. Young statutory damages and court costs.
- D. Issue such further and other relief as the Court deems just and appropriate.

Respectfully submitted,

/s Elizabeth A. Well
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Counsel for Relator

EXHIBIT 1

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.1.2 CERTIFICATION STANDARDS

This policy contains content that pertains to the Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) Standards.

[See attachment: OCLEAC Standards Compliance Checklist 5-19-2020.pdf](#)

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

Blendon Township Police Department

Blendon Township Police Department Policy Manual

Use of Force

The Blendon Township Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

Blendon Township Police Department

Blendon Township Police Department Policy Manual

Use of Force

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any officer who has reasonable cause to believe that the person to be arrested has committed a crime or public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. An officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested, nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit.

These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, sex, multiple subjects/ officers, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, closeness of a weapon, being on the ground, distance from the subject, special knowledge, environmental conditions, subject handcuffed, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

Blendon Township Police Department

Blendon Township Police Department Policy Manual

Use of Force

- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the Individual can comply with the direction or orders of the officer.
- (c) Whether the Individual has been given sufficient opportunity to comply.

Throughout the application of any pain compliance technique, the technique shall be discontinued once the officer determines that compliance has been achieved, or if the technique appears to be ineffective.

300.3.4 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers

Blendon Township Police Department

Blendon Township Police Department Policy Manual

Use of Force

should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Blendon Township Police Department for this specific purpose.

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.7 RESPIRATORY RESTRAINTS

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

Blendon Township Police Department

Blendon Township Police Department Policy Manual

Use of Force

When feasible, **officers** should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. If the situation was such that supervisor notification is required (300.5.1) the documentation should be on a use of force report.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced injury, that is not visible and that the subject is not complaining about and possibly masking an actual injury.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the Conducted Energy Device (CED) or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked or the officer used a take down, pressure point or joint manipulation.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATION

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress

Blendon Township Police Department

Blendon Township Police Department Policy Manual

Use of Force

after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel, at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.

Blendon Township Police Department

Blendon Township Police Department Policy Manual

Use of Force

3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 SENIOR OFFICER RESPONSIBILITY

The senior officer shall notify a supervisor of any application of force as outlined in policy 300.5.1 if the primary handling officer is unable to make notification or is delayed in the ability to make notification due to injury or other duties.

300.8 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding, at least annually, including use of deadly force, use of force and use of deadly force reporting, and use of force and use of deadly force reviews/investigations.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

300.9 USE OF FORCE ANALYSIS

At least annually, the Patrol Lieutenant should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.

Blendon Township Police Department

Blendon Township Police Department Policy Manual

Use of Force

- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Attachments

**OCLEAC Standards Compliance
Checklist 5-19-2020.pdf**



STANDARDS COMPLIANCE CHECKLIST

This document shall accompany all agency compliance submissions consisting of agency directive(s) and proofs of compliance documentation specific to each standard.

The agency directive and associated compliance documentation shall:

- 1) Adequately cover each standard and associated bullet;
- 2) Be clearly marked with each standard number and bullet, and;
- 3) Include an explanation in the space provided for any areas where compliance could not be met.

Any submissions not meeting the above criteria will be forwarded to a subject matter expert for assistance and may result in a delay in the agency obtaining Ohio Collaborative Certification.

STANDARD 8.2015.1

USE OF FORCE / DEADLY FORCE

The agency maintains a Use of Force / Deadly Force written directive that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. when a written report shall be conducted;
- c. investigation / report reviews for policy compliance; and
- d. annual read and sign and testing over directive content for sworn agency personnel.

GUIDING PRINCIPLES

USE OF FORCE

Employees may only use the force which is reasonably necessary to effect lawful objectives including: effecting a lawful arrest or overcoming resistance to a lawful arrest, preventing the escape of an offender, or protecting or defending others or themselves from physical harm.

USE OF DEADLY FORCE

The preservation of human life is of the highest value in the State of Ohio. Therefore, employees must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. Deadly force may be used only under the following circumstances: 1. to defend themselves from serious physical injury or death; 2. to defend another person from serious physical injury or death; or 3. In accordance with U.S. and Ohio Supreme Court decisions, specifically, *Tennessee v. Garner* and *Graham v. Connor*.

↓ *For agency completion: Agency compliance feedback for Use of Force / Deadly Force*

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

STANDARD 8.2015.2

RECRUITMENT AND HIRING

The agency maintains a Recruitment and Hiring directive that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. establishment of an agency recruitment plan;
- c. establishment of agency EEO plan;
- d. identification of sworn officer applicant qualifications;
- e. identification of sworn officer application and selection process;
- f. annual review of agency hiring and recruitment process; and
- g. initial read and sign over agency hiring and recruitment directive, for applicable personnel.

GUIDING PRINCIPLES

The goal of every Ohio law enforcement agency is to recruit and hire qualified individuals while providing equal employment opportunity. Ohio law enforcement agencies should consist of a diverse workforce. Communities with diverse populations should strive to have a diverse work force that reflects the citizens served.

Non-discrimination and equal employment opportunity is the policy. Law enforcement agencies shall provide equal terms and conditions of employment regardless of race, color, religion, sex, sexual orientation, gender identity, age, national origin, veteran status, military status, or disability. This applies to all terms or conditions associated with the employment process, including hiring, promotions, terminations, discipline, performance evaluations, and interviews.

Agencies should utilize due diligence in ensuring that their prospective employees have the proper temperament, knowledge and attitude to handle this very difficult job. Agencies should have appropriate mechanisms in place in order to achieve this mission. Further, agencies should ensure their employment requirements are related to the skills that are necessary to be a successful employee.

↓ For agency completion: Agency compliance feedback for Recruitment and Hiring Standard

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

STANDARD 8.2016.3

COMMUNITY ENGAGEMENT

The agency maintains a written directive on Community Engagement activities that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. identification of agency specific programs;
- c. methods for sharing and receiving information within the agency's service area; and
- d. initial read and sign over agency community engagement directive for all agency personnel.

GUIDING PRINCIPLES

Agencies shall utilize proven strategies or develop their own strategies that are focused on community engagement. Examples may include: youth programs, educating the community on police policy and procedures, educating officers about the community they serve, sharing , receiving and providing information to the public, jointly identifying areas of concern, and communicating, when appropriate, significant changes in agency operations or other areas.

The intent of this standard is to establish agency accountability for the community involvement function in writing. The function should be developed and operated to effectively meet the needs of the agency, with consideration of the department size and budget, as well as the community it serves.

↓ *For agency completion: Agency Compliance Feedback for Community Engagement*

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

STANDARD 12.2016.4

BODY WORN CAMERAS

If applicable, the agency maintains a written directive on Body Worn Cameras that includes:

- a. the purpose and organizational philosophy regarding use in support of the Ohio Collaborative guiding principles;
- b. requirements and restrictions for activation and deactivation of the device;
- c. criminal and administrative use of the camera captured data;
- d. data storage, retention and disclosure requirements reflective of public records law and privacy concerns;
- e. requirements for a documented review of camera captured data; and
- f. initial read and sign for users and supervisors

GUIDING PRINCIPLES

Agencies utilizing body worn cameras must develop strong and consistent policies that provide guidance to their personnel as to the appropriate use of body worn cameras. Policies need to address, at a minimum, activation and deactivation, auditing, storage, retention, public records and releases video related to victims, especially child victims, injured victims, victims of sexual assault and other privacy concerns. It is recognized the audio and video data is viable recorded evidence that may provide a means of accountability for those officers and the public. It is also recognized the audio video data may not be an accurate reflection of all that is involved with an incident. Audio video data cannot reflect the human cognitive conditions associated with officer in public contact. Additionally, A/V shall not supersede the principles established by *Graham v. Connor*.

↓ *For agency completion: Agency Compliance Feedback for Body Worn Cameras*

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

STANDARD 12.2016.5

LAW ENFORCEMENT TELE-COMMUNICATOR TRAINING

If the agency employs Tele-communicators, as defined by [ORC 4742.01](#), the agency must ensure a training program and directives exist to allow for Tele-communicators to be proficient in:

- a. obtaining complete and accurate information callers requesting law enforcement assistance;
- b. accurately classifying and prioritizing requests for assistance; and
- c. obtaining and accurately relaying information which may affect responder and / or citizen safety.

GUIDING PRINCIPLES

Training shall meet and support minimum standards as established by legislation for 911 call centers and public safety answering points (PSAPs).

↓ *For agency completion: Agency Compliance Feedback for Tele-communicator Training*

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

STANDARD 3.2017.6

BIAS FREE POLICING

The agency maintains a written directive on Bias Free Policing that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. training on bias based profiling issues and relevant legal aspects;
- c. corrective measures to address violations of this policy to include a Supervisor's review and discipline on violations to the policy;
- d. data collection on all self-initiated traffic stops; and
- e. annual administrative review that is made available to the public.

GUIDING PRINCIPLES

Criminal Profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. Officers shall not consider race / ethnicity to establish reasonable suspicion or probable cause, except that officers may take into account the reported race / ethnicity of a potential suspect(s) based on trustworthy, locally relevant information that links a person or persons of a specific race / ethnicity to a particular unlawful incident(s).

Law enforcement agencies should prohibit the use of any bias based profiling in its enforcement programs, as it may lead to violations of the constitutional rights of the citizens served, undermine legitimate law enforcement efforts and may lead to claims of civil rights violations. Additionally, bias based profiling alienates citizens, fosters distrust of law enforcement by the community and may result in media scrutiny, legislative action and judicial intervention.

Law enforcement personnel should focus on a person's conduct or other specific suspect information. Annually, the agency should include profiling related training that should include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination and community support.

↓ *For agency completion: Agency Compliance Feedback for Bias Free Policing*

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

STANDARD 3.2018.7

INVESTIGATION OF EMPLOYEE MISCONDUCT

The agency maintains a written directive on Investigations of Employee Misconduct that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. describe formal complaint process, outline how and where to file a complaint;
- c. outline procedures for accepting, processing, and investigating the complaint;
- d. have a timeline for the resolution of the complaint;
- e. include safeguards to protect legal and contractual rights of employees; and
- f. ensure the public has access to complaints and / or commendations through social media or the agency's community relations programs.

GUIDING PRINCIPLES

A well-constructed complaint process is an integral tool in community-police relations. There is a significant impact when a community knows and understands its concerns can be legitimately addressed in a proper setting. Further, officers can be better served when they can refer aggrieved individuals to a trusted process. Neither officers nor community members benefit from attempts to have concerns addressed and redressed during a traffic stop or in the midst of an incident. It may prove beneficial for law enforcement agencies to reach out to community members in an effort to publicize, promote and develop processes that are mutually beneficial to all.

↓ For agency completion: Agency Compliance Feedback for Investigation of Employee Misconduct

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

AGENCY NAME	O.R.I.#
AGENCY CONTACT	CONTACT #

EXHIBIT 2

Blendon Township Police Department

Blendon Township Police Department Policy Manual

Police Uniform Regulations

1024.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt (seasonal) may be worn with the collar open. No tie is required.
- (b) Black crew neck under shirt must be worn with the uniform.
- (c) All shirt buttons must remain buttoned except for the last button at the neck.
- (d) Polished shoes. Approved all-black unpolished shoes. Boots may be worn.
- (e) Boots with pointed toes are not permitted.

1024.3.3 COURT UNIFORM

Patrol Officers attending Franklin County Common Pleas Court proceedings, Federal Court proceedings, or any court outside of Franklin County, should wear Class A uniform or the (seasonal) Class B uniform with duty belt and with the following restrictions: If the long sleeve shirt is worn to the above mentioned court proceedings it shall be worn with a necktie. The load bearing vest should not be worn to Common Pleas Court proceedings, Federal Court proceedings or to any court outside of Franklin County.

Patrol Officers attending proceedings in Franklin County Municipal Court, Franklin County Juvenile Court, or any Mayor's Court (inside of Franklin County), should wear the Class A or the (seasonal) Class B uniform. The load bearing vest may be worn to Franklin County Municipal Court, Franklin County Juvenile Court, or at any Mayor's Court (inside Franklin County)

1024.4 INSIGNIA AND PATCHES

- (a) The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, 1/4" below the shoulder seam of the shirt, and be bisected by the crease in the sleeve.
- (b) Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the left pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

Blendon Township Police Department

Blendon Township Police Department Policy Manual

Police Uniform Regulations

- (d) When a jacket is worn, the nameplate or an authorized sewn-on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (e) Assignment insignias, (e.g., SWAT, FTO or similar) may be worn as designated by the Chief of Police or a designee.
- (f) The Department-issued badge, or an authorized sewn-on cloth replica, must be worn and be visible at all times while in uniform. Sworn non-uniform personnel will wear or carry their badge in a manner that the badge is in reasonable proximity to their firearm and able to be displayed whenever appropriate.
- (g) The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police or a designee may authorize exceptions.

1024.4.1 MOURNING BADGE BAND

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 30th day after the death.
- (b) A peace officer from this state - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of a fallen peace officer.
- (d) National Peace Officers Memorial Day (May 15) - From midnight through the following midnight.
- (e) As directed by the Chief of Police or a designee.

1024.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button-style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses or suits that are moderate in style.
- (d) The following items shall not be worn on-duty:
 - 1. T-shirt alone.
 - 2. Open-toed sandals or thongs.
 - 3. Swimsuit, tube tops or halter tops.

**In the
Supreme Court of Ohio**

STATE <i>ex rel.</i> NADINE YOUNG	:	Case No.
2627 Divot Place		
Columbus, Ohio 43211,	:	
Relator,	:	Original Action in Mandamus
 v.	:	
BLENDON TOWNSHIP	:	
Police Department		
6330 S Hempstead Rd,	:	
Westerville, Ohio 43081,	:	
Respondent.	:	

**AFFIDAVIT OF CIERRA DAVIS IN SUPPORT OF COMPLAINT FOR WRIT OF
MANDAMUS**

Affiant, being first duly sworn, deposes and states that:

1. My name is Cierra Davis. I am over the age of eighteen and have knowledge of the matters recounted in this affidavit.
2. I am a victim advocate at Ohio Crime Victim Justice Center (“OCVJC”).
3. One of the responsibilities of my position is to obtain public records on behalf of clients and prospective clients of OCVJC.
4. On behalf of client Nadine Young, I submitted a faxed public records request for all records pertaining to the death of Ta’Kiya Young to Blendon Township Police Department (“BTPD”), per their instructions, on November 14, 2023. This request is attached as Exhibit A.

5. On November 15, 2023, BTPD responded via phone that the records would be produced. (Exhibit B.)
6. On November 15, 2023, BTPD provided records, but these records included redactions of the names, address, and identifying information of two unidentified officers. The production of records was accompanied by a statement that “Redactions in these videos were made as required by R.C. 149.43(A)(17)(h),(k),(l); R.C. 149.43(A)(1)(rr); and R.C. 2930.07(D).” (Exhibit C.)
7. On November 15, 2023, after consulting with OCVJC Legal Director, Elizabeth A. Well, I responded to BTPD, seeking clarification regarding the redactions. (Exhibit D.)
8. On November 21, 2023, after receiving no response from BTPD, I followed up, seeking the same clarification. (Exhibit E.)
9. On November 21, 2023, BTPD responded clarifying that it had redacted officer names, addresses, and identifying information pursuant to R.C. 149.43(A)(1)(rr) and R.C. 2930.07(D). (Exhibit F.)
10. On December 6, 2023, and December 11, 2023, OCVJC Legal Director, Elizabeth A. Well, sent two clarifying emails with further public records requests of which I am aware because I was cc’ed on those emails.
11. On December 12, 2023, I followed up via phone with BTPD due to the lack of response.
12. On December 12, 2023, BTPD sent an email confirming receipt of the legal director’s emails and stating records would be produced soon. (Exhibit G.)

Further, affiant sayeth naught.

Cierra Davis

Affiant Printed Name

Cierra Davis

Affiant Signature

The foregoing Affidavit was sworn to and subscribed before me by Cierra Davis on this
15 day of December, 2023.

[Handwritten Signature]

Notary Public

08/28/2024

My commission expires:



**In the
Supreme Court of Ohio**

STATE <i>ex rel.</i> NADINE YOUNG	:	Case No.
2627 Divot Place		
Columbus, Ohio 43211,	:	
Relator,	:	Original Action in Mandamus
v.	:	
BLENDON TOWNSHIP	:	
Police Department		
6330 S Hempstead Rd,	:	
Westerville, Ohio 43081,	:	
Respondent.	:	

**AFFIDAVIT OF ELIZABETH A. WELL IN SUPPORT OF COMPLAINT FOR WRIT
OF MANDAMUS**

Affiant, being first duly sworn, deposes and states that:

1. My name is Elizabeth A. Well. I am over the age of eighteen and have knowledge of the matters recounted in this affidavit.
2. I am the Legal Director at Ohio Crime Victim Justice Center (“OCVJC”).
3. One of the responsibilities of my position is to obtain public records on behalf of clients and prospective clients of OCVJC.
4. On behalf of client Nadine Young, I submitted emailed public records requests for public records pertaining to the death of Ta’Kiya Young to Blendon Township Police Department (“BTPD”) following up on the original request sent by Cierra Davis.

5. Specifically, on December 6, 2023, I sent an email to BTPD clarifying that my office represents Nadine Young, surviving family member of Ta’Kiya Young and foster caregiver for the minor children of Ta’Kiya Young. This email included legal argument regarding Ms. Young’s entitlement to the public records without redactions of the name, addresses, and identifying information of the BTPD officers involved in Ta’Kiya Young’s death. (Exhibit H.)
6. On December 11, 2023, after receiving no response, I followed up with BTPD regarding my previous email and also requesting BTPD’s policies and procedures around use of force. (Exhibit I.)
7. On December 12, 2023, BTPD sent an email confirming receipt of my emails and stating records would be produced soon. (Exhibit G.)
8. On December 19, 2023, I followed up via phone with BTPD and was informed the use of force policies would be produced at some point, but no timeline could be provided to me.
9. Fortunately, I was able to obtain a copy of BTPD’s complete policy manual, including its use of force policies, from Nadine Young’s civil counsel, Sean Walton, Jr.
10. As part of its production of records, BTPD sent a link to access all BTPD body-worn camera videos relevant to the killing of Ta’Kiya Young.
11. I reviewed these videos and summarized their content in the Complaint for Writ of Mandamus this affidavit supports.

Further, affiant sayeth naught.

Elizabeth A. Well
Affiant Printed Name

Elizabeth A. Well
Affiant Signature

The foregoing Affidavit was sworn to and subscribed before me by Elizabeth A. Well on this
21 day of December, 2023.

Daydeon Baron Galbavi Oct 16, 2027
Notary Public My commission expires:



DAYDEON BARON GALBAVI
Notary Public, State of Ohio
My Commission Expires
October 16, 2027

EXHIBIT A



Ohio Crime Victim Justice Center

P.O. Box 369
Powell, Ohio 43065
Phone (614) 848-8500
Fax (614) 848-8501

FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: 614-882-3740

To: Blendon Township Police Department

From: Elizabeth Well, Esq.

Matter: Records Request

Date: 11/14/2023

DOCUMENTS	NUMBER OF PAGES*
Public Records Request	1



Ohio Crime Victim Justice Center

November 14, 2023

Blendon Township Police Department

Via fax: 614-882-3740

Attn: Records

Re: Ta'Kiya Young; DOB: 8/01/2002

To Whom It May Concern:

This is a request for access to public records under section 149.43 of the Ohio Revised Code, known as the Public Records Act. Under the provisions of that statute, I respectfully request to be provided with the following public records:

All incident reports and related files, including, but not limited to, body cam footage, interviews, whether audio or video, and narratives involving the following: **Ta'Kiya Young; DOB: 08/01/2002. Incident date: 8/24/2023.**

If there is any information that will be excluded or any materials that will be redacted pertaining to my request, I want to know those categories and under what privacy law or other provision they are being withheld or redacted.

Should any portion of this request be denied, in whole or in part, Ohio law requires written justification for its denial, along with a citation of the appropriate Public Records Act exemption (or other law) that applies for each record, or portion thereof, that is withheld.

If any of the records requested are under seizure by another agency, I request copies of the receipts and/or inventories provided by the seizing authority.

As you are probably aware, the Public Records Act requires you to promptly prepare the records I am requesting and to make them available for inspection at all reasonable times during regular business hours.

I thank you for your prompt attention to this request. If you have any questions, please contact Cierra Davis at 614-601-3344 or cdavis@ocvjc.org.

Sincerely,

/s/ Elizabeth Well
Elizabeth Well, Esq.
Legal Director
Ohio Crime Victim Justice Center

EXHIBIT B

Call w/Records Department (Katie) at Blendon Township PD I reached out to Katie (614-468-5622) in response to her VM. I confirmed that the cdavis@ocvjc.org email on the records request was a good email to send our PRR request to. She let me know that she would be sending it all over in a few minutes

EXHIBIT C

On Wed, Nov 15, 2023 at 11:13 AM Katie Cromwell <kcromwell@blendontwp.org> wrote:

Good morning,

We acknowledge your public records request and provide the following responses to your requests.

Attached is the incident report prepared by Blendon Township. As the investigation was turned over to BCI immediately, this is the only police report Blendon Township has on the matter. You may want to ask BCI (the investigating agency) for any additional reports.

You can find and download all of the video footage that the Blendon Township Police Department has in its possession related to Ms. Young at the following [link](#). Redactions in these videos were made as required by R.C. 149.43(A)(17)(h),(k),(l); R.C. 149.43(A)(1)(rr); and R.C. 2930.07(D). Please note that several other agencies were on scene after the incident, and you would need to make a request to those agencies for any of their body camera videos.

Thank you,

Katie Cromwell
Administrative Assistant
Blendon Township Police Department
6340 Hempstead Rd.
Westerville, Ohio 43081
(614) 882-8500
kcromwell@blendontwp.org

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EXHIBIT D

On Wed, Nov 15, 2023 at 11:24 AM Cierra Davis <cdavis@ocvjc.org> wrote:
Hi Katie,

Thanks so much for getting back to me so quickly. We see that officers' names seem to have been removed from the list of officers. Can you tell us, specifically, which section of the Revised Code authorizes this redaction? Can you also tell us which specific section authorizes removal of victim information, including age?

As always, let me know if you have any questions.

EXHIBIT E

From: Cierra Davis <cdavis@ocvic.org>
Sent: Tuesday, November 21, 2023 10:30 AM
To: Katie Cromwell <kcromwell@blendontwp.org>
Subject: Re: Records Request

Good morning, Katie,

I hope this email finds you well. I wanted to follow-up on my previous email. My Legal Director and I noticed that the officers' names seem to have been removed from the list of officers. Can you tell us, specifically, which section of the Revised Code authorizes this redaction? Can you also tell us which specific section authorizes removal of victim information, including age?

As always, let me know if you have any questions or concerns.

EXHIBIT F

From: **Katie Cromwell** <kcromwell@blendontwp.org>
Date: Tue, Nov 21, 2023 at 10:45 AM
Subject: RE: Records Request
To: Cierra Davis <cdavis@ocvjc.org>

Good morning,

Redactions were made in accordance with R.C. 149.43(A)(1)(rr) and R.C. 2930.07(D).

Katie Cromwell
Administrative Assistant
Blendon Township Police Department
6340 Hempstead Rd.
Westerville, Ohio 43081
(614) 882-8500
kcromwell@blendontwp.org

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EXHIBIT G

Tue, Dec 12, 12:28 PM
(3 days ago)

Katie Cromwell

to Cierra, me

Good afternoon,

We have received your request. We will get working on that and get back to you when it is ready.

Thanks,

Katie Cromwell
Administrative Assistant
Blendon Township Police Department
6340 Hempstead Rd.
Westerville, Ohio 43081
(614) 882-8500
kcromwell@blendontwp.org

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EXHIBIT H

Wed, Dec 6, 10:08 AM
(9 days ago)

Elizabeth Well <ewell@ocvjc.org>

to kcromwell, Cierra

Good morning, Ms. Cromwell,

I am writing to follow up on Ohio Crime Victim Justice Center's public records request. As a point of clarification, we submitted this request on behalf of our client, Nadine Young, next of kin to victim Ta'Kiya Young.

I understand that you shared with my advocate partner, Cierra Davis, that redactions of the names and identifying information of the two officers involved in the death of Ta'Kiya Young were made pursuant to R.C. 2930.07(D) and R.C. 149.32(A)(1)(rr).

I would like to draw your attention to Ohio Constitution, Article I, Section 10a(D), which states: "(D) As used in this section, 'victim' means a person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. The term 'victim' does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim."

Under Revised Code Section 2930.01, all rights contained in Chapter 2930 are afforded to those who meet the above definition.

Our position is that Ta'Kiya Young is the person who meets the "victim" definition in the constitution and the Revised Code, not the officers involved in her death.

Therefore, on behalf of her family and next of kin, we again ask that complete records be produced, without redaction of the names, addresses, and identifying information of the officers involved in her death.

Please note that if these records are not produced, it is our intent to file an action in mandamus, seeking a court ruling that Ta'Kiya Young is the victim in this matter, the officers are not victims since they are not acting in her best interests, and, therefore, the records must be released.

Thank you for your prompt response.

Elizabeth Well
Legal Director
(she, her, hers)



Ohio Crime Victim Justice Center

PO Box 369 | Powell, Ohio 43065
Phone 614.848.8500 / Fax 614.848.8501

Please consider supporting Ohio Crime Victim Justice Center through the State of Ohio Combined Charitable Campaign, the Franklin County Combined Charitable Campaign, the City of Columbus Combined Charitable Campaign, or The OSU Bucks for Charity Campaign. **Use code 19127**

“Justice, though due to the accused, is due to the [victim] also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true.” U.S. Supreme Court Justice Benjamin N. Cardozo, *Snyder v. Massachusetts*, 291 U.S. 97, 122 (1934).

If you would like information about crime victims’ rights, please see OCVJC’s [Victims’ Rights Toolkit](#).

If you are a victim of crime and concerned that your rights have been violated, you can request free legal assistance at [OCVJC Request for Assistance](#).

Both Elizabeth Well and Ohio Crime Victim Justice Center intend that this message be used exclusively by the addressee(s). This message may contain information that is privileged, confidential and exempt from disclosure under applicable law. Unauthorized disclosure or use of this information is strictly prohibited. If you have received this communication in error, please permanently dispose of the original message and notify the sender of the error by reply email or call Ohio Crime Victim Justice Center at (614) 848-8500. Thank you.

EXHIBIT I

Mon, Dec 11, 9:12 AM
(4 days ago)

Elizabeth Well <ewell@ocvjc.org>
to kcromwell, Cierra

Good morning,

I am writing to follow up on my email from 12/6 and also to request a copy of the department's policies and procedures surrounding use of force incidents.

If you could confirm receipt of my email requests, I would really appreciate it.

Thanks.

Elizabeth

Elizabeth Well
Legal Director
(she, her, hers)



PO Box 369 | Powell, Ohio 43065
Phone 614.848.8500 / Fax 614.848.8501

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