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Robin Clements  
Open Records Custodian  
Cobb County Sheriff's Office  
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Marietta, GA 30090  
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VIA EMAIL

Ms. Clements,

Thank you for your prompt response to the ACLU of Georgia's Open Records Act request. Based on the response, we understand that the Cobb County Sheriff's Office is able to produce documents responsive to 10 of the 18 categories of records requested. This letter will address the following in turn: 1) responsive records the Sheriff's Office will provide; 2) responsive records the Sheriff's Office failed to disclose; 3) responsive records requiring clarification; and 4) responsive records exempted from disclosure.

**The Cobb County Sheriff's Office will provide:**

- An electronic copy of all Cobb County Adult Detention Center ("Detention Center") policies and procedures, minus chapter four, as it is exempt from the Georgia Open Records Act;
- A complete copy of the Detention Center's logbooks from all units/pods from September 1, 2019 to the present;
- All incident reports from all units/pods from September 1, 2019 to the present, excluding those incidents that are still under investigation;
- The Internal Affairs case file for Bradley Emory;
- The Internal Affairs case file for Jessie Myles;
- The Criminal Investigation case file for Bradley Emory;
- The Criminal Investigation case file for Jessie Myles;
- The Criminal Investigation case file for Reginald Wilson;
- A copy of the Sheriff's Office or Detention Center's current contract(s) with mental health and/or medical care provider(s);
- Sign-in sheets for mental health staff from September 1, 2019 to the present.

**The Sheriff's Office failed to disclose the following responsive records:**

- The number of complaints by incarcerated people alleging any abuse or misconduct by Detention Center staff from January 1, 2018 to the present;
- The daily count of incarcerated people, disaggregated by status (sentenced or unsentenced) and by location (unit or pod, general population, solitary confinement, etc) from September 1, 2019 to present;
- The number of staff/personnel employed at the Cobb County Detention Center, disaggregated by title/role, including, but not limited to the number of Sheriff's deputies assigned to the facility;
- The number of vacancies in the Cobb County Sheriff's Office, disaggregated by division.

The Sheriff's Office justified its withholding of the above-listed records by explaining that the Georgia Open Records Act "covers the production of documents, not [] responses to questions, as would be done in discovery interrogatories." This is an incorrect interpretation of the law and of our request.

Our request is for data that the Sheriff's Office prepares and maintains. This data is a "public record" under the Georgia Open Records Act, as the law defines "public record" to include "computer based or generated information, data, data fields, or similar material." O.C.G.A. § 50-18-70(b)(2). *See also* O.C.G.A. § 42-4-7(a) ("The sheriff shall keep a record of all persons committed to the jail of the county of which he or she is sheriff. . . . The record shall be subject to examination to any person in accordance with the [Georgia Open Records Act].")

**The Sheriff's Office requested further clarification regarding the following records:**

- Any and all jail inspection reports from January 1, 2018 to the present;
- Emails, memoranda, and/or other documents related to the current lockdown at the Detention Center, from September 1, 2019.

**The ACLU of Georgia further clarifies our request as follows:**

- Pursuant to O.C.G.A. § 42-4-30 et seq., we request any and all jail inspection reports, including but not limited to, semiannual inspections conducted by the state fire marshal's office or Safety Fire Commissioner, sanitation inspections conducted by the Department of Public Health or its designee, and any other documents reflecting inspections conducted at the jail from January 1, 2018 to the present;
- Emails, memoranda, and/or other documents referencing the term or phrase "lock down," "locked down," "locking down," "lock-down" or "lockdown."

**Finally, the Sheriff's Office found two records exempt from disclosure:**

- The Criminal Investigation file for Kevil Wingo;
- Documents regarding the alleged assault involving Francisco Cruz, Dorian Acosta, and Arshade Yates.

Given the pending and ongoing investigations into these matters, the ACLU of Georgia does not contest these exemptions at this time.

\* \* \* \*

The ACLU of Georgia respectfully requests that the Cobb County Sheriff's Office release all remaining responsive records, with the exception of the two above-listed records that are exempt from disclosure.

Sincerely,



Kosha S. Tucker  
Staff Attorney  
American Civil Liberties Union Foundation of Georgia

cc: Cobb County Sheriff Neil Warren