

IN THE COURT OF CLAIMS OF OHIO

REBECCA MASH

Requester

v.

MARYSVILLE POLICE DIVISION

Respondent

Case No. 2025-00896PQ

Special Master Sarah Pierce

REPORT AND RECOMMENDATION

{¶1} This matter is before me for a report and recommendation. R.C.2743.75(F). I recommend that the court (1) order the respondent to produce, as described below, an additional redacted record to requester, (2) order respondent to pay requester’s filing fee, and (3) order respondent to bear the costs of this case.

I. Background

{¶2} This case concerns the disappearance of Patricia Adkins in late June or early July 2001. See *Complaint, filed Oct. 29, 2025*, p. 5. Respondent Marysville Police Division initially handled the investigation. *Resp. Documentary Ev., filed Dec. 16, 2025*, p. 5. Primary investigating authority was later transferred to the Union County Sheriff’s Office. *Id.*, p. 6.

A. The public records request

{¶3} On October 21, 2025, Requester Rebecca Mash hand-delivered a public records request to the Police Division. That request asked for:

1. “The unredacted narrative supplement dated 07/08/2001 from the Patricia Adkins case file, incident # 01R00632,” and
2. “[A]ny and all additional supplemental narratives to include all witness statements, any recorded witness statements, to include all recorded phone calls from witnesses, evidence logs and all other documents remaining in the Patricia Adkins case file under [the Marysville Police Division].”

Compl., p. 3 (emphasis original). Ms. Mash had previously received a redacted version of the 07/08/2001 narrative supplement. *Id.*, p. 5.

{¶4} On the same day, the Police Division responded to Ms. Mash's request. The Police Division denied access to any further records, citing the CLEIR¹ work product exception. *Id.*, p. 4.

{¶5} This is the second public records lawsuit filed by Ms. Mash related to this investigation. In the prior case, the Special Master recommended the Union County Sheriff's Office provide certain unredacted records to Ms. Mash. *Mash v. Union Cty. Sheriff's Office*, 2025-Ohio-4790, ¶ 11, adopted 2025-Ohio-5264 (Ct. of Cl.). The Special Master noted the evidence demonstrated that the only criminal charge investigated by the Sheriff's Office was kidnapping, and the statute of limitations on that charge had expired. *Id.*, ¶ 9.

B. Procedural history

{¶6} This matter was referred to mediation. Mediation did not resolve the case, and a schedule was set for both parties to file evidence and memoranda supporting their positions. That schedule has run its course, making this case ripe for decision. *Order Terminating Mediation, entered December 2, 2025.*

II. Analysis

{¶7} If records are withheld from release based on a public records exception, the public office must "prove facts clearly establishing the applicability of the exception." *Welsh-Huggins*, 2020-Ohio-5371, ¶ 27 (internal punctuation omitted); see also *id.* at ¶ 35, 54. The public office "does not meet [its] burden if it has not proven that the requested records fall squarely within the exception," and courts "resolve any doubt in favor of disclosure." *Id.* at ¶ 27, 63; see also *id.* at ¶ 50, 63. The public office must produce extrinsic evidence if the applicability of the exception is "not obviously apparent and manifest just from the content of the record itself[.]" *Id.* at ¶ 35; see also *id.* at ¶ 30, 50, 53. "Unsupported conclusory statements in an affidavit are insufficient." *Id.* at ¶ 35.

¹ "CLEIR" is a common acronym for "confidential law enforcement investigatory record" as used in the Ohio Public Records Act. See R.C. 149.43(A)(1)(h) and (A)(2). I will use CLEIR in this way throughout this report and recommendation.

{¶8} The Police Division cites two public records exceptions for redacting or withholding responsive records. Each claimed exception is addressed below.

A. The Police Division correctly applied the CLEIR uncharged suspect exception to redact records.

{¶9} The Police Division relies on the CLEIR uncharged suspect exception to redact the 07/08/2001 narrative supplement it provided to Ms. Mash. *Compl.*, p. 5; *Resp. Ev. of Responsive Records*, filed Dec. 16, 2025, p. 5. This exception protects the “identity of a suspect who has not been charged with the offense to which the record pertains” and does not expire. R.C. 149.43(A)(1)(h) and (A)(2)(a)(i); *State ex rel. Rocker v. Guernsey Cty. Sheriff’s Office*, 2010-Ohio-3288, ¶ 10.

{¶10} The Police Division filed an unredacted version of the record for in camera review. *See Resp. Index*, filed Dec. 16, 2025, p. 1. On review of the unredacted record, I agree with the Police Division that all redactions were made to material that has a high probability of disclosing the identity of an uncharged suspect. These redactions are to the uncharged suspect’s name, phone number, and address. *Resp. Under Seal Ev.*, filed Dec. 16, 2025, p. 182. From the remainder of the investigative file, this individual was investigated in connection with Ms. Adkin’s disappearance and suspected murder. *Id.*, p. 2-70. This information clearly falls within the CLEIR uncharged suspect exception.

{¶11} The Police Division also notes that pages 183 and 184 were redacted per the CLEIR uncharged suspect exception. *Resp. Index*, p. 1. It does not appear that any redactions were made to these records, however. The under seal copies of these records are identical to the records filed on the Court’s public docket. *Resp. Ev. of Responsive Records*, p. 3-4.

{¶12} Ms. Mash argues that the redactions to the 07/08/2001 narrative supplement are inappropriate because there is no evidence that Ms. Adkins’ disappearance was investigated as a law enforcement matter of a criminal nature. *See Req. Reply*, filed Dec. 30, 2025, p. 3-5. I disagree. The Police Division has presented evidence to demonstrate that Ms. Adkins’ disappearance is both currently being investigated as a potential murder and was initially investigated in 2001 as a potential murder. *Resp. Documentary Ev.*, p. 4 ¶ 8, 5. My review of the under seal records confirms these statements.

{¶13} I therefore find that the CLEIR uncharged suspect redactions made by the Police Division are appropriate.

B. The Police Division incorrectly withheld one additional record under the CLEIR work product exception.

{¶14} The Ohio Public Records Act also contains a CLEIR exception for “specific investigatory work product.” R.C. 149.43(A)(1)(h) and (A)(2)(b). This exception protects from disclosure “information assembled by law enforcement officials in connection with a probable or pending criminal proceeding.” *State ex rel. Caster v. Columbus*, 2016-Ohio-8394, ¶ 19 (citation omitted); *accord State ex rel. Myers v. Meyers*, 2022-Ohio-1915, ¶ 33 n.1; *Colahan v. Worthington Police Dept.*, 2018-Ohio-4594, ¶ 21-22 (Ct. of Cl.). This exception does not include routine offense and incident reports. *Myers* at ¶ 33. This CLEIR exception expires at the end of a criminal trial or when an investigation has been closed. *Id.* at ¶ 32.

{¶15} The Police Division cites the CLEIR work product exception to withhold the remainder of the investigative file requested by Ms. Mash. This investigative file was also submitted for in camera review. *See Resp. Index*, p. 1.

{¶16} After reviewing these records, I find that they were properly withheld by the Police Division pursuant to the CLEIR work product exception. From these records, it appears that an investigation began the evening of July 8, 2001. At that time, Ms. Adkins’ sister reported her missing to the Police Division. *Resp. Ev. of Responsive Records*, p. 3, 5.

{¶17} The under seal records document the investigation that progressed from that initial report. Pages 2 through 71 document an investigation into an uncharged suspect, including search warrants, polygraph information, licensing searches, and the suspect’s movements during the relevant timeframe. Pages 71 through 119 document inquiries into Ms. Adkins’ background, including financial information, property searches, interviews with family and associates, and physical identifiers. Pages 120 through 179 document an investigation of Ms. Adkins’ workplace, including investigation and interviews of her workplace associates and work scheduling. Finally, the records contain the full digital report of the Police Division’s investigation at pages 180 to 214. This report compiles all the original records and investigator notes from the earlier pages.

{¶18} There are two incident reports in the under seal records at pages 182 and 184.² These records were correctly provided to Ms. Mash. *Myers* at ¶ 40, 45 (incident reports and information that initiates an investigation are not subject to the CLEIR work product exception). One additional record contains incident report information. Pages 180 to 181 contain a brief timeline of the Police Division's investigation. The four entries dated 7/8/01 contain incident report information. I note that this same information is reflected in the 07/08/2001 narrative supplement that Ms. Mash has already received. Still, the timeline record should have been redacted under the CLEIR work product exception (and any other applicable exceptions) and the remaining incident report portions provided to Ms. Mash. I find no other incident reports or similar information in the records.

{¶19} Ms. Mash also directs me to her earlier public records case concerning this investigation. She argues that the Court found, in that case, that the CLEIR work product exception did not apply based on similar evidence presented by the Union County Sheriff. *Req. Reply*, p. 8. This is incorrect. The Union County Sheriff has specifically provided evidence in this case that the Patricia Adkins investigation is currently based on a potential murder charge. *Resp. Documentary Ev.*, p. 4 ¶ 8. While many years have passed since Ms. Adkins' disappearance, the Police Division has submitted specific evidence demonstrating that the investigation remains open and targeted on supporting a murder charge. *Id.*, p. 3 ¶ 6, 5. My review of the under seal records confirms this posture.

{¶20} I therefore find that the Police Division appropriately withheld the bulk of the investigative file pursuant to the CLEIR work product exception. Pages 180 to 181, however, should have been redacted to exclude the entries dated 7/8/01 and provided to Ms. Mash. These entries contain incident report information that is not protected by the CLEIR work product exception. Other public records exceptions, particularly the CLEIR uncharged suspect exception, may apply to protect other portions of the 7/8/01 entries.

C. Costs.

² Additional pages from the under seal records have been provided to Ms. Mash during this litigation. Specifically, page 2, page 3, page 4 (duplicate of page 2), page 10, and page 183 have all been filed on the public docket. *Resp. Ev. of Responsive Records*, p. 4; *Resp. Documentary Ev.*, p. 7-9. All redactions to the publicly filed records are appropriate pursuant to the CLEIR uncharged suspect exception.

{¶21} Revised Code 2743.75(F)(3)(b) provides that the Court shall award a requester their filing fee and “any other costs associated with the action” if it finds a violation of the Ohio Public Records Act. Because the Police Division should have provided one additional record to Ms. Mash, I recommend that Ms. Mash recover her filing fee. I also recommend that the Police Division bear the balance of costs of this case.

III. Conclusion

Based on the above considerations, I recommend that the court:

- 1) Order the respondent to produce the entries dated 7/8/01 on pages 180 to 181 of the under seal records, subject to any other applicable public records exceptions consistent with this report and recommendation;
- 2) Order respondent to pay requester’s filing fee; and
- 3) Order respondent to pay the balance of the costs of this case.

{¶22} *Pursuant to R.C. 2743.75(F)(2), either party may file a written objection with the clerk of the Court of Claims of Ohio within seven (7) business days after receiving this report and recommendation. Any objection shall be specific and state with particularity all grounds for the objection. A party shall not assign as error on appeal the court’s adoption of any factual findings or legal conclusions in this report and recommendation unless a timely objection was filed thereto. R.C. 2743.75(G)(1).*

SARAH PIERCE
Special Master