

SUPREME COURT OF OHIO

State ex rel. Miller v. Pinkney

2017-Ohio-1335 (Ohio 2017) · No. 2015-0612 · Decided April 12, 2017

SUMMARY

The Supreme Court of Ohio considered a mandamus action seeking offense and incident reports under Ohio's Public Records Act. The court held that certain routine incident reports were not security records and ordered their release with redactions, granting the writ in part and denying it in part.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Maureen O'Connor, Chief Justice; Terrence O'Donnell, Justice; Maureen O'Connor, Justice; Eileen T. McClain?
JURISDICTION	Ohio
DECIDED	April 12, 2017
DOCKET	2015-0612
DISPOSITION	other
PROCEDURAL POSTURE	Original action in mandamus seeking disclosure of offense and incident reports under Ohio's Public Records Act.
STANDARD OF REVIEW	In-camera review to determine whether responsive records are public records or exempt security records under the Public Records Act.
PRECEDENTIAL VALUE	published opinion
PARTIES	Mark W. Miller, relator v. Clifford Pinkney, Cuyahoga County Sheriff, respondent, Judy Blatnik, respondent

TOPICS

[civil procedure](#)[remedies](#)[statutory interpretation](#)[administrative law](#)

PRACTICE AREAS

[public records](#)[mandamus](#)[administrative law](#)

QUESTIONS PRESENTED

1. Whether routine offense and incident reports responsive to Miller's request were public records subject to disclosure under Ohio's Public Records Act.
2. Whether the responsive records qualified as security records exempt from mandatory disclosure under R.C. 149.433.
3. Whether Miller was entitled to a writ of mandamus, costs, and reasonable attorney fees.

HOLDINGS

1. Routine offense and incident reports are public records normally subject to immediate release upon request.
2. The incident reports dated May 1, 2012; June 1, 2012; September 26, 2012; March 18, 2013; October 1, 2013; April 24, 2014; May 14, 2014; August 2, 2014; and August 27, 2014 were not security records and were subject to release with redaction of exempt information.
3. The writ of mandamus was granted in part and denied in part, and Miller was awarded costs and reasonable attorney fees subject to determination after review of his itemized application.

KEY QUOTATIONS

“Routine offense and incident reports are public records and are “normally subject to immediate release upon request.”” (¶ 3)

“A security record is “[a]ny record that contains information directly used for protecting or maintaining the security of a public office against attack, interference, or sabotage.”” (¶ 3)

“A security record is not a public record and “is not subject to mandatory release or disclosure” pursuant to the Public Records Act.” (¶ 3)

FACTUAL BACKGROUND

Mark W. Miller requested all offense or incident reports in the Cuyahoga County Sheriff's Office's possession, custody, or control that identified Edward FitzGerald as a reportee, complainant, or victim. The sheriff's public-records manager denied the request on the ground that the records were security records. After ordering production under seal, the Supreme Court of Ohio reviewed the responsive records in camera and identified nine incident reports that were not security records and were subject to release after redaction of exempt information.

PROCEDURAL HISTORY

Miller filed an original mandamus action against the Cuyahoga County Sheriff after the sheriff's public-records manager denied his request for offense and incident reports identifying Edward FitzGerald. The Supreme Court of Ohio ordered the respondents to submit responsive records under seal for in-camera review. The court granted the writ in part and denied it in part.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The responsive incident reports identified by the court were to be released with redaction of exempt information, and costs and reasonable attorney fees were to be determined upon review of Miller's itemized application.

CASES CITED

- State ex rel. Miller v. Bova, 147 Ohio St. 3d 1456, 2016-Ohio-8121, 64 N.E.3d 1001
- State ex rel. Beacon Journal Publishing Co. v. Maurer, 91 Ohio St. 3d 54, 56, 741 N.E.2d 511 (2001)
- State ex rel. Lanham v. Smith, 112 Ohio St. 3d 527, 2007-Ohio-609, 861 N.E.2d 530, ¶ 13

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/ohio-supreme-court-of-ohio/2017/state-ex-rel-miller-v-pinkney-bwel7muf>