



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF

:

**WARREN EVANS,
Requester**

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v.

Docket No.: AP 2016-1166

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**PHILADELPHIA COUNTY
DISTRICT ATTORNEY,
Respondent**

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On or around June 22, 2016, Warren Evans (“Requester”) submitted a request (“Request”) to the Philadelphia County District Attorney’s Office (“DA’s Office”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking “a copy of my Bill of Indictment and/or Criminal Information”. The Philadelphia District Attorney’s Office responded on June 22, 2016, denying the information stating the information requested related to a criminal investigation and is exempt under 65 P.S. § 67.708 (b)(16). The Requester appealed to the Office of Open Records (“OOR”).

The DA’s Office is a local law enforcement agency. *See Sawicki v. Centre County District Attorney’s Office*, OOR Dkt. AP 2015-0757, 2015 PA O.O.R.D. LEXIS 885 (citing 4 P.S. § 325.211). The OOR does not have jurisdiction to hear appeals related to criminal investigative records held by local law enforcement agencies. *See* 65 P.S. 67.503(d)(2). Instead, appeals involving records alleged to be criminal investigative records held by a local law

enforcement agency are to be heard by an appeals officer designated by the local district attorney. *See id.* Accordingly the appeal is hereby transferred to the Appeals Officer for the Philadelphia County District Attorney's Office. A copy of this final determination and the appeal filed by the Requester will be sent to Appeals Officer, Philadelphia County District Attorney's Office.

For the foregoing reasons, Requester's appeal is **transferred** to Appeals Officer for the Philadelphia District Attorney's Office. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Philadelphia County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond as per Section 1303 of the RTKL. However, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.¹ This Order shall be placed on the OOR website at: <http://openrecords.pa.gov>.

ISSUED AND MAILED: July 11, 2016

/s/ Charles Rees Brown

Charles Rees Brown
Chief Counsel

Sent to: Warren Evans (LJ2871) SCI-Rockview
B.J. Graham-Rubin, Esq. (via e-mail only)

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).