



FINAL DETERMINATION

IN THE MATTER OF

**JEFFERY MORRIS,
Requester**

v.

**CITY OF PITTSBURGH,
Respondent**

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Docket No.: AP 2024-1055

On March 14, 2024, Jeffery Morris (“Requester”) submitted a request (“Request”) to the City of Pittsburgh (“City”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking “[a]ny and all records in the possession of the Pittsburgh Bureau of Police” relating to the death of an identified individual. On April 19, 2024, after extending its time to respond by thirty days, *see* 65 P.S. § 67.902(a), the City partially granted the Request, providing the Requester with “a 2.0 Pittsburgh Bureau of Police Offense/Incident Report” and arguing that the remaining responsive records are exempt from disclosure because they relate to a criminal investigation, 65 P.S. § 67.708(b)(16), or are protected from disclosure by the Criminal History Record Information Act (“CHRIA”), 18 Pa.C.S. §§ 9101 *et seq.* On April 22, 2024, the Requester appealed to the Office of Open Records (“OOR”).¹

¹ The City’s response informed the Requester that any appeal related to criminal investigative records should be filed with the Appeals Officer for the Allegheny County District Attorney’s Office.

The City is a local law enforcement agency. 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 Allegheny County District Attorney’s Office (“DA’s Office”).² A copy of this final order and the appeal filed by the Requester will be sent to Appeals Officer for the DA’s Office.

For the foregoing reasons, the Requester’s appeal is **transferred** to the Appeals Officer for the DA’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 Allegheny 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. All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the OOR website at: <https://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: April 24, 2024

/s/ Joshua T. Young

SENIOR DEPUTY CHIEF COUNSEL
JOSHUA T. YOUNG, ESQ.

Sent to: Requester; AORO; City of Pittsburgh (via e-file portal)
Appeals Officer, Allegheny County District Attorney’s Office (via email)

² The Commonwealth Court has noted that the OOR has the authority to transfer an appeal to “where [a requester] should have initially appealed.” *See Phila. Dist. Attorney’s Office v. Williams*, 204 A.3d 1062, *4 n.5 (“... [A]lthough the onus for appealing from an RTKL denial to the proper appeals officer is on the requester, the OOR did not violate the law or any procedure in redirecting the appeal in this case”).