

STEPHEN A. ZAPPALA, JR.  
DISTRICT ATTORNEY



OFFICE OF THE DISTRICT ATTORNEY

# County of Allegheny

436 GRANT STREET, 401 COURTHOUSE ♦ PITTSBURGH, PENNSYLVANIA 15219-2489  
PHONE (412) 350-4377 ♦ FAX (412) 350-3312

Shelly Bradbury  
Pittsburgh Post-Gazette  
358 North Shore Drive  
Pittsburgh, PA 15212

August 20, 2019

Celia B. Liss, Esquire  
Open Records Officer  
City of Pittsburgh  
313 City County Building  
414 Grant Street  
Pittsburgh, PA 15219

In re: Right to Know Law Appeal; 182-02-2019

Dear Ms. Bradbury and Open Records Officer Liss:

I am the Open Records Appeals officer for Allegheny County. Ms. Bradbury had sought the following documents from the City of Pittsburgh:

Copies of all 'City of Pittsburgh Bureau of Police Subject Resistance Reports' also known as 'SRR PBP Form 10.10' filed in 2018 and year-to-date 2019."

In denying the request Ms. Liss noted that the requested items are exempt as “criminal investigative materials” covered by 65 P.S. §67.708(b)(16)(ii), (vi)(A), (D), and (E):

- (16) A record of an agency relating to or resulting in a criminal investigation, including:
  - (i) Complaints of potential criminal conduct other than a private criminal complaint.
  - (ii) Investigative materials, notes, correspondence, videos and reports.
  - (iii) A record that includes the identity of a confidential source or the identity of a suspect who has not been charged with an offense to whom confidentiality has been promised.
  - (iv) A record that includes information made confidential by law or court order.
  - (v) Victim information, including any information that would jeopardize the safety of the victim.
  - (vi) A record that if disclosed, would do any of the following:
    - (A) Reveal the institution, progress or result of a criminal investigation, except the filing of criminal charges.
    - (B) Deprive a person of the right to a fair or an impartial adjudication.
    - (C) Impair the ability to locate a defendant or codefendant.
    - (D) Hinder an agency’s ability to secure an arrest, prosecution or conviction.
    - (E) Endanger the life or physical safety of an individual.

*See letter of Ms. Liss dated July 31, 2019.*

Initially, I do not see how disclosure of the reports would hinder the ability to secure an arrest of a suspect or endanger the life or physical safety of any individual. Additionally, I don’t agree that these reports are criminally “investigative” in nature. They appear to collect and document information on collateral issues that may have arisen during the course of an investigation, arrest, and/or citizen-police encounter but they are not truly investigative in nature and at most, reveal the filing of criminal charges. Disclosing the fact that a Police Officer had to use force to effectuate an arrest, during which time the suspect resisted with verbal noncompliance, prompting the officer to issue a

verbal command is not the type of information that should be exempt under the Right To Know Law.

As a result, I must grant the request and order access. Please be advised that pursuant to Section 65 P.S. §67.1302 the parties have 30 days to appeal my decision to the Court of Common Pleas of Allegheny County.

Very truly yours,

---

Michael W. Streily  
Deputy District Attorney  
Open Records Appeals Officer