In re: Open Records Appeal

Dear Ms. Konias and Deputy Chief Greene:

I am the Open Records Appeals officer for Allegheny County. On June 5, 2017 I received an appeal from Ms. Konias. The appeal was from the decision of Deputy Chief Greene, Open Records Officer, Pleasant Hills Police Department, which denied Ms. Konias’ request for “police report from 2-28-12 where a Daniel McDonald found my son’s (Kenneth J. Konias, Jr.) cell phone on route 51.” In denying the request Deputy Chief Greene stated “The Pleasant Hills Police Department has denied your request because criminal investigative reports [are] exempt from disclosure pursuant to section 708(b)(16) of the Right To Know Law.” (See letter dated May 31, 2017).

The cell phone which was recovered by Mr. McDonald was actually introduced at the trial of Commonwealth v. Kenneth Konias, No. CC 201207539, as
Commonwealth Exhibit 36 (See notes of testimony, 11/6/13-11/19/13 at pp. 254-262). Testimony at that trial (as well as the verdict that was rendered) indicated that the defendant, Mr. Konias, was in possession of that phone on the day he committed criminal homicide. Testimony also indicates that shortly after Mr. McDonald found the phone, he met with detectives from the City of Pittsburgh at the Pleasant Hills Police Station, and gave them the phone. Contrary to the requester's assertion, that cell phone was involved in a criminal investigation and became a piece of evidence at trial. Any report relating to its discovery would necessarily relate to the criminal investigation.


As a result, I must decline Ms. Konias’ request and affirm the denial of 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,

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Michael W. Streily
Deputy District Attorney
Open Records Appeals Officer