

STEPHEN A. ZAPPALA, JR.  
DISTRICT ATTORNEY



OFFICE OF THE DISTRICT ATTORNEY

# County of Allegheny

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Mr. Jayquon Massey  
#HW 6337  
1 Kelley Drive  
Coal Township, PA 17866

January 8, 2020

Jerry Tyskiewicz, Director  
Open Records Officer  
Department of Administrative Services  
202 Courthouse  
436 Grant Street  
Pittsburgh, PA 15219

In re: Right to Know Law Appeal

Dear Mr. Massey and Open Records Officer Tyskiewicz:

I am the Open Records Appeals officer for Allegheny County. Mr. Massey has filed an appeal from the decision of Allegheny County which denied his request for certain documents/information. I received that appeal on December 30, 2019. Pursuant to 65 P.S. §67.1101, I need to resolve this appeal by January 29, 2020 unless Mr. Massey agrees to an extension. Mr. Massey indicates that the requested items were deemed to be exempt under 65 P.S. §67.708(b)(16) which provides in relevant part:

(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.

65 P.S. §67.1101 requires that an appeal “shall state the grounds upon which the requester asserts that the record is a public record...and shall address any grounds stated by the agency for delaying or denying the request.” Mr. Massey did not include a copy of the original request nor did he include a copy of the Agency’s written response. I would like to have these documents and would ask Mr. Massey to provide the documents and a little more explanation as to why he believes he should be given the requested documents/information. At a minimum, I would ask Mr. Massey to list the items that he requested. Mr. Massey is directed to provide the information within 14 days of receipt of this letter.

Very truly yours,

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Michael W. Streily  
Deputy District Attorney  
Open Records Appeals Officer