

STEPHEN A. ZAPPALA, JR.  
DISTRICT ATTORNEY



OFFICE OF THE DISTRICT ATTORNEY

# County of Allegheny

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Vance Strader  
434 Ella Street  
Pittsburgh, PA 15221

November 28, 2022

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

In re: *Transferred Appeal-Vance Strader v. City of Pittsburgh,*  
*Dkt. No: AP 2022-2457*

Dear Mr. Strader and Open Records Officer Liss:

I am the Open Records Appeals officer for Allegheny County. Initially, please allow me to express condolences to Mr. Strader for the tragic loss of his son.

On November 23, 2022, I received the current transferred appeal from the Office of Open Records (OOR). As the parties are aware, as to the narrow issue before me, Mr. Strader had requested the following from the Agency:

1. [A]ll information pertaining to the violent and vicious murder of my son Shayne Strader caught on camera throughout the north side and in front of the Martin Luther King School and the Pittsburgh Aviary on Arch Street.
2. [I]nformation such as the incident number and the police report, and redact any sensitive information [...]

*See Final Determination of OOR, Dkt. No. AP-2022-2457 at p.1.* Requester further noted:

5. All my son did was ride pass the Allegheny Commons and these Low life, unskilled, unemployed low life pieces of dirt, who are allowed to sell narcotics murdered my kid for just riding past The Allegheny Commons, plus the baby shot to death in downtown. By the same low life pieces of dirt from the Allegheny Commons. All these government agencies know of the narcotics being sold at these public housing complexes.

6. This is nothing more than white supremacy, White bigotry and racism. This Openly Criminal nonsense would not be allowed at the Riverfront docks, Homestead waterfront properties and or the Trimont.

*See Letter of Officer Liss dated August 31, 2022 submitted to OOR as Exhibit 1.*

The Agency “provided the Requester with a single-page Police Offense/Incident Report noting the date and time of the homicide and identifying the reporting officer. The City otherwise denied the request, arguing that any additional police records relate to a criminal investigation and are otherwise exempt under the Criminal History Record Information Act. 65 P.S. §67.708(b)(16); 18 PA.C.S. §9101 *et seq.* The City additionally argued that, with the exception of those exempt investigative records, no other responsive records exist.” *See Final Determination at p.2.*

On appeal the Agency submitted an Affidavit from City of Pittsburgh Police Lieutenant Julie Stoops which supplied the following additional information:

6. When I received the Request for this case, I examined the criminal investigation file for the homicide described in the Request and identified the following documents: PBP Investigative and Supplemental Reports, photographs and video footage, to include body worn camera footage, of the crime scene; interviews with witnesses, a Field Contact/Search and seizure Report, an Investigative Summary, a ShotSpotter Report, JNET

documents, search warrant application and copies of search warrant service.

10. The information described in the narratives of the Investigative and Supplemental Reports included analysis of the victim and witness statements and physical evidence located, which we withheld under the criminal investigation section of the RTKL.

*See Affidavit submitted to OOR as Exhibit 2.*

I have read Mr. Strader's correspondence and all the relevant attachments. It is clear that what he requests is classic criminal investigative material. I realize that he wants the items because he is preparing a wrongful death action and that he also considers the failure to produce the records to be a prime example of the racism and political incompetence inherent in our society:

The police and politicians are the problem, when you set up these racist white supremacist public housing projects. The housing projects are ran and owned by bigots, white bigots and white supremacist along with Uncle Tom Negroes and dumb stupid Negroes.

The police know what's going on in the Allegheny Commons, because they have informants over there, they told my family that. The open drug sales, prostitution sales to support a cocaine or heroin addict habit along with the original people getting murdered in the streets. Your corrupt system does not allow this to go on in White neighborhoods like Squirrel Hill, Fox Chapel, Oakmont, Cranberry Township, [a]long with all the other high end apartments like the [T]rimont, the docks or the riverfront property over in Homestead.

Your historically Racist dirty system knows, [i]f everything was desegregated, a Level Playing Field and Fair, White would disappear, from interbreeding with the original man.

My son is dead and got murdered because your system allows these black parasites to exist in our community. You all must think I'm some dumb stupid ass negro. (...)

*See Requester's Response filed with OOR.*

As drafted and enacted, the Right To Know Law is not kind to family members of victims who have suffered at the hands of criminals and want to have as much information about the people and actions that brought about the tragedy they are dealing with. I understand the vehemence of Requester's demand, but I have no equity powers and cannot consider the motivations of a Requester.

The Right to Know Law exempts certain materials from disclosure and in regards to those exemptions, 65 P.S. § 67.708(b)(16) provides as follows:

- (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.

As the Office of Open Records explained in *Jones v. Pennsylvania Game Commission*, OOR Dkt. AP 2009-0196 even records pertaining to a closed criminal investigation remain protected because Section 708(b)(16) expressly protects records relating to the result of a criminal investigation and thus remain protected even after the investigation ends. See also, *State Police v. Office of Open Records*, 5 A.3d 473 (Pa. Cmwlth. 2010); *Sherry v. Radnor Twp. School District*, 20 A.3d 515 (Pa. Cmwlth. 2011).

As a result, I must decline the request and affirm 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