

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

Taji Walsh  
144 Wabash Street, #2  
Pittsburgh, PA 15220

January 8, 2020

Scott Andrejchak, Esquire  
Open-Records Officer  
Municipality of Penn Hills  
102 Duff Road  
Penn Hills, PA 15235

In re: Open-Records Appeal; Docket No. AP 2019-1986

Dear Ms. Walsh and Open-Records Officer Andrejchak:

I am the Open-Records Appeals Officer for the District Attorney of Allegheny County. On January 3, 2020, I received a transferred appeal from the Office of Open Records. The parties are familiar with the procedural history. Relevant to this disposition is the fact that Ms. Walsh requested the following records from Penn Hills:

“missing person report indicating the times when police took report and when info was sent to PSP. This is regarding Nalani Johnson. Missing 8/31/19. Defendant Sharena Nancy.”

*See letter dated 9/24/19.*

In denying the request, Open-Records Officer Andrejchak invoked exemption 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.

I have read the affidavit that Open-Records Officer Andrejchak provided to the Office of Open Records and incorporate that document into my decision that the items are exempt from disclosure. As a result, I must decline Mr. Head's 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