



OFFICE OF THE DISTRICT ATTORNEY
BUCKS COUNTY JUSTICE CENTER
100 NORTH MAIN STREET
DOYLESTOWN, PENNSYLVANIA 18901

MATTHEW D. WEINTRAUB
DISTRICT ATTORNEY
(215) 348-6344

March 27, 2019

Justin Blount (justinrblount@gmail.com)

Dear Mr. Blount:

Please accept the following letter as the Bucks County District Attorney's Office's response to your letter appeal regarding your Right to Know request of the Bensalem Township Police Department. You appeal from the denial of your request for "mug shots, police reports, interrogation audio/video, undercover sting audio from [Commonwealth of Pennsylvania vs. Ed Krajewski]."

Your Right to Know request is attached as "Exhibit A." The letter denying your Right to Know request of Bensalem Township Police Department, dated January 25, 2019, is attached as "Exhibit B."

I conducted an *in camera* review of the case file, which included incident reports, transcripts of recorded undercover conversations, and audio tapes. These materials were provided to me by the Bensalem Township Police Department and the Bucks County Detectives. Upon review, your appeal is **DENIED** for the following reasons:

1. The requested information relates to a criminal investigation and is not a public record. As such, the report is exempt from disclosure pursuant to Section 708(b)(16)(i) and (ii) of the Right to Know Law, 65 P.S. § 67.708(b).
2. The above-mentioned materials constitute investigative information, which cannot be disclosed pursuant to the Criminal History Record Information Act. See 18 Pa. C.S. § 9106(c)(4). The requested information is not of public record, and you do not represent a criminal justice agency. See 18 Pa.C.S. § 9102 ("Investigative information" is defined as "[i]nformation assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing . . .").
3. You failed to adequately explain the grounds supporting your assertion that the information sought is a public record as required by 65 P.S. § 67.1101. Further, the undersigned is unaware of any legal authority to support that this information is public record.

For review of the denial of your appeal, please be advised that you may file a petition for review to the Bucks County Court of Common Pleas within thirty days of this determination. See 65 P.S. § 67.1302. Please also be advised that the proper party to provide service to is the Bensalem Township Police Department. There is no need to provide service to the Bucks County District Attorney's Office.

Sincerely,

Eugene Tsvilik
Assistant District Attorney

CC: Open Records Officer,
Bensalem Township Police Department

EXHIBIT A



pennsylvania
OFFICE OF OPEN RECORDS

Standard Right-to-Know Law Request Form

Good communication is vital in the RTKL process. Complete this form thoroughly and retain a copy; it is required should an appeal be necessary. You have 15 business days to appeal after a request is denied or deemed denied.

SUBMITTED TO AGENCY NAME: BENSALEM POLICE DEPARTMENT (Attn: AORO)

Date of Request: 1/10/19 Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Name: JUSTIN BLOUNT Company (if applicable): _____

Mailing Address: 1227 N. HAYWORTH AVE. APT 10

City: WEST HOLLYWOOD State: CA Zip: 90046 Email: JUSTINR.BLOUNT@GMAIL.COM

Telephone: 703 727 0665 Fax: _____

How do you prefer to be contacted if the agency has questions? Telephone Email U.S. Mail

RECORDS REQUESTED: Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record or party names. Use additional sheets if necessary. RTKL requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law.

MUG SHOTS, POLICE REPORTS, INTERROGATION AUDIO/VIDEO, UNDERCOVER STING AUDIO FROM THE 1996 CASE (COMMONWEALTH OF PA VS ED KRATZEWski)

DOCKET NUMBER AND DEFENDANT INFORMATION ATTACHED IN EMAIL CHAIN.

DO YOU WANT COPIES? Yes, electronic copies preferred if available
 Yes, printed copies preferred
 No, in-person inspection of records preferred (may request copies later)

Do you want certified copies? Yes (may be subject to additional costs) No
 RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.
 Please notify me if fees associated with this request will be more than \$100 (or) \$_____.

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? Yes No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: Granted Partially Granted & Denied Denied Cost to Requester: \$ _____

Appropriate third parties notified and given an opportunity to object to the release of requested records.

NOTE: In most cases, a completed RTKL request form is a public record.
 More information about the RTKL is available at <https://www.openrecords.pa.gov>

Form updated Nov. 27, 2018

EXHIBIT B

RC | **RUDOLPH CLARKE, LLC**
ATTORNEYS AT LAW

JMG
(1-28-19)

Edward Rudolph
Michael P. Clarke
Peter C. Amuso
Michael L. Barbiero*

SEVEN NESHAMINY INTERPLEX
SUITE 200
TREVOSE, PA 19053
Phone 215-633-1890
Fax 215-633-1830

Montgomery County Office
350 Sentry Parkway East
Building 630, Suite 110A
Blue Bell, PA 19422
Phone 484-368-3808
Fax 215-633-1830

Melissa K. Fiala*
Lauren A. Gallagher*
Barbara R. Merlie
Noah Marlier
Sara Johnson Rothman
Karen Lee DeMerlis*
Alexander M. Glassman*
Nicole L. Feight
Valentina M. Nicolo

www.rudolphclarke.com
e-mail: aglassman@rudolphclarke.com

Delaware County Office
341 West State Street
Media, PA 19063
By appointment only
Phone 215-633-1890
Fax 215-633-1830

Chester County Office
200 Lincoln Avenue, #104
Phoenixville, PA 19460
By appointment only
Phone 215-633-1890
Fax 215-633-1830

*Member of PA & NJ Bars

OF COUNSEL:
Matthew D. Bradford
Joseph W. Pizzo

Please respond to: Trevoze

January 25, 2019

JAN 26 PM 3:22
TREVOZE
MONTGOMERY COUNTY
OFFICE

Sent Via Email Only
(aedris@pa.gov)

Appeals Officer Angela Edris, Esquire
Commonwealth of Pennsylvania
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

Re: Justin Blount v. Bensalem Township Police Department

Dear Appeals Officer Edris:

Please accept this correspondence from Bensalem Township Police Department (hereinafter "Township") in response to the above-captioned appeal filed by Mr. Justin Blount.

On or about January 10, 2019, the Township received Mr. Blount's RTK request via email. Mr. Blount requested records relating to "mug shots, police reports, interrogation audio/video, undercover sting audio from the 1996 Case (commonwealth v. Ed Krajewski)."

Appeals Officer Edris, Esquire
January 25, 2019
Page 2

Subsequently, on or about January 11, 2019, the Township responded by denying the request. In the Township's response to the request, it cited Sections 708(b)(16) of the Right to Know Law and the Criminal History Record Information Act, 18 Pa.C.S. Section 9106(c)(4) as the reasons for denying the request.

After receiving the denial, Mr. Blount filed appeals of the denial with both the Office of Open Records and the Bucks County District Attorney's Office. The Township, through its undersigned attorney, requests that the Office Of Open Records transfer this case to the Bucks County District Attorney's Office as the request concerns, inter alia, police and investigative records.

With regards to the police reports and other requested information, the Township respectfully asserts that this Request should be denied pursuant to the Criminal History Record Information Act ("CHRIA"), 18 Pa.C.S. Sections 9101-9193. Pursuant to CHRIA, the Township can only disseminate the requested information to criminal justice agencies. Additionally, the incident reports contains investigate information and the Bucks County District Attorney, rather than the Office of Open Records, is the proper Agency to determine whether these criminal records should be provided to the requestor. Please see Section 503(d)(2) of the Right to Know law.

Furthermore, and as stated above, in its denial letter, the Township also denied the records pursuant to Section 708(b)(16) of the Right to Know Law. However, because the only response records are investigative in nature, the District Attorney is the proper appeal agency to review said records.

For all of the reasons stated in the above correspondence and the accompanying Affidavit from Lt. Keith Christie, the Township respectfully requests that the Office of Open Records transfer Mr. Blount's appeal to the Bucks County District Attorney's Office.

Very truly yours,

Alexander M. Glassman

Alexander M. Glassman

Enclosure

cc: Lt. Christie (via email only)
Justin Blount (justinblount@gmail.com)
Bucks County District Attorney

BUCKS COUNTY
DISTRICT ATTORNEY'S
OFFICE
2019 JAN 28 PM 3:22



BENSALEM TOWNSHIP POLICE DEPARTMENT

2400 Byberry Road • Bensalem, PA 19020 • (215) 633-3700 • Fax (215) 633-3636

Frederick A. Harran
Director of Public Safety



I, Lieutenant Keith Christie, do hereby depose and state, sworn according to law as follows:

1. I serve as Lieutenant of the Bensalem Township Police Department.
2. On January 10, 2019, the Township received Mr. Justin Blount's Right to Know Request seeking "mug shots, police reports, interrogation audio/video, undercover sting audio from the 1996 Case (commonwealth v. Ed Krajewski)."
3. After reviewing the Right to Know Request, the Township sent Mr. Blount a letter denying his Right to Know request pursuant to the Criminal History Record Information Act (CHRIA) and the RTK Law.
4. I reviewed the responsive documents and determined that they are investigative in nature and cannot be provided to the public based on CHRIA.

I verify that the statements made in the foregoing Affidavit are true and correct to the best of my information, knowledge and belief. I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

LT. Keith Christie
Lieutenant Keith Christie #22070

Dated: 1/25/19

Sworn to and subscribed before
me this 25th day of January, 2019.

Kendall Johnson
Notary Public
My Commission Expires: 9/27/22

Commonwealth of Pennsylvania - Notary Seal
Kendall L. Johnson, Notary Public
Bucks County
My commission expires September 27, 2022
Commission number 1258144
Member, Pennsylvania Association of Notaries

An Internationally Accredited Agency

A-1

~ Protect with honor, Serve with pride ~