

John Ortenzio Folino
FG-7172
SCI Albion
10745 Route 18
Albion, PA 16475

November 4, 2011

In re: Right to Know Appeal

Dear Mr. Folino:

I am the Open Records Appeal Officer for the District Attorney of Allegheny County. On November 3, 2011 I received a letter from you appealing the decision of the Allegheny County Open Records Officer, Timothy H. Johnson, denying access to the following:

1. All reports/files regarding Detective Carpico's death on August 13, 2011.
2. All communications and statements made by Detective Carpico, or to Detective Carpico, on August 13, 2011 including e-mails, text messages, phone messages, FAX, etc.
3. All records of any interviews conducted in regard to Detective Cazrpico's death.
4. Any and all complaints filed on Detective Carpico regarding, but not limited to, misconduct, falsification of reports, policy violations, illegal activity, etc.
5. All recordings/reports from the Critical Incident Response Team, including negotiators, SWAT officers, etc.

In denying your request Mr. Johnson relied upon 65 P.S. §67.708 (b)(16)(vi)(A), indicating that the items requested were exempt because they would "[r]eveal the institution, progress or result of a criminal investigation, except the filing of criminal charges."

Based on the exception for criminal investigative material, I must deny your appeal pursuant to 65 P.S. §67.708(b)(16). The provision as written, does not make allowance for completed investigations. Please be advised that you have 30 days to appeal this decision to the Court of Common Pleas. See 65 P.S. §67.1302.

Very Truly Yours,

Michael W. Streily
Deputy District Attorney

cc: Timothy H. Johnson, Open Records Officer