

## Standard Right-to-Know Law Request Form

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

**SUBMITTED TO AGENCY NAME:** Luzerne County

Date of Request: Aug. 7, 2020 Submitted via:  Email  U.S. Mail  Fax  In Person

**PERSON MAKING REQUEST:**

Name: James Halpin

Company (if applicable): The Citizens' Voice

Mailing Address: 75 N. Washington St.

City: Wilkes-Barre State: Pa. Zip: 18701

Email: jhalpin@citizensvoice.com

Telephone: 570-821-2058

Fax: 570-821-2247

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. 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. Use additional pages if necessary.*

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All fixed camera surveillance footage related to the June 6, 2018, struggle at the Luzerne County Correctional Facility that resulted in the death of Shaheen Mackey. In addition to the fixed-camera footage, I would like to request the full video from any portable cameras that recorded the struggle, including the full video of Mr. Mackey being held in the restraint chair. Finally, I am requesting any record identifying Mr. Mackey's cellmate on the date of the incident.

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**DO YOU WANT COPIES?**  Yes, printed copies (*default if none are checked*)

Yes, electronic copies preferred if available

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)  \$\_\_\_\_\_.**

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### 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. Form updated Feb. 3, 2020  
More information about the RTKL is available at <https://www.openrecords.pa.gov>*



## **Right-To-Know Response Form**

**September 8, 2020**

Jim Halpin  
Via email only to [jhalpin@citizensvoice.com](mailto:jhalpin@citizensvoice.com)

RTK REQUEST #2020-127

Dear Jim:

Thank you for writing to Luzerne County with your request for information pursuant to the Pennsylvania Right- To-Know law ("RTKL").

Recently, the Luzerne County Office of Law received a request for documents from you described in the attached Right To Know request. Your request is denied because the information you have requested is not subject to the right to know law, pursuant to 18 Pa. C.S.A. §708 Sections 16 and 17, including, but not limited to the following sections:

(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; and

(17) A record of an agency relating to a noncriminal investigation, including:

- (i) Complaints submitted to an agency.
- (ii) Investigative materials, notes, correspondence and reports.

(vi) A record that, if disclosed, would do any of the following:

- (A) Reveal the institution, progress or result of an agency investigation, except the imposition of a fine or civil penalty, the suspension, modification or revocation of a license, permit, registration, certification or similar authorization issued by an agency or an executed settlement agreement unless the agreement is determined to be confidential by a court;
- (B) Deprive a person of the right to an impartial adjudication and
- (D) Hinder an agency's ability to secure an administrative or civil sanction

You have a right to appeal this denial of information in writing to Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4<sup>th</sup> Floor, Harrisburg, PA 17120.

If you choose to file an appeal, you must do so within 15 business days of the mailing date of the agency's response. Section 1101. If you have further questions, please contact Laura C. Dennis. Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Respectfully,

Laura C. Dennis, Esq.  
Luzerne County  
Open Records Officer  
200 North River Street  
Wilkes-Barre, PA 18711

## ATTESTATION

I, Romilda Crocamo, Esq., am the Chief Legal Counsel for Luzerne County Office of Law. I received a Right to Know request that was filed on appeal with the Office of Open Records by Mr. Jim Halpin. The request sought a copy of a videotape from the Luzerne County Correctional Facility regarding an incident involving then inmate Mackey.

I would be the appropriate party to address this request and I am the party that would be responsible for processing this request. The Requestor in this matter cites the closing of a criminal investigation by the Luzerne County District Attorney's Office and the "no" vote by the Luzerne County Council to hire an outside consulting firm, as reasons as to why this matter is no longer under investigation. The Office of the District Attorney is separate and apart from any investigation that would be conducted by Luzerne County Office of Law. Further, Luzerne County Council deciding not to hire a consulting firm does not close our investigation.

This matter remains open in the Office of Law and as such is exempt from discovery pursuant to 2008 Act 3 § 708 § (17) A record of an agency relating to a noncriminal investigation, including: (ii) Investigative materials, notes, correspondence and reports.

The purpose of this Attestation, and by my signature below, is to verify under penalty of perjury under the laws of the Commonwealth of Pennsylvania, that the foregoing is true and correct according to my knowledge as the Executive Director for 9-1-1 Luzerne County, Pennsylvania.

Date: \_\_\_\_\_

9/24/20



\_\_\_\_\_  
Romilda Crocamo, Esq.  
Chief Legal Counsel  
Luzerne County Office of Law