



Quattrone Center for the Fair Administration of Justice
3501 Sansom Street
Philadelphia, PA 19104-6204
Tel. 215.898.6073 Cell. 267.971.3082

Marissa Boyers Bluestine
Assistant Director

August 3, 2020

Luzerne County Sheriff's Office
Sent via facsimile: 570-825-1849

Dear Right to Know Officer:

I am an Assistant Director with the Quattrone Center for the Fair Administration of Justice at the University of Pennsylvania Carey Law School. We are conducting a statewide survey of law enforcement departments regarding each agency's policies with regard to eyewitness identification and suspect interrogation procedures. The completed Right to Know Request Form and information sought are attached.

Please be advised that we are not seeking investigative materials. We are aware investigative reports and records of police investigations are not subject to mandatory disclosure under the Right to Know Act. 65 P.S. § 67.708 (2009). See Scheetz v. Morning Call, Inc., 747 F. Supp 1515 (E.D.Pa. 1990); Sullivan v. City of Pittsburgh, 561 A.2d 863 (Pa. Cmwlth. 1989). Rather, the documents we are requesting are akin to police blotters, in that they merely pertain to administrative matters. Police blotters and the information we are requesting are public records under the Right to Know Act because they are merely "a chronological compilation of original records of entry." Commonwealth v. Mines, 680 A.2d 1227, 1229 (Pa. Commw. Ct. 1996). This request involves such records.

We would prefer to receive your response electronically through e-mail to quattroneproject@law.upenn.edu. Should the records not be available in electronic form, please let us know what the approximate cost of duplication will be prior to copying any records.

Thank you very much for your attention to this matter.

Very truly yours,

Marissa Boyers Bluestine



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 Sheriff's Office

ATTN: AORO/ Right to Know Officer

Date of Request: August 3, 2020

Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Name: Marissa Bluestine Company (if applicable): The Quattrone Ctr. For the Fair Administration of Justice at the University of Pennsylvania Carey School of Law

Mailing Address: 3501 Sansom Street

City: Philadelphia State: PA Zip: 19104 Email: quattroneproject@law.upenn.edu

Telephone: 267-971-3082 (c) 215-898-6073 (w) 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. 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.*

See Attached

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) \$_____.

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>

Pursuant to the Pennsylvania Right to Know Law, we request the following records which we believe are in the possession of your agency:

1. All written materials (including but not limited to directives, manual training materials, policies, instructions to police or witnesses, training presentation materials, memoranda, or mandates), video or sound recordings, maintained by your Department and/or distributed to investigative officers or trainees, concerning the procedures used to conduct in-field identification, whether those procedures are referred to as “show-ups,” “cold shows,” or by other terminology. Please include any admonishments provided to potential witnesses in conjunction with the procedure.
2. All written materials (including but not limited to directives, manual training materials, policies, instructions to police or witnesses, training presentation materials, memoranda, or mandates), video or sound recordings, maintained by your Department and/or distributed to investigative officers or trainees, concerning the procedures used to conduct identification via photograph, whether in the format of single photo, photo lineups or “photo spreads,” or in any other form. Please include any admonishments provided to potential witnesses in conjunction with the procedure.
3. All written materials (including but not limited to directives, manual training materials, policies, instructions to police or witnesses, training presentation materials, memoranda, or mandates), video or sound recordings, maintained by your Department and/or distributed to investigative officers or trainees, concerning the procedures used to conduct live “line-ups,” wherever such procedures are done. Please include any admonishments provided to potential witnesses in conjunction with the procedure.
4. All written materials (including but not limited to directives, manual training materials, policies, instructions to police or witnesses, training presentation materials, memoranda, or mandates), video or sound recordings, maintained by your Department and/or distributed to investigative officers or trainees, governing how to conduct eyewitness identification procedures in any other form. Please include any written policies or training materials that address or concern the use of composite sketches, including how such sketches are to be generated.
5. All written materials (including but not limited to directives, manual training materials, policies, instructions to police or witnesses, training presentation materials, memoranda, or mandates), video or sound recordings, maintained by your Department and/or distributed to investigative officers or trainees, governing how your Department conducts interviews or interrogations with witnesses, victims, or suspects, whether oral or written. Please include any written policies or training materials that address or concern conducting interviews or interrogations.

6. All written materials (including but not limited to directives, manual training materials, policies, instructions to police or witnesses, training presentation materials, memoranda, or mandates), video or sound recordings, maintained by your Department and/or distributed to investigative officers or trainees, concerning the procedures used to record interviews or interrogations with witnesses, victims, or suspects. Please include any documents provided to suspects regarding constitutional rights as required by the United States Supreme Court in the *Miranda v. Arizona* decision.

Thank you once again for your help.



Right-To-Know Response Form

December 1, 2020

Quattrone Project
Attn.: Marissa
Via email only to quattroneproject@law.upenn.edu

RTK REQUEST #2020-188

Dear Marissa:

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 Luzerne County does not maintain these documents. §705 of the RTKL states that "when responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record".

To further assist you, we suggest you direct your inquiry directly to the Borough or Township where the property is located, as they would likely be the entity that would have this information.

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, 4th 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