

ATTESTATION OF DENIAL OF ACCESS TO RECORDS

Name of Requester: Julie Toye

Records Requested: On July 16, 2018, A Right to Know (RTK) request was submitted from Julie Toye to view prison surveillance video from July 13, 2018, from 10:00 a.m. through 12:00 noon. The request was narrowed down by identifying an incident on an inmate range where an inmate was reportedly in distress because of pepper spray having been released nearby. She further stated that she was told that the inmate in question was taunted by a Corrections Officer who delayed getting him an inhaler.

Prison management staff viewed surveillance video of an incident occurring on July 13, 2018, between the hours of 10:00 a.m. and 12:00 noon in which pepper spray had been released in the environment. The review of the video surveillance confirmed that prison Corrections staff handled all events related to this incident appropriately and professionally.

The request to view prison surveillance video from July 13, 2018, from 10:00 a.m. through 12:00 noon was denied for the following reasons:

It is the position of prison management that allowing a member of the general public to view surveillance footage of areas inside our correctional facility would threaten public safety and Fayette County Prison's protection activities in maintaining a safe and secure facility. The viewing of such video by a member of the general public could facilitate inmates and others to be provided with information that could be used to undermine Fayette County Prison's security procedures by allowing individuals to ascertain the scope of the surveillance camera's capability or how much the camera is able to view. It would also allow a viewer of the general public to ascertain any blind spots. An inmate or inmates being made aware of blind spots on a housing unit could be induced to act on the opportunity to physically harm another inmate or inmates or corrections staff in those blind spots knowing they would not be filmed. This information could also be used to facilitate security breaches and/or the transfer of contraband. More specifically, your RTK request is denied because the record is exempt from disclosure under Section 708(b) subparagraphs (1)(ii); (2); (3)(ii) and (3)(iii) as delineated below.

Section 708(b)(1)(ii): A record the disclosure of which would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual.

Section 708(2): A record maintained by an agency in connection with the military, homeland security, national defense, law enforcement or other public safety activity that if disclosed would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection activity or a record that is designated classified by an appropriate Federal or State military authority.

Section 708(3)(ii): A record, the disclosure of which creates a reasonable likelihood of endangering the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system, which may include: lists of infrastructure, resources and significant special events, including those defined by the Federal Government in the National Infrastructure Protections, which are deemed critical due to their nature and which result from risk analysis; threat assessments; consequences assessments; antiterrorism protective measures and plans; counterterrorism measures and plans; and security and response needs assessments.

Section 708(3)(iii): A record, the disclosure of which creates a reasonable likelihood of endangering the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system, which may include: building plans or infrastructure records that expose or create vulnerability through disclosure of the location, configuration or security of critical systems, including public utility systems, structural elements, technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems.

It is also the position of prison management that inmates incarcerated in its facility by the courts are entitled to privacy subject to our inherent duty to provide for their care, custody, and control. We believe that allowing a member of the general public to view surveillance video that captures inmates at large living in their assigned housing unit constitutes an unnecessary breach of their privacy. More specifically, your RTK request is also denied because the record is exempt from disclosure under Section 708(17)(vi)(C) which states: "A record that if disclosed, would do any of the following... including constitute an unwarranted invasion of privacy."

Finally, it is the position of prison management staff that it will neither be confirmed nor denied whether a specific inmate was administered an inhaler on July 13, 2018, between the hours of 10:00 a.m. through 12:00 noon or at any other times. Such an event would involve the administration of a medical treatment to an inmate which is strictly confidential and prohibited from public disclosure. More specifically, your RTK request is further denied because the record is exempt from disclosure under Section 708(b)(5) which states: "A record of an individual's medical, psychiatric or psychological history or disability status, including an evaluation, consultation, prescription, diagnosis or treatment; results of tests, including drug tests; enrollment in a health care program or program designed for participation by persons with disabilities, including vocation rehabilitation, workers' compensation and unemployment compensation; or related information that would disclose individually identifiable health information."

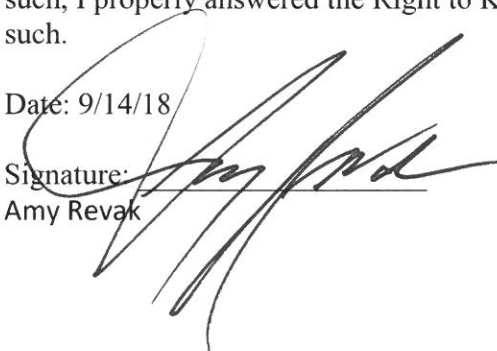
I, Amy Revak, hereby declare under the penalty of perjury, pursuant to 18 Pa.C.S. § 4904, that the ABOVE statements are true and correct based upon my personal knowledge information and belief:

1. I serve as the Right to Know officer for Fayette County.

2. In my capacity as the Right to Know Officer, I am familiar with the state Open Records law. As such, I properly answered the Right to Know request and am submitting this attestation verifying such.

Date: 9/14/18

Signature:
Amy Revak

A handwritten signature in black ink, appearing to read "Amy Revak", is written over a horizontal line. The signature is fluid and cursive.