



CRAWFORD COUNTY JUDICIAL CENTER
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January 12, 2021

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Mr. Michael Johnson
317 North Monroe Street
Titusville, PA 16354

RE: *Michael Johnson v. Titusville Police Department*
Right-to-Know Request

FINAL DETERMINATION

Dear Mr. Johnson:

On January 11, 2021, I received correspondence and a "Final Determination" from the Pennsylvania Office of Open Records regarding a Right-to-Know Request that you made to the City of Titusville Police Department in which you requested the following:

Police reports for incident 11/3/2020 @ Polling location, the Alliance Church, 520 West Central Avenue, Titusville, PA 16354 req: body/dash cam, call logs, police complaint, caller name, etc. transcripts.


As it was explained in the Final Determination by the Office of Open Records, the City of Titusville Police Department is a local agency. Therefore, pursuant to Pennsylvania Law, the Office of Open Records does not have jurisdiction to hear appeals related to criminal investigative records held by local law enforcement agencies. Those appeals involving records that are alleged to be criminal investigative records held by a local law enforcement agency are to be heard by an appeals officer designated by the local District Attorney. I have designated myself as the Appeals Officer when the aforementioned circumstances exist.

I have reviewed your Right-to-Know Request and I have reviewed 65 P.S. § 67.708 *Exceptions for Public Records*. The police report in question is a record of an agency relating to or resulting in a criminal investigation. Such records are exempt from public access. As a result of my review, your appeal regarding your request for the police report is denied because the police report is covered by the exemption set forth in the aforementioned statute.

Additionally, the appellate courts of Pennsylvania have held that police reports are considered investigative materials and are covered by Section 16 of the aforementioned statute. See Hunsicker v. Pennsylvania State Police, 93 A.3d 911, (2014), and Pennsylvania State Police v. Office of Open Records, 5 A3d. 473, 479 (Pa. Cmwlth. 2010), *appeal denied*, ____ Pa. ____, 76 A3d 540 (2013).

Pursuant to 65 P.S. § 67.1302, you have 30 days from the mailing date of this Final Determination to appeal this Final Determination to the Court of Common Pleas of Crawford County.

Sincerely,



FRANCIS J. SCHULTZ, ESQ.
District Attorney

FJS/crl

Cc: Brian Cagle, Esq.