



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF

:

**SPOTCRIME,
Requester**

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:

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v.

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Docket No.: AP 2016-1255

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**DAUPHIN COUNTY
DISTRICT ATTORNEY’S OFFICE,
Respondent**

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On July 11, 2016, Ellen Worthing, Records Specialist for Spotcrime (“Requester”) submitted a request (“Request”) to the Dauphin County District Attorney’s Office (“DA’s Office”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking “victim based crime reports and arrest records for Dauphin County.” The DA’s Office denied the Request on July 12, 2016, stating the records are exempt as records related to a criminal investigation under 65 P.S. § 67.708(b)(16). The Requester appealed to the Office of Open Records (“OOR”).

The DA’s Office is a local law enforcement agency. *See Sawicki v. Centre County District Attorney’s Office*, OOR Dkt. AP 2015-0757, 2015 PA O.O.R.D. LEXIS 885 (citing 4 P.S. § 325.211). The OOR does not have jurisdiction to hear appeals related to criminal investigative records held by local law enforcement agencies. *See* 65 P.S. § 67.503(d)(2). Instead, appeals involving records 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. *See id.* Accordingly, the appeal is hereby transferred to the Appeals Officer for the Dauphin County District Attorney's Office. A copy of this final determination and the appeal filed by the Requester will be sent to Appeals Officer, Dauphin County District Attorney's Office.

For the foregoing reasons, Requester's appeal is **transferred** to Appeals Officer for the Dauphin County District Attorney's Office. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Dauphin County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond as per Section 1303 of the RTKL. However, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.¹ This Final Determination shall be placed on the OOR website at: openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: July 26, 2016

J. Chadwick Schnee, Esq.

APPEALS OFFICER/ ASSISTANT CHIEF COUNSEL
J. CHADWICK SCHNEE, ESQ.

Sent to: Requester, Dauphin County District Attorney's Office.

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).