



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
HENRY SNYDER,	:	
Requester	:	
	:	
v.	:	Docket No.: AP 2016-1661
	:	
UPPER MERION TOWNSHIP,	:	
Respondent	:	

The Office of Open Records (“OOR”) received the above-captioned appeal under the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* Upon review of the file, the appeal is dismissed for the following reason:

On September 13, 2016, Henry Snyder (“Requester”) filed a RTKL request (“Request”) with Upper Merion Township (“Township”), seeking two police reports. On September 15, 2016, the Township denied the Request, advising the Requester that the records he sought related to a criminal investigation and directing him to appeal to the Montgomery County District Attorney’s Office. On October 3, 2016, the Requester appealed to both the OOR and the Montgomery County District Attorney’s Office.

The Township is a local law enforcement agency.¹ 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.* Here, the Request seeks two police reports, and the appeal acknowledges that these police reports pertain to a criminal matter. Because the Requester also filed an appeal with the Montgomery County District Attorney’s Office, the appeal is **dismissed for lack of jurisdiction.**

¹ *See* OOR Advisory Opinion issued Jan. 15, 2010, available at http://www.openrecords.pa.gov/Documents/RTKL/Separate_ORO_appointment_for_PD.pdf (stating that a township police department is generally not a separate agency from a township).

The file is now closed and no further action will be taken. This Final Determination is binding on the parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Montgomery 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 according to court rules 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.² This Order shall be placed on the OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: October 4, 2016

Issued by:

/s/ Kyle Applegate

Appeals Officer
Kyle Applegate

Sent to: Requester, Upper Merion Township

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).