



# pennsylvania

OFFICE OF OPEN RECORDS

## FINAL DETERMINATION

**IN THE MATTER OF**

:

**ANNAPURNA KAPILAVAI,  
Requester**

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**v.**

**Docket No.: AP 2024-1233**

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**LOWER PROVIDENCE TOWNSHIP,  
Respondent**

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On May 5, 2024, Annapurna Kapilavai (“Requester”) submitted a request (“Request”) to Lower Providence Township (“Township”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking copies of a specified police report. On May 6, 2024, the Township denied the Request, arguing that the report relates to a criminal investigation. *See* 65 P.S. § 67.708(b)(16). On May 13, 2024, the Requester appealed to the Office of Open Records (“OOR”).<sup>1</sup>

The Township is a local law enforcement agency. 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

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<sup>1</sup> The Township’s response informed the Requester that any appeal related to a criminal investigation should be filed with the Appeals Officer for the Montgomery District Attorney’s Office, rather than the OOR.

Officer for the Montgomery County District Attorney’s Office (“DA’s Office”).<sup>2</sup> A copy of this final order and the appeal filed by the Requester will be sent to Appeals Officer for the DA’s Office.

For the foregoing reasons, the Requester’s appeal is **transferred** to the Appeals Officer for the DA’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 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 as per Section 1303 of the RTKL. All documents or communications following the issuance of this Final Determination shall be sent to [oor-postfd@pa.gov](mailto:oor-postfd@pa.gov). This Final Determination shall be placed on the OOR website at: <https://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED: May 14, 2024**

*/s/ Joshua T. Young*

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SENIOR DEPUTY CHIEF COUNSEL  
JOSHUA T. YOUNG, ESQ.

Sent to: Requester; Lower Providence Township, AORO; Appeals Officer for the Montgomery County District Attorney’s Office (via email)

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<sup>2</sup> The Commonwealth Court has noted that the OOR has the authority to transfer an appeal to “where [a requester] should have initially appealed.” See *Phila. Dist. Attorney’s Office v. Williams*, 204 A.3d 1062, \*4 n.5 (“... [A]lthough the onus for appealing from an RTKL denial to the proper appeals officer is on the requester, the OOR did not violate the law or any procedure in redirecting the appeal in this case”).