

FINAL DETERMINATION

DATE ISSUED AND MAILED: August 1, 2024

IN RE: *Jason Paul v. Pennsylvania State Police*; OOR Dkt. AP 2024-2004

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, it is determined that the appeal is **DENIED** because:

The OOR lacks jurisdiction. According to the Requester’s appeal form, the record at issue in the appeal is a search warrant related to a specific criminal incident. Because search warrants are judicially authorized, they constitute judicial records for which the OOR is not permitted to grant release.¹ *See Phila. Dist. Attorney’s Office v. Stover*, 176 A.3d 1024 (Pa. Commw. Ct. 2017) (holding that a sentencing order is a judicial record over which the OOR lacks jurisdiction); *see also Bender-Mathis v. Erie Co. Dist. Attorney’s Office*, OOR Dkt. AP 2024-0187, 2024 PA O.O.R.D. LEXIS 191 (finding a search warrant constitutes a court order the OOR cannot direct to be disclosed); 65 P.S. §§ 67.503(a)-(b). Case records can be requested from judicial records custodians pursuant to the Unified Judicial System’s Public Access Policy. More information can be found at <http://www.pacourts.us/public-records/public-records-policies>.

For this reason, the PSP is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with the Commonwealth Court. 65 P.S. § 67.1301(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 65 P.S. § 67.1303. 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 All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Joshua T. Young

Senior Deputy Chief Counsel
Joshua T. Young, Esq.

Sent to the Requester via first class mail; Agency Open Records Officer via e-file portal

¹ The appeal did not include a copy of the Request or the Agency’s Response as required by 65 P.S. § 67.703.

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