

- All bench notes.
- Electropherograms
- Chain of custody documentation
- Itemized list of submitted and tested evidence
- Any documentation identify the laboratory case number

On April 2, 2026, following a thirty-day extension, 65 P.S. § 67.902(b), the PSP denied the Request, asserting that the responsive records, including chain of custody documentation and electropherograms, are exempt from access because they relate to a criminal investigation and contain DNA records. 65 P.S. § 67.708(b)(16); 65 P.S. § 67.708(b)(19). The PSP also asserts that responsive records are exempt from disclosure pursuant to Pennsylvania’s Criminal History Record Information Act (“CHRIA”). 18 Pa. C.S. §§ 9101 *et seq.* In support of its final response, the PSP submitted the attestation of Sarah Dietrich (“Dietrich Attestation”), Deputy Open Records Officer for the PSP.

On April 8, 2026, the Requester appealed to the Office of Open Records (“OOR”), challenging the PSP’s denial and stating grounds for disclosure. The OOR invited both parties to supplement the record and directed the PSP to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On April 21, 2026, the PSP submitted a position statement reiterating its grounds for denial. In support of its position, the PSP submitted the attestation of William Rozier (“Rozier Attestation”), Open Records Officer (“AORO”) for the PSP.¹

¹ The above referenced Attestations are made subject to penalties under 18 Pa. C.S. § 4904, relating to unsworn falsifications to authorities.

LEGAL ANALYSIS

The PSP is a Commonwealth agency subject to the RTKL. 65 P.S. § 67.301. Records in the possession of a Commonwealth agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the PSP is required to demonstrate, “by a preponderance of the evidence,” that records are exempt from public access. 65 P.S. § 67.708(a)(1). The preponderance of the evidence standard has been defined as “such proof as leads the fact-finder...to find that the existence of a contested fact is more probable than its nonexistence.” *Pa. State Troopers Ass’n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep’t of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

The PSP asserts that responsive records and their components are exempt from access because they relate to a criminal investigation. 65 P.S. § 67.708(b)(16). Section 708(b)(16) of the RTKL exempts from disclosure “[a] record of an agency relating to or resulting in a criminal investigation, including:..[c]omplaints of potential criminal conduct other than a private criminal complaint... [i]nvestigative materials, notes correspondence, videos and reports...[v]ictim information...[a] record that, if disclosed, would do any of the following:...[r]eveal the institution, progress or result of a criminal investigation, except the filing of charges.” 65 P.S. §§ 67.708(b)(16)(i)-(ii), (v), and (vi)(A). While the RTKL does not define the phrase “criminal investigation,” our courts have observed that the term “clearly and obviously refers to an official inquiry into a possible crime.” *Cal. Borough v. Rothey*, 185 A.3d 456 (Pa. Commw. Ct. 2018) (citing *Pa. State Police v. Grove*, 161 A.3d 877 (Pa. 2017)).

Here, the PSP’s evidence establishes that after conducting a good faith search, the responsive records that were located are identified as “PSP Lab Report Nos. H00-04308-3, H00-

04308-B, H00-04308-C, H-00-4309-L, and H01-09898-1, all for Incident No. G03-0779681 and PSP Lab Report Nos. H01-02614-B, H01- 02614-C, H01-02614.” These reports are the written records of PSP Forensic Services’ examination of evidence provided by the PSP Huntingdon during a homicide investigation. Additionally, the PSP also confirms that these reports also contain responsive chain of custody documents and electropherograms. Rozier Attestation ¶¶ 8-9. In a previous appeal involving the Requester and the PSP, the OOR recently held that these same lab reports and other records are exempt as relating to a criminal investigation pursuant to Section 708(b)(16). *See Branthafer v. Pa. State Police*, OOR Dkt. AP 2025-1443, 2025 PA O.O.R.D. LEXIS 1576. Accordingly, the PSP’s submission is sufficient to demonstrate that responsive records relate to a criminal investigation and, thus, are exempt from disclosure under Section 708(b)(16) of the RTKL.²

CONCLUSION

For the foregoing reasons, the appeal is **denied**, and the PSP is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to 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 as per Section 1303 of the RTKL. 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.³ 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 OOR website at: <http://openrecords.pa.gov>.

² Because responsive records are exempt from disclosure under Section 708(b)(16) of the RTKL, the OOR need not reach the PSP’s alternative grounds for denying access. *See Jamison v. Norristown Bor. Police Dept.*, OOR Dkt. AP 2011-1233, 2011 PA O.O.R.D. LEXIS 927.

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

FINAL DETERMINATION ISSUED AND MAILED: May 1, 2026

/s/ Tope L. Quadri

TOPE L. QUADRI
APPEALS OFFICER

Sent via portal to: Allen Branthafer
William A. Rozier, AORO
Colin L. Hitt, Esq.