



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
JOSEPH TRICARICO,	:	
Requester	:	
	:	
v.	:	Docket No.: AP 2026-1734
	:	
SPRING TOWNSHIP POLICE	:	
DEPARTMENT	:	
Respondent	:	

On April 23, 2026, Joseph Tricarico (“Requester”) submitted a request (“Request”) to the Spring Township Police Department (“Police Department”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

- (1) Police incident report and officer narrative for incident 25-016381;
- (2) BWC transcript created by Lt. Robert Long in connection with his review of this incident;
- (3) all written findings, notes, and reports generated during the internal investigation of the complaint filed on December 24, 2025; and
- (4) all communications between Spring Township and/or Spring Township Police Department personnel and Frank and/or Adele Koonce related to this incident, including communications occurring on or after December 23, 2025

On April 28, 2026, the Police Department denied the Request, stating the report was exempt from disclosure under the RTKL’s criminal investigative records exemption, 65 P.S. § 67.708(b)(16), as well as the noncriminal investigative records exemption, 65 P.S. § 67.708(b)(17)

and the Criminal History Records Information Act, 18 Pa.C.S. § 9102. On April 29, 2026, the Requester appealed to the Office of Open Records (“OOR”).¹

The Police Department 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.* Here, the Police Department submitted evidence demonstrating that the requested records could relate to a criminal investigation.² *See* Affidavit of Stephen Brock, Chief of Police, ¶¶ 4-7, 10, 13-14. Accordingly, the appeal is hereby transferred to the Appeals Officer for the Berks County District Attorney’s Office (“DA’s Office”).³ 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 Berks 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 65 P.S. § 67.1303, but as the quasi-judicial tribunal that adjudicated this matter, the OOR is not a proper party to any

¹ The Police Department’s denial notified the Requester that an appeal should be filed with the Berks County District Attorney’s Office.

² Under the RTKL, a sworn affidavit or statement made under the penalty of perjury may serve as sufficient evidentiary support. *See Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010).

³ 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 (Pa. Commw. Ct. 2019) (“... [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”).

appeal and should not be named as a party.⁴ 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: <https://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: May 14, 2026

/s/ Josh Macel

JOSH MACEL
APPEALS OFFICER

Sent *via* Appeal Portal to: Joseph Tricarico; Stephen Brock (AORO); Joan London, Esq.
Sent *via* email to: Berks County DA's Office Appeals Officer

⁴ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).