



pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF

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KRISTEN BRUCE,
Requester

v.

Docket No.: AP 2026-1513

PENNSYLVANIA STATE POLICE,
Respondent

FACTUAL BACKGROUND

On February 24, 2026, Kristen Bruce (“Requester”) submitted a request (“Request”) to the Pennsylvania State Police (“PSP”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

[C]opies of the complete investigative file and all associated records related to the fatal motor vehicle crash identified as Case Number PA 2026-73919, investigated by PSP Gettysburg. . . . I am requesting these records for personal review and understanding of the investigation. As the next of kin in a fatal crash investigation, I am specifically requesting the complete original scene photograph set referenced in the crash attachment file. Specifically, I am requesting the following records in their original and uncompressed format where available:

1. All scene photographs (including original resolution digital images)
2. All photographs documenting skid marks, tire marks, roadway evidence, and vehicle rest positions
3. Scene measurement diagrams, baseline measurements, and mapping documentation
4. Trooper field notes and investigative notes
5. Supplemental reports, attachments, and reconstruction-related documents (if any)
6. Witness statements (full written or recorded versions, not summaries)

7. Any body camera, dash camera, or other video recordings associated with the scene response
8. Dispatch logs, CAD logs, and call records related to the incident
9. Evidence logs and documentation of physical evidence collected or observed
10. Any internal reconstruction analysis, technical reviews, or follow-up investigative materials
11. Documentation regarding skid mark observations and measurement methodology
12. Any available scene sketches beyond the standard report diagram
13. Records indicating whether Event Data Recorder (EDR) downloads were considered, requested, or performed

On April 2, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the PSP granted the Request in part and provided the Requester with a copy of a responsive Public Information Release Crash Report. The PSP denied the remainder of the Request, arguing that the additional records sought in the Request are exempt as noncriminal investigative records, contain exempt personal identification information, contain information of an individual's medical status, are a record containing autopsy record information, and are confidential under the Motor Vehicle Code. *See* 65 P.S. §§ 67.708(b)(5), (b)(6), (b)(16), (b)(20); 75 Pa.C.S. §§ 3751(b)(1), 3754(b). The PSP further denied Part 7 of the Request, seeking audio and video recordings made by law enforcement that are only accessible through Act 22. 42 Pa.C.S. § 67A03. In support of its grounds for denial, the PSP provided the Requester with an attestation authored by Elizabeth Snyder (“Snyder Attestation”), PSP Deputy Agency Open Records Officer.

On April 15, 2026, the Requester appealed to the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure.¹ The Requester argues that additional responsive records exist, the PSP failed to produce a time response log, and the PSP should be required to redact and not entirely withhold the remaining responsive records. The Requester’s

¹ The Requester granted the OOR a 30-day extension to issue a final determination. *See* 65 P.S. § 67.1101(b)(1) (“Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a).”)

appeal submission further notes that PSP's Final Response references a different PSP Crash Report Number.² 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 May 6, 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, the Open Records Officer ("AORO") for the PSP ("Rozier Attestation"). On May 29, 2026, in response to the OOR's inquiry, the PSP submitted additional evidence that it does not possess time response logs responsive to Part 8 of the Request and that the CAD logs responsive to Part 8 of the Request are exempt as noncriminal investigative records.

On June 1 and June 4, 2026, the Requester submitted argument that records responsive to the Request are not exempt from public disclosure as noncriminal investigative records. On May 4 and June 4, 2026, the Requester submitted argument that the PSP may not withhold the responsive records and may only redact exempt information. The Requester further argues that the public interest in the release of the requested information is overwhelming, and the PSP should release both the crash report and CAD call report for public inspection.

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). Preponderance of

² Based on the evidence submitted in this appeal, the reference to PSP Crash Report No. PA 2025-1583396 in the PSP's final response was in error, as the PSP states that it misidentified the responsive PSP Crash Report in its final response, and the evidence submitted by all parties is consistent that the relevant PSP Report Number is 2026-73919.

the evidence 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)).

1. The responsive General Offense Report is protected from disclosure pursuant to the Vehicle Code

The PSP identified PSP Crash Report No. PA 2026-73919 as responsive to the Request.

Section 3754 of the Vehicle Code provides that:

The [Pennsylvania Department of Transportation], in association with the P[SP], may conduct in-depth investigations and safety studies of the human, vehicle and environmental aspects of traffic accidents for the purpose of determining the causes of traffic accidents and the improvements which may help prevent similar types of accidents or increase the overall safety of roadways and bridges.

75 Pa.C.S. § 3754(a). Additionally, the Vehicle Code makes confidential any information, records and reports used in the preparation of in-depth accident investigations and safety studies. 75 Pa.C.S. § 3754(b). Further, the applicable regulations expressly limit the disclosure of police accident reports and their constituent information to certain identified entities or individuals, providing as follows:

(3) Police reports filed under 75 Pa.C.S. § 3751 (relating to reports by police) will be:

(i) Available only to:

(A) Federal government, including branches of the military service, Commonwealth agencies and officials of political subdivisions and agencies of other States and nations and their political subdivisions.

(B) Persons who are determined by the [police] Department to be involved in accident prevention or highway safety research programs.

(C) Persons involved in the accident, their attorney, or insurer if they can furnish proof that the accident report is missing or lost and, therefore, unavailable from the reporting police department.

(D) Persons authorized by court order.

67 Pa. Code § 95.2(e)(3); *see also* 75 Pa.C.S. § 3751. This regulation expressly limits the persons and entities to which the PSP is authorized to release police accident reports, thereby serving as a “regulatory exemption” protecting accident reports held by the PSP from disclosure under the RTKL. *See* 65 P.S. § 67.3101.1 (“If the provisions of [the RTKL] regarding access to records conflict with any other federal or state law, the provisions of [the RTKL] shall not apply.”).

Additionally, the Rozier Attestation states, in relevant part:

7. After a search of PSP Records Management System (RMS) and TRACS for responsive records, PSP identified PSP Crash Report No. PA 2026-73919. . . .
8. PSP Crash Report No. 2026-73919 is the documented investigation conducted by Trooper McDonnell into a fatal vehicle crash with the assist of Troopers Kishbach, Jones, Moran and Federici.
9. PSP Crash Report No. PA 2026-73919 and their components, to include photos, measurements and attachments are exempt from public disclosure by RTKL section 67.708(b)(17), as records relating to a non-criminal investigation. More specifically, PSP Crash Report No. 2026-73919 is the documented PSP investigation where the Trooper determined no criminal activity occurred. . . .
10. Following the second classification that limits the definition of public records, the Pennsylvania Vehicle Code strictly regulates dissemination of police crash reports and all related investigative materials. To be clear, the Vehicle Code only authorizes disclosure of the crash report, under specific conditions, to persons involved in a crash, to their attorneys or insurers, and to government agencies. 75 Pa. C. S. § 3751(b)(1). . . .

See Rozier Attestation ¶¶ 7-10.

The PSP’s evidence establishes that the PSP Crash Report and its components consist of notes, videos, written or recorded statements of witnesses interviewed or contacted, and scientific tests conducted during the course of an in-depth vehicle accident investigation conducted by Trooper McDonnell. *Id.*; *see also* Snyder Attestation ¶ 4. Therefore, based on the evidence in the appeal record, the PSP has established that it properly withheld the responsive crash report and its component parts, which detail a PSP investigation into a motor vehicle accident. 65 P.S. § 67.708(a)(1). Thus, responsive crash reports created pursuant to the Vehicle Code are not subject

to disclosure under the RTKL in any form, redacted or unredacted, and the PSP need not produce such reports. *See* 65 P.S. § 67.3101.1 (“If the provisions of [the RTKL] regarding access to records conflict with any other federal or state law, the provisions of [the RTKL] shall not apply”).

2. The responsive CAD report is exempt as a noncriminal investigative record

In response to the OOR’s request for clarification relating to records responsive to Part 8 of the Request, the PSP also identified CAD Call Report 2026-73919, which it argues is exempt from public access as a record that relates to a noncriminal investigation. Section 708(b)(17) of the RTKL exempts from disclosure records of an agency “relating to a noncriminal investigation,” including “[c]omplaints submitted to an agency,” “[i]nvestigative materials, notes, correspondence and reports,” and “[a] record that, if disclosed, would ... [r]eveal the institution, progress or result of an agency investigation.” 65 P.S. §§ 67.708(b)(17)(i)-(ii), (vi)(A). In order for this exemption to apply, an agency must demonstrate that “a systematic or searching inquiry, a detailed examination, or an official probe” was conducted regarding a noncriminal matter. *See Pa. Dep’t of Health v. Office of Open Records*, 4 A.3d 803, 810-11 (Pa. Commw. Ct. 2010). Further, the inquiry, examination, or probe must be “conducted as part of an agency’s official duties.” *Id.* at 814; *see also Johnson v. Pa. Convention Ctr. Auth.*, 49 A.3d 920 (Pa. Commw. Ct. 2012).

The evidence submitted by the PSP demonstrates that the withheld records document the PSP’s investigation into a motor vehicle incident. *See* Supplemental Rozier Attestation ¶ 9; *see also* Snyder Attestation ¶¶ 3-6.³ The Supplemental Rozier Attestation states that the PSP does not possess a time response log for the incident in question. *See* Supplemental Rozier Attestation ¶¶

³ Under the RTKL, a statement made under 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. Off. of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). In the absence of any evidence that the PSP has acted in bad faith, “the averments in the [attestations] should be accepted as true.” *McGowan v. Pa. Dep’t of Envtl. Prot.*, 103 A.3d 374, 382-83 (Pa. Commw. Ct. 2014) (citing *Off. of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013)).

8, 11. As noted above, the PSP has the statutory authority to conduct accident investigations. 75 Pa.C.S. § 3754(a); 75 Pa.C.S. § 3746(c). The Request seeks the complete investigative file and all associated records related to the fatal motor vehicle crash identified as Case Number PA 2026-73919 that was investigated by PSP Gettysburg.⁴ *See Pa. Game Comm'n v. Fennell*, 148 A.3d 101 (Pa. Commw. Ct. 2016) (explaining that the OOR must consider uncontradicted statements contained in the appeal as evidence). Because the PSP has demonstrated through the evidence submitted that the responsive CAD Call Report CP PA 2026-73919 documents the PSP's investigation into fatal motor vehicle accident, such records are exempt from public disclosure as a record relating to a noncriminal investigation. 65 P.S. § 67.708(a)(1); *see also Garland v. Pa. State Police*, OOR Dkt. AP 2017-1469, 2017 PA O.O.R.D. LEXIS 1257 (finding a PSP CAD Call Hardcopy report exempt under Section 708(b)(17) of the RTKL); *Moses v. Pa. State Police*, OOR Dkt. AP 2022-0438, 2022 PA O.O.R.D. LEXIS 976.

3. The OOR does not have jurisdiction over audio and video recordings made by law enforcement

Part 7 of the Request seeks body camera, dash camera, or other video recordings associated with the scene response. Act 22 of 2017 of the Judicial Code (“Act 22”) removed audio and video recordings made by law enforcement agencies from access under the RTKL and created a separate, exclusive means of access. *See* 42 Pa.C.S. §§ 67A02 - 67A03. To obtain recordings made by a law enforcement agency, a requester must submit a written request to the open records officer for the law enforcement agency that possesses the record. The PSP is a law enforcement agency. *See* 42

⁴ The record is clear that the Requester is the next of kin of one of the individuals involved in the relevant car accident. The OOR may not consider the Requester's relationship to the responsive record, but instead only whether the record should be available to the public at large. *See Padgett v. Pa. State Police*, 73 A.3d 644, 647 (Pa. Commw. Ct. 2013) (noting that a requester's identity or motivation for making a request is not relevant to determining whether a record is accessible under the RTKL). Under the RTKL, a record is either available to the public at large as a public record or it is shielded from disclosure. *See* 65 P.S. § 67.102; 65 P.S. § 67.305; *see also Cafoncelli v. Pa. State Police*, No. 1392 CD 2016, 172 A.3d 140 (Pa. Commw. Ct. 2017) (unpublished) (citing *Hunsicker v. Pa. State Police*, 93 A.3d 911, 912 (Pa. Commw. Ct. 2014)).

Pa.C.S. § 67A01 (defining a law enforcement agency as an agency that employs a law enforcement officer and a member of PSP as a law enforcement officer). Here, the Requester should have made the request for video footage made by law enforcement pursuant to Act 22 of 2017, and the OOR lacks jurisdiction to consider this portion of the appeal.

CONCLUSION

For the foregoing reasons, the appeal is **denied in part** and **dismissed for lack of jurisdiction in part**, 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 according to court rules as per 65 P.S. § 67.1303, but 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.⁵ 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>.

FINAL DETERMINATION ISSUED AND MAILED: June 24, 2026

/s/ Catherine R. Hecker

CATHERINE R. HECKER
APPEALS OFFICER

Sent via portal to: Kristen Bruce
 William Rozier
 Colin Hitt, Esq.

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