



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 3, 2026

IN RE: *Marie Green v. Cheltenham Twp. Police Dep't*, OOR Dkt. AP 2026-3250

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, as well as the parties’ submissions, the appeal is **DENIED** because:

The records are exempt from disclosure. Sections 708(b)(17) of the Right-to-Know Law exempts from disclosure “a record of an agency relating to a noncriminal investigation, including ... [i]nvestigative materials, notes, correspondence and reports...” 65 P.S. § 67.708(b)(17)(ii) (emphasis added). Here, the Request seeks two police reports regarding incidents involving a named individual at the Requester’s residence, during which property and other damage allegedly occurred. Although the Department has not submitted evidence in support of its denial, the Request, on its face, as well as the undisputed statements contained in the appeal documents, demonstrate that the reports relate to noncriminal investigations conducted by the Department.¹ See *Pa. Game Comm’n v. Fennell*, 149 A.3d 101 (Pa. Commw. Ct. 2016) (holding that the OOR must consider uncontradicted statements in the appeal filing); see also *Office of the Governor v. Davis*, 122 A.3d 1185, 1194 (Pa. Commw. Ct. 2015) (*en banc*) (finding that an affidavit may be unnecessary when an exemption is clear from the face of the record). Based upon this evidence, the Department has established that the reports are exempt from disclosure. 65 P.S. § 67.708(a)(1).

For this reason, the Department is not required to take any further action. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with 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 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.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

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: Marie Green; Lt. Joseph O’Neill, AORO

¹ In addition to 65 P.S. § 67.708(b)(17), the Department also denied access to the police reports pursuant to Section 708(b)(16) of the RTKL, which exempts from disclosure reports related to criminal investigations. 65 P.S. § 67.708(b)(16)(ii). Based upon the statements made in the appeal forms, and insofar as the Department alternatively characterizes its investigation as criminal, the OOR would not have jurisdiction over the appeal, as any appeal concerning criminal investigative records in the possession of a local law enforcement agency must be submitted to the Appeals Officer designated by the local District Attorney’s Office. See 65 P.S. § 67.503(d)(2).

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