



FINAL DETERMINATION

DATE ISSUED: September 8, 2026

IN RE: *Brandie Kessler v. Lower Paxton Township Police Department*, OOR Dkt. AP 2026-2566

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. The Request submitted to the Lower Paxton Township Police Department (“Department”) seeks a specific police report concerning a complaint for trespassing. Section 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). Here, the Bureau denied the Request, in part, asserting that the redacted and omitted information from the report is exempt from public disclosure as part of noncriminal investigatory records. *See* 65 P.S. § 67.708(b)(17).

The responsive incident report relates to an investigation by Bureau Police Officer John Albright who was dispatched to school property for a parent who refused to leave the premises. The OOR has held that municipal police officers are statutorily authorized to investigate violations of local ordinances, as well as state laws, and can conduct noncriminal investigations. *See* 42 Pa.C.S. § 8952;¹ *Kyu v. Cheltenham Twp.*, OOR Dkt. AP 2023-1205, 2023 PA O.O.R.D. LEXIS 1405 (the OOR found that municipal police officers conducted a noncriminal investigation of alleged trespassing and found the responsive records were part of that investigation and not subject to disclosure). Based upon the record, the responsive information redacted and omitted are not subject to public disclosure under Section 708(b)(17) of the RTKL. *See* 65 P.S. §§ 67.708(a), (b)(17); *see also 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); *Office of the Governor v. Davis*, 122 A.3d 1185 (Pa. Commw. Ct. 2015) (holding that an affidavit may be unnecessary when an exemption is clear from the face of the record).

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 Dauphin 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 oorpostfd@pa.gov. This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Damian J. DeStefano
DAMIAN J. DESTEFANO
APPEALS OFFICER

Sent via OOR E-file appeal portal to: Brandi Kessler; Sgt. Stephen H. Cover, AORO

¹ The OOR has recognized that police departments are empowered to enforce the laws of the Commonwealth or otherwise perform the functions as to “any ... event that occurs within [its] primary jurisdiction and which reasonably requires action on the part of the police in order to preserve, protect or defend persons or property or otherwise maintain the peace and dignity of this Commonwealth.” 42 Pa.C.S. § 8952.

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