



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 15, 2026

IN RE: *Felecia Green v. Pa. State Police*, OOR Dkt. AP 2026-3872

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 Pennsylvania State Police (“PSP”) seeks “all records ... from the death investigation of ... Anthony J Spencers...” and identifies a specific incident number. 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) (emphasis added). Along with its final response denying the Request under Section 708(b)(17) of the RTKL, the PSP submitted a verification, made subject to the penalty of perjury, from Myles Snyder (“Snyder Verification”), the PSP’s Deputy Open Records Officer, who identified the responsive record as PSP General Offense Report No. PA 2024-347536 and attests that the report relates to an investigation conducted by Trooper Clugston during the course of an investigation of a non-traffic death. Snyder Verification, ¶¶ 2-4. Based upon this evidence, as well as the undisputed statements regarding the nature of the investigation, the PSP has met its burden of proving that the report is exempt from disclosure.¹ 65 P.S. § 67.708(a)(1); *Pa. Game Comm’n v. Fennell*, 148 A.3d 101 (Pa. Commw. Ct. 2016) (holding that the OOR must consider uncontradicted statements contained in the appeal as evidence); see also *Taylor v. Pa. State Police*, 2020 Pa. Commw. Unpub. LEXIS 39 (Pa. Commw. Ct. 2020) (concluding that a PSP General Offense Report was exempt under Section 708(b)(17)).

For this reason, the PSP 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 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.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: Felecia Green; Myles Snyder, Deputy AORO

¹ Notably, the Requester’s appeal documents fail to set forth sufficient countervailing evidence demonstrating that a noncriminal investigation was not conducted by PSP or that the responsive report does not relate thereto.

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