



FINAL DETERMINATION

IN THE MATTER OF	:
	:
ANDREW KNAPP,	:
Requester	:
	:
v.	: Docket No: AP 2026-3510
	:
PENNSYLVANIA STATE POLICE,	:
Respondent	:

FACTUAL BACKGROUND

On July 6, 2026,¹ Andrew Knapp (“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 all records related to activity, investigation, contact, or interaction involving [PSP] personnel on June 7, 2026 at [address omitted]. ...

...

...[R]ecords regardless of whether the event was initiated by a 911 call, officer self-initiation, a citizen complaint, another law enforcement agency, or any other source. Requested records include, but are not limited to: [b]ody-worn camera recordings from all responding officers[;] [d]ash camera recordings from all responding vehicles[;] CAD records, CAD event history, CAD audit trail, dispatch logs, and incident history[;] [d]ispatch audio, radio traffic, and communications recordings[;] [o]fficer activity logs, patrol logs, unit history, assignment records, and[] status logs[;] MDT/MDC messages, emails, texts, and electronic communications relating

¹ While the Request is dated June 29, 2026, the Request was received by the PSP on July 6, 2026. See PSP final response, dated August 12, 2026.

to the incident[;] [i]ncident, supplemental, investigative, narrative, and field reports[;] [o]fficer notes, witness statements, photographs, diagrams, and evidence logs[;] GPS/AVL records and metadata associated with all digital recordings[;] [c]hain-of-custody records and audit logs for digital evidence[;] [r]ecords identifying why officers came to the property, who directed them to do so, and the origin of the event, including whether it was self-initiated, generated from a complaint, requested by another agency, or created from investigative or intelligence activity[;] [n]ames and badge numbers of all involved personnel[; and] [a]ny other records relating to the incident. ...

On August 12, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the PSP partially granted the Request and provided the names and badge numbers of all personnel involved in the incident named in the Request. The PSP denied the remainder of the Request, asserting that the responsive record, PSP CAD call report for incident no. PA 2026-742164 (“CAD report”), is an exempt noncriminal investigative record, 65 P.S. § 67.708(b)(17), and contains exempt personal identification information, 65 P.S. § 67.708(b)(6). The PSP further claims that the information contained within the CAD Report is not “contained in a police blotter,” 65 P.S. § 67.708(b)(16), and the responsive video and audio footage is not accessible under the RTKL, pursuant to Act 22 of 2017, 42 Pa.C.S. §§ 67A02-67A03.² Lastly, the PSP claims that any additional responsive records do not exist in the PSP’s possession, custody or control. In support of the PSP’s position, the PSP included an attestation made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities, authored by Ileanna Pierce (“Pierce Attestation”), the PSP’s Deputy Agency Open Records Officer (“AORO”).

On August 25, 2026, the Requester appealed to the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure. 65 P.S. § 67.901. Specifically, the

² As the Requester does not appeal the denial of the responsive video and audio footage, this portion of the Request and the PSP’s response thereto will not be further addressed in this Final Determination; however, the OOR notes that Act 22 of 2017 removed audio and video recordings made by law enforcement agencies from access under the RTKL and created a separate, exclusive means of access. 42 Pa.C.S. § 67A03. As such, the OOR is without jurisdiction as to the responsive video and audio footage.

Requester claims that the CAD Report should be released in redacted format. The Requester further claims additional records exist and requests *in camera* review of the withheld CAD Report. The OOR invited the parties to supplement the record and directed the PSP to notify the OOR if any third parties have a direct interest in the appeal. *See* 65 P.S. § 67.1101(c).

On September 2, 2026, the Requester submitted a position statement, reiterating the arguments made at the time of the appeal and providing two photographs of PSP vehicles from the date and location specified in the Request.³

On September 14, 2026, the PSP submitted correspondence, noting that the PSP would not be making a submission on appeal, but, instead, would rely on the argument and evidence presented in its final response to the Request.

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 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)). Likewise, “[t]he burden

³ The Requester also seeks clarification of the labeling of the CAD Report, an explanation for the “basis” for providing the identity of the troopers present during the incident specified in the Request and an explanation of what “no contact with the homeowner” means from the PSP; however, the OOR has repeatedly held that a requester may not modify, explain or expand a request on appeal. *See Pa. State Police v. Office of Open Records*, 995 A.2d 515, 516 (Pa. Commw. Ct. 2010); *Michak v. Dep’t of Pub. Welfare*, 56 A.3d 925 (Pa. Commw. Ct. 2012) (holding that “where a requestor requests a specific type of record ... the requestor may not, on appeal argue that an agency must instead disclose a different record in response to the request”).

of proving a record does not exist ... is placed on the agency responding to the right-to-know request.” *Hodges v. Pa. Dep’t of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

The Requester sought *in camera* review of the withheld CAD Report; however, the request for *in camera* review is hereby denied, as the OOR has the necessary information and evidence before it to properly adjudicate the matter.

1. The PSP demonstrated the CAD Report is an exempt noncriminal investigative record

The PSP asserts that the CAD Report is exempt from access because the CAD Report is an exempt noncriminal investigative record. 65 P.S. § 67.708(b)(17). Section 708(b)(17) of the RTKL exempts from disclosure records of an agency “relating to a noncriminal investigation,” including “complaints,” “[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); 65 P.S. § 67.708(b)(17)(ii); 65 P.S. § 67.708(b)(17)(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). An official probe only applies to noncriminal investigations conducted by agencies acting within their legislatively granted fact-finding and investigative powers. *Pa. Dep’t of Pub. Welfare v. Chawaga*, 91 A.3d 257 (Pa. Commw. Ct. 2014). To hold otherwise would “craft a gaping exemption under which any governmental information-gathering could be shielded from disclosure.” *Id.* at 259.

Here, the Pierce Attestation provides that the CAD Report was created to document the results of actions taken by PSP Troopers through the course of a noncriminal investigation. Pierce Attestation ¶ 5.⁴ As explained by the PSP, the PSP Troopers investigated a complaint received by the Troop E-Girard station; however, an incident report was not created because the call was closed because the PSP did not make contact with the homeowner. Pierce Attestation ¶ 7.

The PSP has demonstrated that the responsive CAD Report relates to a noncriminal investigation. Further, the OOR has previously found such CAD Reports to be exempt noncriminal investigative records. *See Bruce v. Pa. State Police*, OOR Dkt. AP 2026-1513, 2026 PA O.O.R.D. LEXIS 2167. While the Requester argues the responsive record should be released in redacted format, “where a record falls within an exemption under Section 708(b), it is not a public record as defined by the RTKL and an agency is not required to redact the record....” *Pa. State Police v. Office of Open Records*, 5 A.3d 473, 481 (Pa. Commw. Ct. 2010). As the record identified by the PSP is a noncriminal investigative record, the PSP does not need to disclose the responsive record in redacted format. Accordingly, the PSP has proven that the responsive CAD Report is exempt from disclosure under Section 708(b)(17) of the RTKL. *See* 65 P.S. § 67.708(a)(1).

2. The PSP has demonstrated that no additional responsive records exist

The PSP asserts that additional records responsive to the Request do not exist in the PSP’s possession, custody or control. In response to a request for records, “an agency shall make a good faith effort to determine if ... the agency has possession, custody or control of the record[.]” 65

⁴ 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). In the absence of any evidence that the PSP has acted in bad faith, “the averments in the [attestation] should be accepted as true.” *McGowan v. Pa. Dep’t of Env’tl. Prot.*, 103 A.3d 374, 382-83 (Pa. Commw. Ct. 2014) (citing *Office of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013)).

P.S. § 67.901. While the RTKL does not define the term “good faith effort,” in *Uniontown Newspapers, Inc. v. Pa. Dep’t of Corr.*, the Commonwealth Court stated:

As part of a good faith search, the open records officer has a duty to advise all custodians of potentially responsive records about the request, and to obtain all potentially responsive records from those in possession... When records are not in an agency’s physical possession, an open records officer has a duty to contact agents within its control, including third-party contractors ... After obtaining potentially responsive records, an agency has the duty to review the records and assess their public nature under ... the RTKL.

185 A.3d 1161, 1171-72 (Pa. Commw. Ct. 2018) (citations omitted), *aff’d*, 243 A.3d 19 (Pa. 2020).

An agency must show, through detailed evidence submitted in good faith from individuals with knowledge of the agency’s records, that it has conducted a search reasonably calculated to uncover all relevant documents. *See Burr v. Pa. Dep’t of Health*, OOR Dkt. AP 2021-0747, 2021 PA O.O.R.D. LEXIS 750; *see also Mollick v. Twp. of Worcester*, 32 A.3d 859, 875 (Pa. Commw. Ct. 2011).

Here, the request seeks records associated with an incident that occurred on a specified date at a specified location. In support of the PSP’s argument that it does not possess additional responsive records, the Pierce Attestation indicates that a search was performed of the PSP’s Record Management System and an inquiry was made with Troop E-Girard, who also searched its records. Pierce Attestation ¶¶ 2-4, 10. The PSP’s attestation is authored by the PSP’s Deputy AORO, an individual with knowledge of the PSP’s records. The PSP has demonstrated that its Deputy AORO conducted a good faith search. Thus, based on the evidence provided, the PSP has demonstrated that it does not possess additional records responsive to the Request. There has been no sufficient evidence provided, including the photographs submitted by the Requester,⁵ that

⁵ The two photographs of two PSP vehicles do not indicate additional troopers were present at the scene of the incident. The PSP provided the names of five troopers that were present and the OOR fails to understand how the photographs demonstrate otherwise.

otherwise contradicts the statements offered by the PSP in the attestation included with the PSP's final response. *See Pa. Dep't of Health v. Mahon*, 283 A.3d 929 (Pa. Commw. Ct. 2022). Therefore, based on the record as a whole, the PSP has met its burden of proof that additional records responsive to the Request do not exist.⁶ *Hodges*, 29 A.3d at 1192.

CONCLUSION

For the foregoing reasons, the appeal is **denied**, 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 as per Section 1303 of the RTKL; however, 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.⁷ 65 P.S. § 67.1303. 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: September 21, 2026

/s/ Bandy L. Jarosz

BANDY L. JAROSZ, ESQ.
APPEALS OFFICER

Sent via portal to: Andrew Knapp; Colin Hitt, Esq.; William Rozier

⁶ While the OOR understands that the Requester feels additional responsive records and information should exist, the OOR makes no determination as to whether records and information *should* exist, as our inquiry is limited to only whether or not records are “in existence and in possession of the ... agency at the time of the right-to-know request.” *Moore*, 992 A.2d at 909; *see also* 65 P.S. § 67.705.

⁷ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).