



FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
KAREN SCIOLI,	:	
Requester	:	
	:	
v.	:	Docket No: AP 2026-3877
	:	
MONTGOMERY TOWNSHIP	:	
POLICE DEPARTMENT,	:	
Respondent	:	

On July 17, 2026,¹ Karen Scioli (“Requester”) submitted a request (“Request”) to the Montgomery Township (“Township”) Police Department (“Department”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking eight items related to a deceased individual identified by name and address from January 1, 1989, through December 31, 2022.

On August 24, 2026, following a thirty-day extension, 65 P.S. § 67.902(b), the Township denied the Request, stating the records were exempt as criminal investigation reports, 65 P.S. § 67.708(b)(16), noncriminal investigation reports, 65 P.S. § 67.708(b)(17), and were not in the possession, custody or control of the Township.

On September 14, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), challenging the denial. The OOR invited both parties to supplement the record and

¹ The Request was dated July 13, 2026, but it was received by the Township on July 17, 2026.

directed the Township to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c).

On September 21, 2026, the Township submitted the position statement and attestation of Deborah Rivas, (“Rivas Attestation”), the Agency’s Open Records Officer (“AORO”). On October 2, 2026, the Township submitted the Supplemental Attestation of Ms. Rivas (“Rivas Attestation 2”).

Based upon my review of the appeal and evidence, I make the following conclusions of law and findings of fact:

- Records responsive to Items 1 through 3 of the Request are exempt as noncriminal investigative reports under Section 708(b)(17) of the RTKL. 65 P.S. § 67.708(b)(17). Ms. Rivas attests that the agency is in possession of two noncriminal investigation reports, one involving a drug overdose and one being a family/domestic report. Rivas Attestation 2, ¶8.² Ms. Rivas further attests that a review of these records found in response to Items 1 through 3 of the Request show the records were created and compiled by the Department in the course of an official noncriminal investigation and include police incident reports, notes and statements obtained. *Id.* at ¶11.³ Therefore, these records were properly withheld. 65 P.S. §

² Ms. Rivas identifies incident number 2006-25572 from November 7, 2006, and incident number 2010-00052 from January 1, 2010.

³ The Township denied Items 1 through 3 of the Request as exempt under Section 708(b)(16) and Section 708(b)(17). 65 P.S. § 67.708(b)(16), 65 P.S. § 67.708(b)(17). The OOR does not have jurisdiction to hear appeals related to criminal investigative records held by local law enforcement agencies. *See* 65 P.S. § 67.503(d)(2). Instead, appeals involving records alleged to be criminal investigative records held by a local law enforcement agency are to be heard by an appeals officer designated by the local district attorney. *See id.* With respect to the criminal records which were found responsive to Items 1 through 3, the Requester has stated she has filed an appeal with the District Attorney. The OOR does have jurisdiction to hear appeals related to noncriminal investigative records held by local law enforcement agencies. *See* 65 P.S. § 67.503(a)(2).

67.708(b)(17); *Pa. Dep't of Health v. Office of Open Records*, 4 A.3d 803, 810-811 (Pa. Commw. Ct. 2010).

- With respect to Items 4 through 8 of the Request, Ms. Rivas attests that after receipt of the Request, she conducted a thorough examination of files in the possession, custody and control of the Township for responsive records, as well as inquired with relevant Township personnel, such as the Department, as to whether records are in the possession of other agencies. Rivas Attestation, ¶3. No responsive records were found in the possession, custody or control of the Township. *Id.* at ¶5. Based upon the evidence provided, the Township has met its burden of demonstrating that responsive records do not exist, and it is not required to create a record. 65 P.S. § 67.705; *Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

For the foregoing reasons, the appeal is **denied** and the Township 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 or petition for review to 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.⁴ 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>.

⁴ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

FINAL DETERMINATION ISSUED AND MAILED: October 6, 2026

/s/ Meryl M. Peterman

MERYL M. PETERMAN, ESQ.
APPEALS OFFICER

Sent via OOR E-file appeal portal to:

Karen Scioli
Chief William R. Peoples