



FINAL DETERMINATION

DATE ISSUED AND MAILED: October 8, 2026

IN RE: *Jamison Entwistle v. Fairview Twp. Police Dep't*, OOR Dkt. AP 2026-3922

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 OOR finds as follows:

The records are exempt from disclosure. The Request submitted to the Fairview Township Police Department (“Department”) seeks a police report and outcome of any investigation involving two named individuals. Section 708(b)(17) of the Right-to-Know Law exempts from disclosure records “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). Despite logging into the OOR’s e-file portal and reviewing the appeal documents, the Department did not submit evidence in support of its arguments during the appeal. However, because the Request facially seeks a police report and acknowledges the presence of a death investigation by the Department, the undisputed statements in the evidentiary record of the appeal regarding the presence and nature of the investigation are sufficient to demonstrate that the records sought in the Request are exempt from disclosure under the RTKL.¹ 65 P.S. § 67.708(a)(1); *see also 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); *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).

For this reason, the appeal is **denied**, and 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 Cumberland 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. 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: Jamison Entwistle, Esq.; Davis Holland, AORO

¹ Insofar as the Department also argues that the police report is exempt from disclosure under Section 708(b)(16) of the RTKL, the OOR lacks jurisdiction over alleged criminal investigative records in the possession of local law enforcement, and any appeal should be filed with the Appeals Officer for the Cumberland County District Attorney’s Office. *See* 65 P.S. § 67.503(d)(2). If seeking access to records pursuant to the Crime Victim’s Act, such a request should be made under the provisions of that act. *See* 18 Pa.C.S. §§ 9158.1-9158.2.