



FINAL DETERMINATION

IN THE MATTER OF	:
	:
ARTIS CARROLL,	:
Requester	:
	:
v.	: Docket No: AP 2026-4039
	:
PENNSYLVANIA COMMISSION ON	:
CRIME AND DELINQUENCY,	:
Respondent	:

FACTUAL BACKGROUND

On August 27, 2026, Artis Carroll (“Requester”) submitted a request (“Request”) to the Pennsylvania Commission on Crime and Delinquency (“Commission”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking “...complete and accurate copies of the following documents currently contained in [the Requester’s] claim file, specifically: (1) the Police Report obtained from the Lancaster City Bureau of Police; and (2) the Verification – General Police Questionnaire.” On September 1, 2026, the Commission denied the Request, arguing that the responsive records are protected by privilege, reflect internal, predecisional deliberations, 65 P.S. § 67.708(b)(10)(i)(A), and are made confidential under Pennsylvania’s Crime Victims Act (“CVA”), 18 Pa.C.S. §§ 11.101-11.5102.

On September 21 2026, the Requester appealed to the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure. The OOR invited both parties to supplement the record and directed the Commission to notify the OOR if any third parties have a

direct interest in the appeal. 65 P.S. § 67.1101(c).

On September 30, 2026, the Commission submitted a “Revised PCCD Response”, reiterating its grounds for denial. The Commission argues, among other things, under the CVA, which governs the processes of Victims Compensation Assistance Program (“VCAP), “[a]ll reports, records or other information obtained or produced by the Office of Victims’ Services during the processing or investigation of a claim shall be confidential and privileged ...” 18 P.S. § 11.709. On October 9, 2026, in support of its position, the Commission submitted the attestations, made pursuant to 18 Pa.C.S. § 4904, from Derin Myers (“Myers Attestation”), the Director of the Office of Financial Management and Administration and the Commission’s Open Records Officer (“AORO”), and from Stacie Brendlinger (“Brendlinger Attestation”), the Deputy Director of the Victims Compensation Program within the Office of Victim Services at the Commission.

On October 5, 2026, the Requester submitted a position statement, arguing, among other things, that he “is the direct victim of [the] crime himself and the named claimant seeking access to his own claim file records.”

LEGAL ANALYSIS

The Commission 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 Commission 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 factfinder ... 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)).

1. The identity of the Requester is irrelevant

“The status of the individual requesting the record and the reason for the request, good or bad, are irrelevant as to whether a document should be made public under Section 301(b) [of the RTKL]” *See Hunsicker v. Pa. State Police*, 93 A.3d 911, 913 (Pa. Commw. Ct. 2014); *see also* 65 P.S. § 67.102; 65 P.S. § 67.305; *Cafoncelli v. Pa. State Police*, 2017 Pa. Commw. Unpub. LEXIS 405 (Pa. Commw. Ct. 2017) (citing *Hunsicker*). The analysis of whether a record is a public document under the RTKL is whether the record should be open to the public at-large. *See, e.g., Coulter v. Pa. Bd. of Prob. & Parole*, 48 A.3d 516, 519 (Pa. Commw. 2012) (“home plans” of parolee requester are not accessible to her under RTKL though she is subject of records; to be accessible under the RTKL, the identity of the requester is irrelevant). Therefore, the RTKL must be interpreted and applied without regard to the Requester’s identity beyond meeting the RTKL’s requester definition. *See Clinkscale v. Dep’t of Pub. Welfare*, 101 A.3d 137, 141 (Pa Commw. Ct. 2014). Here, the Requester argues he should have access because he is the victim and is seeking his own claim file. Notwithstanding, the RTKL must be construed without regard to the identity of the Requester or his intentions.

2. The records are protected by the Crime Victims Act

The Commission argues that the Request seeks records which are confidential under the CVA. Section 709 of the CVA provides, in relevant part, as follows:

(a) General rule. All reports, records or other information obtained or produced by the Office of Victims’ Services during the processing or investigation of a claim shall be confidential and privileged, shall not be subject to subpoena or discovery, shall be used for no purpose other than the processing of a claim

(b) Disclosure restricted. Except as otherwise provided by law, no person who has had access to a report, record or any other information under this subsection shall disclose the content of such a report, record or other information....

18 P.S. § 11.709(a)-(b).

The Commonwealth Court has previously considered a request for information relating to VCAP pursuant to the RTKL. *See Feldman v. Pa. Comm’n on Crime and Delinquency*, 208 A.3d 167 (Pa. Commw. Ct. 2019). In *Feldman*, the requester sought a listing of claims denied, with confidential information redacted, but providing the claimants’ race/ethnicity, gender, age, ZIP code and county of residence. *Id.* at 169-70. The Commonwealth Court concluded that, because “section 709 of the [CVA] mandates that all information obtained or produced by the Commission shall remain confidential, such information is not subject to disclosure under the RTKL.” *Id.* at 175.

Here, like *Feldman*, the Request facially seeks records related to VCAP. *See Posey v. Pa. Dep’t of Corr.*, 329 A.3d 864 (Pa. Commw. Ct. 2025) (where a request seeks records that are facially exempt as a matter of law, an attestation may not be necessary). Further, the Commission’s evidence confirms that the Request seeks information that is maintained within VCAP claim files, is confidential, and cannot be released. *See generally*, Brendlinger Attestation, ¶¶ 2-14. Accordingly, based on the face of the record and the evidence submitted, the Commission has met its burden of proving that the responsive records are not public records.¹ *See* 65 P.S. § 67.102; 18 Pa.C.S. § 11.709; *see also Moos v. Pa. Commission on Crime and Delinquency*, OOR Dkt. AP 2026-0426, 2026 PA O.O.R.D. LEXIS 987 (finding that information maintained within VCAP claim files are confidential and cannot be released).

¹ Because the OOR finds that these records are exempt under the CVA, the OOR need not reach the Commission’s alternative grounds for denying access to these records. *See Jamison v. Norristown Bor. Police Dept.*, OOR Dkt. AP 2011-1233, 2011 PA O.O.R.D. LEXIS 927.

CONCLUSION

For the foregoing reasons, the appeal is **denied**, and the Commission 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. 65 P.S. § 67.1303. 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.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 OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: October 15, 2026

/s/ Lyle Hartranft

LYLE HARTRANFT, ESQ.
APPEALS OFFICER

Sent via E-File Portal to: Artis Carroll; Derin Myers, AORO; Elizabeth Pettis, Esq.

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