



FINAL DETERMINATION

DATE ISSUED AND MAILED: October 22, 2026

IN RE: *Jason Lucarelli v. Upper Saucon Twp. Police Dep't*, OOR Dkt. AP 2026-4197

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 Upper Saucon Township Police Department (“Department”) sought “any noise complaints regarding neighbors” to an identified property. Section 708(b)(17) of the Right-to-Know Law exempts from disclosure “a record of an agency relating to a noncriminal investigation, including: [c]omplaints submitted to an agency....” 65 P.S. § 67.708(b)(17)(i). On October 16, 2026, the Department submitted an affidavit, made subject to the penalty of perjury, from Michael C. Fritts (“Fritts Affidavit”), the Department’s Chief of Police and Open Records Officer, who attests that the Department identified one responsive record, an incident report, which includes complaint made to the Department, as well as investigative materials related to the investigation of the complaint. Fritts Affidavit, ¶¶ 4-5. The OOR has routinely found that a local police department has the authority to investigate non-criminal noise complaints. *See, e.g., Coleman v. Middletown Twp. Police Dep’t*, OOR Dkt. AP 2024-1826, 2024 PA O.O.R.D. LEXIS 2058 (finding noise complaints and investigative records related thereto to be exempt from disclosure under Section 708(b)(17) of the RTKL); *Kay v. Bristol Twp. Police Dep’t*, OOR Dkt. AP 2023-1655, 2023 PA O.O.R.D. LEXIS 1795. Therefore, based upon this evidence, as well as the undisputed statements regarding the nature of the complaint, the Department has met its burden of proving that the complaint is exempt from disclosure. 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).

For this reason, 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 Lehigh 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: Jason Lucarelli; Chief Michael C. Fritts, AORO