Pennsylvania
Office of Open Records

Pennsylvania Office of Open Records
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FINAL DETERMINATION

DATE ISSUED AND MAILED: October 30, 2026

IN RE: *Macy Burke v. Pennsylvania State Police*, OOR Dkt. AP 2026-4854

Upon review of the appeal filed with the Office of Open Records ("OOR") to the above-referenced docket number, the appeal is **DENIED** because:

The report is exempt from disclosure. The Request submitted to the Pennsylvania State Police ("PSP") seeks a police report pertaining to an identified incident. Section 708(b)(17) of the Right-to-Know Law exempts from disclosure "a record 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). Along with its final response denying the Request under Section 708(b)(17) of the RTKL, the PSP submitted a verification, made subject to the penalty of perjury, from Sarah Dietrich ("Dietrich Verification"), the PSP's Deputy Open Records Officer, who identified the responsive record as PSP General Offense Report No. PA 2026-713239 and attests that the report relates to an investigation conducted by Troopers. Dietrich Verification, ¶¶ 2-6. Based upon this evidence, as well as the undisputed statements regarding the nature of the investigation, the PSP has met its burden of proving that the report is exempt from disclosure.[1] 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); *see also Taylor v. Pa. State Police*, 2020 Pa. Commw. Unpub. LEXIS 39 (Pa. Commw. Ct. 2020) (concluding that a PSP General Offense Report was exempt under Section 708(b)(17)).

For this reason, the PSP 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 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 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.[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 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: Macy Burke, Agency Open Records Officer (Via E-File Portal)

[1] Notably, the statement attached to the Requester's appeal form acknowledges that the incident involves a PennDOT vehicle which allegedly damaged the Requester's utility pole. Furthermore, the Requester confirms that an investigation into the complaint was conducted by PSP.
[2] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).