



FINAL DETERMINATION

DATE ISSUED AND MAILED: October 30, 2026

IN RE: *Chris Falcone v. Pa. State Police*, OOR Dkt. AP 2026-4532

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 Pennsylvania State Police (“PSP”) seeks all records pertaining to an identified incident number. 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). On October 29, 2026, the PSP submitted a verification, made subject to the penalty of perjury, from William Rozier (“Rozier Verification”), the PSP’s Open Records Officer, who identified the responsive record as PSP CAD Call Report pertaining to incident No. PA 2026-907442 and attests that the report relates to an investigation conducted by Trooper Gentile into a complaint submitted by the Requester, during which the Trooper determined no criminal activity occurred.¹ Rozier Verification, ¶¶ 7-9. Additionally, Open Records Officer Rozier confirms that he contacted PSP Troop M, Bethlehem, the likely custodian of records responsive to the Request, and determined that no other records responsive to the Request exist. Rozier Verification, ¶¶ 11-12. Based upon this evidence, the PSP has met its burden of proving that the report is exempt from disclosure and that no additional responsive records exist within the PSP’s possession, custody or control. 65 P.S. § 67.708(a)(1); *see also Campbell v. Pa. Interscholastic Athletic Ass’n*, 268 A.3d 502 (Pa. Commw. Ct. 2021).

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. 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: Chris Falcone; Colin L. Hitt, Esq.; William Rozier, AORO

¹ In the statement attached to the appeal form, the Requester acknowledges that the complaint pertains to an incident involving “multiple motorcycles allegedly passing multiple vehicles at high speed on rural roads, including areas with blind turns and limited visibility.”