pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
LESLIE BIRDSALL,	:	
Requester	:	
	:	
v.	:	**Docket No.: AP 2026-5277**
	:	
BOROUGH OF MCKEES ROCKS,	:	
Respondent	:	

On September 21, 2026, Leslie Birdsall ("Requester") submitted a request ("Request") to the Borough of McKees Rocks ("Borough") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking a police report, complaint and other records associated with an identified arrest warrant. On October 28, 2026, following a thirty-day extension, 65 P.S. § 67.902(b), the Borough denied the Request, stating that the records are exempt from disclosure under the RTKL's criminal investigative records exemption. *See* 65 P.S. § 67.708(b)(16). On November 17, 2026, the Requester appealed to the Office of Open Records ("OOR").

The Borough is a local law enforcement agency, and the Request seeks records concerning an alleged criminal matter in the possession of the Borough. The OOR does not have jurisdiction to hear appeals related to criminal investigative records held by local law enforcement agencies. *See* 65 P.S. § 67.503(d)(2). Instead, appeals involving records alleged to be criminal investigative records held by a local law enforcement agency are to be heard by an appeals officer designated by the local district attorney. *See id*. Accordingly, the appeal is hereby transferred to the Appeals

Officer for the Allegheny County District Attorney's Office ("District Attorney's Office") to determine whether the record relates to a criminal investigation.[1] A copy of this final order and the appeal filed by the Requester will be sent to the Appeals Officer for the District Attorney's Office.

For the foregoing reasons, the Requester's appeal is **transferred** to the Appeals Officer for the District Attorney's Office. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Allegheny 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 as per Section 1303 of the RTKL. 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 website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: November 20, 2026

/s/ *Joshua T. Young*

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SENIOR DEPUTY CHIEF COUNSEL
JOSHUA T. YOUNG, ESQ.

Sent to: Requester; Agency Open Records Officer; Appeals Officer for the Allegheny County District Attorney's Office

[1] The Commonwealth Court has noted that the OOR has the authority to transfer an appeal to "where [a requester] should have initially appealed." *See Phila. Dist. Attorney's Office v. Williams*, 204 A.3d 1062, *4 n.5 (Pa. Commw. Ct. 2019) ("… [A]lthough the onus for appealing from an RTKL denial to the proper appeals officer is on the requester, the OOR did not violate the law or any procedure in redirecting the appeal in this case").
[2] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).