



**PENNSYLVANIA STATE POLICE**  
DEPARTMENT HEADQUARTERS  
1800 ELMERTON AVENUE  
HARRISBURG, PENNSYLVANIA 17110

Mailing Date: September 21, 2018

Camille Fassett  
MuckRock News  
DEPT MR 59497  
411A Highland Avenue  
Somerville, Massachusetts 02144-2516

PSP/RTKL Request N° 2018-0738

Dear Ms. Fassett:

On August 15, 2018, the Pennsylvania State Police (PSP) received your request for information pursuant to the Pennsylvania Right-To-Know Law (RTKL), 65 P.S. §§ 67.101 – 67.3104, wherein you requested:

1. Copies of all agency emails containing the non-case sensitive terms "Qanon," "Q anon," "The Great Awakening," or "Q Clearance Patriot." Please include the complete email exchange for each email, including any emails that are being replied to as well as any subsequent replies.
2. Copies of all reports, briefs, advisories, and/or memoranda relating to "Qanon."

The includes, but is not limited to, any records about Forrest Clark, the man accused of starting a wildfire in Southern California, that also mention Qanon. (<https://sanfrancisco.cbslocal.com/2018/08/09/holy-fire-suspect-refuses-court-orange-county/>).

This could also include any reports about Jeffrey Boyd, charged with allegedly making threats against Donald Trump and who also references to Qanon prior to his arrest (<https://www.thedailybeast.com/qanon-referenced-by-man-arrested-for-threatening-to-kill-trump>).

This could also include any records relating to two incidents of arrest in Arizona related to Qanon-Matthew Phillip Wright (parked his self-made armored car on the bridge next to the Hoover Dam) and Michael Lewis

Arthur Meyer (occupied a cement plant). Both men were followers of the conspiracy theory.  
<https://www.azentral.com/story/news/politics/arizona/2018/08/07/qanon-ties-two-arizona-arrests-conspiracy-theory-trump/920336002/>

By letter dated August 22, 2018, you were notified in accordance with RTKL section 67.902(b) that PSP required an additional thirty days to prepare this final response to your request.

In response to item 1, your request for is denied as insufficiently specific. The request lacks specific information, such as the names of the individuals whose emails you seek, necessary for PSP to ascertain which records are being requested. The RTKL requires that a request for records be made with "sufficient specificity to enable the agency to ascertain which records" are being requested. 65 P.S. § 67.703; *Kantrowitz v. Great Valley School District*, OOR Dkt N° AP 2009-0646; and *Mollick v. Methacton School District*, OOR Dkt N° AP 2009-0180.

With regard to request in item 2 for, "any reports about Jeffrey Boyd, charged with allegedly making threats against Donald Trump and who also references to Qanon prior to his arrest," your request is denied to the extent that the responsive record you seek is not accessible to the public. The RTKL defines a "public record" as "[a] record . . . of a Commonwealth or local agency that: (1) is not exempt under section 708; (2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or (3) is not protected by a privilege." 65 P.S. § 67.102.

Under the first limitation on the public record definition, PSP Incident Report No. PA 2018-864716 details a PSP investigation into a complaint of criminal activity. Thus, the report and each of its components is "[a] record of an agency relating to or resulting in a criminal investigation," which is exempt from public disclosure under RTKL section 67.708(b)(16). Furthermore:

- The report contains "[c]omplaints of potential criminal conduct other than a private criminal complaint[.]" and, thus, is exempt from public disclosure under RTKL section 67.708(b)(16)(i).
- Because they reflect the findings and conclusions, as well as the actions, observations and notes of investigating troopers, the report's components constitute "[i]nvestigative materials, notes, correspondence, . . . and reports," all of which are exempt from public disclosure under RTKL section 67.708(b)(16)(ii).
- In its entirety, as well as in its components, the report is "[a] record that, if disclosed, would . . . [r]eveal the institution, progress, or result of a criminal investigation," and, therefore, exempt from public disclosure under RTKL section 67.708(b)(16)(vi)(A).

- The report “[i]ncludes . . . victim information,” (e.g., the victim’s full name, birth date, residential address and telephone number) and, thus, is exempt from public disclosure under RTKL section 67.708(b)(16)(v).
- The report also contains personal identifying information, all of which are exempt from public disclosure under RTKL section 67.708(b)(6)(i)(A).
- Yet, none of the report’s components comprises original records of entry, a chronology of arrests, the identification of arrested individuals, the specification of criminal charges or any other “information contained in a police blotter as defined in 18 Pa. C.S. § 9102” that would be accessible to the public.

*Pa. State Police v. Office of Open Records*, 5 A.3d 473, 478 n.4 (Pa. Commw. Ct. 2010) (en banc). A supporting verification accompanies this letter.

Following the second limitation, disclosing the report or its components to you would violate Pennsylvania’s *Criminal History Record Information Act* (CHRIA), 18 Pa. C.S. §§ 9101-9183, which prohibits criminal justice agencies from disseminating investigative information, except to other criminal justice agencies. 18 Pa. C.S. § 9106(c)(4). CHRIA defines “investigative information” as “[i]nformation assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing.” *Id.* § 9102. Therefore, PSP is barred by CHRIA from providing you with access to the records you have requested. See *McGarvey v. Pa. State Police*, Dkt. AP 2009-0522 (Glenn) (CHRIA section 9106 protects criminal investigation report, in its entirety, from public disclosure).

Lastly, with regard to request in item 2 for “any records about Forrest Clark, the man accused of starting a wildfire in Southern California, that also mention Qanon,” and “any records relating to two incidents of arrest in Arizona related to Qanon-Matthew Phillip Wright (parked his self-made armored car on the bridge next to the Hoover Dam) and Michael Lewis Arthur Meyer (occupied a cement plant),” the PSP determined it does not have any records in its possession, custody, or control that respond to your request. A supporting verification confirming this assertion accompanies this final response letter. Pursuant to the decision in *Jenkins vs. Pennsylvania Department of State*, “It is not a denial of access when an agency does not possess records and [there is no] legal obligation to obtain them (see, e.g. section 67.506 (d)(1).” *Jenkins vs. Pa. Dep’t of State*, Docket No. AP 2009-065 (available at, <http://openrecords.pa.gov>). Please note these arrests did not occur within the State of Pennsylvania and are not within PSP jurisdiction.

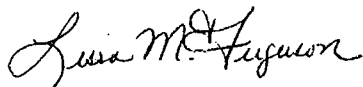
To the extent that your request seeks or may be construed to seek records pertaining to covert law enforcement investigations, including, intelligence gathering and analysis, the PSP can neither confirm nor deny the existence of such records without

risk of compromising investigations and imperiling individuals. Under No Circumstances, therefore, should this final response be interpreted as indicating otherwise. In all events, should such records exist, they are entirely exempt from public disclosure under the RTKL and Criminal History Record Information Act, 18 Pa. C.S. §§ 9101-9183.

In closing, you have a right to appeal this response in writing to, the Office of Open Records, 333 Market Street, 16<sup>th</sup> Floor, Harrisburg, PA 17126-0333. The appropriate OOR appeal form is available for your use at, <https://www.dced.state.pa.us/public/oor/appealformgeneral.pdf>. If you choose to appeal, you must do so within 15 business days of the mailing date of this response and send to the OOR: 1) this response; 2) your request; 3) the reason or reasons why you think PSP wrongfully denied your access to the requested records. (*a statement identifying any flaws in the reasons provided above as to why a requester is not subject to access the requested records under the RTKL*).

If you have any questions, please feel free to contact our office at the telephone number listed below.

Sincerely yours,



Lissa M. Ferguson  
Deputy Agency Open Records Officer  
Pennsylvania State Police  
Bureau of Records & Identification  
Right-to-Know Law/Subpoena Section  
1800 Elmerton Avenue  
Harrisburg, Pennsylvania 17110  
Email: RA-psprighttoknow@pa.gov  
1.877.785.7771 (Main); 717.525.5795 (Fax)

Enclosures: PSP/RTKL Request N° 2018-0738  
Ferguson Verification

PENNSYLVANIA STATE POLICE  
DEPARTMENT HEADQUARTERS

VERIFICATION OF  
LISSA M. FERGUSON  
DEPUTY AGENCY OPEN RECORDS OFFICER

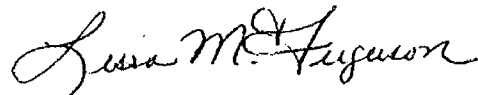
I, Lissa M. Ferguson, Deputy Agency Open Records Officer of the Pennsylvania State Police (variously, PSP or Department), am authorized to prepare this verification in response to PSP/RTKL Request N° 2018-0738. Accordingly, on this 21st day of September, 2018, I verify the following facts to be true and correct, to the best of my knowledge or information and belief:

1. I am familiar with PSP/RTKL Request N° 2018-0738, which is attached to this verification.
2. Utilizing the information contained in the request, I searched all Department databases to which I have access for evidence of any PSP records that may respond to the request.
3. In response to item 1, the request is insufficiently specific because it fails to provide me sufficient facts to determine which records are sought and whether, on review, any part of the request constitutes a public record requiring disclosure.
4. Specifically, PSP cannot identify the records sought from the information provided because the request lacks specific information, names of the individuals whose emails requestor seeks, to ascertain and retrieve the requested records. Absent additional information, PSP cannot pinpoint the repository to search.
5. With regard to request in item 2 for "any reports about Jeffrey Boyd, charged with allegedly making threats against Donald Trump and who also references to Qanon prior to his arrest," one responsive record was located. PSP Incident Report No. PA 2018-864716 is a multiple page record assembled by Trooper Gabriel Paduck on or after July 31, 2018, as a result of an investigation into a criminal incident or an allegation of criminal wrongdoing. Furthermore:

- a. The report contains “[i]nformation assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing,” 18 Pa. C.S. § 9102, and, thus, is exempt from public disclosure under RTKL section 67.708(b)(16)(i).
  - b. The report’s component records reflect the findings and conclusions, as well as the actions, observations and notes of investigating troopers, thus constituting “investigative materials, notes, correspondence, . . . and reports,” all of which are exempt from public disclosure under RTKL section 67.708(b)(16)(ii).
  - c. Based on its content, the report is clearly “a record that, if disclosed, would reveal the institution, progress, and result of a criminal investigation,” and, therefore, exempt from public disclosure under RTKL section 67.708(b)(16)(vi)(A).
  - d. The report contains personal identifying information, all of which are exempt from public disclosure under RTKL section 67.708(b)(6)(i)(A).
  - e. The report “[i]ncludes . . . victim information,” (e.g., the victim’s full name, birth date, residential address and telephone number) and, thus, is exempt from public disclosure under RTKL section 67.708(b)(16)(v).
  - f. Yet, none of the report’s components comprises original records of entry, a chronology of arrests, the identification of arrested individuals, the specification of criminal charges or any other “information contained in a police blotter as defined in 18 Pa. C.S. § 9102.”
6. Furthermore, disclosing the report or its components would violate Pennsylvania’s Criminal History Record Information Act (CHRIA), Pa. C.S. §§ 9101-9183, which prohibits criminal justice agencies from disseminating investigative information, except to other criminal justice agencies.

7. Accordingly, I withheld this record from public disclosure.
8. Lastly, with regard to request in item 2 for “any records about Forrest Clark, the man accused of starting a wildfire in Southern California, that also mention Qanon,” and “any records relating to two incidents of arrest in Arizona related to Qanon-Matthew Phillip Wright (parked his self-made armored car on the bridge next to the Hoover Dam) and Michael Lewis Arthur Meyer (occupied a cement plant),” the PSP determined it does not have any records in its possession, custody, or control.
9. Requestor was advised these arrests did not occur within the State of Pennsylvania and are not within PSP jurisdiction.

**I understand that false statements made in this verification are subject to penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.**



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Lissa M. Ferguson  
Deputy Agency Open Records Officer  
Pennsylvania State Police

8-22-18

2018-0738

Ott, Cynthia L

**From:** 59497-17917449@requests.muckrock.com  
**Sent:** Wednesday, August 15, 2018 11:20 AM  
**To:** SP, PSP RIGHT TO KNOW  
**Subject:** Pennsylvania Right to Know Act Request: Qanon (Pennsylvania State Police)  
**Attachments:** PA\_Right\_to\_Know\_Request\_Form.pdf

Pennsylvania State Police  
 RTK Office  
 1800 Elmerton Avenue  
 Harrisburg, PA 17110

August 15, 2018

To Whom It May Concern:

Pursuant to the Pennsylvania Right to Know Act, I hereby request the following records:

1. Copies of all agency emails containing the non-case sensitive terms "Qanon", "Q anon", "The Great Awakening," or "Q Clearance Patriot." Please include the complete email exchange for each email, including any emails that are being replied to as well as any subsequent replies.
2. Copies of all reports, briefs, advisories, and/or memoranda relating to "Qanon".

This includes, but is not limited to, any records about Forrest Clark, the man accused of starting a wildfire in Southern California, that also mention Qanon. (<https://sanfrancisco.cbslocal.com/2018/08/09/holy-fire-suspect-refuses-court-orange-county/>).

This could also include any reports about Jeffrey Boyd, charged with allegedly making threats against Donald Trump and who also made references to Qanon prior to his arrest (<https://www.thedailybeast.com/qanon-referenced-by-man-arrested-for-threatening-to-kill-trump>).

This could also include any records relating to two incidents of arrests in Arizona related to Qanon—Matthew Phillip Wright (parked his self-made armored car on the bridge next to the Hoover Dam) and Michael Lewis Arthur Meyer (occupied a cement plant). Both men were followers of the conspiracy theory. <https://www.azcentral.com/story/news/politics/arizona/2018/08/07/qanon-ties-two-arizona-arrests-conspiracy-theory-trump/920336002/>

Qanon refers to a conspiracy theory centered on Q, an online handle used on several image boards by a presumably American pseudonymous individual or group of individuals claiming to have access to classified information involving the Trump administration and its opponents in the United States. (<https://en.wikipedia.org/wiki/QAnon>)

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

RECEIVED  
 RIGHT-TO-KNOW LAW OFFICE  
 SUBPOENA UNIT  
 2018 AUG 15 A 11:57



Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Camille Fassett

Filed via MuckRock.com

E-mail (Preferred): 59497-17917449@requests.muckrock.com

Upload documents directly: [https://www.muckrock.com/accounts/agency\\_login/pennsylvania-state-police-435/qanon-pennsylvania-state-police-59497/?email=RA-psprighttoknow%40pa.gov&uuid-login=adcb89ce-6320-485d-9b84-6ef1e22b87ad#agency-reply](https://www.muckrock.com/accounts/agency_login/pennsylvania-state-police-435/qanon-pennsylvania-state-police-59497/?email=RA-psprighttoknow%40pa.gov&uuid-login=adcb89ce-6320-485d-9b84-6ef1e22b87ad#agency-reply)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 59497

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

