



**pennsylvania**  
OFFICE OF OPEN RECORDS

**FINAL DETERMINATION**

<b>IN THE MATTER OF</b>	:	
	:	
<b>LIONEL LONG,</b>	:	
<b>Requester</b>	:	
	:	
<b>v.</b>	:	<b>Docket No.: AP 2026-1363</b>
	:	
<b>BRENTWOOD BOROUGH,</b>	:	
<b>Respondent</b>	:	

On February 27, 2026, Lionel Long (“Requester”) submitted a request (“Request”) to Brentwood Borough (“Borough”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* seeking:

... The Borough of Brentwood Police Department policies and procedures relating to arrest, filing charges (criminal) and or any other material that discloses the requirements after an arrest is made.

On March 23, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the Borough denied the Request, arguing that the certain responsive policies and procedures are exempt from disclosure under the personal and public security exemptions, and certain responsive records are confidential under the Motor Vehicle Code. *See* 65 P.S. §§ 67.708(b)(1)(ii), (b)(2); 75 Pa.C.S. § 6342(e).

On April 1, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), challenging the Borough’s denial of the Request and stating grounds for disclosure. *See* 65 P.S. § 67.901. The OOR invited both parties to supplement the record and directed the Borough to notify

the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On April 18, 2026, the Requester asked for additional time to submit evidence in this appeal in response to the Borough and states that “he may need a legal representative to advocate justice on his behalf.”<sup>1</sup>

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, the Borough did not participate on appeal by submitting legal argument or evidence in support of withholding the responsive policies and procedures.<sup>2</sup> Accordingly, the Borough did not meet its burden of proof under the RTKL to withhold the policies and procedures sought in the Request. 65 P.S. § 67.305. Further, the Request seeks policies and procedures related to police department arrests, the filing of criminal charges, and post-arrest requirements of the Borough police department. The threat to personal or public security is not apparent by the nature of the policies and procedures sought.

Notwithstanding, to the extent that the Borough Police Department’s Motor Vehicle Pursuits policy relates to arrest, the filing of criminal charges, or other police department post-arrest requirements, this policy is made confidential by the Vehicle Code, 75 Pa. C.S. §§ 101 *et seq.* Records that are “exempt from being disclosed under any Federal or State law or regulation or judicial order or decree” are not public records under the RTKL. *See* 65 P.S. § 67.102. Section 6342 of the Vehicle Code requires each police department to “develop and implement a written emergency vehicle response policy governing the procedures under which a police officer should initiate, continue and terminate a motor vehicle pursuit.” 75 Pa.C.S. § 6342(a). Subsection (e)

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<sup>1</sup> The OOR does not have the ability to appoint court-appointed counsel to requesters in RTKL appeals. Further, because the Borough failed to submit evidence in this appeal, the Requester’s request for the submission deadline to be extended to provide a submission is unnecessary. *See* 65 P.S. § 67.1102(b)(3) (stating that “the appeals officer shall rule on procedural matters on the basis of justice, fairness, and the expeditious resolution of the dispute”).

<sup>2</sup> The OOR appeal portal log indicates that the email address associated with a Borough official accessed and viewed files within the appeal docket. The Borough has failed to participate in this appeal.

further provides that such policies “shall be confidential and shall not be made available to the general public.” 75 Pa.C.S. § 6342(e). The OOR has previously recognized that police pursuit policies are made confidential by the Vehicle Code. *See Wertz v. South Strabane Township*, OOR Dkt. AP 2024-2777, 2025 PA O.O.R.D. LEXIS 330; *Bennett v. Lycoming County Dist. Attorney’s Office*, OOR Dkt. AP 2022-0970, 2022 PA O.O.R.D. LEXIS 1433.

For the foregoing reasons, the appeal is **granted in part** and **denied in part**, and the Borough is required to provide copies of Borough Police Department policies and procedures “relating to arrest, filing charges (criminal) and or any other material that discloses the requirements after an arrest is made” to the Requester within thirty days, or, in the alternative, a sworn affidavit or a statement made under the penalty of perjury demonstrating that the records do not exist. 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 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.<sup>3</sup> All documents or communications following the issuance of this Final Determination shall be sent to [oor-postfd@pa.gov](mailto:oor-postfd@pa.gov). This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED: April 28, 2026**

*/s/ Catherine R. Hecker*

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APPEALS OFFICER  
CATHERINE R. HECKER

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<sup>3</sup> *See Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

Sent via US Mail to: Lionel Long, Requester

Sent via the OOR Portal to: George Zboyovsky, AORO