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On April 6, 2026, the Requester appealed to the Office of Open Records (“OOR”), challenging the partial denial and stating grounds for disclosure. The OOR invited both parties to supplement the record and directed the County to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On April 27, 2026, the County submitted an attestation, made subject to the penalties set forth in 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), from Vincent Pease, the County’s Open Records Officer, who reiterates that records, or parts of records, pursuant to Section 708(b)(18) of the RTKL and that redactions were made concerning “identifying information” and “information entered by system users not generated by the CAD system.” On the same day, the Requester submitted a position statement, explaining why he sought the requested records.

### LEGAL ANALYSIS

The County is a local agency subject to the RTKL. 65 P.S. § 67.302. Records in the possession of a local agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the County is required to demonstrate, “by a preponderance of the evidence,” that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as “such proof as leads the fact-finder ... to find that the existence of a contested fact is more probable than its nonexistence.” *Pa. State Troopers Ass’n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep’t of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

The County denied access to the 911 call recordings pursuant to Section 708(b)(18) of the RTKL, which exempts from disclosure “[r]ecords or parts of records, except time response logs, pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, *including 911 recordings.*” 65 P.S. § 67.708(b)(18)(i) (emphasis added). Although “[t]his paragraph shall not

apply to a 911 recording, if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure,” 65 P.S. § 67.708(b)(18)(ii), there is no indication in the evidentiary record of the appeal that the County determined the public interest in disclosure outweighed nondisclosure. Although the County has submitted only an unsworn position statement in support of its arguments, the Request expressly seeks recordings of 911 calls from the Trump campaign rally shooting; thus, it is undisputed that the recordings are subject to the exemption set forth in 65 P.S. § 67.708(b)(18)(i). While the Requester presents an argument for why the 911 recording should be released, Section 708(b)(18) clearly vests the discretion to make this determination with the agency or the court system and does not permit the OOR to overrule that discretion. Therefore, the OOR will not disturb the County’s decision to withhold the 911 call recordings. *See, e.g., Lacy and The Intercept v. Butler County*, OOR Dkt. AP 2024-1969, 2024 PA O.O.R.D. LEXIS 1875.

The County also states that it redacted “identifying information” and “information entered by system users not generated by the CAD system” from the CAD report without describing the information redacted from the records, providing its legal grounds for doing so, or submitting evidence in support of those redactions. However, insofar as the County redacted information protected from disclosure by the Emergency Communication Services Act, 35 P.S. §§ 5301-5399, such information may be redacted from the responsive CAD report. *See* 35 P.S. § 5399 (prohibiting the release of individual identifying information of an individual contacting a 911 center, victim or witness). With respect to any other information redacted from the CAD report, the County has failed to meet its burden of proving that the redactions were proper. *See* 65 P.S. § 67.305; 65 P.S. § 67.708(a)(1).

### CONCLUSION

For the foregoing reasons, the appeal is **granted in part** and **denied in part**, and the County is required to provide the Requester with another copy of the responsive CAD report, subject to the redactions permitted above, within thirty days. This Final Determination is binding on all parties. Within

thirty days of the mailing date of this Final Determination, any party may appeal to the Dauphin 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 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>2</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: 6 May 2026**

*/s/ Joshua T. Young*

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JOSHUA T. YOUNG, ESQ.  
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: John Yaninek, Esq.; Vincent Pease, AORO

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<sup>2</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).