



# pennsylvania

OFFICE OF OPEN RECORDS

## FINAL DETERMINATION

<b>IN THE MATTER OF</b>	:	
	:	
<b>JACKIE LLANOS AND NOTUS,</b>	:	
<b>Requester</b>	:	
	:	
<b>v.</b>	:	<b>Docket No: AP 2026-0856</b>
	:	
<b>CLEARFIELD COUNTY,</b>	:	
<b>Respondent</b>	:	

### FACTUAL BACKGROUND

On February 26, 2026, Jackie Llanos and NOTUS<sup>1</sup> (collectively “Requester”) submitted a request (“Request”) to Clearfield County (“County”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

All CAD records, incident numbers, dispatch summaries, related incident reports, audio recordings and — only if already available — call transcripts for 911 calls between July 1, 2025, and Dec. 31, 2025, from the following address:

- 555 Geo Drive, Philipsburg, PA 16866

On February 27, 2026, the County granted the Request in part and denied the Request in part. The County provided call logs containing responsive CAD records, incident numbers and

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<sup>1</sup> “News of the United States.”

dispatch summaries. The County partially denied the Request and withheld responsive audio recordings under the RTKL, 65 P.S. § 67.708(b)(18).

On March 6, 2026, the Requester appealed to the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure.<sup>2</sup> The OOR invited both parties to supplement the record and directed the County to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On May 11, 2026, the County submitted a position statement and an attestation made under the penalty of unsworn falsification to authorities<sup>3</sup> by Marianne Sankey (“Sankey Attestation”),<sup>4</sup> the County’s Agency Open Records Officer (“AORO”), reiterating its grounds for denial and asserting, that the withheld 911 records are expressly exempt from disclosure under the RTKL and the public interest does not outweigh nondisclosure.<sup>5</sup> *See* 65 P.S. § 67.708(b)(18).

### 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

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<sup>2</sup> The Requester granted the OOR a 30-day extension to issue a final determination. *See* 65 P.S. § 67.1101(b)(1) (“Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a).”).

<sup>3</sup> 18 Pa.C.S.A. § 4904.

<sup>4</sup> Under the RTKL, a sworn affidavit or unsworn attestation may serve as sufficient evidentiary support. *See Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010).

<sup>5</sup> The County’s submission was made after the record had closed, however, to develop the record, the submission was considered for purposes of this appeal. *See* 65 P.S. § 67.1102(b)(3) (“[...], the appeals officer shall rule on procedural matters on the basis of justice, fairness and the expeditious resolution of the dispute”).

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)).

On appeal, the County argues that it properly withheld the responsive 911 audio recordings under Section 708(b)(18)(i) 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). However, “[t]his paragraph shall not apply to a 911 recording, or a transcript of 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).

In support of its position, the County affirms that this Request seeks records of the Moshannon Valley Processing Center, a private ICE Immigration Detention Facility, located at the identified address and the County’s evidence demonstrates that the disclosure of the audio recordings is expressly exempt under 65 P.S. § 67.708(b)(18). Additionally, the County has not determined that the public interest in disclosure outweighs the interest in nondisclosure. *See* Sankey Attestation, ¶¶ 3-4. The Requester argues that the disclosure of the records is in the public’s interest because residents should know the effect of detention centers on local emergency services with the possibility of additional detention centers being proposed. However, the discretion to determine whether to release the responsive 911 recordings lies with the County itself and the judicial court system. *See Silva v. Mun. of Bethel Park Police Dep’t*, No. SA-24-000675, (Allegheny Cnty. C.P. April 24, 2026). As such, the OOR may not disturb the County’s decision to withhold the requested 911 call recordings, rather than exercising its discretion to release it in accordance with 65 P.S. § 67.708(b)(18)(ii). *See Hobbs v. Bethel Park Police Dep’t*, OOR Dkt.

AP 2026-0833, 2026 PA O.O.R.D. LEXIS 1099, \*4 (“Section 708(b)(18) clearly vests the discretion to make the determination whether to release 911 recordings with the agency and the court system, and the OOR is neither”); *Long v. York Cnty.*, OOR Dkt. AP 2025-1402, 2025 PA O.O.R.D. LEXIS 1392. Accordingly, the County has established, by a preponderance of the evidence, that the responsive 911 records are exempt from disclosure in their entirety under 65 P.S. § 67.708(b)(18).

### CONCLUSION

For the foregoing reasons, the appeal is **denied**, and the County is not required to take any further action. 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 Clearfield 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>6</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: May 14, 2026**

/s/ Damian J. DeStefano  
DAMIAN J. DESTEFANO  
APPEALS OFFICER

Sent via OOR E-file appeal portal to: Jackie Llanos; Marianne Sankey, AORO;  
Heather Bozovich, Esq.

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<sup>6</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).