



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF

:

**ROBERT MACCONNELL,
Requester**

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:

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v.

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Docket No.: AP 2026-1488

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**LOWER SOUTHAMPTON TOWNSHIP
POLICE DEPARTMENT,
Respondent**

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On April 9, 2026, Robert MacConnell (“Requester”) submitted a request (“Request”) to the Lower Southampton Police Department (“Department”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking

Any and all incident reports, CAD/dispatch logs, dispatch records, call-for-service logs, or other documentation related to a police response on November 2, 2023 at a residence in Lower Southampton Township involving a family dispute or call for service that resulted in the resident being advised to seek evaluation at Lower Bucks Hospital.

On April 13, 2026, the Department denied the Request, stating the Request is not sufficiently specific and the requested records are exempt from disclosure under the RTKL’s criminal investigative records exemption and noncriminal investigative records exemption. *See*

65 P.S. § 67.708(b)(16). On April 14, 2026 the Requester appealed to the Office of Open Records (“OOR”).^{1,2}

The Department is a local law enforcement agency. 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.* Here, the record indicates that the requested records could relate to a criminal investigation. Although the Police Department did not present evidence on appeal, the language of the Request (seeking incident reports and records related to a police response) and the Department’s denial letter indicates that the records are part of a criminal investigative file. *See Pa. Game Comm’n v. Fennell*, 149 A.3d 101 (Pa. Commw. Ct. 2016) (holding that the OOR must consider uncontradicted statements in the appeal materials when determining whether an exemption applies); *Office of the Governor v. Davis*, 122 A.3d 1185, 1194 (Pa. Commw. Ct. 2015) (*en banc*) (holding that an affidavit may be unnecessary when an exemption is clear from the face of the record). Accordingly, the appeal is hereby transferred to the Appeals Officer for the Bucks County District Attorney’s Office (“DA’s Office”).³ A copy of this final order and the appeal filed by the Requester will be sent to Appeals Officer for the DA’s Office.

¹ The Department’s denial included the Requester’s appeal rights that explained an appeal related to requested criminal records should be filed with the Bucks County District Attorney’s Office.

² 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).”).

³ 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”).

For the foregoing reasons, the Requester's appeal is **transferred** to the Appeals Officer for the DA'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 Bucks 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 that adjudicated this matter, the OOR is not a proper party to any appeal and should not be named as a party.⁴ 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 OOR website at: <https://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: June 17, 2026

/s/ Josh Macel

JOSH MACEL
APPEALS OFFICER

Sent *via* Appeals Portal to: Robert MacConnell; Detective Sergeant Douglas Heiduk (AORO)
Sent *via* Email to: Eric Alcon, Esq., Bucks County DA Office RTKL Appeals Officer

⁴ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).