



# pennsylvania

OFFICE OF OPEN RECORDS

## FINAL DETERMINATION

<b>IN THE MATTER OF</b>	:	
	:	
<b>LAURA CRIMALDI AND THE BOSTON</b>	:	
<b>GLOBE,</b>	:	
<b>Requester</b>	:	
	:	
<b>v.</b>	:	<b>Docket No.: AP 2026-2154</b>
	:	
<b>CITY OF PHILADELPHIA POLICE</b>	:	
<b>DEPARTMENT,</b>	:	
<b>Respondent</b>	:	

On May 19, 2026, Laura Crimaldi and The Boston Globe (collectively “Requester”) submitted a request (“Request”) to the City of Philadelphia Police Department (“City” or “Department”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

Copies of police blotter records from Jan. 1, 2000 to Dec. 31, 2011 concerning any/all calls for service concerning [a specified address]. ...[The Request does not ask] that the City create a record, but merely that the City pull information relating to Robert F. Hughes from its police blotter records.

On June 1, 2026, following a thirty-day extension, 65 P.S. § 67.902(b), the City denied the Request, stating that the requested records are exempt emergency dispatch records, 65 P.S. § 67.708(b)(18)(i), and are exempt from disclosure under the Emergency Communication Services Act (“ECSA”), 35 Pa.C.S. § 5399(c).

On June 2, 2026, the Requester appealed to the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure. The OOR invited both parties to

supplement the record and directed the City to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On June 16, 2026, the City submitted a position statement, reiterating its grounds for denial. The City also argues that the home address contained within the requested records is protected from public access by the constitutional right to privacy, that the disclosure of the responsive records is likely to threaten the personal security of an individual, 65 P.S. § 67.708(b)(1)(ii), that the requested records include facially exempt individually identifiable health information, 65 P.S. § 67.708(b)(5), and that the requested records are exempt from access as criminal or noncriminal investigative records, 65 P.S. §§ 67.708(b)(16)-(17). The City also argued that, while it does not possess “records responsive to the facial terms of the...[R]equest,” it does maintain a “crime blotter” on its website.<sup>1</sup> In support of its position, the City submitted the attestation of its Chief Deputy City Solicitor and the Open Records Officer for the Law Department, Margot Smith, Esq. (“Smith Attestation”). The Smith Attestation describes the Requester’s two previous requests for similar records and addresses the City’s reasons for nondisclosure.

### **LEGAL ANALYSIS**

The City 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 City 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,

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<sup>1</sup> *See* <https://www.phillypolice.com/news/crime-blotter/> (last accessed June 22, 2026).

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)). Likewise, “[t]he burden of proving a record does not exist...is placed on the agency responding to the right-to-know request.” *Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

### **1. The appeal is moot in part**

During the appeal, the City provided a link to its website where it “maintains a ‘crime blotter[,]...which shares pertinent information related to ongoing crimes.’” *See* Smith Attestation, ¶¶ 13-14.

Section 704 of the RTKL provides that “an agency may make its records available through any publicly accessible electronic means,” 65 P.S. § 67.704(a), and that “an agency may respond to a request by notifying the requester that the record is available through publicly accessible electronic means or that the agency will provide access to inspect the record electronically.” 65 P.S. § 67.704(b)(1). However, “[i]f the requester is unwilling or unable to access the record electronically, the requester may, within 30 days following receipt of the agency notification, submit a written request to the agency to have the record converted to paper.” 65 P.S. § 67.704(b)(2). Here, no submission was provided indicating that the Requester is unable or unwilling to access the City’s website. As such, the appeal is dismissed as moot as to the publicly available information. *See Chester Water Auth. v. Pa. Dep't of Cmty. & Econ. Dev.*, 249 A.3d 1106, 1114 (Pa. 2021) (finding that a matter was settled by provision of records, and thus, “the controversy has been mooted”).

### **2. The City reasonably interpreted the Request and properly withheld the responsive records under the ECSA**

The City argues that it interpreted the Request as seeking “a calls for service log related to a given residential address[,]” and that the requested logs are exempt from disclosure under the

ECSA, 35 Pa.C.S. § 5399(c). The Requester argues that the City inaccurately asserts that the Request seeks copies of 911 calls.

***a. The City's interpretation is reasonable***

An agency is permitted to make a reasonable interpretation of the meaning of a request for records.<sup>2</sup> The City argues that it reasonably interpreted the Request as seeking “calls for service log[s]” based on its plain language, explaining that “[t]he calls for service log includes the following information: a district control number associated with a specific incident, the address and premises type (i.e. residential or commercial) of the location, the day and time the call was made, information related to the kind of incident the call involves, and whether arrests were made.” See Smith Attestation, ¶¶ 15-16.<sup>3</sup> Thus, based on the Request’s language and the City’s explanation of a “calls for service log[,]” the City’s interpretation of the records sought is reasonable.

***b. The City properly withheld the responsive records under the ECSA***

The City argues that it properly withheld the responsive “calls for service log[s]” under the ECSA because, “[w]hile [it] regularly provides calls for service logs to commercial properties and other public locations, [it]...does not do so for residential addresses....” The City explains that disclosure is expressly prohibited by the ECSA, which prohibits agencies from releasing “individual identifying information of an individual contacting a 911 center, victim or witness”<sup>4</sup>

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<sup>2</sup> See *Dunbar v. Pa. Office of Att’y Gen.*, No. 670 C.D. 2023, 2024 Pa. Commw. Unpub. LEXIS 494, \*6 (Pa. Commw. Ct. 2024) (citing *In re Melamed*, 287 A.3d 491, 499 n.15 (Pa. Commw. Ct. 2022) (internal citations omitted)).

<sup>3</sup> Under the RTKL, a sworn affidavit or statement made under the penalty of perjury 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). In the absence of any evidence that the City acted in bad faith, “the averments in [the statement] should be accepted as true.” *McGowan v. Pa. Dep’t of Env’tl. Prot.*, 103 A.3d 374, 382-83 (Pa. Commw. Ct. 2014) (citing *Office of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013)).

<sup>4</sup> This identifying information includes home addresses; while it does not normally include the location of the incident, there is an exception when “the location is the caller’s, victim’s or witness’s home address or [when] the disclosure of the location would compromise the identity of the caller, victim or witness.” 35 Pa.C.S. § 5399(c).

in response to requests made under the RTKL. *See* Smith Attestation, ¶¶ 17, 19-25; 35 Pa.C.S. § 5399(a). The Smith Attestation explains that the ECSA “prohibits the release of records in response to...[RTKL] requests that would identify the home address of a 911 caller, victim, or witness” and that, because the Request’s “search parameter was a given residential address,” the responsive logs “would inherently disclose the prohibited information—a home address.” *Id.*, ¶¶ 20-22. Further, the Smith Attestation states that because the Request names “a specific individual, presumably the 911 caller, victim, or witness[,]” and because the ECSA prohibits disclosure of the “exact identity of a 911 caller, victim, or witness[,]” the responsive logs “cannot be redacted of this information because the parameters of the [R]equest—a home address and the identity of a 911 caller, victim, or witness—mean that any responsive record itself reveals the information protected by...the ECSA....” *Id.*, ¶¶ 23-25.

Accordingly, since the Request specifically seeks logs concerning emergency activity at a single residential address with regard to a specific individual, the ECSA prohibits the City from providing the records, because disclosure would necessarily provide the information that the ECSA seeks to protect.<sup>5</sup> *See* 35 Pa. C.S. § 5399(c)(1); 65 P.S. § 67.3101.1; *see also, e.g., Larish v. City of Phila. Law Dep’t*, OOR Dkt. AP 2025-2230, 2025 PA O.O.R.D. LEXIS 2485.<sup>6</sup>

## CONCLUSION

For the foregoing reasons, the appeal is **denied**, and the City is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing

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<sup>5</sup> Since the City demonstrated that the withheld records are exempt from disclosure under the ECSA, the OOR need not address the City’s alternate grounds for denial. *See Jamison v. Norristown Bor. Police Dept.*, OOR Dkt. AP 2011-1233, 2011 PA O.O.R.D. LEXIS 927.

<sup>6</sup> However, this Final Determination does not prohibit the Requester from obtaining time response log information from a larger area, e.g. a cross-street, which may subsume the residential address identified in the Request. *See, e.g., Larish, 2025 PA O.O.R.D. LEXIS 2485; Kalinowski and the Citizen’s Voice v. Luzerne County*, OOR Dkt. AP 2018-0772, 2018 PA O.O.R.D. LEXIS 668 (finding that the County permissibly responded to a request by providing a time response log for all calls in a larger geographical area than the specific home address).

date of this Final Determination, any party may appeal to the Philadelphia 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>7</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: June 24, 2026**

*/s/ Erika Similo*

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ERIKA SIMILO  
APPEALS OFFICER

Sent via portal to:     Laura Crimaldi  
                              Gianna McDevitt, Esq.  
                              Lt Barry Jacobs

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<sup>7</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).