

pennsylvania
OFFICE OF OPEN RECORDS
FINAL DETERMINATION

IN THE MATTER OF :
 :
COLIN DARNEY, :
Requester :
 :
v. : **Docket No: AP 2026-2490**
 :
CARROLL TOWNSHIP POLICE :
DEPARTMENT, :
Respondent :

FACTUAL BACKGROUND

On May 14, 2026, Colin Darney (“Requester”) submitted a request (“Request”) to the Carroll Township Police Department (“Department”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* seeking records related to the Department’s “287(g) agreement” with U.S. Immigration and Customs Enforcement (“ICE”). On June 14, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the Department partially denied the Request. In pertinent part, the Department redacted officers’ names from certain training certificates in response to Part 3(c) of the Request. 65 P.S. § 67.706.

On June 22, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”) challenging the redactions. The Requester identified the “Records at Issue in this Appeal” as “Clarification of training record redactions” and directed the OOR to “See Explanation – AppealExplanation2.docx.” In the Appeal Explanation, the Requester states, “This appeal is

limited to the redaction of officer names from the training certificates produced in response to my request.”¹

On July 23, 2026, the Department submitted a position statement reiterating its grounds for denial. The Department explains that it “produced the responsive certificates but redacted the officers’ names,” and claims “[t]he redactions should be upheld because publicly identifying particular officers as having received specialized training for participation in the 287(g) program would be reasonably likely to create a substantial and demonstrable risk to their personal security. *See* 65 P.S. § 67.708(b)(1)(ii).” In support of its position, the Department submitted the attestation, made subject to 18 Pa.C.S. § 4904, of Chief of Police Thomas Wargo (“Wargo Attestation”).

LEGAL ANALYSIS

The Department 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 Department 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 Department redacted officers’ names from training certificates pursuant to 65 P.S. § 67.708(b)(1)(ii). Section 708(b)(1)(ii) of the RTKL exempts from disclosure a record that “would

¹ The Requester later claimed that his appeal was broader than this, but the Requester has already waived those issues. The parties made several other submissions concerning issues outside the scope of this appeal, which the OOR has refrained from referencing here for brevity.

be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual.” 65 P.S. § 67.708(b)(1)(ii). To establish that this exemption applies, an agency must show: (1) a “reasonable likelihood” of (2) “substantial and demonstrable risk” to a person’s security. *Del. Cnty. v. Schaefer*, 45 A.3d 1149 (Pa. Commw. Ct. 2012). “Reasonably likely” has been interpreted as “requiring more than speculation.” *Carey v. Pa. Dep’t of Corr.*, 61 A.3d 367, 375 (Pa. Commw. Ct. 2013); *see also California Borough v. Rothey*, 185 A.3d 456 (Pa. Commw. Ct. 2018) (holding that an agency must “offer more than speculation or conjecture to establish the security-related exceptions under the [RTKL]”).

Under the RTKL, one method an agency may use in meeting the burden of proof that a record is exempt is a testimonial affidavit, which if “found to be relevant and credible may provide sufficient evidence in support of a claimed exemption.” *McGowan v. Pa. Dep’t of Env’tl. Prot.*, 103 A.3d 374, 381 (Pa. Commw. Ct. 2014) (quoting *Heavens v. Pa. Dep’t of Env’tl. Prot.*, 65 A.3d 1069, 1073 (Pa. Commw. Ct. 2013)). Such “affidavits must be detailed, nonconclusory, and submitted in good faith.” *Office of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013) (*en banc*) (citation omitted). No evidence has been presented to show that the Department acted in bad faith, and therefore the averments in the Department’s attestation should be accepted as true. *Id.*

Here, Wargo Attests that the Department provided nine responsive training certificates.

Wargo Attestation, ¶ 5. Further:

7. The Agency did not redact the fact that officers completed the training, the nature of the certification, the dates of certification, or other information demonstrating that the required training was completed.
8. The Agency has not publicly identified the individual officers who completed the 287(g) training, except to the extent disclosure may have been necessary internally or to ICE for official purposes.

9. The officers who completed the training comprise a limited and identifiable group within the Agency.
10. Disclosure of the officers' names would do more than identify them as Agency employees or police officers. It would specifically associate each named officer with ICE and immigration-enforcement activities under the 287(g) program.
11. Based upon my law-enforcement experience, training, knowledge of current conditions, and familiarity with threats directed toward law-enforcement personnel, publicly identifying the officers who completed 287(g) training would create a heightened risk to those officers and their families.
12. Immigration enforcement and cooperation with ICE are presently the subjects of significant public controversy, hostility, and organized opposition.
13. In forming my professional assessment of the risk presented by disclosure, I have considered publicly documented incidents involving the disclosure or threatened disclosure of personal or identifying information concerning law-enforcement officers, ICE personnel, and other public officials.
14. For example, in September 2025, the United States Department of Justice announced the arrest of an individual accused of maliciously publishing personal and identifying information concerning an ICE attorney. According to the federal criminal complaint described by the Department of Justice, the individual allegedly published the attorney's name, photograph, work location, and other identifying information and encouraged others to confront and harass the attorney.
15. Also in September 2025, federal prosecutors announced charges against individuals accused of publishing personal information concerning an ICE agent following immigration-enforcement activity in Los Angeles. The published information reportedly included information concerning the agent's identity and location and was allegedly disseminated for the purpose of intimidating, harassing, or interfering with the agent in the performance of official duties.
16. In another federal prosecution, individuals were charged with improperly accessing federal law-enforcement databases and obtaining sensitive personal information regarding law-enforcement personnel and other victims. Federal prosecutors alleged that the defendants threatened to publish victims' personal information and used unlawfully obtained information to harass or extort them.

17. The Department of Homeland Security has also publicly warned of the danger created when the names, photographs, employment information, addresses, family information, and other identifying details of federal law-enforcement officers are collected and published online. DHS has stated that such disclosures have been accompanied by threats, harassment, intimidation, and efforts to target officers and their families.
.....
20. Law-enforcement personnel publicly associated with immigration enforcement may be subjected to doxxing, swatting, stalking, harassment, threats, damage to property, or confrontations while on duty or off duty.
21. Doxxing involves the public disclosure or dissemination of identifying or personal information concerning an individual, often for the purpose of facilitating harassment, threats, intimidation, or physical targeting.
22. Swatting involves making a false emergency report for the purpose of causing an armed law-enforcement response to an individual's home or another location associated with that individual.
23. The disclosure of the names requested here would make it easier for persons hostile to ICE or the 287(g) program to identify, research, locate, monitor, or target the participating officers and their family members.
.....
28. The potential harm includes threats or physical confrontations directed toward the officers, harassment of their family members, interference with their personal lives, and efforts to impair their ability to carry out their official duties.

As it relates to training records of law enforcement, the OOR has found that certain training certification records are subject to public disclosure whereas other certification records may be withheld where the agency proves a credible security threat in their disclosure. *See McFalls v. Norristown Police Dep't*, OOR Dkt. AP 2019-0881, 2019 PA O.O.R.D. LEXIS 0827 (finding that certification records relating to undercover law enforcement operations, utilization of confidential informants and specialized weapons training were exempt from disclosure under the security exemptions, while certification records for basic firearms proficiency, marksmanship, ballistics, K-9 utilization and other similar certifications were not exempt); *see also Miller and The Patriot-*

News v. Pa. State Police, OOR Dkt. AP 2015-0814, 2015 PA O.O.R.D. LEXIS 936 (granting access to police training records under Act 120). The OOR finds that the Department submitted credible evidence that threats, doxxing, and other forms of harassment have been directed toward law enforcement charged with enforcing existing federal immigration laws. While there is a clear public interest in the training certifications of law enforcement, the OOR finds that the Department has met its burden of proving that the officers' names on the 287(g) certification records are exempt from disclosure under the RTKL because it poses a likelihood of a substantial and demonstrable risk to the personal security of those officers.² See *Fennell v. Pa. Dep't. of Corr.*, OOR Dkt. AP 2015-1944, 2015 PA O.O.R.D. LEXIS 1687; *Bayne v. New Kensington City*, OOR Dkt. AP 2021-0106, 2021 PA O.O.R.D. LEXIS 176; *Steinheiser v. SEPTA*, OOR Dkt. AP 2022-1908, 2022 PA O.O.R.D. LEXIS 2352. Finally, the OOR recently reached the same conclusion in *Ciavaglia & Bucks Cnty. Courier Times v. Bucks Cnty. Sheriff's Office*, OOR Dkt. AP 2025-2649, 2025 PA O.O.R.D. LEXIS 3175.

CONCLUSION

For the foregoing reasons, the appeal is **denied**, and the Department 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 York 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

² Because the responsive records are exempt from disclosure Section 708(b)(1)(ii) of the RTKL, the OOR need not reach the Department's alternative ground for denying access under 65 P.S. § 67.708(b)(6). See *Jamison v. Norristown Bor. Police Dept.*, OOR Dkt. AP 2011-1233, 2011 PA O.O.R.D. LEXIS 927.

proper party to any appeal and should not be named as a party.³ 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 openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: August 31, 2026

/s/ Josh Macel

APPEALS OFFICER
JOSH MACEL

Sent *via* Appeals Portal to: Colin Darney; Thomas Wargo (AORO); Peter Ruth, Esq.

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