



FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
HEATHER MAILLER,	:	
Requester	:	
	:	
v.	:	Docket No.: AP 2026-3518
	:	
BUCKINGHAM TOWNSHIP	:	
POLICE DEPARTMENT,	:	
Respondent	:	

On August 24, 2026, Heather Mailler (“Requester”) submitted a request (“Request”) to the Buckingham Township (“Township”) Police Department (“Department”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking various records regarding incidents at an identified property address on or after November 22, 2023, including police incident reports, CAD reports and dispatch information, among other items. On August 25, 2026, the Department partially denied the Request, providing portions of the responsive police incident reports and arguing that the remainder of the reports relate to criminal and noncriminal investigations, 65 P.S. §§ 67.708(b)(16)-(17), and are protected from the Criminal History Record Information Act (“CHRIA”), 18 Pa.C.S. §§ 9101 *et seq.*

On August 25, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), challenging the partial denial and stating grounds for disclosure.¹ More specifically, the Requester contends that the Department has failed to prove that records are exempt under Section 708(b)(17) of the RTKL and further argues that the Department has failed to respond to the remainder of the Request seeking CAD reports, dispatch records, and other similar information.² The OOR invited both parties to supplement the record and directed the Department to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c).

On September 8, 2026, the Department submitted the sworn affidavits of Dana Cozza, Esq. (“Cozza Affidavit”), Township Manager and Open Records Officer, and David Scirrotto (“Scirrotto Affidavit”), the Department’s Police Chief and Adjunct Open Records Officer, in support of the Department’s grounds for partially denying the Request. Additionally, the Cozza and Scirrotto Affidavits³ (collectively, the “Affidavits”) identify five police incident reports responsive to the Request, including one report concerning an allegation of “Driving Under the Influence,” which is not at issue in this appeal, and four additional reports involving “Domestic Dispute” incidents.

Section 708(b)(17) of the Right-to-Know Law exempts from disclosure “a record of an agency relating to a noncriminal investigation, including: [i]nvestigative materials, notes,

¹ 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).”).

² In the requested relief section of her appeal statement, the Requester does not challenge the Department’s arguments under Section 708(b)(16) of the RTKL or CHRIA; therefore, any dispute of these issues is waived and will not be further addressed in this Final Determination.

³ Under the RTKL, a sworn affidavit 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 Department has acted in bad faith or that additionally responsive records exist, “the averments in [the Affidavits] should be accepted as true.” *McGowan v. Pa. Dep’t of Envtl. 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)).

correspondence and *reports....*” 65 P.S. § 67.708(b)(17)(ii) (emphasis added). Here, the Affidavits affirm that, following a search for the requested records, four responsive police reports were identified and determined to relate to noncriminal investigations conducted by the Department regarding domestic dispute incidents. Cozza and Scirrotto Affidavits, ¶ 5. Based upon this evidence, as well as our review of the portions of the police reports released to the Requester, copies of which were submitted into the evidentiary record of the appeal, the Department has proven that the withheld portions of the police reports are exempt from disclosure. 65 P.S. § 67.708(a)(1).

With respect to the Requester’s contention that the Department failed to prove that the remaining records do not exist and are subject to public disclosure, the Affidavits explain that the portions of the police reports provided to the Requester include “information that would typically be contained on police blotter plus additional information.” Cozza and Scirrotto Affidavits, ¶ 4. Additionally, Open Records Officer Cozza affirms that neither the Department nor the Township is responsible for maintaining CAD reports, dispatch logs and other similar information and, as a result, do not possess those records. Cozza Affidavit, ¶¶ 11, 13. Instead, the Cozza Affidavit directed the Requester to the County Dispatch Center for CAD reports and dispatch information potentially responsive to the Request. *Id.* at ¶ 11. Based on the evidence provided, therefore, the Department has met its burden of proving that, other than the aforementioned police reports, the Department does not possess additional records responsive to the Request. *Hodges v. Pa. Dep’t of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011); *Campbell v. Pa. Interscholastic Athletic Ass’n*, 268 A.3d 502 (Pa. Commw. Ct. 2021) (noting that an agency need only prove the nonexistence of records by a preponderance of the evidence, the lowest evidentiary standard, and is tantamount to a “more likely than not” inquiry); *see also Pa. Dep’t of Health v. Mahon*, 283

A.3d 929, 936 (Pa. Commw. Ct. 2022) (concluding that, in the absence of countervailing evidence establishing that the agency acted in bad faith or that the requested records exist, averments of nonexistence should be accepted as true).

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, 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 Section 1303 of the RTKL. However, 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.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 website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: September 11, 2026

/s/ Joshua T. Young

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: Heather Mailler;
Dana Cozza, Esq., AORO and Chief David Scirrotto

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