



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 11, 2026

IN RE: *Jose Cruz v. Allentown City Police Department*; OOR Dkt. AP 2026-3697

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, it is determined that the appeal is **DENIED** for the following reason:

The OOR lacks jurisdiction. While the Requester’s records request was directed to the Police Department’s Open Records Officer, the letter states that the records were sought “[u]nder the First Amendment and Common Law Right of Access to Public Judicial Records and Documents” and not the Pennsylvania Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* Therefore, because the records request was not made under the RTKL, the OOR does not have jurisdiction to hear the appeal.¹

For this reason, the Police Department is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with the Lehigh 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. 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.² 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>.

Issued by:

/s/ *Joshua T. Young*

Senior Deputy Chief Counsel
Joshua T. Young, Esq.

Sent via OOR e-file portal to: Requester (Via USPS);
Agency Open Records Officer, Exeter Township (Via E-File Portal)

¹ Additionally, the OOR is not permitted to order the disclosure of the records of judicial agencies, even if they are possessed by a local agency. 65 P.S. § 65 P.S. 67.503(a)-(b); *see also Court of Common Pleas of Lackawanna Co. v. Office of Open Records*, 2 A.3d 810, 813 (Pa. Commw. Ct. 2010) (concluding that “any record produced by a judicial employee is a record of a judicial agency,” and may not be disclosed by the county); *Grine v. Centre Co.*, 138 A.3d 88 (Pa. Commw. Ct. 2016). Because the Request expressly seeks “judicial records” generated by or submitted to the Court of Common Pleas concerning a specific criminal court docket, the OOR would be unable to grant access to the records.

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).