



FINAL DETERMINATION

DATE ISSUED AND MAILED: October 9, 2026

IN RE: *Darwin Leuba v. West York Borough Police Department*, OOR Dkt. AP 2026-4000

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, as well as the parties’ submissions, the appeal is **DENIED** because:

Responsive records do not exist. On October 1, 2026, the West York Borough (“Borough”) Police Department (“Department”) submitted an attestation made subject to the penalties of unsworn falsification to authorities, 18 Pa.C.S. § 4904, authored by Matthew J. Millsaps (“Millsaps Attestation”), the Department’s Chief of Police. The Chief of Police attests that a search was conducted within the Borough and Department’s financial and accounting records and the Department’s email system. Millsaps Attestation ¶ 8. As explained by the Department, the Department is one of the few 287(g) agencies that does not maintain, prepare or retain any of the records sought in the Request, as those records reside on U.S. Immigration and Customs Enforcement’s federal system, which cannot be accessed by the Department. Millsaps Attestation ¶¶ 10, 11, 12. As a result of the Department’s search, no responsive records exist in the Department’s possession, custody or control. *Id.* Based upon this evidence, the Department demonstrated that it conducted a good faith search for responsive records as required by 65 P.S. § 67.901 and, as a result of the search, no responsive records were located. Therefore, based on the evidence provided, the Department has met its burden of proof that it does not possess responsive records. *Hodges v. Pa. Dep’t of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

For this reason, the Department is not required to take any further action. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with 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 proper party to any appeal and should not be named as a party.¹ 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/ Bandy L. Jarosz

BANDY L. JAROSZ, ESQ., APPEALS OFFICER

Sent via portal only to: Darwin Leuba; Robert Gavin, Esq.; Nancy Love

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).