



FINAL DETERMINATION

DATE ISSUED AND MAILED: October 16, 2026

IN RE: *Darwin Leuba v. Mt. Carmel Borough Police Dep't*, OOR Dkt. AP 2026-4014

On July 29, 2026, Darwin Leuba (“Requester”) submitted a request (“Request”) to the Mount Carmel Borough Police Department (“Department”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking records related to the credentialing of police officers to participate in the federal Section 287(g) program concerning immigration and homeland security. On August 27, 2026, after invoking an extension of time to respond, the Department denied the Request based on the personal security and public safety exemptions, 65 P.S. §§ 67.708(b)(1)(ii); 67.708(b)(2) 65 P.S. § 67.902(b)(2). On September 18, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”).

On October 5, 2026, in response to the OOR’s correspondence indicating that the appeal record had closed on October 1, 2026, without a submission from the Department, the Department sought an extension of the evidentiary record deadline. The OOR granted an extension for all parties until October 13, 2026. To date, we have not received an appeal submission from the Department.

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, the Department did not comply with the RTKL by participating on appeal by submitting legal argument or evidence in support of withholding records. Accordingly, the Department did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, and the Department is required to provide the requested records to the Requester within thirty days. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Northumberland County Court of Common Pleas. 65 P.S. § 67.1302q (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/ Kelly C. Isenberg

KELLY C. ISENBERG, ESQ.
DEPUTY CHIEF COUNSEL

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

Sent via OOR E-file Portal to: Darwin Leuba; Michael B. Smith, Esq.; Ed Cuff III, AORO