Pennsylvania
Office of Open Records

Pennsylvania Office of Open Records
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# FINAL DETERMINATION

DATE ISSUED AND MAILED: November 6, 2026

IN RE: *Scott Sombers v. Pocono Mountain Reg. Police Dep't*, OOR Dkt. AP 2026-4485

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 OOR finds as follows:

**Incident reports are exempt from disclosure.** The Request submitted to the Pocono Mountain Regional Police Department ("Department") seeks records relating to two separate incidents. Although the Department did not make a submission[1] during the appeal, Section 708(b)(17) of the Right-to-Know Law ("RTKL") exempts from disclosure "a record of an agency relating to a noncriminal investigation, including … [i]nvestigative materials, notes, correspondence and *reports*…." 65 P.S. § 67.708(b)(17)(ii) (emphasis added). Therefore, based upon the face of the Request, as well as the Requester's statement describing the respective incidents, any responsive incident reports may be withheld. *See Pa. Game Comm'n v. Fennell*, 148 A.3d 101 (Pa. Commw. Ct. 2016) (holding that the OOR must consider uncontradicted statements contained in the appeal as evidence); *Office of the Governor v. Davis*, 122 A.3d 1185, 1194 (Pa. Commw. Ct. 2015) (*en banc*) (finding that an affidavit may be unnecessary when an exemption is clear from the face of the record). However, insofar as the Department possesses other records sought in the Request (i.e., police blotter information, CAD/dispatch records, time response information, etc.), the Department has failed to submit evidence establishing that this information is investigatory in nature and can, therefore, be withheld under Section 708(b)(17).[2] 65 P.S. § 67.708(a)(1). Accordingly, the information must be provided.

For this reason, the appeal is **granted in part** and **denied in part**, and, within thirty days, the Department is required to provide responsive records, as described above. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Monroe 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. 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*

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: Scott Sombers; Flurry Berry, AORO

[1] On several occasions, the Department's staff logged into the OOR's e-file portal system and viewed the appeal documents.
[2] Notably, the RTKL does not prohibit the disclosure of police blotter and time response information. *See* 65 P.S. § 67.708(b)(16); 65 P.S. § 67.708(b)(18)(i).