pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
VERNON DWAINE ROBINSON,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-4002**
	:	
DELAWARE COUNTY,	:	
Respondent	:	

On July 24, 2026, Vernon Dwaine Robinson ("Requester") submitted a request ("Request") to Delaware County ("County") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking the following records from November 15-17, 2025, concerning a specific traffic stop, vehicle seizure and towing involving East Lansdowne Borough Police Officer Todd A. Olin and a 2016 Audi Q, identified as Incident Number 25-001492:

> [Item] 1. All computer-aided dispatch (CAD) records, event chronologies, calls-for-service records, and incident detail reports concerning the above incident.
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> [Item] 2. All audio recordings and logs of radio transmissions between Delaware County Emergency Communications and East Lansdowne Borough Police (including Officer…Olin or his assigned radio unit) concerning the above incident.
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> [Item] 3. All audio recordings and logs of telephone communications between Delaware County Emergency Communications and East Lansdowne Borough Police (or Officer Olin) concerning the above incident, including any communication requesting, authorizing, or arranging the towing of the vehicle described above.

> [Item] 4. All records reflecting the dispatch, request, or assignment of a towing or storage service (including Marshall Road Auto Repair, Inc.) in connection with the above incident.
>
> [Item] 5. To the extent maintained by the County, any records reflecting queries made by East Lansdowne Borough Police personnel through County-facilitated law-enforcement information systems (e.g., NCIC, CLEAN, JNET, or PennDOT) in connection with the above incident, and the results of any such queries.
>
> [Item] 6. Records sufficient to identify each telecommunicator, dispatcher, or other County employee who handled or entered information concerning the above incident.
>
> [Item] 7. Any recordings or transcripts of 911 or non-emergency telephone calls received or made in connection with the above incident.

Requester Appeal, p. 10.

On July 29, 2026, the County invoked a thirty-day extension to respond; however, as the County did not respond within the extension period, the Request was deemed denied on August 31, 2026. *See* 65 P.S. § 67.902(b)(2).[1]

On September 18, 2026, the Requester appealed to the Office of Open Records ("OOR"), arguing that the Request was deemed denied and stating grounds for disclosure. Specifically, he argues that CAD entries, CAD time response logs, tow dispatch records, database-query logs and telecommunicator identities are not exempt under 65 P.S. § 67.708(b)(18), and that the criminal investigative records exemption of the RTKL, 65 P.S. § 67.708(b)(16), does not apply. He further asserts, in part, that the public interest in any responsive audio recordings weighs in favor of disclosure under 65 P.S. § 67.708(b)(18)(ii). The OOR invited both parties to supplement the record and directed the County to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

[1] Because the thirtieth day of the extension period fell on Sunday, August 30, 2026, the County had until the next business day, or Monday, August 31, 2026, to respond to the Request.

On September 30, 2026, the County submitted a position statement, acknowledging that the Request was deemed denied and further arguing, in part, that no records responsive to Items 5 and 6 of the Request exist, and that the responsive audio files and the CAD event logs are exempt under 65 P.S. § 67.708(b)(18) and/or Section 5399(a.1) of the Emergency Communication Services Act ("ECSA"), 35 Pa.C.S. §§ 5301-5399. In support of its position, the County submitted the attestation of its Agency Open Records Officer ("AORO"), Leah Lewis ("Lewis Attestation I").[2]

In response, on October 1, 2026, the Requester made three submissions, including a verified position statement, reiterating his previous arguments and further asserting, in part, that the responsive records are not exempt under the ECSA, and that they are subject to the redaction provisions of 65 P.S. § 67.706.[3,4]

On October 6, 2026, the OOR directed the County to file supplemental evidence and clarification concerning its search and the responsive records.

That same day, the Requester filed a verified supplemental submission, challenging the sufficiency of the County's search and reiterating, in part, his previous arguments.[5]

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[2] The County's position statement pertains to a ten item "Subpoena to Produce Documents and Things issued under Pa.R.C.P. 4009.22" ("Subpoena"), which was allegedly served on the County's Department of Emergency Services on August 21, 2026 in *Robinson v. East Lansdowne Borough, et al*., No. CV-2025-011182 (Delaware Cnty. C.C.P.). *See* October 6, 2026 Requester Supplemental Submission, pp. 1-2, 6-9. However, on October 8, 2026, the County provided clarification regarding what records are responsive to the Request and its bases for denial. Because the Subpoena is not actually at issue in this matter, it, and the County's responses concerning such, will not be further addressed in this Final Determination.

[3] The Requester also states that he "has no interest in any private individual's name, telephone number, address or voice, and consents to the redaction of all such information." October 1, 2026 Requester Position Statement, p. 3.

[4] The Requester's October 1, 2026 submissions were received after the deadline imposed by the OOR; however, they were still considered to further the appeal record. *See* 65 P.S. § 67.1102(b)(3) (stating that "the appeals officer shall rule on procedural matters on the basis of justice, fairness, and the expeditious resolution of the dispute"). Although the Requester asks the OOR to conduct *in camera* review, we decline to do so because we have the necessary information and evidence before us to adjudicate this matter.

[5] Upon the agreement of the Requester, the OOR extended the deadline for the issuance of the Final Determination in this matter to November 13, 2026. *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)").

On October 8, 2026, in response to the OOR's inquiry, the County filed the second attestation of Ms. Lewis ("Lewis Attestation II"), which indicates, in part, that the County is unwilling to release the responsive records without a court order "to make sure it is not violating the statute."[6]

Based upon my review of the appeal and evidence, I make the following conclusions of law and findings of fact:

- Ms. Lewis conducted the search by inquiring with the most likely custodian, Charles Brooks, who is the Records Manager at Delaware County Emergency Services. *See* Lewis Attestation II, ¶ 5. Mr. Brooks was provided both the Request and the Subpoena for "nearly identical information with a different numbering system[,]" and he searched his computer system for any responsive records. *Id.* As a result, sixteen radio transmissions and a CAD Event Log, which are responsive to Items 1-4 of the Request were located. *Id.* at ¶¶ 8, 10. However, Ms. Lewis and Mr. Brooks determined that no records responsive to Items 5 and 6 exist. *Id.* at ¶ 7. Although the County also asserts that the aforementioned records are also responsive to Item 7, the County's attestations affirm that no records responsive to that Item actually exist because "[t]here are no 911 or non-emergency telephone calls related to this [R]equest." *Id.* at ¶ 10. Accordingly, the County has established, by a preponderance of the evidence, that a good faith search was conducted pursuant to the requirements of 65 P.S. § 67.901,[7] and that other than the above-mentioned radio

[6] Both of the County's attestations and the Requester's position statements are made pursuant to 18 Pa.C.S. § 4904.
[7] Under 65 P.S. § 67.901, "an agency shall make a good faith effort to determine if the record requested is a public record…and whether the agency has possession, custody or control of the identified record").

transmissions and CAD Event Log, no additional responsive records exist within the possession, custody or control of the County.[8,9]

- The County was permitted to withhold most of the responsive information under 65 P.S. § 67.708(b)(18).[10] The Request expressly seeks "CAD records" and audio recordings and logs of radio transmissions between County Emergency Communications and the East Lansdowne Borough Police Department ("Department") regarding a certain traffic stop, vehicle seizure and towing. *See Pa. Game Comm'n v. Fennell*, 149 A.3d 101 (Pa. Commw. Ct. 2016) (explaining that the OOR must consider uncontradicted statements contained in the appeal as evidence). The County's attestations affirm that the sixteen responsive radio transmissions and the CAD Event Log are associated with that incident. *See* Lewis Attestation I, ¶¶ 7, 9; Lewis Attestation II, ¶¶ 9-11. The Requester argues, in part, that he was involved in the incident, that the vehicle has been withheld for more than ten months and that the "dispatch entries and recordings are the only contemporaneous record of who requested" the tow and why.[11] However, Section 708(b)(18)(ii) clearly vests the discretion

[8] *See, e.g., Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011); *Pa. Dep't of Health v. Mahon*, 283 A.3d 929, 936 (Pa. Commw. Ct. 2022) (explaining that "[i]t is questionable to what degree additional detail and explanation are necessary to establish the nonexistence of a record rather than its exemption from disclosure….").
[9] The OOR makes no determinations as to whether any additional responsive records *should* exist, as our inquiry is limited to only whether or not records are "in existence and in possession of the…agency at the time of the right-to-know request." *Moore v. Off. of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010); *see also* 65 P.S. § 67.705.
[10] Section 708(b)(18)(i) exempts from disclosure "[r]ecords or parts of records, *except time response logs*, pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings." 65 P.S. § 67.708(b)(18)(i) (emphasis added). The Commonwealth Court has explained that "time response logs must contain the time of the request for service, the address or cross-street information, and when the responder arrived at the scene." *County of York v. Pa. Off. of Open Records*, 13 A.3d 594, 602 (Pa. Commw. Ct. 2011). The OOR has previously found that 911 dispatch/call logs and CAD reports, except for the time response log information contained therein, may be exempt under Section 708(b)(18)(i) of the RTKL, whether or not they contain any actual transcriptions of the call. S*ee, e.g., Perrong v. Phila. Police Dep't*., OOR Dkt. AP 2023-1486, 2023 PA O.O.R.D. LEXIS 1804; *Vurimindi v. Phila. Police Dep't*, OOR Dkt. AP 2017-1662, 2017 PA O.O.R.D. LEXIS 1459.
[11] The Requester's identity and motivation for seeking the records are irrelevant in determining whether the records are accessible under the RTKL. *See e.g., Hunsicker v. Pa. State Police*, 93 A.3d 911, 913 (Pa. Commw. Ct. 2014); *Cafoncelli v. Pa. State Police*, 2017 Pa. Commw. Unpub. LEXIS 405, *9-10 (Pa. Commw. Ct. June 5, 2017) (citations omitted) ("Under the RTKL, a record is either available to the public at large as a public record or it is shielded from disclosure").

to determine whether the public interest in disclosure of these records, but for the "time response log" information, outweighs the interest in nondisclosure with the County and the courts, and it does not permit the OOR to overrule that discretion. *See* 65 P.S. § 67.708(b)(18)(ii); *see also Yaninel v. Dauphin Cnty.*, OOR Dkt. AP 2026-1365, 2026 PA O.O.R.D. LEXIS 1592. Accordingly, but for any "time response log" information contained within the CAD Event Log, the County was established that it was permitted to withhold the responsive radio transmissions and the CAD Event Log because they are expressly exempt under 65 P.S. § 67.708(b)(18).

- The County has failed to show that any "time response log" information contained within the responsive CAD Event Log is protected by 35 Pa.C.S. § 5399(a.1). The ECSA "relates to emergency telephone services[,]" and pursuant to Section 5399(a), the agency or a Public Safety Answering Point ("PSAP")[12] "may not release individual identifying information of an individual contacting a 911 center, victim or witness[,]" including but not limited to "voice, video and data provided through the use of next generation 911 technology or other forms of communication." 35 Pa.C.S. §§ 5301, 5399. Section 5399(a.1) further provides that "[a] call processing record created by a PSAP shall be confidential, and the agency may not release the call processing record."[13] 35 Pa.C.S. § 5399(a.1). However nothing in Section 5399(a.1) "shall be construed to rescind the duty of a PSAP to comply with the [RTKL]." *Id.* Here, the County's attestations indicate that the CAD Event Log, which consists of "three documents containing information regarding the CAD event for the

[12] A PSAP is defined as "[t]he agency-approved entity that receives 911 communications from a defined geographic area and processes those calls according to a specific operational policy. The term shall refer to a county or county-based regional 911 system." 35 Pa.C.S. § 5302.

[13] "Call processing record" is defined as "[a]record stored in a next generation 911 technology database that derived from the PSAP call handling equipment and next generation 911 technology, which may include transactional call details, caller personal identifiable information or caller location data associated with a request for assistance." 35 Pa.C.S. § 5302.

traffic stop[,]" is "maintained and generated by the…PSAP…, and therefore constitutes a confidential PSAP call-processing record[.]" Lewis Attestation I, ¶¶ 7, 9; Lewis Attestation II, ¶¶ 9-11.[14] However, as previously noted, the County's attestations also affirm that "[t]here are no 911 or non-emergency telephone calls related to this [R]equest[;]" instead, the incident involved radio transmissions between Delaware County Emergency Communications and the Department. Lewis Attestation II, ¶ 10. Accordingly, based on the facts presently before the OOR, the County has failed to establish, by a preponderance of the evidence, that any "time response log" information contained within the CAD Event Log is made confidential by 35 Pa.C.S. § 5399(a.1).

For the foregoing reasons, the appeal is **granted in part** and **denied in part**, and the County is required to provide the responsive "time response log" information, to the extent that it exists within the CAD Event Log, to the Requester within thirty days, or in the alternative, a sworn affidavit or a statement made under the penalty of perjury demonstrating that no such "time response" log information exists. *See* 65 P.S. § 67.705. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Delaware 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.[15] All documents or communications following the

[14] In its position statement, the County further argues that the "CAD event log…is an incident level record created by the PSAP's emergency communication/CAD system in the course of receiving, processing, dispatching, documenting[] and closing the emergency communication[,]" and that it "documents the sequence of events associated with the processing of a particular emergency communication." September 30, 2026 County Position Statement, p. 2.

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

issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the OOR website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: November 12, 2026

/s/ Megan Burns

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MEGAN BURNS
APPEALS OFFICER

Sent via OOR Portal to: Vernon Dwaine Robinson; Leah Lewis, AORO; Kailie Melchior, Esq. and Meghan Byrnes, Esq.