pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
TRISTIAN DIETRICK,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-4797**
	:	
WASHINGTON COUNTY,	:	
Respondent	:	

FACTUAL BACKGROUND

On October 28, 2026, Tristian Dietrick ("Requester") submitted a request ("Request") to the Washington County ("County") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking:

> All records in the possession, custody, or control of Washington County (the "County")—including any and all of its divisions, agencies, and employees, including but not limited to the Department of Public Safety and the 911 Communications/Emergency Dispatch Center—related to and/or associated with the incident and alleged trespass (the "Incident") that occurred on Thursday, September 10, 2026, between approximately 9:00 a.m. and 12:00 p.m., at or near 526 Lake Road, West Alexander, Pennsylvania, 15376 (the "Property"), involving Travis Horn and Clay Graham, including but not limited to the following:
>
> (1) All audio recording, summaries, written notations, or transcripts of any 911 calls placed related to and/or associated with the Incident, including but not limited to calls by Mr. Horn, Mr. Graham, and/or from telephone number (724) 678-8738, on the date of the Incident;

> (2) All ANI/ALI (caller location and number) data, call detail records, and/or telephone/phone system logs and/or time response logs related to any 911 calls placed related to and/or associated with the Incident;
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> (3) All Computer-Aided Dispatch (CAD) records, event chronology/history, call-taker and dispatcher narrative and comments, unit assignment, dispatch, en route, on-scene, and clear timestamps, nature/call-type codes, priority codes, disposition codes, and any premise or hazard notes related to and/or associated with the Incident;
>
> (4) All audio recordings and/or logs of radio transmissions between dispatch and any responding unit or agency, including Pennsylvania State Police and the Donegal Township Police Department, relating to and/or associated with the Incident;
>
> (5) All records and/or documents related to communications between the County's dispatch center and the Pennsylvania State Police or Donegal Township Police Department about the Incident, including teletype, mobile data terminal (MDT/MDC) messages, inter-agency transfers, emails, and text messages;
>
> (6) All records and/or documents associated with Citation No. 73-0891261 and/or Magisterial District Docket No. MJ-27310-NT-0000505-2026, and any associated incident or reference numbers, including RT-505-26 and 0891-26.

On October 15, 2026, the County partially granted the Request, providing certain responsive records, and partially denied the Request, arguing that certain records consist of exempt 911 call material and that certain records contain personal identification information. *See* 65 P.S. §§ 67.708(b)(18), (6)(i)(A).

On October 23, 2026, the Requester appealed to the Office of Open Records ("OOR"), challenging the denial and stating grounds for disclosure. 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).

On November 6, 2026, the County submitted a position statement reiterating its grounds for denial. In support of its position, the County submitted attestations made under the penalty of perjury from Chief Clerk/ Right to Know Law Officer Cynthia Griffin ("Griffin Attestation") and

Washington County Department of Public Safety's Deputy Director/ 911 Coordinator Scott Dolan "Dolan Attestation").

LEGAL ANALYSIS

The County is a local agency subject to the RTKL. 65 P.S. § 67.302. Records in the possession of a local agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the County is required to demonstrate, "by a preponderance of the evidence," that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as "such proof as leads the fact-finder … to find that the existence of a contested fact is more probable than its nonexistence." *Pa. State Troopers Ass'n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep't of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

1. The audio recordings requested are exempt from disclosure under Section 708(b)(18) of the RTKL.

In this matter, the County asserts that information in Items 1 and 4, specifically audio recordings, are exempt from disclosure under Section 708(b)(18) of the RTKL. The Requester argues that the County failed to determine whether the public interest in disclosure outweighs the interest in nondisclosure. Section 708(b)(18)(ii) exempts "records or part 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).

However, "[t]his paragraph shall not apply to a 911 recording, or a transcript of a 911 recording, if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure." 65 P.S. § 67.708(b)(18)(ii). The discretion to make this determination whether to release 911 recordings lies with the agency itself and the court system; therefore, the

OOR may not disturb the County's decision to withhold the requested 911 call recording rather than exercising its discretion to release them consistent with Section 708(b)(18)(ii). *See, e.g., Bedi v. Butler County*, OOR Dkt. AP 2024-1969, 2024 PA O.O.R.D. LEXIS 2072; *Long v. York County*, OOR Dkt. AP 2025-1402, 2025 PA O.O.R.D. LEXIS 1392 (county not required to exercise discretion to release 911 recordings for legal defense in custody dispute).

Mr. Dolan, the custodian for the requested audio recordings, attests that the County has determined that it should not release them in response to an RTKL request. Dolan Attestation, ¶4. The County's evidence demonstrates that it is not exercising its discretion to release the audio recordings to the Requester. As noted above, the OOR cannot overrule the County's determination of whether the public interest favors disclosure or not; only the County or a court may make that determination.

2. The County demonstrated that no additional responsive records exist in its possession, custody or control.

The County asserts that no additional responsive records exist in its possession, custody or control. In response to a request for records, "…an agency shall make a good faith effort to determine…whether the agency has possession, custody or control of the identified record[.]" 65 P.S. § 67.901. While the RTKL does not define the term "good faith effort," in *Uniontown Newspapers, Inc. v. Pa. Dep't of Corr*., the Commonwealth Court stated:

> As part of a good faith search, the open records officer has a duty to advise all custodians of potentially responsive records about the request, and to obtain all potentially responsive records from those in possession…When records are not in an agency's physical possession, an open records officer has a duty to contact agents within its control, including third-party contractors…After obtaining potentially responsive records, an agency has the duty to review the records and assess their public nature under…the RTKL.

185 A.3d 1161, 1171-72 (Pa. Commw. Ct. 2018) (citations omitted), aff'd, 243 A.3d 19 (Pa. 2020). An agency must show, through detailed evidence submitted in good faith from individuals with knowledge of the agency's records, that it has conducted a search reasonably calculated to uncover all relevant documents. *See Burr v. Pa. Dep't of Health*, OOR Dkt. AP 2021-0747, 2021 PA O.O.R.D. LEXIS 750; *see also Mollick v. Twp. Of Worcester*, 32 A.3d 859, 875 (Pa. Commw. Ct. 2011).

On November 2, 2026, the County submitted a sworn attestation made under the penalty of perjury from Cynthia Griffin ("Griffin Attestation"), the County's Chief Clerk and Open Records Officer, who attests that a search was conducted and that no responsive records exist in the County's possession, custody or control. Ms. Griffin contacted the County's Public Safety/911 Communications/Emergency Dispatch Center, which is responsible for all requested documents, and conducted a search through all county files. Griffin Attestation, ¶5. Based upon this evidence, the County demonstrated that it conducted a good faith search for responsive records as required by 65 P.S. § 67.901 and did not locate any. Therefore, the County has met its burden of proof that it does not possess any additional responsive records. *Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

3. The County's redactions of telephone numbers were proper.

The Requester argues that the responsive record that was provided, the Computer-Aided Dispatch ("CAD") printout, has unexplained redactions. Section 708(b)(6)(i)(A) of the RTKL exempts from disclosure "[a] record containing all or part of a person's Social Security number, driver's license number, personal financial information, home, cellular or personal telephone numbers, personal e-mail addresses, employee number or other confidential personal identification number." 65 P.S. § 67.708(b)(6)(i)(A). However, organizational email addresses and phone

numbers that have been held out to the public are not exempt under the RTKL. See, e.g., *Pa. State Syst. of Higher Educ. v. The Fairness Ctr*., No. 1203 C.D. 2015, 2016 Pa. Commw. Unpub. LEXIS 245 (Pa. Commw. Ct. 2016); *Shepherd v. Pa. Off. of the Governor*, OOR Dkt. AP 2025-1185, 2026 PA O.O.R.D. LEXIS 884.

Here, the County redacted personal telephone numbers from the CAD printout. These telephone numbers are facially exempt, and there is no indication in the record that the redacted information has been held out to the public. Therefore, the County properly redacted personal telephone number information from responsive records. P.S. § 708(b)(6)(i)(A) of the RTKL.

CONCLUSION

For the foregoing reasons, the appeal is **denied**, and the County is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Washington 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 OOR website at: http://openrecords.pa.gov.

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

FINAL DETERMINATION ISSUED AND MAILED: November 19, 2026

/s/ Taylor T. Clark, ESQ.

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TAYLOR T. CLARK, ESQ.
APPEALS OFFICER

Sent via portal: Tristian Dietrick; Cynthia Griffin (AORO)