

**Upper Saucon Township Police Department
Standard Operating Procedure**

Chapter #4

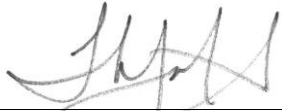
NO: 4-03

Pennsylvania Right To Know Act

Effective Date: March 2006

Revised Date: January 31, 2009; September 1, 2017; May 19, 2022

Distribution: All Personnel



Chief of Police

This Order consists of the following PLEAC Sections:

4.1.12 PA Right To Know Act Procedures

Purpose

The Upper Saucon Township Police Department is a public agency and subject to the provisions of the Pennsylvania Right to Know Act, Act 3 of 2008 as signed by Gov. Edward G. Rendell on February 14, 2008 and effective on January 1, 2009. The Police Department recognizes that certain information is public record and, as such, may be released to the public in a manner that does not compromise the effectiveness or operations of the agency. The Police Department also recognizes that it is not obligated to keep or create separate databases to comply with the provisions of the Right to Know Act.

Policy

It shall be the policy of the Upper Saucon Township Police Department to comply with the Pennsylvania Right to Know Act in accordance with this order.

Definitions

- A.** Police Blotter- A chronological listing of arrests of adult persons by the Police Department for a given time period, which may include, but is not limited to, the name and address of the individual charged and the alleged offense(s).
- B.** Investigative Report - A document that contains details of a police investigation of an incident gathered by an officer as a result of his/her investigation of the incident.
- C.** Accident Report - A motor vehicle collision report as required in accordance with the Pennsylvania Motor Vehicle Code, Title 75.
- D.** Public Record - A record of a Commonwealth or Local Agency that is not exempt under section 708 of the Pennsylvania Right to Know Act; is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or is not protected by a privilege.
- E.** Local Agency – Any local, intergovernmental, regional, or municipal agency, authority, council, board, commission, or similar governmental entity. The Upper Saucon Township Police Department is a “Local Agency”.

Requests for Public Records

- A.** All requests for public records shall be made in writing by a legal resident of the United States to the Upper Saucon Township Police Department on the Commonwealth Right-To-Know request form. Written requests must identify or describe the records sought with sufficient specificity to enable the

Police Department to ascertain which records are being requested and should include the name and address to which the Police Department should address its response.

- B.** The Chief of Police, or his designee, shall be the Open Records Officer for the Police Department.
- C.** The Police Department will only accept requests submitted in person during normal business hours, by mail, by e-mail, or by facsimile.
 - 1. Requests for records of the Police Department shall be addressed to:
Upper Saucon Township Police Department
5500 Camp Meeting Road
Center Valley, PA 18034
 - 2. Requests by email can be sent to pdinfo@ustpd.org
 - 3. Requests by facsimile can be sent to (610)282-0345
- D.** Proof of residency may be requested.

Responses to Requests for Records

- A.** The Open Records Officer shall review all written requests for access to public records maintained by the Police Department and make a determination if the record requested is a public record and whether the agency has possession, custody, or control of the identified record.
- B.** Within five (5) business days from the date the request is received, the Open Records Officer shall:
 - 1. Provide the public record(s) requested.
 - 2. Send a written notice that the public record(s) cannot be provided within five (5) business days. The notice shall include a statement notifying the requestor that the request is being reviewed, reason for the review, a reasonable date that a response can be expected, and an estimate of applicable fees owed when the record becomes available. If the date of the expected response is in excess of thirty (30) days, in addition to the five (5) business days allotted above, the request shall be deemed denied unless the requestor has agreed in writing to an extension to the date specified in the notice. If the requestor agrees to an extension and the agency does not provide a response by the specified date, the request shall be deemed denied on the day following the specified date.
 - 3. Deny the request by notifying the requestor in writing. The denial notice shall include a description of the record requested, specific reasons for the denial, including a citation of supporting legal authority, name, title, business address, business phone number, and signature of the Open Records Officer denying the request, date of the response, and procedure to appeal the denial under the Right to Know Act.

Appeals Process

- A.** When a written request for public records is denied, the requestor may file a written appeal within fifteen (15) days of the mailing date of the denial notification.
- B.** Appeals shall include a copy of the Right to Know request, a copy of the agency's response (or a notation that the request was "deemed denied"), a written statement explaining the grounds on which the requester asserts that the record is a public record, and a written statement addressing any grounds stated by the agency for denying the request.
- C.** Appeals regarding criminal investigative matters shall be made to the Office of the District Attorney, 455 W. Hamilton Street, Allentown, PA 18101.

D. Appeals regarding all other records shall be made to the Pennsylvania Office of Open Records in one of the following methods.

1. Online at www.openrecords.pa.gov/
2. By email openrecords@pa.gov
3. By facsimile at (717)-425-5343
4. By mail to 333 Market Street, 16th Floor, Harrisburg, PA 17101
5. In person at 333 Market Street, 16th Floor, Harrisburg, PA 17101 during normal business hours.

Public Record Dissemination

A. A complete list of exceptions limiting access to public records is provided for in section 708 of the Pennsylvania Right to Know Act.

B. The following records are “Public Records” under the Pennsylvania Right to Know Act.

1. Police Blotter information (limited to the following):
 - a. Date of call for service
 - b. Type of call for service
 - c. Name of person arrested
 - d. Address of person arrested
 - e. Type of charge
 - f. Investigating officer badge number
2. Accident reports may be released to any person involved in the accident, his or her attorney, or his or her insurer, and in accordance with the Pennsylvania Vehicle Code, Title 75 3751(b).
3. Information which may be released to the media in accordance with Upper Saucon Township Police Policy 4-04 - Media Information Release Procedure.

C. The following records are not “Public Records” under the Pennsylvania Right to Know Act.

1. Records related to or resulting in a criminal investigation.
2. Records related to or resulting in a non-criminal investigation.
3. Investigative accident reports where criminal charges may be pending against any person involved in the accident, unless the production of the report is required as governed by the Pennsylvania Rules of Criminal Procedure.
4. Records containing information that could jeopardize or threaten the personal security of any person(s).
5. Records containing information that could jeopardize or threaten public safety.
6. A record containing personal identification information other than a person’s name or address. No information will be released about a person performing an undercover or covert law enforcement activity.
7. Personnel Records.
8. Any and all records that do not fall under the definition of a “Public Record”.
9. Information protected by the Health Insurance Portability and Accountability Act (HIPA).
10. Victim information, which cannot be released pursuant to law (PA Law, 42 PA C.S. Sec. 5988). This information includes but is not limited to: child victims, sexual or physical abuse victims, and closed records such as complaints or arrest warrant affidavits revealing the names of victims.
11. Unless a charge of delinquency is transferred for criminal prosecution under section 6355 of the Juvenile Act, or the court otherwise orders, the records and files of a juvenile shall not be open to public inspection or their contents disclosed to the public.
12. Criminal History Information.

- D.** Investigative records are not public records and will not be released pursuant to the Right to Know Act.
- E.** Redaction of non-public information will occur when this information is attached to a document containing other public information.
- F.** The Police Department is not obligated to provide access to records, which do not fall under the definition of a “Public Record”, as defined in the Pennsylvania Right to Know Act.
- G.** When responding to a request for access to public records , the Police Department shall not be required to create a public record, which does not currently exist, or to compile, maintain, format or organize a public record in a manner in which the Police Department does not currently compile, maintain, format, or organize the public record.
- H.** A public record shall be provided to a requester in the medium requested if available; otherwise, it shall be provided in the medium in which it exists.
- I.** Police Personnel may not limit the number of public records which may be made available for inspection or duplication that are regulated according to this policy under the authority of the Right to Know Act.
- J.** Police Personnel may not require the purpose or motive in requesting access to records, which are public records.

Fees

The following fees will be charged to the requestor if written request for records is granted:

- A. Photocopying Per Page**
 - 1.** 8 ½” x 11”.....\$0.25
 - 2.** 8 ½” x 14”.....\$0.30
 - 3.** 11” x 17”.....\$0.50
- B. Formatted Computer Disk**.....\$3.00
- C. Accident Reports (per copy)**.....\$10.00
- D. Postage or express mail charges to respond to request** Actual cost
for public record by forwarding records to requestor.....incurred by Township
- E. Reproduction of record by third party when** Actual cost
Township does not have necessary equipment.....incurred by Township
- F.** In the event the estimated cost of fulfilling a request submitted under this policy exceeds one hundred dollars (\$100.00), the Open Records Officer shall obtain an amount of approximately fifty percent (50%) of the estimated payment in advance of fulfilling the request to avoid unwarranted expense of Township resources.
- G.** Fees must be paid by cash, certified check, or money order payable to:
Upper Saucon Township Police Department.

Policy Posting

The Upper Saucon Township Police Department shall conspicuously post the policy set forth and such policy may be made available by electronic means.