

**WESTTOWN-EAST GOSHEN POLICE DEPARTMENT
GENERAL ORDERS**



ORDER #: 4.7

OF PAGES: 7

SUBJECT: PUBLIC INFORMATION AND THE RIGHT-TO-KNOW LAW

BY THE ORDER OF:
Chief of Police Brenda M. Bernot

ACCREDITATION STANDARDS: 4.11.1

EFFECTIVE DATE:
January 29, 2016

SUPERSEDES ORDER #: 4.7 (1/28/15)

PURPOSE: On January 1, 2009, Act 3 of 2008, the Right-to-Know Law, became effective. This Act provided for access to public information, for a designated opens-record officer for each local agency, for procedure, and appeal of agency determination, for judicial review and for the Office of Open Records. This general order is implemented for the purpose of this department complying with the procedures set forth in the Opens Records Law.

POLICY: It shall be the policy of the department that all personnel comply with the provisions of this General Order.

PROCEDURES:

I. Public Information and Right-to-Know

A. Providing public records

1. The department will provide public records in accordance with the Pennsylvania Right-to-Know Law.
2. Definition of Public Records: A record, including a financial record, of a local agency that:
 - a. Is not exempt under section 708 of the Right-to-Know Law;
 - b. Is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree
 - c. A record that is not protected by a privilege.

B. Designation of an Open Records Officer

1. The Chief of Police shall designate the Open Records Officer of the department.
2. The Open Records Officers for the Department are:
 - a. Primary – Kathy Brill, Business Manager
 - b. Alternate – Mary Lee, Project Coordinator
3. In the event that the request for information involves Criminal History Records Information Act requests or other requests where the information requested would not be lawfully accessible by a civilian open records officer, the Chief of Police shall work in conjunction with the Open Records Officers to provide the requested information. The Chief of Police may delegate the responsibilities of that position within the department, as he/she so deems necessary.
4. Functions:
 - a. The Open Records Officer shall receive requests submitted to the agency under the Right-to-Know Law, direct requests to other appropriate persons within the agency or to appropriate persons in another agency.
 - b. The Open Records Officer will track the department's progress in responding to requests and issue interim and final responses under this act.
 - c. Upon receiving a request for a public record(s), the Open Records Officer will do the following:
 1. Note the date of receipt on the written request.

2. Compute the day on which the five-day period under section 901 of the Right-to-Know Law will expire and make a notation of that date on the written request.
 3. Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been fulfilled.
 4. If the request is denied, the written request shall be maintained for 30 days or, if an appeal is filed, until final determination is issued under section 1101(b) or the appeal is deemed denied.
- d. Prior to responding to a request for a public record(s), the Open Record Officer shall ensure that the Chief of Police reviews the intended response. In the event that the response shall involve a denial of the request, in part or in whole, the correspondence to the requestor shall be signed by the Chief of Police.

C. Posting requirements

1. The following information will be posted at the department and, if operational, an Internet Website for the department:
 - a. Contact information for the Open Records Officer.
 - b. Contact information for the Office of Open Records or other applicable appeals officer.
 - c. [The Open Records Request form](#) (Attachment A).
 - d. Regulations, policies and procedures of the department relating to the Right-to-Know law.

D. Process for Requesting Information:

1. With the exception of vehicle crash reports (as listed under statute 75 Pa.C.S. 3751 (b)(2)), all requests for public records under the Right-to-Know Law shall be in writing and shall be made utilizing the Request Form (Standard Right-to-Know Request Form specified by the Pennsylvania Office of Open Records). Refer to Appendix A.
2. Request Forms may be submitted in the following manner:
 - a. Via mail
 1. Completed Request Forms may be mailed to the following address:

Westtown-East Goshen Regional Police Department
ATTN: Open Records Officer
1041 Wilmington Pike, West Chester, PA 19382

b. Via fax

Completed Request Forms may be faxed to 610-692-9369.

c. In person

Completed Request Forms may be delivered to the police department during established business hours on Monday through Friday, from 8:30 am to 4:30 pm with the exception of holidays.

d. Electronically

1. The following information regarding the Department's Right-to-Know policy is posted on the Department's website (www.westtownpolice.org):

a. Contact information for the Department's Open Records Officer

b. Contact information for the Office of Open Records or other applicable appeals officer.

c. The Open Records Request Form

d. Regulations, policies, and procedures of the Department relating to the Right-to-Know law.

3. The Department does NOT currently accept completed Request Forms electronically.

E. Responses to a Request

1. The Westtown-East Goshen Police Department will respond in writing to a Right-to-Know Request within five working days.

2. Within five working days, the Department will respond in one of the following three ways:

a. Grant the request and provide the records.

b. Deny the request in whole or in part, cite the reason for the denial, and outline the appeals process for the requestor (refer to #5).

c. Invoke a 30 calendar-day extension.

3. In the event that the Department invokes an extension, the Department will within the 30 days take one of the following actions:

a. Grant the request and provide the records.

b. Deny the request in whole or in part, cite the reason for the denial, and outline the appeals process for the requestor.

4. Pennsylvania statute (75 Pa.C.S. 3751 (b) (2) gives the Department the authority to charge up to \$15.00 per report for providing a copy of a vehicle

accident report. Non-police related reports such as minutes and financial records will follow the township fee structure established by the Office of Open Records:

- a. Up to 25 cents per page for black-and-white copies.
 - b. actual cost for specialized documents such as color copies or blueprints.
 - c. \$5 per page for certifications.
 - d. actual cost for fax, microfiche, or other media.
 - e. actual cost for postage.
5. If a written request is denied or deemed denied, the requestor shall be advised of the appeal process.
- a. The requestor must file the appeal in writing (may utilize the Pennsylvania Office of Open Records Appeals Form).
 - b. The appeal must include the following information:
 1. A copy of the original Right-to-Know request.
 2. A copy of the Department's response (or a written statement that the request was deemed denied due to a lack of response).
 3. Statement of the grounds for asserting that the information requested is a public record.
 4. Address any ground stated by the Department for denying the request.
 - c. The appeal must be submitted to the Office of Open Records within 15 business days of the mailing date of the Department's response.
 - d. Appeals may be submitted via any of the following methods:
 1. Appeals may be mailed to:

Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225
 2. Appeals may be faxed to 717-425-5343.
 3. Appeals may be submitted via email as a Microsoft Word document or PDF attachment to openrecords@pa.gov.

F. Prohibitions

1. No policy or regulation of the Department shall include any of the following:

- a. A limitation on the number of records which may be requested or made available for inspection or duplication.
- b. A requirement to disclose the purpose or motive in requesting access to records.

G. Release of Material Exempt from the Provisions of the Right-to-Know Law

1. On occasion, the Westtown-East Goshen Regional Police Department may receive requests for reports and their accompanying material that are exempt from the provisions of the Right-To-Know Law and which are not requested via a subpoena. However, in its efforts to fully serve the public, the Department reserves the right to release this material under the provisions set forth in this regulation.
2. Individuals seeking to obtain reports may make their requests either in person, via fax, telephone, or correspondence. These individuals shall indicate their name, address, and reason for obtaining the report.
3. Upon receipt of a request from the public for reports and their accompanying material that is **not** made under the Right-To-Know Law, department personnel shall complete the Request for Copy of a Police Report form, refer to Appendage B.
4. The Department shall then conduct a case-by-case assessment of the request to determine whether it would be appropriate to release the information requested. In the event that the Department determines that it will release the report, the Department will also assess what material shall be released.
4. In the event that the Department determines that the report will be released, the Department shall assess the following fees for the materials released:
 - a. Basic incident report or crash report/investigation:
\$15.00.
 - b. Complex investigation involving supplemental reports, photographs, videos, etc.: the following fees which have been established by the Office of Open Records for Right-To-Know Law requests shall be assessed:
 1. Up to 25 cents per page for black-and-white copies.
 2. Actual cost for specialized documents such as color copies or blueprints.
 3. \$5 per page for certifications.
 4. actual cost for fax, microfiche, or other media.
 5. actual cost for postage.

6. The Chief of Police reserves the right to waive the fees indicated above if, in the opinion of the Department, the fees would cause an undue financial hardship for the requesting party.

FILE NUMBER: _____



pennsylvania

OFFICE OF OPEN RECORDS

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED:

REQUEST SUBMITTED BY: E-MAIL U.S. MAIL FAX IN-PERSON

NAME OF REQUESTOR : _____

STREET ADDRESS : _____

CITY/STATE/COUNTY (Required): _____

TELEPHONE (Optional): _____

RECORDS REQUESTED:

**Provide as much specific detail as possible so the agency can identify the information.*

DO YOU WANT COPIES? YES or NO

DO YOU WANT TO INSPECT THE RECORDS? YES or NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or NO

RIGHT TO KNOW OFFICER:

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5)-DAY RESPONSE DUE:

***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*



Westtown-East Goshen Regional Police
Request for Copy of a Police Report

Date Requested: _____

Date Provided: _____

Name of Requester: _____

Address: _____

Telephone: _____ Email (optional): _____

File Number (s) Requested: _____

Redacted: _____

Type of ID produced: _____

Initials of WEGO employee providing copy: _____