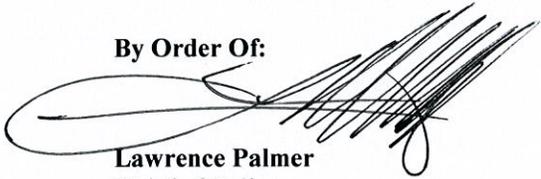


Palmer Township Police Department

General Order: 4-11	Subject: Pennsylvania Right to Know Act		
Date of Issue: 4/29/13	Effective Date: 4/29/13	Review Date: 4/29/15	Distribution: All Personnel
Rescinds: All Previous Orders Relative to Subject			Amends: N/A
Reference: PLEAC: 4.11.1 Index: public records, open records, PA Right to Know Law			

By Order Of:



Lawrence Palmer
Chief of Police

Purpose

The purpose of this policy is to establish guidelines necessary to comply with the Pennsylvania Right to Know Act.

Policy

It shall be the policy of the Palmer Township Police Department to comply with this General Order in promoting public access to information

4.11.1 Procedure

A. The department shall comply with the requirements of the Pennsylvania Right to Know Act (Act 3 of 2008), 65 P.S. Sections 67.101. Et seq.

B. The Township Manager has been named as the Open Records Officer for the Township of Palmer and shall designate The Chief of Police to assure compliance with this policy and disseminate police records to the public appropriately. The Chief of Police may delegate the responsibilities of the position within the department as he/she deems necessary.

C. Requests for public records are available in person from the Palmer Township Police Department Records Section, Monday through Friday, 8:30 am to 4:30 pm, excluding holidays or extenuating circumstances. Records may also be requested by email, fax or mail.

1. All record requests shall be made on the department Right to Know Request Form.

D. Under the Right to Know Law investigative reports are exempted from the definition of a public record therefore any such request will be denied.

E. Criminal History information is not accessible under the Right to Know Law.

F. Unless a charge of juvenile 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.

G. The Chief of Police or designee shall make a good faith effort to determine if the record(s) requested is a public record and respond appropriately within five (5) business days after the date of the initial request. If one of the following:

1. The request for access requires retrieval of a public record stored in a remote location;
2. The request for the access requires the redactions of a public record;
3. A timely response to the request for access cannot be accomplished due to legitimate and specified staffing limitations;
4. A legal review is necessary to determine whether the public record is subject to access under the act;
5. The individual requesting the information has not complied with township policies regarding access to the public records;
6. The individual requesting the information refuse to pay appropriate fees;
7. The extent or nature of the request precludes a response within the required time period.

Written notification will be sent to the individual within five (5) business days of the receipt of the request. The notification will indicate that the request for access is being reviewed, the reason for the review and an estimated date that a response may be provided. However, the response date may not exceed thirty (30) days following the fifth business day originally provided to the township to respond to the written request.

H. If a request for records is granted, the following fee schedule will apply:

1. Incident reports - \$0.25 per page
2. Accident reports - \$15.00
3. Photographs - \$5.00 per photograph
4. Photographs/Video on CD or DVD - \$50.00
5. Postage Fee – Actual cost of mailing

I. There shall be no limitation on the number of public records which may be requested or made available for inspection or duplication. Fees will assessed on a per copy basis.

1. There shall be no requirement to disclose the purpose or motive in requesting access to records which are considered public.

J. If a records request is denied, any fee collected shall be returned to the requestor. The requestor shall be informed in writing of the denial and shall contain the following:

1. A description of the record requested.
2. A determination that the record requested is not a public record and the specific reasons for the determination.
3. The name, title, address, phone number and signature of the open records officer on whose authority the denial is issued.
4. The date of the response.
5. The procedure to appeal the denial of access by law.

K. Exception: Incident reports, photographs and other investigative information may be released to other law enforcement agencies upon approval from a supervisor. The Right to Know Request Form need not be completed for these instances.

L. This policy shall be posted for public view in the lobby of the police station as well as being posted on the township's website along with the following:

1. Contact information for the Department's open-records officer;

Palmer Township Police Department
Attn: Open Records Officer
5 Weller Place
Easton, Pa 18045
Phone # 610-253-5844

2. Contact information for open records appeals relating to access to criminal investigative records.

Northampton County District Attorney
Attn: Open Records Office
669 Washington Street
Easton, Pa. 18042

3. Contact information for open records appeals relating to access to non-investigative records.

Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, Pa. 17120-0225
Fax: (717) 425-5343
Email: openrecords@pa.gov

3. A copy of the Right to Know Request Form.