

CAMP HILL BOROUGH POLICE DEPARTMENT

SECTION 53 – COMPLIANCE WITH RIGHT TO KNOW ACT
EFFECTIVE DATE: 6/2006; REVISED 12/2008; LAST REVIEWED JANUARY 2014
AUTHORIZATION:
DISTRIBUTION: ALL POLICE PERSONNEL
REEVALUATION DATE: AS NEEDED
SPECIAL INSTRUCTIONS: ATTACHED FORMS (5)
ACCREDITATION STANDARDS: 4.1.12

PURPOSE

The purpose of this policy is to provide guidelines to assure full compliance with the Pennsylvania Right to Know Act, Act 3 of 2008, to provide access to public records of the Camp Hill Borough Police Department, to preserve the integrity of the public records of the Department, and to minimize the financial impact to residents of the Borough regarding resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records

POLICY

The Camp Hill Borough Police Department recognizes the right of individuals and/or organizations to obtain public records, as well as the Department's requirement to comply with the Pennsylvania Right to Know Act and the public records policy of the Camp Hill Borough. Therefore it is the policy of the Camp Hill Borough Police Department and its personnel to follow the provisions set forth herein. The Chief of Police may designate certain departmental personnel to process public record requests

NON PUBLIC POLICE DEPARTMENT RECORDS AND INFORMATION

1. Investigative reports and related data and information are not considered as public records and requests for the same shall be denied
2. Criminal history information is not accessible under the provisions of the Right to Know Act
3. Unless a charge of juvenile delinquency is transferred for criminal prosecution under the provisions of the Juvenile Act, or the Court otherwise orders, information related to a juvenile shall not be open for public inspection or dissemination

POLICE DEPARTMENT RECORDS – DISCLOSURE / INSPECTION

1. There shall be no requirement of the requestor to disclose a purpose or motive when making a request for access of records or information considered to be a public record
2. There shall be no limitation regarding the number of public records inspected or, with payment of the applicable fees, provided and/or copied

POLICE DEPARTMENT PUBLIC RECORDS – AVAILABILITY

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1. Requests for public records from the Camp Hill Borough Police Department shall be in writing utilizing the appropriate form provided by the Department. Requests shall be specific in identifying and describing each public records requested
2. In no case shall the Department be required to create a public record that does not exist or to compile, maintain, format or organize a public record
3. Requests for the release of public information must be addressed to the attention of the following:

Office of the Chief of Police
Camp Hill Borough Police Department
2199 Walnut Street
Camp Hill, PA 17011
4. The Chief of Police shall be designated as the "Right to Know Officer" for the Department
5. Authorized departmental personnel shall make a good faith effort to determine whether each record requested is a public record
6. The Chief of Police or his designee shall facilitate a reasonable response to all requests for public records. In no case shall the Chief of Police be expected to provide extraordinary staff to respond to the request. Said response shall be in a manner that is consistent with the requirements of the Pennsylvania Right to Know Act
7. The Chief of Police or his designee shall respond to the requestor within five (5) business days from the receipt of the written request. Said response shall consist of one of the following:
 - a. Approval for access to the public record
 - b. Partial denial of access to the records requested
 - c. Denial of access to the record requested
 - d. When applicable, advising the requestor that a review of the request is taking place.
Refer to Reviews Section
8. Public records that have been requested and approved for release shall be made available between 9:00 a.m. and 3:00 p.m. on a Monday through Friday basis, excluding holidays or extenuating circumstances
9. With relation to this Policy and the procedures set forth herein, departmental personnel shall cooperate fully with the requestor, while taking reasonable measures to protect all records from the possibility of theft and/or modification. The presence of a designated departmental employee is required when public records are examined or inspected

POLICE DEPARTMENT PUBLIC RECORDS – FEE SCHEDULE

1. The fee schedule for copies of Camp Hill Borough Police Department records that are considered to be public record shall be as follows:
 - a. Motor Vehicle Accident Reports - \$15.00
 - b. Photocopying - \$.25 per page
 - c. Specialized documents – Actual cost
 - d. Certified copies - \$1.00 per record
 - e. Postage – actual cost to the Department
2. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100.00, the Chief of Police or his designee shall obtain 50% of the expected cost in advance of fulfilling said request
3. The Department has discretion to waive fees

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REVIEW AND APPEALS

1. If a request for a record is being reviewed, the notice by the Department shall be in writing and shall include the reason for the review and expected response date, which shall be within thirty (30) days of the notice of review. If the Department does not respond within thirty (30) days thereof, the request is deemed to be denied. Review of a request is limited to situations where:
 - a. The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial to that information
 - b. The record requires retrieval from a remote location
 - c. A timely response cannot be accomplished due to staffing limitations
 - d. A legal review is necessary to determine whether the record requested is in fact a public record
 - e. The requestor has failed to comply with the department's procedures and requirements
 - f. The requestor refuses to pay the applicable fees
2. If access to the record requested is denied, the notification of the denial shall be signed by the Chief of Police
3. If the request is denied or deemed to be denied, the requestor may file an appeal with the Office of Open Records or, where applicable, the Cumberland County District Attorney's Office within 15 days from the mailing date of the Chief of Police's notice of denial
4. The Borough Solicitor may be consulted and shall have authority to take those actions that are deemed necessary to lawfully process requests for information and other matters related to this policy.

POSTING

A copy of this Policy shall be conspicuously posted at or near the main entrance to the Department's facility.

This policy shall rescind all past policies and procedures related to the availability of camp Hill Borough Police Department records and information

Douglas S. Hockenberry, Chief
Camp Hill Borough Police Department

Date: January 2014