

HVERFORD TOWNSHIP POLICE DEPARTMENT OPERATIONS MANUAL		
Issue Date May 2023	Review Date May 2024	Directive Number 4.11.1
Accreditation Index: 4.11.1, 4.12.1		Rescinds: Directive 4.11.1 of February 2021
Section: Three – Staff Support Responsibilities		Chapter: Four – Field Reporting & Management
Chief of Police: <i>John F. Viola</i>		

**SUBJECT: RELEASE OF DEPARTMENT REPORTS, RECORDS, AND
CRIMINAL HISTORY INFORMATION, AND UNIFORM CRIME REPORTING**

I. PURPOSE

The purpose of this Directive is to provide guidelines to all Department personnel for the proper release of Departmental reports, records and criminal history information.

II. POLICY

In the course of conducting business the Haverford Township Police Department receives countless requests for copies of reports, records and criminal history information. The proper release of this information protects the integrity of the Department records system as well as the Township and Township employees from accusations of inappropriate dissemination of sensitive information. It shall be the policy of the Department that all personnel shall be familiar with and follow the guidelines for release of reports, records, and criminal history records information as outlined in this Directive and as regulated by the Pennsylvania Right to Know Act, (Act 3 of 2008), and the Criminal History Record Information Act effective January 1, 1980.
(PLEAC 4.11.1 a)

III. DEFINITIONS

The following words and phrases when used in this Directive shall have the meanings given to them by the Pennsylvania Right to Know Act:

Agency – Any office, department, board or commission of the executive branch of the Commonwealth, any political subdivision of the Commonwealth, the Pennsylvania Turnpike Commission, the State System for Higher Education or

any State or municipal authority or similar organization created by or pursuant to statute which declares in substance that such organization performs or has for its purpose the performance of an essential governmental function.

Open Records Officer: The Deputy Chief of Police is designated as the Open Records Officer for the Department and is responsible for assuring compliance with the Pennsylvania Right-to-Know Law. The Deputy Chief may delegate the responsibilities of that position within the department, as they so deem necessary. (PLEAC 4.11.1 b)

Public Record – Any account, voucher or contract dealing with the receipt or disbursement of funds by an agency or its acquisition, use or disposal of services or of supplies, materials, equipment or other property and any minute, order or decision by an agency fixing the personal or property rights, privileges, immunities, duties or obligations of any person or group of persons: provided, that the term public record shall NOT mean any report, communication or other paper, the publication of which would disclose the institution, progress or result of an investigation undertaken by an agency in the performance of its official duties, except those reports filed by agencies pertaining to safety and health in industrial plants; it shall NOT include any record, document, material, exhibit, pleading, report, memorandum or other paper, access to or the publication of which is prohibited, restricted or forbidden by statute law or order or decree of court, or which would operate to the prejudice or impairment of a person’s reputation or personal security, or which would result in the loss by the Commonwealth or any of its political subdivisions or commissions or State or municipal authorities of Federal funds, excepting therefore however the record of any conviction for any criminal act.

Record – Any document maintained by an agency, in any form, whether public or not.

Requester – A person who is a resident of the Commonwealth and requests a record pursuant to the Right to Know Act.

IV. Public Information and Right-to-Know

- A. The department will provide public records in accordance with the Pennsylvania Right-to-Know Law. (PLEAC 4.11.1 a)
- B. The Open Records Officer shall:
 - 1. Receive requests submitted to the agency under the Right-to-Know Law and direct requests to other appropriate persons within the agency or to appropriate persons in another agency;
 - 2. Track the department’s progress in responding to requests and issue interim and final responses under this act;
 - 3. Upon receiving a request for a public record(s), the Open Records Officer will do the following:

- a) Note the date of receipt on the written request.
- b) 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.
- c) Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been fulfilled.
- d) 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.

C. Posting requirements

- 1. The following information will be posted at the department and on the Township's website:

(PLEAC 4.11.1 c)

- a) Contact information for the Open Records Officer.
 - (1) Deputy Chief Joseph Hogan
Phone: 610-853-1298
Email: Info@havpd.com
- 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.

D. Process for Requesting Information:

- 1. With the exception of vehicle crash reports (as listed under statute 75 Pa.C.S. 3751 (b)(1)), all requests for public records under the Right-to-Know Law shall be in writing and shall be made utilizing the Open Records Request Form developed by the Township or the Standard Right-to-Know Request Form specified by the Pennsylvania Office of Open Records.
- 2. Request Forms may be submitted in the following manner:
 - a) Via mail;
 - b) In person
 - (1) Completed Request Forms may be delivered to the police department during established business hours on Monday-Friday, from 8:30 am to 4:30 pm with the exception of holidays.

- c) Electronically
 - (1) Completed request forms may be submitted via the Township's website.

3. Responses to a Request

- a) The Open Records Officer will respond in writing to a Right-to-Know Request within five working days in one of the following ways:
 - (1) Grant the request and provide the records.
 - (2) Deny the request in whole or in part, cite the reason for the denial, and outline the appeals process for the requestor.
 - (3) Invoke a 30 calendar-day extension.

E. Fees

- 1. 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 fee schedule 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) \$1 per page for certifications.
 - d) Actual cost for fax, microfiche, or other media.
 - e) Actual cost for postage.

F. If a written request is denied or deemed denied, the requester shall be advised of the appeal process.

- 1. The requester must file the appeal in writing (may utilize the Pennsylvania Office of Open Records Appeals Form).
- 2. The appeal must include the following information:
 - a) A copy of the original Right-to-Know request.
 - b) A copy of the Open Records Officer's response (or a written statement that the request was deemed denied due to a lack of response).
 - c) Statement of the grounds for asserting that the information requested is a public record.

- d) Address any ground stated by the Open Records Officer for denying the request.
- e) The appeal must be submitted to the Office of Open Records within 15 business days of the mailing date of the Department's response.
 - (1) Appeals may be submitted via any of the following methods:
 - i. Appeals may be mailed to: Office of Open Records

333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
 - (2) Appeals may be faxed to 717-425-5343.
 - i. Appeals may be submitted via email as a Microsoft Word document or PDF attachment to openrecords@pa.gov

G. Redaction

- 1. If the Open Records Officer determines that a public record contains information that is subject to access as well as information that is not subject to access, the Open Records Officer's response will grant access to the information which is subject to access and deny access to the information which is not subject to access. The Township and/or Department will redact from the record the information which is not subject to access. The Department may not deny access to the record if the information which is not subject to access is able to be redacted.

H. Prohibitions
(PLEAC 4.11.1 d)

- 1. No policy or regulation of the Department shall include any of the following:
 - a) A limitation on the number of records that may be requested or made available for inspection or duplication.
 - b) A requirement to disclose the purpose or motive in requesting access to records.

V. RELEASE OF REPORTS, RECORDS, PHOTOGRAPHS, ETC.

- A. The release of all reports, records, photographs, etc, other than criminal history information records, shall be the responsibility of the Deputy Chief of Police or his designee. Applicable fees shall be charged for copies of these documents.

- B. The Department may be obligated to release information; however, the Department also has an obligation to protect the privacy and safety of persons whose name may appear on reports. When personnel are unsure of the appropriate action to pursue they should consult with the Deputy Chief of Police or his designee for guidance.
- C. The personnel of the Records Office shall be guided by the following procedures:
 - 1. Criminal Cases – When criminal charges are pending or anticipated only criminal complaint and affidavit copies may be disclosed or purchased.
 - 2. When no criminal charges are pending or anticipated, incident reports, crash reports, and photographs may be released.

EXCEPTIONS: Witness statements and follow-up investigative reports shall not be released. These types of reports must be subpoenaed by court order.
 - 3. Names, addresses, etc. of juvenile offenders or other juveniles noted in reports shall be redacted from such reports prior to release.
 - 4. Name(s), addresses, etc., of persons who appear on incident reports shall be redacted prior to release when a determination is made that there are safety and/or privacy concerns that need to be protected.
 - 5. The appropriate fees shall be charged for each released report.
- D. The Deputy Chief of Police or his designee shall ensure that all personnel in this division are familiar and abide with the requirements of this Directive.
 - 1. The Deputy Chief of Police or his designee shall periodically review this Directive with all personnel of the Division to ensure compliance with the requirements of this Directive.

VI. CRIMINAL HISTORY RECORD INFORMATION

- A. The Criminal History Record Information Act became effective January 1, 1980. This act establishes regulations for the accuracy, completeness, security, quality control, dissemination and use of criminal records. It shall be the policy of the Department that all criminal history records information will be disseminated by the Detective Division. The Detective Division personnel shall be guided by the following requirements of the Criminal History Record Information Act.
 - 1. Dissemination of information to criminal justice agencies:

- a. Any criminal history record information maintained by the Haverford Township Police Department may be given to any other criminal justice agency or a non-criminal justice agency providing support service for a criminal justice agency.
2. Dissemination of information to non-criminal justice agencies or individuals:
 - a. Before the Department can disseminate criminal history record information to an individual or agency, other than a criminal justice agency, it must extract from the record the following information:
 - i. All notations of arrests, informations, and/or hearings with no disposition when three years have elapsed since the arrest;
 - ii. All not guilty, nolle prosequere dispositions when three years has elapsed since arrest.
 3. Any individual, or his/her legal representative, has the right to review, challenge, correct and appeal the accuracy and completeness of his/her criminal history record information.
 4. The Department must enter as a permanent but separate part of an individual's criminal history record information file, a listing of all persons and agencies to whom they have disseminated that particular criminal history record information and the date and purpose for which the information was disseminated.
- B. The Commanding Officer of the Detective Division shall ensure that all personnel in the Detective Division become familiar and abide with the requirements of this Directive.
1. The Supervisor of the Detective Division shall periodically review this Directive with all personnel of the Unit to ensure compliance with the requirements of this Directive.
- C. Officers requesting Criminal History Record Information shall abide by the following procedures:
1. Officers shall only request Criminal History Record Information checks when there is an articulable reason for making such request. Each arrest or field investigation does not require a Criminal History Records check.
 2. With the implementation of Jnet within the Department Investigating officers may be granted access to Criminal History Records Information.

3. All copies made of a Criminal History Records Information check shall be made part of the incident report or the case file. Officers shall not retain any copies of Criminal History Record Information in their briefcases, lockers, desks, or any other unauthorized records storage area.
4. The Criminal History Records Information Act requires that the Department be accountable for all requests made for these records. Officers shall not destroy any copies of printouts of Criminal History Information. These records shall be forwarded to the Records Office with all applicable paperwork concerning the incident. In the event that an Investigating officer is conducting an ongoing investigation this Criminal History Record Information shall become a permanent part of the investigative case file.

VI. UNIFORM CRIME REPORTING

- A. Haverford Township Police shall comply with the requirements of Uniform Crime Reporting Acts, (20 P. S. §§ 20.101, 20.301--20.305 and 20.501--20.509) and (Act 2004 180 (S.B. 668), § 301), as applicable, and the Chief's Secretary shall submit applicable crime statistics on a monthly or yearly basis as required by statute.
(PLEAC 4.12.1)

BY ORDER OF THE CHIEF OF POLICE