



Borough of Chambersburg

*A full service municipality in Franklin County
celebrating over 65 years of consumer owned natural gas
service over 100 years of community electric and a
regional wastewater, water, and municipal solid waste utility*

ACT 22: LAW ENFORCEMENT AUDIO AND VIDEO RECORDING REQUEST POLICY

Adopted by Borough
Council 6/6/2022

Open Records Officer

The Borough hereby designates Jamia L. Wright, Borough Secretary, as the Chambersburg Police Department Open Records Officer.

The Open Records Officer may be reached, during regular business hours, at:

Address: 100 S. 2nd Street
Chambersburg, PA 17201-2512

Telephone: 717-251-2437 Fax: 717-261-4783

E-mail: jwright@chambersburgpa.gov

Website: www.chambersburgpa.gov/government/public-records.html

Office hours: Monday through Friday except holidays
8 a.m. to 5 p.m.

Requests

Requests for Chambersburg Police Department (“Department”) audio and/or video recordings shall be made in writing to the Chambersburg Police Department Open Records Officer (hereinafter the “Open Records Officer”) in accordance with Section 67A03 of Act 22 of 2017 (hereinafter “Act 22”). A request form is available at Borough Offices and on the Borough Website. The Borough may accept any generic form that in the opinion of the Open Records Officer contains sufficient information to process the request.

An individual who requests Department audio and/or video recordings must serve a written request to the Open Records Officer within sixty (60) days of the date when the audio and/or video recording was made. Service qualifies as effective upon receipt of the written request by the Open Records Officer from personal delivery or certified mail with proof of service.

Determination

Upon receiving a request for Department audio and/or video recordings in accordance with this Policy and Act 22, the Open Records Officer shall determine whether the audio or video recording contains:

- (1) Potential evidence in a criminal matter; *and*
- (2) Information pertaining to an investigation or a matter in which a criminal charge has been filed;
and
- (3) Confidential information or victim information; *and*
- (4) Whether a reasonable redaction of the audio or video recording would safeguard potential evidence, information pertaining to an investigation, confidential information or victim information.

The request shall be denied in writing if the Open Records Officer determines the requested audio or video recording contains information or evidence described above, and a reasonable redaction of the information or evidence would not safeguard it. The written denial shall state that reasonable redaction of the audio recording or video recording will not safeguard potential evidence, information pertaining to an investigation, confidential information or victim information.

Fees

In accordance with Section 67A05(d) of Act 22, the fee for costs relating to disclosure of permitted law enforcement audio and/or video recordings produced under this Policy shall be: as decided by Resolution of Borough Council on 6/6/2022; \$100.00 (one hundred dollars). The fee shall be paid by the requester at the time of disclosure of the audio and/or video recording.

Pendency

During the pendency of any request for records or appeal of a denial of such a request, the Open Records Officer agrees that the Department will preserve the unaltered audio and video recordings that have been requested for no less than the time periods provided in Act 22 for service of and responses to written requests for the production of the audio or video recording and any period within which a petition for judicial review is allowable or pending.

Understanding the Law

Information on how to file a Police Recordings request can be found on the Office of Open Records' website: <https://www.openrecords.pa.gov/RTKL/PoliceRecordings.cfm>

Law Enforcement Agencies and Communications

Neither the Right-to-Know Law nor Act 22 establish a right to production of audio and video recordings made inside a facility owned or operated by a law enforcement agency and any communications between or within law enforcement agencies concerning an audio or video recording.

Response

The Department shall provide the requested audio and/or video recording or identify in writing the basis for denying the request within thirty (30) days of receiving the request unless the requester and Department agree to a longer time period.

A request shall be deemed denied by operation of law if the Department does not provide the audio and/or video recording to the requester or explain why the request was denied with the thirty (30) day response period, or within the period otherwise agreed to between the requester and the Department.

Appeal

If a written request is denied or deemed denied, the requester may file a petition for judicial review in the Franklin County Court of Common Pleas within thirty (30) days of the date of denial. The petition must include a copy of the written request served on the Borough or Department and any written responses to the request that were received. A \$125 filing fee is due at the time of filing.

The petitioner must serve the petition on the Open Records Officer within five (5) days of the date of filing the petition in the Franklin County Court of Common Pleas. Service is deemed effective upon receipt by the open-records officer for personal delivery or certified mail with proof of service.

If the incident or event subject to the request occurred inside a residence, the petitioner shall certify that

notice of the petition has been served or that service was attempted on each individual who was present at the time of the audio recording or video recording and on the owner and occupant of the residence. Notice is not required if the identity or location of an individual present is unknown and not reasonably ascertainable by the petitioner. Service is deemed effective upon receipt from personal delivery or certified mail with proof of service.

Law Enforcement Recording Request Form – Act 22 of 2017

*This form can be used to request law enforcement recordings (“any audio recording or video recording made by a law enforcement agency”) under Act 22 of 2017. Note that the Right-to-Know Law does not apply to such recordings. Any denials must be appealed to the appropriate Court of Common Pleas, **not** the Office of Open Records.*

SUBMITTED TO AGENCY NAME: _____ (Attn: AORO)

Date of Request: _____ Submitted via: U.S. Mail In Person
(Act 22 requires requests to be submitted via “personal delivery or certified mail.”)

PERSON MAKING REQUEST:

Name: _____ Company (if applicable): _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Email: _____

Telephone: _____ Fax: _____

How do you prefer to be contacted if the agency has questions? Telephone Email U.S. Mail

RECORDING REQUESTED: *Requests must be submitted within **60 days** of the event recorded. **All of the following information is required.** Be thorough; use additional pages if necessary.*

Date and Time of the Event: _____

Location of the Event: _____

Describe the Event:

Describe Your Relationship to the Event:

If the Event Occurred in a Residence, Identify All People Present (*unless unknown & not reasonably ascertainable*):

If an Act 22 request is granted, the agency may charge “reasonable fees” to provide a copy of the recording.

Please notify me if fees associated with this request will be more than \$100 (or) \$_____.

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (30 cal. days): _____

Extension? Yes No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: Granted Partially Granted & Denied Denied Cost to Requester: \$_____

*NOTE: In most cases, a completed Request Form is a public record.
More information about Act 22 is available at <https://www.openrecords.pa.gov>*

Form updated March 16, 2020
by the Office of Open Records