

Requesting Audio/Video Recordings from Caln Township Police Department

NOTE: Do not request Caln Township Police Department audio or video recordings using the Act of February 14, 2008 (P.L. 6, No. 3) known as the Right-to-Know Law. This page contains instructions for requesting audio and video recordings.

Overview

Act 22 of 2017 (specifically, Chapter 67A of the Act) applies to individuals seeking “any audio recording or video recording made by a law enforcement agency.” The Right-to-Know Law does not apply to requests for these recordings.

Act 22 defines “law enforcement agency” as:

- The Office of Attorney General
- A District Attorney’s Office; or
- An agency that employs a law enforcement officer.

Act 22 defines a “law enforcement officer” as “an officer of the United States, the Commonwealth or a political subdivision thereof, another state or political subdivision thereof or who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this chapter or an equivalent crime in another jurisdiction, a sheriff or deputy sheriff and any attorney authorized by law to prosecute or participate in the prosecution of the offense.”

How to File a Request

Under Act 22, a request for an audio or video recording in the possession of a law enforcement agency must be made within 60 days of the date the recording was made.

The written request must be submitted to the Agency Open Records Officer (AORO) for the law enforcement agency that possesses the record. The request is not officially received until it is personally delivered to the AORO, or when it is marked “delivered” by certified mail.

The request must include:

- The date, time and location of the event recorded;
- A statement describing the requester’s relationship to the event recorded; and
- If the recorded incident took place inside a residence, the request must also identify every person present at the time of the recording, unless unknown and not reasonably ascertainable.

Under Act 22, the agency may deny the request – in writing – if it determines that a recording contains:

- Potential evidence in a criminal matter; or
- Information pertaining to an investigation or a matter in which a criminal charge has been filed; or
- Confidential information or victim information; and
- The reasonable redaction of the recording would not safeguard potential evidence.

Fee Associated with Granted Requests

Act 22 permits law enforcement agencies to charge a reasonable fee to provide a copy of an audio recording or video recording. The Caln Township Police Department has established a fee of \$100 for a granted audio recording or video recording.

How to Appeal a Denied Request

The requester may appeal within 30 days of the date of denial to the Court of Common Pleas with jurisdiction over the matter (i.e., the court in the county where the recorded event took place).

The appeal is filed as a Petition for Judicial Review and must include:

- A filing fee of \$125;
- A copy of the written request and any written responses; and
- Proof that the AORO was served within five days of the filing of the Petition;
- If the event recorded took place inside a residence, the petitioner must also certify that notice of the petition has been served on each individual present at the time of the recording and on the owner and occupant of the residence, unless that information is unknown and not reasonably ascertainable.

Submitting a Request

All requests must be either hand-delivered to the Agency Open Records Officer during regular business hours of 8:00 a.m. to 4:30 p.m., Monday through Friday (except holidays and official office closings), or sent by certified mail, as follows:

**Caln Township Police Department
ATTN: Agency Open Records Officer
253 Municipal Drive
Thorndale, PA 19372**

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