

# CITY OF CLAIRTON POLICE DEPARTMENT OPEN RECORDS POLICY

## Public Information and Right-to-Know

### I. Purpose

January 1, 2009 Act 3 of 2008, the Right to Know Law, became effective. This Act provided for access to public information, for a designated opens-record officer for each local agency, for procedure, and appeal of agency determination, for judicial review and for the Office of Open Records. This general order is implemented for the purpose of this department complying with the procedures set forth in the Opens Records Law. (PLEAC 4.11.1a)

On May 10, 2016 Senate Bill 1310 (Session of 2015) amended PA Title 35 Section 5399 (a) Prohibited Release of Information restricting certain information from release without a court order.

### II. Policy

It shall be the policy of the department that all personnel comply with the provisions of this general order. This policy shall be posted in the Agency lobby and on the agency's webpage.

## Public Information and Right-to-Know

### A. Providing public records

1. Pursuant to a request from the City of Clairton Manager, where petitioners must file a "Right to Know" request, the department will provide public records in accordance with the Pennsylvania Right to Know Law.
2. Definition of Public Records:
  - a. A record, including a financial record, of a local agency that:
    - 1) Is not exempt under section 708 of the Right to Know Law
    - 2) Is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree
    - 3) A record that is not protected by a privilege
  - b. **Confidentiality of reports.**--In-depth accident investigations and safety studies and information, records and reports used in their preparation shall not be discoverable nor admissible as evidence in any legal action or other proceeding, nor shall officers or employees or the agencies charged with the development, procurement or custody of in-depth accident investigations and safety study records and reports be required to give depositions or evidence pertaining to anything contained in such in-depth accident investigations or safety study records or reports in any legal action or other proceeding.  
(Dec. 11, 1986, P.L.1530, No.166, eff. 60 days) [From PA Title 75 3754\(b\)](#)

### B. Designation of an open records officer

1. The City Manager shall serve as the open records officer of the department by decree of City Council. (PLEAC 4.11.1b)

2. It is the policy of the City of Clairton Police Department to respond and forward all requests to the City of Clairton, Open Records Officer, and must advise that all requests must be submitted in writing to: (PLEAC 4.11.1c1)

Howard Bednar  
City of Clairton Open Records Officer  
551 Raversburg Boulevard  
Clairton, PA 15025  
Fax: 412-233-6925  
Email: [manager@cityofclairton.com](mailto:manager@cityofclairton.com)

3. Appeal Instructions are provided to citizens that file any Right to Know requests that are denied. The Allegheny County District Attorney's serves as the City of Clairton's appeal officer. The following is the contact information for open record appeals: (PLEAC 4.11.1c2)

Allegheny County District Attorney's Office  
Attn: Open Records Appeal Officer  
436 Grant Street Pittsburgh, PA 15219  
Phone#: 412-350-4400

Office of Open Records 333 Market Street  
16th Floor Harrisburg, PA 17101  
Phone#: 717-425-5343

4. Right to know requestors will be provided a form to complete for requests. This form is available here: <https://powerdms.com/docs/7897> (PLEAC 4.11.1c3)
5. Procedures: (PLEAC 4.11.1c4)
  - a. The open records officer shall receive requests submitted to the agency under the Right to Know Law, direct requests to other appropriate persons within the agency or to appropriate persons in another agency.
  - b. The open records officer will track the department's progress in responding to requests and issue interim and final responses under this act.

#### C. Prohibitions

1. No policy or regulation of the department shall include any of the following:
  - a. A limitation on the number of records which may be requested or made available for inspection or duplication. (PLEAC 4.11.1d1)
  - b. A requirement to disclose the purpose or motive in requesting access to records. (PLEAC 4.11.1d2)

#### D. Restrictions on information that can be released pursuant to Right to Know

1. In accordance with PA Title 35 Section 5399 (a) Prohibited Release of Information, no identifying information as it pertains to any individual calling a 911 Center, victim or witness shall be released to the public *except* when a court determines that the public interest in disclosure outweighs the interest in nondisclosure.
2. MRD, Body Worn Cameras and In-Station recordings

- a. The following are NOT subject to standard right to know Right To Know requests without a special court order;
  - 1) Audio and visual recordings captured by any video or audio recording device within the Police Department including the Interview Room, Cell Area, Hallways, Patrol Room or any other part of the Police Department, or any audio or visual recording captured on a MRD or Body Worn Camera owned, maintained or operated by a City of Clairton Police Officer.
- b. Requests for recordings received by Court are not protected or exempt information under Right to Know and could potentially be dispersed to an appropriate entity seeking recordings.