

WAYNESBURG POLICE DEPARTMENT

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Requesting Waynesburg Borough Police Department Audio and/or Video Recordings:

The Right to Know Law does not apply to requests for audio or video recordings. Act 22 of 2017 (specifically Chapter 67A of the Act) established a process for requesting audio and video recordings in possession of law enforcement agencies in Pennsylvania.

How to file an audio and/or video request:

According to Act 22, a request for an audio and/or video recording in possession of the Waynesburg Borough Police Dept. must be made within 60 days of the date the recording was made.

A written request must be submitted to the Right to Know Officer (RTKO) for the Waynesburg Borough Police Dept. The request is not officially received until it is personally delivered to the Right to Know Officer, or when it is marked "delivered" by certified mail.

The Waynesburg Borough Police Dept. accepts Right to Know requests during regular business hours of 8:00 a.m. to 4:00 p.m., Monday through Friday (except holidays)

The request must include:

- The date, time and location of the event recorded
- A statement describing the requester's relationship to the event recorded
- 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 Waynesburg Borough Police Dept. may deny the request – in writing – if it determines that a recording contains:

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

How Much Does a Request Cost?

Act 22 permits law enforcement agencies to charge a reasonable fee to provide a copy of an audio and/or video recording. Waynesburg Borough Council has established a fee of \$125 per video for a granted audio and/or video recording. Example: If body camera video and car camera is requested, the fee would be \$250. **If a request is approved, payment must be made prior to processing the request.**

How to File an Appeal if your request is denied.

The requester may appeal within 30 days of the date of denial to the Court of Common Pleas in Greene County. 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 RTKO 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.

APPEALS

If a request under section 67A03 (relating to requests for law enforcement audio recordings or video recordings) is denied, the requester may file a petition for judicial review in the court of common pleas (Greene County) with jurisdiction within 30 days of the date of denial.