


HAVERFORD TOWNSHIP POLICE DEPARTMENT OPERATIONS MANUAL		
Issue Date February 2021	Review Date February 2022	Directive Number 4.11.1
Accreditation Index: 4.11.1, 4.12.1		Rescinds: Directive 4.11.1 of November 2019
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.

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. RELEASE OF REPORTS, RECORDS, PHOTOGRAPHS, ETC.

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. (PLEAC 4.11.1 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. The Pennsylvania Right to Know Act prohibits the Department from limiting the number of public records which may be requested for inspection or duplication, or requiring a requester to disclose their purpose in requesting access to records which are public record. When personnel are unsure of the appropriate action to pursue they should consult with the Deputy Chief of Police or his designee for guidance. (PLEAC 4.11.1 b)

The personnel of the Records Office shall be guided by the following procedures:

- A. Criminal Cases – When criminal charges are pending or anticipated only criminal complaint and affidavit copies may be disclosed or purchased.

- B. 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.

- C. Names, addresses, etc. of juvenile offenders or other juveniles noted in reports shall be redacted from such reports prior to release.
- D. 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.
- E. The appropriate fees shall be charged for each released report.
- F. 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.
- G. A copy of the following Haverford Township Police Department “Right to Know” policy shall be posted in the lobby of the police headquarters for the review of the general public and is also available on the Police Department website:

HAVERFORD TOWNSHIP POLICE DEPARTMENT

RIGHT TO KNOW POLICY

It is the policy of the Haverford Township Police Department to comply with the Pennsylvania Right to Know Act, (Act 3 of 2008). In accordance with the Act, the Department establishes the following procedures:

- 1. Requests for access to public records shall be directed to the Deputy Chief of Police, care of the Records Office, Haverford Police Department. This office is open between the hours of 8 am. and 4 pm. Monday through Friday, with the exception of holidays. Records Office may be reached by phone at 610-853-1298.
- 2. The requestor shall complete the Record Request Form. Requests shall be processed in accordance with the Act. If the record requested is not a “public record” or is not subject to disclosure for other reasons, the requester shall be so notified in accordance with the Act.

3. If, after review, it is determined that the requested record shall be provided, the requester shall be charged the applicable fee for any copies of the requested record. Applicable fee schedules can be provided by the Records Office personnel.

(PLEAC 4.1.12 c 1, 2, 3, 4 and d)

V. 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