Requesting Audio/Video Recordings from the Mahoning Township Police Department

NOTE: Do not request Mahoning 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 Mahoning Township Police Department has established a fee of $150 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 or sent by certified mail, as follows:

Mahoning Township Police Department
ATTN: Agency Open Records Officer

849 Bloom Road
Danville, PA 17821

Mahoning Township
Request for Police Audio and Video Recording
Act 22 of 2017

Date Requested:_____
*Written request must be made within sixty (60) days of the date of the recording

Request Submitted by: _____ **Certified U.S. Mail** _____ **In Person**

Request Submitted to: Mahoning TWP, Open Records Officer, 849 Bloom RD Danville, PA 17821

Name of Requester:_____

Street Address:_____

City/State/County/Zip:_____

Telephone (Optional):_____ **Email (Optional):**_____

Records Requested (All fields are required to be completed):

Choose Type of Recording:

☐ Body-Camera Video Recording ☐ Car-Camera Video Recording ☐ Audio Recording

Incident/Event Subject to the Request: *Requests must be submitted within **60 days** of the date the recording was made. (Attach statement if more space is required).*

_____

_____

Date:_____ **Time:**_____

Location: **If the requested incident took place inside a residence, every person present at the time of the recording must be identified, unless unknown and not reasonably ascertainable. (Attach statement if more space is required).*

_____

_____

Relationship to requested event/incident (Required):
(Attach statement if more space is required)

_____

_____

Fees: Act 22 permits law enforcement agencies to charge a reasonable fee to provide a copy of an audio recording or video recording. The fee for granted requests is $150.00.

_____
For Agency Use Only

Date Received by the Open Records Officer:_____

Agency thirty (30) calendar day response due:_____
*The agency and requestor can agree to an extension.