Records Maintenance and Release

Effective Date:	5/26/2020
Revised Date:	5/2/2026
Issuing Authority: Frederick C. Dyroff III	

804.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

804.2 POLICY

The Mahoning Township Police Department is committed to providing public access to records in a manner that is consistent with the Pennsylvania Right-to-Know Law (RTKL) (65 P.S. § 67.101 et seq.).

804.3 OPEN-RECORDS OFFICER

The Chief of Police shall designate an Open-Records Officer. The responsibilities of the Open-Records Officer include but are not limited to (65 P.S. § 67.502):

(a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.

(b) Maintaining and updating the department records retention schedule, including (65 P.S. § 67.507):

1. Identifying the minimum length of time the Department must keep records.
2. Identifying the department responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Establishing reasonable fees for each video recording provided.

1. The fee for a granted request is $150.00

(g) Ensuring the availability of a current schedule of fees for public records as allowed by law (65 P.S. § 67.1307).

(h) Ensuring the availability of forms to be used for public records requests (65 P.S. § 67.505).

Copyright Lexipol, LLC 2026/05/02, All Rights Reserved.
Published with permission by Mahoning Township Police Department

1. Forms shall not limit the number of records an individual may request or review, or require the requester to state the reason or purpose for the request.

(i) Directing requests for public records to other appropriate persons within the Department or persons in another agency, tracking the progress of the Department in responding to requests, and issuing interim and final responses under the RTKL.

(j) Preparing and posting at the Department and on the department website, if available, a description of the regulations, policies, and procedures of the Department, contact information for the Open-Records Officer, contact information for the applicable appeals officer, and a form that may be used to file a request for records (65 P.S. § 67.504).

(k) Establishing procedures for data storage and encryption or other appropriate security measures to protect personal information transmitted online and received by the Department as required by 73 P.S. § 2305a and 73 P.S. § 2305b.

The Open-Records Officer for the Mahoning Township Police Department is: Patrolman Terry D. Ketchem Jr.

804.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Open-Records Officer or the authorized designee (65 P.S. § 67.703).

804.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

(a) Public record requests should be in writing (65 P.S. § 67.703).

1. The written request should identify or describe the records sought with sufficient specificity to ascertain which records are being requested.

(b) The date of receipt and the date when a response is required shall be noted on a written request (65 P.S. § 67.502).

(c) Record requests shall be responded to within five business days from the date of receipt. If a response is not sent within five business days, the request shall be deemed denied. Extensions of time to respond shall be handled as follows (65 P.S. § 67.901; 65 P.S. § 67.902):

1. If it is determined additional time is needed to respond to the request due to a factor described in 65 P.S. § 67.902, the Open-Records Officer shall send a written notice to the requester within five business days of receipt of the request and include a statement that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided, and an estimate of applicable fees owed when the records become available.

2. If the date a response is expected to be provided is in excess of 30 calendar days, following the five business days of receipt of request, the request is deemed denied, unless the requester has agreed in writing to an extension to the date specified in the notice.

Copyright Lexipol, LLC 2026/05/02, All Rights Reserved.
Published with permission by Mahoning Township Police Department

3. If the requester agrees to an extension, the request shall be deemed denied on the day following the date specified in the notice if the Department has not provided a response by that date.

(d) The Department is not required to create records that do not exist or to compile, maintain, format, or organize a record in a manner in which the Department does not currently do so (65 P.S. § 67.705).

(e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (65 P.S. § 67.706).

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) A record provided to a requester shall be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists (65 P.S. § 67.701).

(g) Records may be made available through any publicly accessible electronic means. If the requester is unwilling or unable to access the record electronically, the requester may, within 30 days following receipt of the department notification, request to have the record converted to paper. The Department shall provide access in printed form within five days of the receipt of the written request for conversion to paper (65 P.S. § 67.704).

(h) Upon request from the requester, a certified copy of the record may be provided with payment of the applicable fees (65 P.S. § 67.904).

(i) If the requester requests a record provided to the Department by a third party, the third party shall be notified as required by 65 P.S. § 67.707.

(j) The Open-Records Officer shall maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled. If the request is denied, the request shall be maintained for 30 days or if an appeal is filed, until a final determination is issued or the appeal is deemed denied (65 P.S. § 67.502).

(k) If the Department response to a requester states that copies of the requested records are available at the Department and the requester fails to retrieve the records within 60 days of the response, the Department may dispose of any copies that have not been retrieved and retain any fees paid to date (65 P.S. § 67.905).

804.4.2 DENIALS

The denial of a request for records, whether in whole or in part, shall be in writing and include the following (65 P.S. § 67.903):

(a) A description of the record requested

Copyright Lexipol, LLC 2026/05/02, All Rights Reserved.
Published with permission by Mahoning Township Police Department

(b) The specific reasons for the denial, including a citation of supporting legal authority

(c) The name, title, business address, business telephone number and signature of the Open-Records Officer

(d) Date of the response

(e) The procedure to appeal the denial

1. If a record is being denied as it relates to a criminal investigation under 65 P.S. § 67.708(b)(16), the requester shall be directed to file an appeal to the local District Attorney's Office (65 P.S. § 67.503).

Access to a public record may not be denied to a requester due to the intended use of the public record unless provided by law (65 P.S. § 67.302). There shall not be a limitation on the number of records requested or made available for inspection or duplication, nor a requirement to disclose the purpose or motive in requesting access to records, in order to obtain public records approved under this policy.

A record request may be denied if the requester has made repeated requests for the same record and the repeated requests have placed an unreasonable burden on the Department. The denial shall not restrict the ability of the requester to request a different record (65 P.S. § 67.506).

804.4.3 ADDITIONAL DENIAL REQUIREMENTS

The Department may deny requests for audio/visual recording records if reasonable redaction of the recording would not safeguard potential evidence.

804.5 RELEASE RESTRICTIONS

Examples of release restrictions include (65 P.S. § 67.708):

(a) Any personal identifying information, including an individual’s photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver’s license record, motor vehicle record, or any department record, including traffic crash reports, is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Member or other individual medical records or information.

(c) Personal identification information, including all or part of a Social Security number; driver’s license number; personal financial information; home, cellular, or personal telephone numbers; personal email address; member number; or other confidential identification number.

(d) Information or records that contain a spouse’s name, the member’s marital status, or beneficiary or dependent information.

(e) Home addresses of officers.

(f) Records or other materials that contain identifying information relating to a member performing an undercover or covert law enforcement activity.

Copyright Lexipol, LLC 2026/05/02, All Rights Reserved.
Published with permission by Mahoning Township Police Department

(g) Certain personnel records and information, including letters of reference or recommendation pertaining to the character or qualifications of an identifiable member; member performance ratings or reviews; written criticisms of a member; grievance material, including documents related to discrimination or sexual harassment; and information regarding discipline, demotion, or discharge contained in a personnel file.

(h) Records pertaining to strategy or negotiations relating to labor relations or collective bargaining and related arbitration proceedings.

(i) Drafts of resolutions, regulations, statements of policy, management directives, ordinances, or amendments prepared by or for the Department.

(j) Records relating to or resulting in a criminal investigation, including investigative materials, notes, correspondence, videos, and reports, as well as records that identify a confidential source or the identity of a suspect who has not been charged with an offense and to whom confidentiality has been promised.

(k) Records that include information made confidential by law or court order.

(l) Victim information, including any information that would jeopardize the safety of the victim.

(m) Juvenile information and records unless release is authorized by the exceptions listed in 42 Pa.C.S. § 6308.

(n) Records that if disclosed would reveal the institution, progress, or result of a criminal investigation, except the filing of criminal charges; deprive a person of the right to a fair trial or an impartial adjudication; impair the ability to locate a defendant or codefendant; hinder the department's ability to secure an arrest, prosecution, or conviction; or endanger the life or physical safety of an individual.

(o) Records of the Department relating to a noncriminal investigation, including complaints submitted to the Department; investigative materials, notes, correspondence, and reports; and records identifying a confidential source, including those subject to the Whistleblower Law.

(p) Records or parts of records, except time response logs, pertaining to audio recordings, telephone, or radio transmissions received by emergency dispatch personnel, including 9-1-1 recordings.

(q) DNA or RNA records.

(r) Autopsy records, including audiotapes, videotapes, and photographs.

(s) Certain types of reports and information involving but not limited to child abuse and adult abuse (23 Pa.C.S. § 6340; 35 P.S. § 10210.505; 35 P.S. § 10225.705).

(t) An emergency vehicle response policy adopted by the Department (75 Pa.C.S. § 6342).

(u) Information provided by applicants for a license to carry firearms (18 Pa.C.S. § 6111(i)).

(v) Records where disclosure would result in the loss of federal or state funds.

Copyright Lexipol, LLC 2026/05/02, All Rights Reserved.
Published with permission by Mahoning Township Police Department

(w) Records that would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual.

(x) A record maintained by the Department in connection with the military, homeland security, national defense, law enforcement, or other public safety activity that, if disclosed, would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection activity, or a record that is designated classified by an appropriate federal or state military authority.

(y) A record that, if disclosed, would be reasonably likely to endanger the safety or the physical security of a building, public utility, resource, infrastructure, facility, or information storage system.

(z) A record regarding computer hardware, software, and networks, including administrative or technical records, that, if disclosed, would be reasonably likely to jeopardize computer security.

(aa) Identifying information of a patient or caregiver under the Medical Marijuana Act (35 P.S. § 10231.302).

(ab) Records that would indicate firearms or other weapons or ammunition are in department possession as a result of relinquishment (18 Pa.C.S. § 6128).

804.5.1 DISCRETION

The Open-Records Officer may exercise discretion to make any otherwise exempt record accessible for inspection and copying if all the following apply (65 P.S. § 67.506):

(a) Disclosure of the record is not prohibited under any of the following:

1. Federal or state law or regulation.
2. Judicial order or decree.

(b) The record is not protected by a privilege.

(c) The Chief of Police determines that the public interest favoring access outweighs any interest that may favor restriction of access.

804.5.2 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio or video recordings made by members shall be processed by the Open-Records Officer as follows (42 Pa.C.S. § 67A03; 42 Pa.C.S. § 67A04):

(a) Requests shall be made in writing within 60 days of the date that the recording was made and shall describe the incident recorded as well as the date, time, and location of the incident.

(b) The person making the request shall identify their relationship to the incident.

(c) If the recorded incident took place inside a residence, the request shall include the identity of every person present at the time of the recording unless unknown and not reasonably ascertainable.

(d) The Department shall respond to all requests for audio or video recordings made under this section within 30 calendar days of receipt of the request, unless an extension is agreed upon in writing by both the requester and the Department. If the Department

Copyright Lexipol, LLC 2026/05/02, All Rights Reserved.
Published with permission by Mahoning Township Police Department

fails to respond within this timeframe and no extension has been agreed upon, the request shall be deemed denied in accordance with 42 Pa.C.S. § 67A03.

Release of an audio or video recording made in a courtroom is prohibited without the express written approval of the presiding judge of the court (201 Pa. Code Rule 1910).

804.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Open-Records Officer for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, Township Solicitor or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

804.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

804.8 SECURITY BREACHES

Members who become aware that any Mahoning Township Police Department system containing personal information may have been breached should notify the Administrative Assistant as soon as practicable.

The Administrative Assistant shall ensure the required notice is given to the Office of Attorney General and any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person (73 P.S. § 2303). Notice shall be in the form and manner specified in 73 P.S. § 2302.

Notice shall be given as soon as reasonably practicable but not less than seven days after the breach has been discovered by the Department (73 P.S. § 2303). Notice may be delayed if notification will impede a criminal or civil investigation (73 P.S. § 2304).

If notification is required to more than 500 residents at one time, notice of the timing, distribution, and number of notices sent as a result of the breach shall be provided to all consumer-reporting agencies as specified in 73 P.S. § 2305.

Copyright Lexipol, LLC 2026/05/02, All Rights Reserved.
Published with permission by Mahoning Township Police Department

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with and linked to any one or more of the following (73 P.S. § 2302):

(a) Social Security number

(b) Driver's license number or Pennsylvania identification card number

(c) Full account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account

(d) Any information regarding a person's medical information maintained by the Mahoning Township Police Department

(e) Any information regarding a person's health insurance information

Personal information also includes a person's username or email address, in combination with a password or security question and answer that would provide access to an online account. Required notification may be provided via electronic communication as specified in 73 P.S. § 2302.

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Administrative Assistant should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

804.8.1 SECURITY BREACH OF THIRD-PARTY DATA

The Administrative Assistant shall notify the Office of the Attorney General when there is a security breach of Mahoning Township Police Department data maintained by a third-party for more than 500 individuals that contains a resident's personal information as required by 73 P.S. § 2303. The Department must provide the following information regarding a security breach of a third-party when known (73 P.S. § 2303):

(a) The organization's name and location

(b) The data and summary of the breach

(c) An estimated number of individuals affected by the security breach, including Pennsylvania residents

804.8.2 ADDITIONAL NOTIFICATION REQUIREMENTS

Notice should be provided to individuals regarding available credit report and monitoring services when their first name or first initial and last name in combination with one of the following has been accessed (73 P.S. § 2305d):

(a) Social Security number

(b) Bank account number

(c) Driver's license or state identification number

Copyright Lexipol, LLC 2026/05/02, All Rights Reserved.
Published with permission by Mahoning Township Police Department

804.9 EXPUNGEMENT

Expungement orders received by the Department shall be reviewed for appropriate action by the Open-Records Officer. The Open-Records Officer shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist.

Copyright Lexipol, LLC 2026/05/02, All Rights Reserved.
Published with permission by Mahoning Township Police Department