

## **Requesting Audio/Video Recordings from the Irwin Borough Police**

NOTE: Do not request Irwin Borough Police 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 Irwin Borough Police has established a fee of \$100 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:

Irwin Borough  
ATTN: Agency Open Records Officer  
424 Main Street  
Irwin, PA 15642

The Open Records Office accepts requests during regular business hours of 8:00 a.m. to 4:00 p.m., Monday through Friday (except holidays and official office closings).