



COUNCIL  
NICHOLAS A. SALAMONE, CHAIR  
SHELDON SIMPSON, VICE CHAIR  
VINCENT GILLEN  
JOSEPH PRESTIA  
MARY LOU READINGER  
KAREN B. WEISS, MANAGER  
HERBERT F. RUBENSTEIN, SOLICITOR

PLYMOUTH TOWNSHIP BUILDING  
700 BELVOIR ROAD  
PLYMOUTH MEETING, PA 19462  
PHONE: (610) 277-4100  
FAX: (610) 277-4313  
EMAIL: plymouth@plymouthtownship.org

October 16, 2009

George Donnelly

East Norriton, PA 19401

Re: Right to Know Request

Dear Mr. Donnelly:

Thank you for writing to Plymouth Township with your request for information pursuant to the Pennsylvania Right-to-Know Law (the "Act"). On October 12, 2009, you requested the following information in connection with a response to incident of October 9, 2009 in which you were allegedly arrested at 1:30 p.m. by Mark A. Lacy:

- 911 call recording to which officers responded
- any related radio traffic recordings
- any related dash-com video
- any related police car or officer audio
- any field contact notes or reports
- text communications to or from the police related to the encounter
- any e-mails related to the encounter originated by any of the involved officers within 24 hours of the encounter

Your requests are denied for the following reasons:

1. The definition of a "public record" under Section 102 of the Act excludes a record that is exempt under Section 708 of the Act.
2. Section 708(b)(16) of the Act provides as follows:  
  
(b) **Exceptions.** — Except as provided in subsections (c) and (d), the following are exempt from access by a requester under this act:...

(16) A record of an agency relating to or resulting in a criminal investigation, including:

(i) Complaints of potential criminal conduct other than a private criminal complaint.

(ii) Investigative materials, notes, correspondence, videos and reports.

(iii) A record that includes the identity of a confidential source or the identity of a suspect who has not been charged with an offense to whom confidentiality has been promised.

(iv) A record that includes information made confidential by law or court order.

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

(vi) A record that, if disclosed, would do any of the following:

(A) Reveal the institution, progress or result of a criminal investigation, except the filing of criminal charges.

(B) Deprive a person of the right to a fair trial or an impartial adjudication.

(C) Impair the ability to locate a defendant or codefendant.

(D) Hinder an agency's ability to secure an arrest, prosecution or conviction.

(E) Endanger the life or physical safety of an individual.

This paragraph shall not apply to information contained in a police blotter as defined in 18 Pa.C.S. § 9102 (relating to definitions) and utilized or maintained by the Pennsylvania State Police, local, campus, transit or port authority police department or other law enforcement agency or in a traffic report except as provided under 75 Pa.C.S. § 3754(b) (relating to accident prevention investigations).

3. Section 708(b)(18)(i) and (ii) of the Act provides as follows:

(b) **Exceptions.** — Except as provided in subsections (c) and (d), the following are exempt from access by a requester under this act:...

Karen B. Weiss, Township Manager

October 16, 2009

Page 3

(i) Records or parts of records, except time response logs, pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings.

(ii) This paragraph shall not apply to a 911 recording, or a transcript of a 911 recording, if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure.

Your requests are exempt from access under the sections of the Act set forth herein. Plymouth Township does not maintain a police blotter. However, a copy of the relevant police incident report is available from the Police Department at a cost of \$15.00.

You have a right to appeal this denial of information in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4<sup>th</sup> Floor, Harrisburg, Pennsylvania 17120.

If you choose to file an appeal you must do so within fifteen (15) business days of the mailing date of this response, as outlined in Section 1101 of the Pennsylvania Open Records Law. If you have further questions, please contact me at 610-277-4100. Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Very truly yours,



Karen B. Weiss  
Township Manager/  
Open Records Officer

KBW/ll

cc: Herbert F. Rubenstein, Solicitor