

An Accredited Law Enforcement Agency

119 E. Seventh Street, Bloomsburg, PA 17815 • 570-784-4155 • Fax 570-784-4821 • Roger F. Van Loan, *Chief of Police*

May 29, 2018

Via E-mail

Robert Havay
10869 N. Minnewawa Ave.
Clovis, CA 93619

Re: Request for Public Records Received on May 3, 2018 – Final Response

Dear Mr. Havay:

This letter responds to your request for public records that was received by the Bloomsburg Police Department on May 3, 2018. Pursuant to this request, you seek copies of public records (as defined in Pennsylvania's Right-to-Know Law, 65 P.S. §§ 67.101 et seq. ("RTKL")) consisting of:

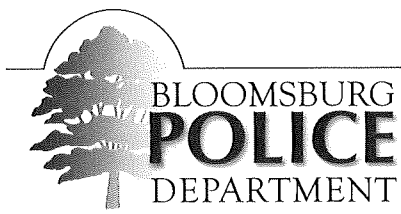
1. Date Detective Beck was Promoted
2. The copy of Training records of Detective Beck for the past 5 years. Academies attended (FBI or PA Bureau of Investigation) if any; and specific training in the art of conducting criminal Interviews.
3. The number (only) of Interviews Detective Beck conducted regarding the Death of Marc Joseph Havay

Please note at the outset that requests for public records to the Town of Bloomsburg and the Bloomsburg Police Department are generally governed by the RTKL and Resolution No. 12-08-08.01. More specifically, Section 703 of the RTKL directs that requesters may seek access to or copies of records; however, requesters must "identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested" and requesters may not ask questions. 65 P.S. § 67.703. In addition, Section 705 of the RTKL provides that agencies are not required to create a record that does not otherwise exist or to compile a record in a particular manner in which the agency does not otherwise compile the information. 65 P.S. § 67.705.

Your request is granted in part and denied in part.

With respect to your request in No. 2 above for Detective Beck's training records, your request is granted and the records responsive to this request are attached. To the extent that you have requested that the training records contain certain information that is not otherwise contained within the responsive records, this request is denied because the RTKL does not require agencies to create records that do not otherwise exist. 65 P.S. § 67.705.

While your request may not be a model of clarity, requests No. 1 and 3, in their entirety, and the second and third clauses of request no. 2 seek facts rather than records. Other than your request for training records (which has been granted), your request does purport to or even attempt to describe any records which might be maintained. The purpose of the RTKL is not to secure answers to interrogatories but



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rather to obtain access to certain non-exempt public records. As such, your request for facts is denied as outside the scope of the RTKL. 65 P.S. § 67.703.

Conclusion

You may have a right to appeal this response to your RTKL request, in which case your appeal must be filed within 15 business days of the **mailing date** of this letter, as provided in Section 1101 of the RTKL. 65 P.S. § 67.1101. Any such appeal must be in writing and filed with the Office of Open Records in compliance with the RTKL and the instructions from the Office of Open Records; **except that appeals relating to access to criminal investigative records must be appealed to the Columbia County's Office of the District Attorney.** For your convenience, complete instructions on how to file an appeal, is available at <http://openrecords.state.pa.us/>.

Please note that, at a minimum, an appeal must include copies of (i) your initial request to the Bloomsburg Police Department, (ii) all correspondence between us relating to your request (including this letter); and (iii) the grounds upon which you assert that the information or records sought is a public record and shall address the grounds stated in this correspondence for rejecting or denying the request. 65 P.S. § 67.1101(a)(1). Failure to comply with these or any other applicable requirements may result in the rejection or denial of your appeal.

Respectfully,

Sergeant Lewis L. Carl
Open Records Officer
Bloomsburg Police Department
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Bloomsburg, PA 17815
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