



Diagnostic Tim <diagnostics@muckrock.com>

RE: Pennsylvania Right to Know Act Request: Training & Certification of Bloomsburg Police Detective

53206-10870343@requests.muckrock.com <53206-10870343@requests.muckrock.com>

Tue, Jun 19, 2018 at 12:43 PM

To: "DC, OpenRecords" <RA-OpenRecords@pa.gov>

June 19, 2018

This is a follow up to a previous request:

Hello,

I'm writing to ask if your office has received the RTKL appeal copied below. Thank you.

This shall serve as formal notice I wish to appeal Bloomsburg Police Departments response and decision related to Detective Beck's Training file. The response for Det. Beck's Training file was incomplete based on the following: Every Peace Officer has a training record commonly referred to as his or her training file. There is no ambiguity in the nomenclature. There is also no need to create a file. Every agency is required by law and or condition of employment to document every Peace Officer's training and qualifications. These include but may not be limited to Weapons, Baton, Chemical agents, Drug Identification, Gangs, Report Writing, Court Procedures, and Verbal Judo or Tactical communications. Also practical training: Felony Traffic stop, Serving High risk Warrants, and Response to an active shooter. Conditions of Employment include Sexual harassment and Diversity or Sensitivity training.

Filed via MuckRock.com

E-mail (Preferred): 53206-10870343@requests.muckrock.com

Upload documents directly: https://www.muckrock.com/accounts/agency_login/police-department-11722/training-certification-of-bloomsburg-police-detective-53206/?uuid-login=3c931372-3b65-4875-8da6-a10a0203baa6&email=RA-OpenRecords%40pa.gov#agency-reply

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 53206

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On June 4, 2018:

This shall serve as formal notice I wish to appeal Bloomsburg Police Departments response and decision related to Detective Beck's Training file. The response for Det. Beck's Training file was incomplete based on the following: Every Peace Officer has a training record commonly referred to as his or her training file. There is no ambiguity in the nomenclature. There is also no need to create a file. Every agency is required by law and or condition of employment to document every Peace Officer's training and qualifications. These include but may not be limited to Weapons, Baton, Chemical agents, Drug Identification, Gangs, Report Writing, Court Procedures, and Verbal Judo or Tactical communications. Also practical training: Felony Traffic stop, Serving High risk Warrants, and Response to an active shooter. Conditions of Employment include Sexual harassment and Diversity or Sensitivity training.

On May 29, 2018:
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 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

119 East 7th Street
Bloomsburg, PA 17815
570-784-4155, ext. 161
lcarl@bloomsburgpa.org

On May 3, 2018:
May 3, 2018

Robert Havay

RE: Right-to-Know Law Request

Dear Robert Havay:

Thank you for writing to The Bloomsburg Police Department ("Agency") with your request for information pursuant to the Pennsylvania Right-to-Know Law ("RTKL"), 65 P.S. 67.101, et. seq. On May 3, 2018, you requested

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.

Pursuant to Section 902(a) of the Right to Know Law, the OOR requires an additional 30 days to respond because (check all that apply):

- The request for access requires redaction of a record in accordance with Section 706 of the RTKL;
- The request for access requires the retrieval of a record stored in a remote location;
- A timely response to the request for access cannot be accomplished due to bona fide and specific staffing limitations;
- A legal review is necessary to determine whether the record is a record subject to access under the RTKL;
- The requester has not complied with the Agency's policies regarding access to records;
- The requester refuses to pay applicable fees authorized by the RTKL;
- The extent or nature of the request precludes a response within the required time period.

The Agency expects to respond to your request on or before June 2, 2018. Duplication fees should not exceed \$10.00.

Sergeant Lewis L. Carl
Open Records Officer
Bloomsburg Police Department
119 East 7th Street
Bloomsburg, PA 17815
570-784-4155, ext. 161
lcarl@bloomsburgpa.org

On May 3, 2018:

To Whom It May Concern:

Pursuant to the Pennsylvania Right to Know Law, I hereby request the following records:

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.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request.

I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Robert Havay

Filed via MuckRock.com

E-mail (Preferred): 53206-10870343@requests.muckrock.com

Upload documents directly: https://www.muckrock.com/accounts/agency_login/police-department-11722/training-certification-of-bloomsburg-police-detective-53206/?uuid-login=3c931372-3b65-4875-8da6-a10a0203baa6&email=RA-OpenRecords%40pa.gov#agency-reply

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2 attachments



Havay_RTK_Final_Response_to_May_03_2018.pdf

145K



Havay_RTK_Final_Response_-_certificates-_to_May_03_2018.pdf

4594K