Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet

_____ **County**

For Prothonotary Use Only:	TIME STAMP
Docket No:	

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:
☐ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:	Lead Defendant's Name:
Are money damages requested? ☐ **Yes** ☐ **No**	Dollar Amount Requested: (check one) ☐ within arbitration limits ☐ outside arbitration limits
Is this a *Class Action Suit*? ☐ **Yes** ☐ **No**	**Is this an *MDJ Appeal*?** ☐ **Yes** ☐ **No**

Name of Plaintiff/Appellant's Attorney: _____

☐ **Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)**

Nature of the Case: Place an "X" to the left of the **ONE** case category that most accurately describes your ***PRIMARY CASE.*** If you are making more than one type of claim, check the one that you consider most important.

SECTION A

TORT (*do not include Mass Tort*)
- ☐ Intentional
- ☐ Malicious Prosecution
- ☐ Motor Vehicle
- ☐ Nuisance
- ☐ Premises Liability
- ☐ Product Liability *(does not include mass tort)*
- ☐ Slander/Libel/ Defamation
- ☐ Other:

_____
_____

MASS TORT
- ☐ Asbestos
- ☐ Tobacco
- ☐ Toxic Tort - DES
- ☐ Toxic Tort - Implant
- ☐ Toxic Waste
- ☐ Other:

_____
_____

PROFESSIONAL LIABLITY
- ☐ Dental
- ☐ Legal
- ☐ Medical
- ☐ Other Professional:

_____
_____

CONTRACT (*do not include Judgments*)
- ☐ Buyer Plaintiff
- ☐ Debt Collection: Credit Card
- ☐ Debt Collection: Other

_____
_____

- ☐ Employment Dispute: Discrimination
- ☐ Employment Dispute: Other

_____
_____

- ☐ Other:

_____
_____

REAL PROPERTY
- ☐ Ejectment
- ☐ Eminent Domain/Condemnation
- ☐ Ground Rent
- ☐ Landlord/Tenant Dispute
- ☐ Mortgage Foreclosure: Residential
- ☐ Mortgage Foreclosure: Commercial
- ☐ Partition
- ☐ Quiet Title
- ☐ Other:

_____
_____

SECTION B

CIVIL APPEALS
Administrative Agencies
- ☐ Board of Assessment
- ☐ Board of Elections
- ☐ Dept. of Transportation
- ☐ Statutory Appeal: Other

_____
_____

- ☐ Zoning Board
- ☐ Other:

_____
_____

MISCELLANEOUS
- ☐ Common Law/Statutory Arbitration
- ☐ Declaratory Judgment
- ☐ Mandamus
- ☐ Non-Domestic Relations Restraining Order
- ☐ Quo Warranto
- ☐ Replevin
- ☐ Other:

_____
_____

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

By: Paula Knudsen Burke
Attorney I.D. No. 87607
4000 Crums Mill Road, Suite 101
Harrisburg, PA 17112
pknudsen@rcfp.org
Phone No. (717) 370-6884

Attorney for Appellants

ALANA SABOL 142 W. 12th St. Erie, PA 16501 and ERIE READER, 142 W. 12th St. Erie, PA 16501 Appellants, v. MILLCREEK TOWNSHIP POLICE DEPARTMENT, 3608 West 26th St. Erie, PA 16506 Appellee.	:	IN THE COURT OF COMMON PLEAS ERIE COUNTY, PENNSYLVANIA No. _____ Statutory Appeal: Right to Know Law

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by your attorney, and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you, and a judgment may be entered against you by the court, without further notice, for any money claimed in the Complaint, or of any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyer Referral & Information Service
P.O. Box 1792
Erie, PA 16507
(814) 459-4411
Monday Friday (8:30 a.m.- 5:00 p.m.)
https://www.eriebar.com/public/services/lawyer-referral-service

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

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ALANA SABOL 142 W. 12th St. Erie, PA 16501 and ERIE READER, 142 W. 12th St. Erie, PA 16501 Appellants, v. MILLCREEK TOWNSHIP POLICE DEPARTMENT, 3608 West 26th St. Erie, PA 16506 Appellee.	:	IN THE COURT OF COMMON PLEAS ERIE COUNTY, PENNSYLVANIA No. _____ Statutory Appeal: Right to Know Law

[PROPOSED] ORDER GRANTING PETITION FOR REVIEW

AND NOW, this _____ day of _____ 2026, upon consideration of Alana Sabol and the Erie Reader's Petition for Review, and any response thereto, said Petition is GRANTED. The Final Determination issued by the Pennsylvania Office of Open Records (OOR) (Docket No: AP 2026-4476) on October 15, 2026 is REVERSED. Millcreek Township Police Department shall obtain and provide to Ms. Sabol and the Erie Reader the requested documents sought in the August 26, 2026 Right-to-Know Law request submitted by Ms. Sabol.

_____

J.

Distribution List:
Paula Knudsen Burke, 4000 Crums Mill Road, Suite 101, Harrisburg, PA 17112, (717) 370-6884, pknudsen@rcfp.org

Capt. Chris Hauber, Millcreek Police Department, 3608 West 26th St., Erie, PA 16506, (814) 838-9515, hauber@millcreekpd.com

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

ALANA SABOL 142 W. 12th St. Erie, PA 16501 and ERIE READER, 142 W. 12th St. Erie, PA 16501 Appellants, v. MILLCREEK TOWNSHIP POLICE DEPARTMENT, 3608 West 26th St. Erie, PA 16506 Appellee.	:	IN THE COURT OF COMMON PLEAS ERIE COUNTY, PENNSYLVANIA No. _____ Statutory Appeal: Right to Know Law

PETITION FOR REVIEW

Appellants Alana Sabol and Great Lakes Online Media d/b/a Erie Reader ("Erie Reader") hereby appeal from the decision of the Office of Open Records issued on October 15, 2026 and indexed as OOR Dkt. AP 2026-4476. A copy of the OOR decision is attached as **Exhibit A**.

STATEMENT OF JURISDICTION

1. This Notice of Appeal is filed pursuant to Section 1302(a) of the Right to Know Law. 65 P.S. § 67.1302(a).

PARTIES

2. Appellant Alana Sabol is an adult individual employed as a reporter at the Erie Reader, with a business address of 142 W. 12th St, Erie, PA 16501.

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

3. Appellant Erie Reader is an independent, alternative newspaper serving the Erie, Pennsylvania metropolitan area with print and digital news. Its business address is 142 W. 12th St, Erie, PA 16501.

4. Appellee is the Millcreek Township Police Department, a governmental unit with a business address of 3608 West 26th St., Erie, PA 16506.

FACTUAL BACKGROUND

5. Reporter Alana Sabol and the Erie Reader (collectively "Requesters") submitted a request ("Request") on August 26, 2026, to the Millcreek Township Police Department ("MTPD") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking "Aggregated data and organizational audit data beginning January 2026 to present day from the Flock camera database at the Millcreek Mall, including search reasons, devices, and officer names. This includes searches made by Millcreek Police Department Also include aggregated network data beginning January 2026. This includes the searches for Millcreek Township's Flock cameras made by outside organizations and departments." A copy of the Request is attached as **Exhibit B.**

6. The MTPD obtained a thirty-day extension pursuant to 65 P.S. § 67.902(b) and eventually denied part of the Request on September 29, 2026, asserting: "The requested information may pertain to a record of the Department relating to and resulting in a criminal investigation. The requested information is also exempt from disclosure pursuant to Section 9106(c)(4) of the Pennsylvania Criminal History Records Information Act, 18 Pa. C.S.A. § 9101 et seq. ("CHRIA"). Records that are exempt from disclosure by law have been withheld pursuant to the RTKL. A copy of the MTPD's response is attached as **Exhibit C**.

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

7. On October 9, 2026, Requesters appealed the MTPD's denial of the Request to the state Office of Open Records ("OOR"). A true and correct copy of Requester's appeal is attached hereto as **Exhibit D** and incorporated by reference herein.

8. On October 15, 2026, the OOR issued a final determination dismissing the appeal because "the records relate to a criminal investigation, and the OOR lacks jurisdiction over appeals of alleged criminal investigative records in the possession of a local law enforcement agency." *See* Ex. A.

STANDARD AND SCOPE OF REVIEW

9. In adjudicating this matter, this Court may function as a fact finder and exercise plenary review and apply a *de novo* standard of review. *Bowling v. Office of Open Records*, 75 A.3d 453, 473 (Pa. 2013).

10. This Court may supplement the record to ensure "the broadest scope of review." *Bowling*, 75 A.3d at 477.

11. The OOR erred in determining that the records requested are related to a criminal investigation and that the appeal must be dismissed.

12. Contrary to the OOR's final determination, the records do not reveal anything about individual investigations conducted by MTPD, therefore they are public records and not investigative records subject to CHRIA. CHRIA is not so broad that "the mere fact that a record has some connection to a criminal proceeding" becomes exempt; rather, it applies to "records *created* to report on a criminal investigation or set forth or document evidence in a criminal investigation." *Pa. State Police v. Grove*, 119 A.3d 1102, 1108 (Pa. Cmmw. Ct. 2015).

13. Appellants reserve the right to supplement the record before the Court by briefing the question more fully in a later phase of this litigation and, should the Court wish, by appearing before the Court at a hearing on this matter.

RELIEF SOUGHT

WHEREFORE, Alana Sabol and the Erie Reader respectfully request that the Court reverse the final determination of the Office of Open Records; enter a finding that the audit records sought by Requesters are not related to criminal investigation and are disclosable pursuant to the RTKL; as well as award Requesters their reasonable costs and attorney's fees and grant any other relief the Court deems appropriate, including penalties pursuant to pursuant to 65 P.S. § 67.1305(a).

Respectfully submitted,

/s/Paula Knudsen Burke

Attorney for Appellants

Dated: November 12, 2026

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Date: November 12, 2026

Submitted by: */s/Paula Knudsen Burke*
Paula Knudsen Burke
PA Attorney ID: 87607

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

CERTIFICATE OF SERVICE

I, Paula Knudsen Burke, hereby certify that on November 12, 2026, I served a true and correct copy of the foregoing, via email and United States first-class mail, addressed as below, upon the following individuals:

Capt. Chris Hauber
Open Records Officer
Millcreek Township Police Department
3608 West 26th St.,
Erie, PA 16506
(814) 838-9515
hauber@millcreekpd.com

Joshua T. Yang
Senior Deputy Chief Counsel
Office of Open Records
333 Market St 16th floor
Harrisburg, PA 17101
oor-postfd@pa.gov

Date: November 12, 2026

Submitted by: */s/Paula Knudsen Burke*
Paula Knudsen Burke
PA Attorney ID: 87607

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

EXHIBIT A

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Pennsylvania
Office of Open Records

Pennsylvania Office of Open Records
555 Walnut Street, Suite 605
Harrisburg, PA 17101-1925
717-346-9903 | openrecords.pa.gov

FINAL DETERMINATION

DATE ISSUED AND MAILED: October 15, 2026

IN RE: *Alana Sabol and the Erie Reader v. Millcreek Township*, OOR Dkt. AP 2026-4476

Upon review of the appeal filed with the Office of Open Records ("OOR") to the above-referenced docket number, it is determined that the appeal is **DISMISSED** because:

☐ Appeal filed beyond fifteen (15) business days of the denial/deemed denial of Request.

☐ Appeal filed prior to the RTKL appeal period.

☐ Appeal failed to include a copy of the Request and/or Agency Response.

☐ Appeal failed to address Agency ground(s) for denying access to records and/or why the records are public records.

☐ Appeal failed to identify the Agency against which the appeal is filed.

☐ OOR lacks jurisdiction over Agency from which records are sought.

☒ OOR lacks jurisdiction over alleged criminal investigative records of a local agency.

☐ OOR lacks jurisdiction over audio and video recordings made by a law enforcement agency.

Explanation: See Explanation Sheet.

For this reason, the Township is not required to take any further action. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Erie County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties and the OOR must be served with the notice of the appeal; however, as the quasi-judicial tribunal adjudicating this matter, the OOR should not be named as a party. All communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the website at: http://openrecords.pa.gov.

Issued by:

/s/ Joshua T. Young

Joshua T. Young, Esq.
Senior Deputy Chief Counsel

Sent to: Requester; Agency Open Records Officer

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Check-Box Dismissal Explanation Sheet

The appeal is filed beyond the RTKL appeal period (untimely):

The Requester had fifteen business days from the denial of the Request to file an appeal. 65 P.S. § 67.1101(a)(1). Because the appeal was filed after the expiration of the appeal period, the appeal is untimely.

OR

No response was issued within five business days of the Agency Open Records Officer's receipt of the Request, the Request was deemed denied. *See* 65 P.S. § 67.901. The Requester had fifteen business days from the deemed denial to file an appeal. Because the appeal was filed after the expiration of the appeal period, the appeal is untimely.

OR

The Agency invoked a timely extension of time to respond to the Request, but did not issue a response thereafter, resulting in a deemed denial. *See* 65 P.S. § 67.901; 65 P.S. § 67.902(b). The Requester had fifteen business days from the deemed denial to file an appeal. Because the appeal was filed after the expiration of the appeal period, the appeal is untimely.

The appeal is filed prior to the RTKL appeal period (premature):

The Agency has five business days from its Open Records Officer's receipt of the Request to respond. *See* 65 P.S. § 67.901. Because the appeal was filed prior to the expiration of the Agency's response period, the appeal is premature.

OR

The Agency invoked a timely extension to respond to the Request. *See* 65 P.S. § 67.901; 65 P.S. § 67.902(b). Because the appeal was filed prior to the expiration of the Agency's response period, the appeal is premature.

OR

The Agency's Open Records Officer did not receive the Request prior to the filing of the appeal.

The appeal is deficient:

The Appeal documents did not include a copy of the Request and/or the Agency Final Response; as a result, the evidentiary record lacks sufficient clarity to allow the OOR to confirm what records were requested and whether the Requester's appeal was sufficient.

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

The appeal does not sufficiently address the Agency's grounds for denial:

The appeal does not state the grounds upon which the Requester asserts the records are public records and/or address the Agency's ground(s) for delaying or denying the request. 65 P.S. § 67.1101(a)(1).

OR

The Agency granted the Request, and the Requester has not identified any outstanding issues for adjudication by the OOR.

The OOR lacks jurisdiction over Agency:

The Agency is a judicial agency over which the OOR lacks jurisdiction. 65 P.S. § 67.503(b).

OR

The Agency is a legislative agency over which the OOR lacks jurisdiction. 65 P.S. § 67.503(c).

OR

The Agency is a Commonwealth agency over which the OOR lacks jurisdiction. 65 P.S. § 67.503(d)(1).

Unknown Agency:

The appeal documents did not identify the Agency to which the Request was submitted and against which the appeal was filed.

The appeal involves records that may be Criminal Investigative Records:

The Agency alleges that the records relate to a criminal investigation, and the OOR lacks jurisdiction over appeals of alleged criminal investigative records in the possession of a local law enforcement agency. 65 P.S. § 67.503(d)(2).

The appeal involves audio/video recording made by a law enforcement agency:

The Request seeks an audio or video recording made by a law enforcement agency, access to which is governed by a separate procedure. *See* 42 Pa.C.S. §§ 67A03-67A05.

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

EXHIBIT B

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Online Form Submittal: Record Request Form

1 message

noreply@civicplus.com <noreply@civicplus.com> Wed, Aug 26, 2026 at 1:39 PM
Reply-To: noreply@civicplus.com
To: alanacsabol@gmail.com

Record Request Form

Please read carefully. Complete this form and retain a copy of both pages; this copy may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied. More information about the RTKL is available at https://www.openrecords.pa.gov. In most cases, a completed RTKL request form is a public record.

Date Request Submitted	8/26/2026
Full Name of Requester	Alana Sabol
Mailing Address	4829 Hilltop Rd.
City	Erie
State	PA
Zip Code	16509
Telephone	8148443928
Email	alanacsabol@gmail.com
Verification	By checking this box, I affirm that my full name and contact information is true and correct, and that I am a legal resident of the United States.

Records Requested

**Provide as much specific detail as possible so the agency can identify the information. The Township will not identify unspecified records or conduct research for a requestor.*

Provide Detail	Aggregated data and organizational audit data beginning January 2026 to present day from the Flock camera database at the Millcreek Mall, including search reasons, devices, and officer names. This includes searches made by Millcreek Police Department. Also include aggregated network data beginning January 2026.

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

	This includes the searches for Millcreek Township's Flock cameras made by outside organizations and departments.
Is this a Township, Police, or General Authority request?	Police
Do you want copies?	Yes, electronic
Do you want certified copies of records? ($5.00 per record)	No
I understand that my request may incur fees. Notify me before processing if fees will be more than:	Over $25.00

If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (65 P.S. Section 67.702). Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (65 P.S. Section 67.703).

General Regulations Accessibility of Documents
Regulations governing access to public records are established in Pennsylvania's Right-to-Know Law, most recently amended effective January 1, 2009. The Right-to-Know Law defines certain important terms:

Record – information, regardless of physical form or characteristics, which documents an activity or transaction of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency. It includes information in document and other formats.

Financial record – includes (1) any account, voucher or contract dealing with (i) the receipt or disbursement of funds by an agency or (ii) an agency's acquisition, use or disposal of services, supplies, materials, equipment or property.

Public record - a record, including a financial record, of a Commonwealth or local agency which is (1) not exempt under Section 708 of the Law [which identifies a number of exceptions for public records]; (2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or (3) is not protected by a privilege.

Privilege - includes the attorney work-product doctrine, the attorney-client privilege, the doctor-patient privilege, the speech and debate privilege or other privilege which is recognized by a court interpreting Pennsylvania laws.

Legislative record – includes a financial record, the minutes of, record of attendance of members at a public hearing or public committee meeting, all recorded votes taken in a public committee meeting, administrative staff manuals or written policies. The reason for a request to access public, financial or legislative records is not material.

A request for access to public records must define those to which access is

requested with sufficient specificity to enable Millcreek Township to ascertain which record(s) is or are being requested. It is not the duty of the Township to surmise or guess as to records a requester seeks to access. Excessively broad or vague requests (examples: all permits issued or approvals issued in a given time period) do not identify records adequately to allow the Township to identify those which pertain to the request.

Public records are available for access during regular business hours of the Township. A requestor may ask, initially, for access to a record to review that record. There is no charge to access and review a record. Requests for copies of records are subject to those fees as are established by resolution adopted by the Board of Supervisors.

Generally, a record will be provided to a requester in the medium requested if that record exists in such medium. Otherwise, it will be provided in the medium in which the record exists.

The Township has no duty to create a record that does not exist.

Generally, a request for copies of public records shall be accompanied by payment of the fees for such copies as are then in effect. Such request and payment may be made after inspection of records and identification by the requestor of those copies desired.

Except for those oral or verbal requests authorized by Resolution adopted by the Board of Supervisors, requests for access to public, financial or legislative records shall be in writing and submitted to the Township's Open Records Officer.

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

EXHIBIT C

Case: 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

MILLCREEK TOWNSHIP
POLICE DEPARTMENT

Chief Carter Mook

September 29, 2026

Alana Sabol
4829 Hilltop Road
Erie, PA 16509

Vía email: alanacsabol@gmail.com

RE: Right-to-Know Request of Millcreek Township Police Department received August 26, 2026, and Township requested 30-day extension.

Dear Ms. Sabol,

Thank you for writing to the Millcreek Township Police Department to request records pursuant to Pennsylvania's Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*.

On September 26, 2026, you submitted a Right-to-Know Request to the Millcreek Township Police Department (the "Police Department") for Certain Records. Your request stated the following:

Aggregated data and organizational audit data beginning January 2026 to present day from the Flock camera database at the Millcreek Mall, including search reasons, devices, and officer names. This includes searches made by Millcreek Police Department.

Also include aggregated network data beginning January 2026. This includes the searches for Millcreek Township's Flock cameras made by outside organizations and departments.

Your request is partially granted and partially denied. Records responsive to your request are attached to this email response.

Case: 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

However, records that are exempt from disclosure by law have been withheld pursuant to the RTKL. The requested information may pertain to a record of the Department relating to and resulting in a criminal investigation. The requested information is also exempt from disclosure pursuant to Section 9106(c)(4) of the Pennsylvania Criminal History Records Information Act, 18 Pa. C.S.A. § 9101 et seq. ("CHRIA"). Records that are exempt from disclosure by law have been withheld pursuant to the RTKL.

I have partially granted and partially denied the above request upon the authority granted to me as the Open-Records Officer for the Department. I can be contacted at the information supplied above.

You have a right to appeal this denial. To appeal the denial pursuant to 65 P.S. § 67.708(b)(16) regarding records relating to a criminal investigation, you may file an appeal with the Erie County District Attorney's Office provided in 65 P.S. § 67-503(d)(2) and 65 P.S. § 1101. If you choose to file an appeal, you must do so within fifteen (15) business days of the mailing date of the Department's response. Please direct any appeal in writing to the DA RTK Appeals Officer, Attn: Asst. DA Brendan Sala, Erie County Courthouse, 140 West 6th Street, Room 506, Erie, PA 16501.

Should you wish to contest any part of this decision, other than the denial pursuant to 65 P.S. § 67-708(b)(16) regarding records relating to a criminal investigation, you may file an appeal with the Office of Open Records as provided for in 65 P.S. § 67-1101. If you choose to file an appeal, you must do so within fifteen (15) business days of the mailing date of the Department's response. Please direct any appeal in writing to the Office of Open Records, 333 Market St., 16th Floor, Harrisburg, PA 17101-2234. Appeals can also be filed online at the Office of Open Records website, https://www.openrecords.pa.gov.

Please note that a copy of your original Right-to-Know request, the agency's extension notices (if applicable), and this denial letter should be included when filing an appeal. Any appeal shall state the grounds upon

Case: 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

which you assert that the denied record is subject to disclosure pursuant to the Right-to-Know Law and shall address any grounds for the denial stated above. More information about how to file an appeal under the Right-to-Know Law is available at the Office of Open Records website, https://www.openrecords.pa.gov.

Thank you for your attention to this matter.

Sincerely,

Captain Christopher Hauber
Open-Records Officer

Captain Christopher Hauber
Commander, Special Services Division

Millcreek Township Police Department
3608 West 26th Street
Erie, PA 16506
Office: 814-838-9515 x453
Fax: 814-838-0645
Email: hauber@millcreekpd.com

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

EXHIBIT D

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

From: no-reply@openrecordspennsylvania.com
To: alana@eriereader.com
Subject: [External] PA Office of Open Records - Appeal Confirmation
Date: Friday, October 9, 2026 3:33:01 PM
Attachments: oor_logo_email.png

ATTENTION: *This email message is from an external sender. Do not open attachments or click links from unknown senders. To report suspicious email, use the Report Phish button in Outlook.*

pennsylvania
OFFICE OF OPEN RECORDS

You have filed an appeal of an agency's response to a request for records under the Right-to-Know Law.

Name:	Alana Sabol
Company:	Erie Reader
Address 1:	1001 State Street, Suite 1315
Address 2:	
City:	Erie
State:	Pennsylvania
Zip:	16501
Phone:	
Email:	alana@eriereader.com
Email2:	
Agency (list):	Millcreek Township
Agency Address 1:	3608 W 26th St
Agency Address 2:	
Agency City:	Erie
Agency State:	Pennsylvania

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Agency Zip:	16505
Agency Phone:	814-833-1111
Agency Email:	info@millcreektownship.com
Records at Issue in this Appeal:	I requested aggregated data and organizational audit data beginning January 2026 to present day from the Flock camera database at the Millcreek Mall, including search reasons, devices, and officer names. This includes searches made by Millcreek Police Department. Also include aggregated network data beginning January 2026 also made by any outside organizations or departments. I received Millcreek's ALPR policy but was denied any audit data.
Request Submitted to Agency Via:	e-mail
Request Date:	08/26/2026
Response Date:	09/29/2026
Deemed Denied:	No
Agency Open Records Officer:	Captain Christopher Hauber, Commander of Special Services Division
Attached a copy of my request for records:	Yes
Attached a copy of all responses from the Agency regarding my request:	Yes
Attached any letters or	No

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

notices extending the Agency's time to respond to my request:	
Agree to permit the OOR additional time to issue a final determination:	No
Interested in resolving this issue through OOR mediation:	No
Attachments:	• Gmail - Online Form Submittal_ Record Request Form.pdf • 08 31 26 Sabol Extension RTK Response.pdf • 09 29 26 Sabol RTKR.pdf • MPD ALPR Policy.pdf • Gmail - Right to Know Response.pdf • Appeal Explanation 10_9_26 FINAL.pdf

I requested the listed records from the Agency named above. By submitting this form, I am appealing the Agency's denial, partial denial, or deemed denial because the requested records are public records in the possession, custody or control of the Agency; the records do not qualify for any exemptions under § 708 of the RTKL, are not protected by a privilege, and are not exempt under any Federal or State law or regulation; and the request was sufficiently specific.

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

October 9, 2026

Organizational audit data is available publicly on https://haveibeenflocked.com/pd/7981-millcreek-twp-pa-pd/audit. I believe some of this information does not pertain to active investigations or would otherwise jeopardize an active investigation. Also, an affidavit was not included in Hauber's response to my request.

I have seen this in other jurisdictions, for example, in Lehigh County: "On behalf of Weber and The Morning Call, Paula Knudsen Burke, the Reporters Committee's Pennsylvania-based attorney, and attorney Jim Davy of All Rise Trial & Appellate filed this appeal of the DA appeals officer's determination. In the filings, Burke and Davy argue that the city failed to prove that the requested records contain investigative information. And the RTKL makes clear that the exemption for investigative information doesn't apply to aggregated data, the appeal adds, asking the Lehigh County Court of Common Pleas to order the release of the data."

https://www.rcfp.org/litigation/weber-v-city-of-allentown/

Also see House Bill 2771: House Bill 2771 Information; 2025-2026 Regular Session - The Official Website of the Pennsylvania General Assembly

I seek an In Camera Review of the withheld audit records for the appeals officer to determine whether the claimed exemptions apply, and if they do, whether the records can be redacted to provide access in a limited fashion.

Case: 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

MILLCREEK TOWNSHIP
POLICE DEPARTMENT

Chief Carter Mook

September 29, 2026

Alana Sabol
4829 Hilltop Road
Erie, PA 16509

Vía email: alanacsabol@gmail.com

RE: Right-to-Know Request of Millcreek Township Police Department received August 26, 2026, and Township requested 30-day extension.

Dear Ms. Sabol,

Thank you for writing to the Millcreek Township Police Department to request records pursuant to Pennsylvania's Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*.

On September 26, 2026, you submitted a Right-to-Know Request to the Millcreek Township Police Department (the "Police Department") for Certain Records. Your request stated the following:

Aggregated data and organizational audit data beginning January 2026 to present day from the Flock camera database at the Millcreek Mall, including search reasons, devices, and officer names. This includes searches made by Millcreek Police Department.

Also include aggregated network data beginning January 2026. This includes the searches for Millcreek Township's Flock cameras made by outside organizations and departments.

Your request is partially granted and partially denied. Records responsive to your request are attached to this email response.

Case: 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

However, records that are exempt from disclosure by law have been withheld pursuant to the RTKL. The requested information may pertain to a record of the Department relating to and resulting in a criminal investigation. The requested information is also exempt from disclosure pursuant to Section 9106(c)(4) of the Pennsylvania Criminal History Records Information Act, 18 Pa. C.S.A. § 9101 et seq. ("CHRIA"). Records that are exempt from disclosure by law have been withheld pursuant to the RTKL.

I have partially granted and partially denied the above request upon the authority granted to me as the Open-Records Officer for the Department. I can be contacted at the information supplied above.

You have a right to appeal this denial. To appeal the denial pursuant to 65 P.S. § 67.708(b)(16) regarding records relating to a criminal investigation, you may file an appeal with the Erie County District Attorney's Office provided in 65 P.S. § 67-503(d)(2) and 65 P.S. § 1101. If you choose to file an appeal, you must do so within fifteen (15) business days of the mailing date of the Department's response. Please direct any appeal in writing to the DA RTK Appeals Officer, Attn: Asst. DA Brendan Sala, Erie County Courthouse, 140 West 6th Street, Room 506, Erie, PA 16501.

Should you wish to contest any part of this decision, other than the denial pursuant to 65 P.S. § 67-708(b)(16) regarding records relating to a criminal investigation, you may file an appeal with the Office of Open Records as provided for in 65 P.S. § 67-1101. If you choose to file an appeal, you must do so within fifteen (15) business days of the mailing date of the Department's response. Please direct any appeal in writing to the Office of Open Records, 333 Market St., 16th Floor, Harrisburg, PA 17101-2234. Appeals can also be filed online at the Office of Open Records website, https://www.openrecords.pa.gov.

Please note that a copy of your original Right-to-Know request, the agency's extension notices (if applicable), and this denial letter should be included when filing an appeal. Any appeal shall state the grounds upon

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which you assert that the denied record is subject to disclosure pursuant to the Right-to-Know Law and shall address any grounds for the denial stated above. More information about how to file an appeal under the Right-to-Know Law is available at the Office of Open Records website, https://www.openrecords.pa.gov.

Thank you for your attention to this matter.

Sincerely,

Captain Christopher Hauber
Open-Records Officer

Captain Christopher Hauber
Commander, Special Services Division

Millcreek Township Police Department
3608 West 26th Street
Erie, PA 16506
Office: 814-838-9515 x453
Fax: 814-838-0645
Email: hauber@millcreekpd.com

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Gmail

Alana Sabol <alanacsabol@gmail.com>

Right to Know Response

3 messages

Chris Hauber <hauber@millcreekpd.com> Tue, Sep 29, 2026 at 10:26 AM
To: "alanacsabol@gmail.com" <alanacsabol@gmail.com>

Please see the attached.

Regards.

Captain Christopher Hauber
Commander, Special Services Division

Millcreek Township Police Department
3608 West 26th Street
Erie, PA 16506
Office: 814-838-9515 x453
Fax: 814-838-0645
Email: hauber@millcreekpd.com

2 attachments

MPD ALPR Policy.pdf
482K

09 29 26 Sabol RTKR.pdf
1485K

Alana Sabol <alanacsabol@gmail.com> Tue, Sep 29, 2026 at 11:58 AM
To: Chris Hauber <hauber@millcreekpd.com>

Thank you for your response Captain Hauber. May I receive the data that has not been denied/exempt? The records responsive to my request that are permitted to be disclosed were not attached.

Best,
Alana Sabol
[Quoted text hidden]

Chris Hauber <hauber@millcreekpd.com> Wed, Sep 30, 2026 at 8:07 AM
To: Alana Sabol <alanacsabol@gmail.com>

Not quite sure what you are asking here?

LPR data is not considered a public record in the Commonwealth of PA, but if you disagree, feel free to file an appeal.

Regards.

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Captain Christopher Hauber
Commander, Special Services Division

Millcreek Township Police Department
3608 West 26th Street
Erie, PA 16506
Office: 814-838-9515 x453
Fax: 814-838-0645
Email: hauber@millcreekpd.com

From: Alana Sabol <alanacsabol@gmail.com>
Sent: Tuesday, September 29, 2026 11:58 AM
To: Chris Hauber <hauber@millcreekpd.com>
Subject: Re: Right to Know Response
[Quoted text hidden]

Case: 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

MILLCREEK TOWNSHIP
POLICE DEPARTMENT

Chief Carter Mook

August 31, 2026

Alana Sabol

4829 Hilltop Rd.

Erie, PA 16509

Via email: alanacsabol@gmail.com

Re: Notice of Extension of Time to Respond to Open Records Request Received August 26, 2026.

Dear Ms. Sabol,

Thank you for writing to the Millcreek Township Police Department to request records pursuant to Pennsylvania's Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 et seq.

On August 26, 2026, you submitted a Right-to-Know Request to the Millcreek Township Police Department (the "Police Department") for Certain Records.

Please be advised that the Township is claiming an extension of time in which to respond to your requests as the extent or nature of your requests and subsequent legal review preclude fulfillment of the requests within five business days. You should anticipate receiving a response no later than thirty days from the date of this correspondence.

Please be advised that the cost for duplication of records is $ .25 per page with the first five pages being free. For Certified copies of records, there is an additional cost of $1.00 per record. Records may be picked up at the Township's Municipal Building.

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MILLCREEK TOWNSHIP
POLICE DEPARTMENT

If you prefer that the records to be mailed to you, there will be a postage fee.

If you have any questions, please do not hesitate to contact me at the information supplied.

Sincerely,

Cpt. Christopher Hauber

Commander, Special Services Division

Open-Records Officer

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Online Form Submittal: Record Request Form

1 message

noreply@civicplus.com <noreply@civicplus.com> Wed, Aug 26, 2026 at 1:39 PM
Reply-To: noreply@civicplus.com
To: alanacsabol@gmail.com

Record Request Form

Please read carefully. Complete this form and retain a copy of both pages; this copy may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied. More information about the RTKL is available at https://www.openrecords.pa.gov. In most cases, a completed RTKL request form is a public record.

Date Request Submitted	8/26/2026
Full Name of Requester	Alana Sabol
Mailing Address	4829 Hilltop Rd.
City	Erie
State	PA
Zip Code	16509
Telephone	8148443928
Email	alanacsabol@gmail.com
Verification	By checking this box, I affirm that my full name and contact information is true and correct, and that I am a legal resident of the United States.

Records Requested

**Provide as much specific detail as possible so the agency can identify the information. The Township will not identify unspecified records or conduct research for a requestor.*

Provide Detail	Aggregated data and organizational audit data beginning January 2026 to present day from the Flock camera database at the Millcreek Mall, including search reasons, devices, and officer names. This includes searches made by Millcreek Police Department. Also include aggregated network data beginning January 2026.

Case# 2026-13438-0 Received at Erie County Prothonotary on 11/12/2026 4:11 PM, Fee = 144.75. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

	This includes the searches for Millcreek Township's Flock cameras made by outside organizations and departments.
Is this a Township, Police, or General Authority request?	Police
Do you want copies?	Yes, electronic
Do you want certified copies of records? ($5.00 per record)	No
I understand that my request may incur fees. Notify me before processing if fees will be more than:	Over $25.00

If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (65 P.S. Section 67.702). Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (65 P.S. Section 67.703).

General Regulations Accessibility of Documents
Regulations governing access to public records are established in Pennsylvania's Right-to-Know Law, most recently amended effective January 1, 2009. The Right-to-Know Law defines certain important terms:

Record – information, regardless of physical form or characteristics, which documents an activity or transaction of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency. It includes information in document and other formats.

Financial record – includes (1) any account, voucher or contract dealing with (i) the receipt or disbursement of funds by an agency or (ii) an agency's acquisition, use or disposal of services, supplies, materials, equipment or property.

Public record - a record, including a financial record, of a Commonwealth or local agency which is (1) not exempt under Section 708 of the Law [which identifies a number of exceptions for public records]; (2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or (3) is not protected by a privilege.

Privilege - includes the attorney work-product doctrine, the attorney-client privilege, the doctor-patient privilege, the speech and debate privilege or other privilege which is recognized by a court interpreting Pennsylvania laws.

Legislative record – includes a financial record, the minutes of, record of attendance of members at a public hearing or public committee meeting, all recorded votes taken in a public committee meeting, administrative staff manuals or written policies. The reason for a request to access public, financial or legislative records is not material.

A request for access to public records must define those to which access is

requested with sufficient specificity to enable Millcreek Township to ascertain which record(s) is or are being requested. It is not the duty of the Township to surmise or guess as to records a requester seeks to access. Excessively broad or vague requests (examples: all permits issued or approvals issued in a given time period) do not identify records adequately to allow the Township to identify those which pertain to the request.

Public records are available for access during regular business hours of the Township. A requestor may ask, initially, for access to a record to review that record. There is no charge to access and review a record. Requests for copies of records are subject to those fees as are established by resolution adopted by the Board of Supervisors.

Generally, a record will be provided to a requester in the medium requested if that record exists in such medium. Otherwise, it will be provided in the medium in which the record exists.

The Township has no duty to create a record that does not exist.

Generally, a request for copies of public records shall be accompanied by payment of the fees for such copies as are then in effect. Such request and payment may be made after inspection of records and identification by the requestor of those copies desired.

Except for those oral or verbal requests authorized by Resolution adopted by the Board of Supervisors, requests for access to public, financial or legislative records shall be in writing and submitted to the Township's Open Records Officer.

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MILLCREEK TOWNSHIP POLICE DEPARTMENT
Erie, Pennsylvania

GENERAL ORDER 2.10

Subject: ALPR		
PLEAC STANDARD: 2.10.1		
Date of Issue	**Effective Date**	**Expiration Date**
06/30/2026	06/30/2026	Until Amended/Rescinded
Amends	**Rescinds**	
	All Prior Policy	
Index Words		
ALPR; Audit	**Issuing Authority: Chief Carter Mook**	
Distribution		
All Personnel		

I. PURPOSE

The purpose of this policy is to establish guidelines for the capture, storage and use of digital data obtained using Automated License Plate Reader, stationary & vehicle mounted (ALPR) and Overview-Fixed Camera technology and associated media. Changes in law and procedure will give rise to modifications and updates.

Captured data collected or retained using ALPR and related Overview-Fixed Camera systems are not subject to disclosure under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

II. POLICY

The policy of this department is to utilize ALPR and Overview-Fixed camera technology to capture and store digital license plate data and images for legitimate law enforcement purposes while respecting the established privacy rights of the public.

Only department-approved video surveillance equipment shall be utilized. Officers authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police, or the authorized designee, shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

The system will not intentionally be used to invade the privacy of individuals, observe areas where a reasonable expectation of privacy exists, in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability or to harass, intimidate, or discriminate against any individual or group.

III. ADMINISTRATION

1. The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. This department uses the technology to convert

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data associated with vehicle license plates for official law enforcement purposes, including but not limited to identifying stolen or wanted vehicles, stolen, suspended, or expired license plates, and locating missing persons. It may also be used to gather information related to active warrants, bond and PFA violations, Amber and Homeland security alerts, narcotics investigations, suspect interdiction, stolen property recovery, routine patrol operations, or other criminal investigations.

2. All installation and maintenance of authorized ALPR and Overview-Fixed equipment and associated hardware, as well as data retention and access, shall be managed by the Chief of Police (or designee) in cooperation with any service provider agreement. *(PLEAC 2.10.1b)*

3. Records will be maintained identifying approved ALPR deployments and documenting their results, including appropriate documentation of significant incidents and arrests that are related to ALPR usage.

IV. PROCEDURES

General Guidelines

1. ALPR and Overview-Fixed camera operation and access to data and associated media shall be for official law enforcement purposes only. *(PLEAC 2.10.1d)*
2. Only officers who have been properly trained in the use and operational protocols of the ALPR and Overview-Fixed systems shall be authorized to use it. *(PLEAC 2.10.1b)*

3. ALPR and Overview-Fixed cameras may be used in conjunction with any routine patrol operation or criminal investigation.

4. Reasonable Suspicion or Probable Cause are not required before using the ALPR.

5. While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped vehicles to canvass areas around homicides, shootings, and other major incidents.

6. Any misuse of this equipment and associated databases, or data, will be subject to disciplinary actions and possible criminal sanctions.

7. The ALPR, Overview-Fixed cameras, data and associated media are the property of this department and intended for use in conducting official law enforcement business.

8. In criminal related matters, data and associated media are the property of the District Attorney's Office.

9. All users of the system, by virtue of their use of the system, waive any right of or expectation to privacy.

10. Members are prohibited from copying or using any ALPR and Overview-Fixed camera data and associated media for personal use or posting any ALPR and Overview-Fixed camera data, photograph, video, text, or any other multimedia file to any social networking platform either on their own site, the sites of others known to them, the sites of others unknown to them, news media pages, or other information exchange forums.

11. **Officers shall not:**

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a. Remove, dismantle, or tamper with any hardware or software component or part associated with the system.

b. Delete, erase, destroy, disseminate, edit, alter, or otherwise use recordings without the written permission of the Chief of Police, except for approved annotation in accordance with the capabilities of the system.

c. Copy, convert, record, or disclose the contents of any recording including posting to any public and/or social media site without written approval of the Chief of Police. Recordings shall only be shared for official law enforcement purposes.

d. Allow unauthorized personnel to view recordings without permission from his/her immediate supervisor. Governmental employees who are directly involved in the investigation and/or prosecution of a criminal case related to the digital evidence, or who are previously authorized to interact with Department evidence, are exempt from this restriction.

e. Use any other electronic device or other means to intentionally interfere with the capability of the system.

f. View recordings for other than official law enforcement purposes.

12. To ensure compliance with the requirements of this policy, semi-annual departmental audits of the system data, related media and dissemination of such data will occur. The audits will occur every January and July by the Investigative Services Division Commander, or their designee. The audit report will be provided to the Chief of Police for review.

V. LICENSE PLATE REATER SYSTEM USEAGE

A. Hotlists

1. The investigating officer will first consult with the shift supervisor before entering any license plate(s) into the ALPR Hotlist. The purpose of this consult is to verify the entry meets the rules and procedures established by this policy.

2. Any license plates or partial license plates reported during major crimes should be entered into the ALPR system to identify suspect vehicles.

3. All personnel are to note in their investigative report that an alert or hotlist has been created in that particular investigation.

4. Any license plate or vehicle information entered into the ALPR Hotlist will be removed once the suspect has been arrested, vehicle recovered, missing person found, or the reason for the entry is satisfied. The removal will be documented in the incident report and usage log.

5. ALPR Alerts/Hits: If practical and safe to do so, prior to the initiation of the stop:

    a. Visually verify that the vehicle plate number matches the plate number run by the LPR system, including both alphanumeric characters of the license plate and the state of issuance.

    b. Verify the current status of the plate through dispatch or MDT query.

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6. In each case in which an alert or a hit is triggered, the user should document such in an investigative/supplemental report.

7. Hot lists may be updated manually if the user enters a specific plate into the ALPR system and wants to be alerted when that plate is located. Whenever a plate is manually entered into the ALPR system, the officer shall document the reason.

8. Special Details: ALPR use during nontraditional deployments (e.g., special operations or during a criminal investigation) must be approved by the Chief or a Supervisor.

9. Searches of historical data within the ALPR system may be done but must be documented and approved by the Chief or a Supervisor.

10. The ALPR system may be used for alerting Law Enforcement to the potential access of vehicle locations that may be considered restricted due to a PFA or bond restriction that may be in place.

11. All ALPR and Overview-Fixed camera data and associated media in storage shall be accessible only through a username and password-protected system capable of documenting all access of information by name, date and time.

B. Vehicle Mounted ALPR Operation

1. At the beginning of each shift officers are responsible for logging into the ALPR system of their assigned vehicle, to ensure the ALPR system of their assigned vehicle is working, and for verifying the aim of the ALPR camera(s) to ensure it is focused on the correct lanes of traffic.

2. On ALPR Alerts and Hits, if practical and safe to do so, prior to the initiation of the stop, the officer shall:

    a. Visually verify that the vehicle plate number matches the plate number run by the LPR system, including both alphanumeric characters of the license plate and the state of issuance.

    b. Verify the current status of the plate through dispatch or MDT query

3. ALPR equipment should be cleaned and maintained according to the manufacturer's recommendations.

4. Any damage to ALPR systems will be reported immediately to the shift supervisor.

5. When not in use, ALPR-equipped vehicles should be secured.

6. Officers will notify the shift OIC of any malfunction of the ALPR.

7. Officers shall log out of the ALPR system at the end of each shift.

C. ALPR and Overview-Fixed Camera Data Sharing and Dissemination

1. The ALPR and Overview-Fixed camera data is for official use only and may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by Pennsylvania law, using the following procedures:

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a. A supervisor from the agency makes a written request for the data that includes:

   i. The name of the agency.

   ii. The name and rank of the person requesting.

   iii. The intended purpose of obtaining the information.

b. Request is reviewed and approved by the Chief or designee before the request is fulfilled.

c. All requests (approved or denied) will be retained on file.

D. Retention

1. The Chief or designee is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR and Overview-Fixed camera data. Data will be transferred and stored to the designated server per the service vendor agreement.

2. All stored ALPR data and associated media should be retained in accordance with the established records retention schedule mandated by current Pennsylvania law. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances, the applicable data should be downloaded onto portable media not searchable as part of the LPR database and logged into evidence as soon as possible.

3. ALPR data will be stored in a CJIS compliant server maintained by the service provider for at least 90 days. Other associated media will be stored locally on a secure DVR/NVR owned by the Department for at least 30 days.

E. Public Dissemination Requests

1. Dissemination of ALPR data and associated media shall be in accordance with Department policy and Pennsylvania Law.

   a. **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.

   b. **Criminal Matters** - If an agreement is in effect between the Department and the Erie County District Attorney's Office relating to criminal matters, the District Attorney will make the determination to grant or deny the request; and any time extension request must be between the requester and the District Attorney.

   c. **Civil Matters** - If an agreement is in effect between the Department and the Erie County District Attorney's Office relating to civil matters, the District Attorney will make the determination to grant or deny the request; and any time extension request must be between the requester and the District Attorney.

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F. Training

No member of this Department shall operate ALPR equipment or access ALPR data without first completing an initial training course approved by the service provider and Department. Refresher training will be provided as needed. *(PLEAC 2.10.1c)*

VI. APPLICABILITY & COMPLIANCE

A. This directive shall apply to all sworn Millcreek Township Police Department members consistent with their job classification and specific assigned duties and responsibilities.

B. Millcreek Township Police Department sworn members assigned to or assisting other law enforcement agencies will be guided by this directive.

C. Formal disciplinary action may be imposed for any violation of this directive.

D. This directive constitutes department policy and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law. Violations of policy will only form the basis for departmental

E. administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.