

PENNSYLVANIA LEGAL MANDATES

- b. 6105(b) the agency providing abused persons with oral and written notification of the availability of a safe shelter and domestic violence services in the community. The written notice is to be in English and Spanish, including the required statement.
- c. 6105(d) the agency making a reasonable effort, within 24 hours of arraignment, to notify an adult or emancipated minor protected by an order of an arrest.
- d. 6105(e) PSP establishing a statewide registry of protection orders, available at all times.

4.1.11 – A written directive regarding the legal mandate that the law enforcement agency comply with section 6326 of *Pennsylvania Juvenile Act* (42 Pa.C.S.A. §6321, et. seq.) in regard to temporary detention of child:

- a. 6326(b) detention in a lockup where adult prisoners are housed is generally prohibited.
- b. 6326(c) a child in custody due to crime, summary offense, violation of probation or supervision following adjudication of delinquency may be held in secure custody in adult lockup when:
 - (1) held for identification, investigation, processing, releasing or transferring to parent, guardian, other custodian, juvenile officials, or shelter.
 - (2) time limited to complete processing, but no more than six hours.
 - (3) separated by sight and sound from adults and under continuous observation.
- c. 6326(d) non-secure custody of child in facility with adults is appropriate when:
 - (1) unlocked multipurpose area or area used only for processing purposes.
 - (2) not physically secured in any way.
 - (3) non-secure custody only long enough to accomplish purpose.
 - (4) continuous visual supervision occurs.
- d. 6326(e) reports of children held per 6326(c) and (d) provided to PCCD as requested.

4.1.12 – The agency must comply with the *Pennsylvania Right-to-Know Law*, (Act 3 of 2008) in regard to responsibilities of state and other governmental agencies including:

- a. Section 301 (a) and 302 (a) requiring agencies to provide public records in accordance with the act;
- b. Section 502 requiring agencies to designate an open records officer;
- c. Section 504b requiring agencies to post the following at the agency and on its website if such website exists:
 - (1) Contact information for the open-records officer.
 - (2) Contact information for the Office of Open Records or other applicable appeals officer such as the District Attorney for investigative records.
 - (3) A form which may be used to file a request.
 - (4) Regulations, policies and procedures of the agency relating to this act;
- d. Section 1308 prohibits a policy or regulation, if adopted, from including:
 - (1) A limitation on the number of records requested or made available for inspection or duplication; and/or
 - (2) A requirement to disclose the purpose or motive in requesting access to records.

Narrative: *The new Right to Know Law presumes that unless otherwise provided by law, a public record, legislative record or financial record shall be accessible for inspection and duplication in accordance with the act. However, Section 708 provides for numerous exceptions and Section 706 provides for redaction of specifically exempted information in the record, even*

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though the record itself may be accessible. The law requires a response within five (5) days of receipt by the open-records officer, but provides for extensions to gather certain types of information. A thorough review of the law is required to understand its complexities. It is sufficient if the primary governmental entity has established a process in compliance with the Right to Know Law that also regulates the law enforcement agency. This standard is not applicable to private university or specified state-related institution police departments.

4.1.13 – The agency must comply with the requirements of Uniform Crime Reporting Acts, (20 P. S. §§ 20.101, 20.301--20.305 and 20.501--20.509) and (Act 2004-180 (S.B. 668), § 301), as applicable, requiring all Commonwealth law enforcement agencies to report crime statistics to the Pennsylvania State Police.

Narrative: *Agencies shall submit applicable crime statistics on a monthly or yearly basis as required by statute.*