

October 23, 2018

Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

Re: Biglerville Borough Right to Know Appeal

To Whom It May Concern:

We submitted a Right to Know request to Biglerville Borough on October 1, 2018 via email to biglerville@comcast.net. The request itself is attached. We submitted it as an attachment to the standard Right to Know request form, which is also attached.

Biglerville Borough denied our request via email on October 2, 2018. Right to Know Officer Sandra Vasquez specified that Sergeant Craig Hartley was the person who answered the request on that date. The denial stated that the Biglerville police department currently had no documents relating to the request. The denial is attached.

We followed up with Sergeant Hartley, who confirmed in a voicemail message on October 10 that no policies existed. He advised contacting Chief Lanious, but as of today we have not spoken to him.

We appeal that denial.

First, the denial does not comply with the requirements set forth in 65 P.S. § 67.903. It does not include a citation to legal authority or the appeal procedure.

Second, we believe there are documents that exist that are relevant to our request. For example, we have received arrest policies from other departments, which would be responsive to #1 in our request. We have also received reports documenting phone calls between ICE and department personnel, which would be responsive to #3. While these are merely examples and do not necessarily exist within the Biglerville Borough Police Department, we mention them to illustrate the types of documents that may exist.

Moreover, we cannot know whether there are truly no documents pertaining to our request, since the denial was generic and unspecific. We believe Biglerville Borough is required, at a minimum, to provide a better explanation of what attempt was made to find relevant documents.

Please contact us if you have any questions.

Sincerely,

/s/

Solena Laigle
Amy Chin-Arroyo
Sheller Center for Social Justice
Temple University Beasley School of Law



Temple Sheller Center <templeshellercenter2018@gmail.com>

Right to Know Request

Biglerville Boro <biglerville@comcast.net>
To: Temple Sheller Center <templeshellercenter2018@gmail.com>
Cc: biglerville borough <biglerville@comcast.net>

Tue, Oct 2, 2018 at 6:40 PM

Ms. Chin-Arroyo:

The Biglerville Police Dept. currently has no written policies, directives, orders, training materials or any documents regarding any of the information contained in item #1,2,or 3.

Answered by SGT. Craig A. Hartley, on this date.

Sandra L. Vazquez
Right To Know Officer

Biglerville Borough
33 Musselman Avenue
Biglerville, PA 17307

biglerville@comcast.net
Phone - 717-677-9488
Fax - 717-677-4027

From: Temple Sheller Center [mailto:templeshellercenter2018@gmail.com]
Sent: Monday, October 01, 2018 3:46 PM
To: biglerville@comcast.net
Subject: Right to Know Request

[Quoted text hidden]

**BIGLERVILLE BOROUGH COUNCIL
33 MUSSELMAN AVENUE
BIGLERVILLE PA 17307
717 677 9488
717 677 4027 FAX
biglerville@comcast.net**

October 24, 2018

Solena Laigle
Amy Chin-Arroyo
Sheller Center for Social Justice
Temple University Beasley School of Law

Dear Ms. Laigle and Chin-Arroyo:

In an attempt to satisfy your concerns regarding our response to your Right-to-Know request I offer the following amended and restate response.

1. The record requested is found on Exhibit A, attached hereto and made part hereof.
2. There is no denial; therefore, there is no citation of supporting legal authority. Simply there is no record, item or anything existing in the Biglerville Borough that you requested.
3. The open records officer in the Biglerville Borough is Sandra Vazquez, 33 Musselman Avenue, Biglerville PA 17307
4. Response Date: October 24, 2018
5. The procedure for appeal of this response can be found in 65 P.S. Section 1103, et.seq.

This response complies with the requirements of 65 P.S. Section 67.903.

There are no documents that exist relevant to your request. We have checked all records. You need to understand that the Biglerville Borough is comprised of approximately 1200 residents. We understand your examples. We simply do not have documents or policies for which you are looking. A number of hours were taken to go through the policy book and files to satisfy your request. A result of that search indicates that the documents that you seek simply do not exist; therefore, we are not denying your request, it is simply impossible to provide you with anything that does not exist. Hopefully this will satisfy your curiosity and alleviate your appeal. Obviously if you want to appeal this, you may do so. I will wait to hear back from you.

Sincerely,

Sandra L. Vazquez
Sandra L. Vazquez
Right to Know Officer
Biglerville Borough

Right to Know Request
Sheller Center for Social Justice, Temple University Beasley School of Law
10/01/2018

1. Any department policy, directive, order, training materials, or other document regarding the:
 - a. requesting, recording, investigating, or reporting of any individual's immigration status, national origin, or place of birth;
 - b. contacting, stopping, detaining, arresting, or interrogating an individual to verify their identification or driver's license; or
 - c. the use and acceptance of foreign identification.

2. Any policy, directive, order, training materials, or other document that relates to your department's contact or referral/sharing information with US Immigration and Customs Enforcement (ICE) about an individual's immigration status, national origin, or place of birth. This request includes any documents that reflect providing ICE access to the department's databases.

3. Any documents that reflect communication between your department and ICE from 2015 to the present. This request includes communications related to:
 - a. sharing information (e.g., incident reports, booking or database information);
 - b. collaborating by assisting in roving patrols, the apprehension of suspects, or the creation or implementation of vehicle checkpoints;
 - c. the 287(g) program;
 - d. providing back-up for ICE enforcement activities; or
 - e. providing office space for ICE representatives to use.