

Paula Knudsen Burke
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
PA ID: 87607
PO Box 1328
Lancaster, PA 17608
pknudsen@rcfp.org

Counsel for Petitioner

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

HENRY BARD, :
Petitioner, :
 :
v. : Docket No: _____
 :
UNIVERSITY OF PITTSBURGH :
POLICE DEPARTMENT, :
Respondent. :

NOTICE OF APPEAL AND PETITION FOR REVIEW

Henry Bard, a freelance reporter, petitions for review of the final determination of the Office of Open Records (“OOR”) docketed at OOR Docket No. AP 2025-0898, and in support of his petition alleges:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this statutory appeal pursuant to 42 Pa.C.S. § 933(a)(3) and 65 P.S. § 67.1302(a).
2. Venue is proper in this Court pursuant to 65 P.S. § 67.1302(a).

PARTIES

3. Petitioner, an adult individual and resident of Allegheny County, is a “requester” as defined by the Pennsylvania Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*

4. Respondent University of Pittsburgh Police Department (“the Department” or “Respondent”) is an “agency” as defined by the RTKL with offices at 3412 Forbes Ave., Pittsburgh, PA 15213.

DETERMINATION TO BE REVIEWED

5. The OOR, which has its office at 333 Market Street, 16th Floor, Harrisburg, PA 17101-2234, is a governmental unit established to receive and determine appeals of agency RTKL decisions pursuant to Sections 1101 and 1310 of the RTKL.

6. The April 9, 2025 OOR Final Determination in Docket No. AP 2025-0898 to be reviewed is attached and incorporated herein as **Exhibit A**.

STANDARD AND SCOPE OF REVIEW

7. OOR decisions are not afforded any deference; rather, courts “independently review” and “conduct full *de novo* reviews of appeals from decisions made by RTKL appeals officers.” *See Bowling v. Office of Open Records*, 75 A.3d 453, 459, 474 (Pa. 2013).

BACKGROUND

8. On April 8, 2025, Petitioner filed a RTKL request (“Request”) seeking various records from the Department, including financial records, such as “Purchase records from fiscal year(s): 2008-2009, 2009-2010, and 2020-2025.” The April 8, 2025 Request is attached and incorporated herein as **Exhibit B**.

9. On April 8, 2025, the University of Pittsburgh (the “University”) denied the Request via an email to Petitioner. The University’s April 8, 2025 email to Petitioner is attached and incorporated herein as **Exhibit C**.

10. The University denied the Request in full on the asserted basis that the RTKL “specifically exempts state-related universities such as Pitt” from the definition of an “agency.” *See* Ex. C.

11. On April 8, 2025, Petitioner appealed the University’s denial of the Request to the OOR. The April 8, 2025 Appeal is attached and incorporated herein as **Exhibit D**.

12. On April 9, 2025, the OOR issued and mailed its Final Determination, denying Petitioner’s Appeal and holding that Respondent was not required to take any further action. Ex. A. The OOR concluded that it does not have jurisdiction to hear Petitioner’s appeal because the University of Pittsburgh Police Department is not an “agency” as defined by the RTKL.

**THE OOR ERRED IN HOLDING THAT RESPONDENT IS
NOT AN AGENCY SUBJECT TO THE RTKL**

13. The University of Pittsburgh Police Department must comply with the RTKL because it operates as a local agency, which is defined in part as “[a]ny local, intergovernmental, regional or municipal agency, authority, council, board, commission or similar governmental entity.” 65 P.S. § 67.102. Local agencies “shall provide public records in accordance with” the RTKL. 65 P.S. § 67.302.

14. The Department qualifies as a local agency under the *Venango* factors, which assess: (i) government control of the entity’s operation, (ii) governmental function, and (iii) the level of financial control the government has over the entity. *See In re Right to Know Law Request Served on Venango Cnty.’s Tourism Promotion Agency & Lead Econ. Dev. Agency*, 83 A.3d 1101, 1108–09 (Pa. Commw. Ct. 2014) (hereinafter “*In re Venango*”).

15. Applying the *Venango* factors to the instant case, all three questions are answered in the affirmative and the University of Pittsburgh Police Department qualifies as a local agency subject to the RTKL.

16. First, there exists “government control” of the Department’s operations. All University of Pittsburgh Police Officers are required to be certified under the standards of the Municipal Police Officers’ Education and Training Commission (MPOETC), pursuant to 53 Pa.C.S. § 2167. *See* Role and Authority of University of the Pittsburgh Police Department § 4, *in* University of Pittsburgh Police Department Rules & Regulations Manual (last reviewed Dec. 2018), <https://www.safety.pitt.edu/sites/default/files/1-7-Role-and-Authority-2018-complete.pdf> (attached and incorporated herein as **Exhibit E**).

17. MPOETC certifications are issued by a commission established as a state agency, which itself is subject to the RTKL. 53 Pa.C.S. § 2161; *Right-to-Know Requests and Subpoenas*, Mun. Police Officers’ Educ. & Training Comm’n, <https://www.pa.gov/agencies/mpoetc/about-us/rtkl-subpoena.html> (last accessed May 8, 2025).

18. The Department’s officers are subject to the Municipal Police Officers Training Act, which establishes standards for every police officer in the state. 53 Pa.C.S. § 2164; *Our Mission & History*, Univ. of Pittsburgh Police Dep’t, <https://www.safety.pitt.edu/police/about/our-mission-history> (last accessed May 8, 2025).

19. The Department is a campus police department within the meaning of the “campus police powers and duties” Act, 71 P.S. § 646.1, and retains jurisdiction to enforce laws per 42 Pa.C.S. §§ 8951 *et seq.*, the Municipal Police Jurisdiction Act. Ex. E § 2.

20. The Department’s officers are also required to maintain active Act 120 certification—the certification course for Pennsylvania police officers. *Training & Qualifications*, Univ. of Pittsburgh Police Dep’t, <https://www.safety.pitt.edu/police/about/training-qualifications> (last accessed May 8, 2025). This certification requires that Department officers complete, at

minimum, 758 hours of training at a “Commonwealth approved Police Academy.” *Id.* Further training includes 16 hours of mandatory training from the MPOETC . *Id.*

21. Second, Respondent is serving a governmental function because police forces, like the Department’s, and other “emergency service providers,” serve “essential government function[s].” *Pysher v. Clinton Twp. Volunteer Fire Co.*, No. 766 C.D. 2022, 2023 WL 6930835, at *2 (Pa. Commw. Ct. May 24, 2023).

22. The function of a law enforcement agency, like the Department, is a “substantial facet of a government activity.” *See In re Venango*, 83 A.3d at 1109.

23. Respondent’s website publicizes that it performs essential governmental functions, stating that it is a “state-of-the-art law enforcement agency” that will “perform the necessary law enforcement functions” to keep its jurisdiction safe. *Our Mission & History, supra.*

24. The Department’s own Rules and Regulations explains that its officers are “police officers”:

University of Pittsburgh Police Officers are covered under various Pennsylvania statutes defining police officers. Under 53 Pa. C.S.A. § 2162, a “police officer” is defined as “Any full-time or part-time employee of a city, borough, town, township, campus police or university police or county police department assigned to criminal or traffic law enforcement duties...”. Title 18 Pa. C.S.A. § 501, defines a “peace officer” as, “a person who by virtue of his office...is vested by law with a duty to maintain public order or to make arrests for offenses...”. Title 234, Pennsylvania Rules of Criminal Procedure, Rule 3 defines a “police officer” as, “any person who is by law given the power to arrest when acting within the scope of the person’s employment.” Title 75, Pennsylvania Vehicle Code § 102 defines a “police officer” as, “a natural person authorized by law to make arrests for violations of the law.”

See Ex. E § 4.

25. Respondent is the “third-largest law enforcement agency in Allegheny County” with staff including “around 100 commissioned officers, with specialized units such as a

motorcycle unit, bicycle unit, K-9 unit (including two K-9s), and a Special Emergency Response Team (SERT).” *People, Univ. of Pittsburgh Police Dep’t*, <https://www.safety.pitt.edu/police/people> (last accessed May 8, 2025).

26. The University of Pittsburgh Police Department is a functional equivalent of any other police department in the state, such as the City of Philadelphia Police Department or Harrisburg Bureau of Police, both of which are clearly subject to the RTKL.

27. As to the third *Venango* factor, the government exercises significant financial control over public money assigned to state-related institutions, including the Department. For instance, in the 2024 state budget, the University received \$151.5 million of public funds, Susan Jones, *Just-Passed State Budget Maintains Pitt’s Funding at Same Level Since 2019*, Univ. Times, (July 12, 2024) <https://www.utimes.pitt.edu/news/just-passed-state-budget>; however, due to the limited applicability of the RTKL to state-related institutions themselves, 65 P.S. § 67.1501, the exact nature of funding to the Department is not clear.

28. The Department’s connection to a state-related institution does not isolate it from scrutiny under the RTKL; had the OOR performed the proper analysis, it would have determined that Respondent is properly characterized as a local agency.

29. The Department is not a private police force formed to enforce rules unique to the University of Pittsburgh campus; it is a government police force with the same law enforcement powers as other police agencies in the state.

30. The OOR erred in deciding that Respondent is not an “agency” subject to the RTKL, but instead a “state-related institution,” limiting its obligations, *see* 65 P.S. § 67.102.

31. The OOR’s decision that it does not have jurisdiction to hear Petitioner’s appeal was incorrect as a matter of law because the Department is a “local agency” subject to the public

records requirements of the RTKL, 65 P.S. § 67.302, and the OOR is empowered to review an appeal of Respondent's denial of Petitioner's Request, 65 P.S. § 67.1310(a)(5).

STATEMENT OF THE RELIEF SOUGHT

WHEREFORE, Petitioner Henry Bard respectfully requests that this Honorable Court:

(a) Reverse the OOR determination of April 9, 2025 and order the release of the requested records; or

(b) In the alternative, allow Requester to supplement the record before this Honorable Court; or

(c) In the alternative, remand the matter back to the OOR for a full evidentiary hearing pursuant to Pa.R.A.P. 1542, including testimony and argument.

Respectfully submitted,

/s/ Paula Knudsen Burke

Paula Knudsen Burke
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
PA ID: 87607
PO Box 1328
Lancaster, PA 17608
pknudsen@rcfp.org
Counsel for Petitioner Henry Bard

Dated: May 9, 2025

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

HENRY BARD, :
Petitioner, :
 :
v. : Docket No: _____
 :
UNIVERSITY OF PITTSBURGH :
POLICE DEPARTMENT, :
Respondent. :
:

[PROPOSED] ORDER

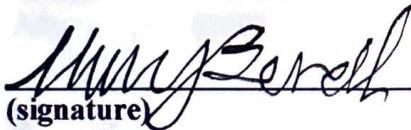
AND NOW, this ____ day of _____, 2025, the Petition for Review is GRANTED, and the Final Determination of the OOR in *Bard v. University of Pittsburgh Police Department*, OOR Dkt. No. AP 2025-0898, is hereby REVERSED. Respondent University of Pittsburgh Police Department shall provide the requested unredacted records to Petitioner within seven (7) days of this Order.

BY THE COURT:

_____, J.

VERIFICATION

I, Henry Bard, hereby state that the facts above set forth in the Notice of Appeal and Petition for Review are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



(signature)

Henry Bard

Date: 5/8/2025

CERTIFICATE OF COMPLIANCE WITH PUBLIC ACCESS POLICY

On this 9th day of May, 2025, I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: */s/Paula Knudsen Burke*
Attorney No.: 87607

PROOF OF SERVICE

I hereby certify that I have served the foregoing document, Notice of Appeal and Petition for Review, upon the persons listed on the date and in the manner indicated below, which satisfies the requirements of Pa.R.A.P. 121:

The following party will be served on this date via certified mail:

Amy Marie Lindenfelder
Assistant Legal Counsel
University of Pittsburgh
2400 Cathedral of Learning
4200 Fifth Avenue
Pittsburgh, PA 15260
aml225@pitt.edu

The following party was given notice of this appeal via email:

Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
oor-postfd@pa.gov

Dated: May 9, 2025

/s/ Paula Knudsen Burke _____

Paula Knudsen Burke
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
PA ID: 87607
PO Box 1328
Lancaster, PA 17608
pknudsen@rcfp.org

Counsel for Petitioner Henry Bard

EXHIBIT A



FINAL DETERMINATION

DATE ISSUED AND MAILED: April 9, 2025

IN RE: *Henry Bard v. University of Pittsburgh Police Department*; OOR Dkt. AP 2025-0898

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:

The OOR lacks jurisdiction. The University of Pittsburgh Police Department is not an “Agency” as defined by the Right-to-Know Law (“RTKL”). 65 P.S. § 67.102 (defining “Agency”); *see also Hoyer v. Penn State Campus Police*, OOR Dkt. AP 2015-0451, 2015 PA O.O.R.D. LEXIS 415 (holding that the Penn State University Police is excluded from the definition of “agency” under the RTKL); *Bluestine v. Temple University Police Dep’t*, OOR Dkt. AP 2011-0344, 2011 PA O.O.R.D. LEXIS 125. The OOR only has jurisdiction over Commonwealth and Local agencies.

For this reason, the University of Pittsburgh Police Department is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review to a court with competent jurisdiction. 65 P.S. §§ 67.1301(a), 1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per 65 P.S. § 67.1303. However, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.¹ All documents or 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

Senior Deputy Chief Counsel
Joshua T. Young, Esq.

Sent to: Requester; University of Pittsburgh Police Department

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

EXHIBIT B



Standard Right-to-Know Law 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.

SUBMITTED TO AGENCY NAME: University of Pittsburgh Police Department (Attn: AORO)

Date Request Submitted: 4/8/25 Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Full Name: Henry Bard

Company (if applicable): _____

Please send response via: Email U.S. Mail

If you wish to obtain records that only exist in hard copy, or must be provided on an electronic storage device, you may be required to provide a mailing address to the agency. See Section 703.

Email: [REDACTED]

Mailing Address [REDACTED]

City: Pittsburgh State: PA Zip: 15216 Telephone: [REDACTED]

How do you prefer to be contacted if the agency has questions? Telephone Email U.S. Mail

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. I understand that failure to check this box may result in the denial of my request and the dismissal of any appeal filed with the Office of Open Records.

RECORDS REQUESTED: *Provide as much detail as possible, including subject matter, time frame, and type of record sought. RTKL requests must seek records, not ask questions. Use additional pages if necessary.*

- Purchase records from fiscal year(s): 2008-2009, 2009-2010, and 2020-2025. For the latter, if 2025 records are not available, then 2020-2024 will suffice.
- Files, documents, records, or communications that mention the word(s) or phrase(s): "Combined Systems Inc", "Combined Tactical Systems" and or "Penn Arms".
- Files, documents, records, or communications that mention the word(s) or phrase(s): "Students for Justice in Palestine", "SJP", "Palestine", "pro-Palestine protest", "pro-Palestine march", "pro-Palestine", "Steel City Anti-Fascist League (or Steel City Anti Fascist League)", "Pitt Apartheid Divest", "Jewish Voice for Peace", "Israel", "Israel protester", "Israel protest", "Betar USA", "Betar US", "Betar", "Jewish Federation of Greater Pittsburgh", "JFed", "Hillel",

Form continues on page 2. Retain a copy of both pages.

RECORDS REQUESTED (continued):

"Hillel JUC", "Anarchist(s)", "Palestine encampment", "Stand With Us", and "encampment" from 2020-2025.

- Communication records and logs from June 1, 2024 – June 5, 2024.
- Records that mention "Instagram", "Facebook", "X (or Twitter)", or other social media platforms and accounts from 4/20/2024 – 4/25/2024.
- Records regarding or mentioning social media accounts with the name(s): "Steel City Anti-Fascist League", "Students for Justice in Palestine", "Pitt Apartheid Divest", "Jewish Voice for Peace", "Jewish Student Bund at Pitt", "Progressive Students for Change at Pitt", "Students Supporting Israel at Pitt", "Hillel at Pitt", "Student Coalition for Israel at Pitt".
- Records regarding University of Pittsburgh Police antisemitism training(s).
- Travel/Delegation trip records for University of Pittsburgh Police officers, administration, or other affiliated individuals from 2020-2025.
- Communication records between University of Pittsburgh Police and City of Pittsburgh Police regarding the September 2009 G20 protests.
- University of Pittsburgh Police documents regarding the 2009 G20 protests.

DO YOU WANT COPIES? Yes, printed Yes, electronic No, in-person inspection

Records shall be provided in the medium requested if they exist in that medium; otherwise, they shall be provided in the medium in which they exist. See Section 701. Your request may require payment or prepayment of fees. View the [Official RTKL Fee Schedule](#) for more details.

I understand that my request may incur fees. Notify me before further processing if fees will be more than \$100 (or) \$20_____.

Do you want [certified copies](#)? Yes (may be subject to additional costs) No

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? Yes No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: Granted Partially Granted & Denied Denied Cost to Requester: \$_____

Appropriate third parties notified and given an opportunity to object to the release of requested records.

Retain a copy of both pages of this Form.

EXHIBIT C



Lindenfelder, Amy Marie <alindenfelder@pitt.edu>

to me ▾

🗨 12:34 PM (1 hour ago) ☆ 😊 ↩ ⋮

Hello Henry,

Thank you for your requests. The University of Pittsburgh – of the Commonwealth System of Higher Education (“Pitt”) respectfully declines to provide the information requested in the attached as no applicable federal or state open records law requires Pitt to provide you with the information requested.

The Freedom of Information Act (5 U.S.C. §552) is a federal law which provides for the release of documents maintained by federal agencies. It does not apply to state-related universities. Similarly, the Pennsylvania Right-to-Know Law (65 P.S. §67.101, et seq.) specifically exempts state-related universities such as Pitt from the definition of Commonwealth agencies. Therefore, Pitt is not subject to the same open records requirements of other public institutions.

Information regarding the University’s required disclosures can be found here:

<https://www.financeoperations.pitt.edu/right-know-disclosures>

Thanks,

Amy

Amy Lindenfelder
Assistant Legal Counsel
University of Pittsburgh
Office of University Counsel
2400 Cathedral of Learning
4200 Fifth Avenue
Pittsburgh, PA 15260
412-383-2789
aml255@pitt.edu

This e-mail is confidential and may be legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. To do so could violate state and Federal privacy laws. Thank you for your cooperation.

EXHIBIT D

From: no-reply@openrecordspennsylvania.com
To: henryhenryhenry0805@gmail.com
Subject: [External] PA Office of Open Records - Appeal Confirmation
Date: Tuesday, April 8, 2025 2:41:45 PM
Attachments: [oor_logo_email.png](#)

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook.](#)



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

Name:	Henry Bard
Company:	
Address 1:	[REDACTED]
Address 2:	
City:	Pittsburgh
State:	Pennsylvania
Zip:	15216
Phone:	[REDACTED]
Email:	[REDACTED]
Email2:	
Agency (typed):	University of Pittsburgh Police Department
Agency Address 1:	3412 Forbes Ave
Agency Address 2:	

Agency City:	Pittsburgh
Agency State:	Pennsylvania
Agency Zip:	15213
Agency Phone:	412-624-2121
Agency Email:	police@pitt.edu
Records at Issue in this Appeal:	- Purchase records from fiscal year(s): 2008-2009, 2009-2010, and 2020-2025. For the latter, if 2025 records are not available, then 2020-2024 will suffice. - Files, documents, records, or communications that mention the word(s) or phrase(s): "Combined Systems Inc", "Combined Tactical Systems" and or "Penn Arms". - Files, documents, records, or communications that mention the word(s) or phrase(s): "Students for Justice in Palestine", "SJP", "Palestine"...REMAINDER IN ATTACHED DOCUMENT.
Request Submitted to Agency Via:	e-mail
Request Date:	04/08/2025
Response Date:	04/08/2025
Deemed Denied:	No
Agency Open Records Officer:	Amy Lindenfelder, Assistant Legal Counsel University of Pittsburgh Office of University Counsel
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 notices extending the Agency's time to respond to my request:

Yes

Agree to permit the OOR additional time to issue a final determination:

30 Days

Interested in resolving this issue through OOR mediation:

Yes

Attachments:

- RTKRequestForm (1) (6).pdf
- Screenshot 2025-04-08 at 1.53.15PM.png

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.



Lindenfelder, Amy Marie <alindenfelder@pitt.edu>

to me ▾

12:34 PM (1 hour ago) ☆ 😊 ↶ ⋮

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Thanks,

Amy

Amy Lindenfelder
Assistant Legal Counsel
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412-383-2789
aml255@pitt.edu

This e-mail is confidential and may be legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. To do so could violate state and Federal privacy laws. Thank you for your cooperation.



Standard Right-to-Know Law Request Form

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SUBMITTED TO AGENCY NAME: University of Pittsburgh Police Department (Attn: AORO)

Date Request Submitted: 4/8/25 Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Full Name: Henry Bard

Company (if applicable): _____

Please send response via: Email U.S. Mail

If you wish to obtain records that only exist in hard copy, or must be provided on an electronic storage device, you may be required to provide a mailing address to the agency. See Section 703.

Email: [REDACTED]

Mailing Address: [REDACTED]

City: Pittsburgh State: PA Zip: 15216 Telephone: [REDACTED]

How do you prefer to be contacted if the agency has questions? Telephone Email U.S. Mail

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. I understand that failure to check this box may result in the denial of my request and the dismissal of any appeal filed with the Office of Open Records.

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- Files, documents, records, or communications that mention the word(s) or phrase(s): "Students for Justice in Palestine", "SJP", "Palestine", "pro-Palestine protest", "pro-Palestine march", "pro-Palestine", "Steel City Anti-Fascist League (or Steel City Anti Fascist League)", "Pitt Apartheid Divest", "Jewish Voice for Peace", "Israel", "Israel protester", "Israel protest", "Betar USA", "Betar US", "Betar", "Jewish Federation of Greater Pittsburgh", "JFed", "Hillel",

*Form continues on page 2. Retain a copy of **both** pages.*

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Do you want [certified copies](#)? Yes (may be subject to additional costs) No

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Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____



30-Day Ext.? Yes No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: Granted Partially Granted & Denied Denied Cost to Requester: \$ _____

Appropriate third parties notified and given an opportunity to object to the release of requested records.

Retain a copy of both pages of this Form.

EXHIBIT E

 <p style="text-align: center;">University of Pittsburgh Police Department</p> <p style="text-align: center;">Rules & Regulations Manual</p>	Reference Number: 1 - 7 (Chapter / Section) PLEAC 1.2.1a, 1.2.1b
	Issue Date: 10-29-04 Rev. 04-01-09 Reviewed: 12/2018
	Effective Date 11-01-04
	Rescinds: All Previous
	Amends: N/A
Title: Role and Authority of University of the Pittsburgh Police Department	 By Order of James K. Loftus, Chief of Police

1.0 Policy

The University of Pittsburgh is a state-related university, established for the general purposes of education, research and community services. The University of Pittsburgh Police Department is a support unit of the University, organized for the primary purpose of establishing and maintaining an atmosphere in which people in the University community can safely and securely go about their varied activities in furtherance of the University's higher objectives. The police department must accomplish its mission by excellence in professional law enforcement, security and safety services.

2.0 Authority to Establish Police Department

In 1966 the University of Pittsburgh Police Department was established by virtue of Title 24 (Education), Pa. C.S.A. §2510-205 which grants the Board of Trustees of the University of Pittsburgh the authority to control and conduct the administrative affairs of the University. The University of Pittsburgh Police Department is a campus police department within the meaning of the campus police powers and duties Act, 71 P.S. 646.1, and also has jurisdiction to enforce laws per 42 Pa C.S.A. 8951 et seq., the Municipal Police Jurisdiction Act.

(PLEAC 1.2.1a)

3.0 Police Authority to Enforce Laws

A University of Pittsburgh Police Officer may exercise the powers and duties conferred by law, including, but not limited to the provisions of Section 2416.1 of The Administrative Code of 1929, 71 P.S. § 646.1, *Campus Police Powers and Duties*: Generally University of Pittsburgh Police shall have the power and their duty shall be:

(PLEAC 1.2.1b)

- A. To enforce good order on the grounds and in the buildings of the university;
- B. To protect the grounds and buildings of the university;
- C. To adopt whatever lawful means may be necessary for the performance of their duties;

- D. To carry and use weapons in the performance of their duties (PLEAC 1.2.1b)
- E. To exercise the same powers as are now or may hereafter be exercised under authority of law or ordinance by the local police department, including, but not limited to, those powers conferred pursuant to Title 42 Pa. C.S.A. Chapter 89, Subchapter D (relating to Municipal Police Jurisdiction Act)
- F. To prevent crime, investigate criminal acts, apprehend, arrest, and charge criminal offenders and issue summary citations for acts committed on the grounds and in the buildings of the university, and take the offender before the proper issuing authority and prefer charges against him under the laws of the Commonwealth of Pennsylvania. Except when acting pursuant to 42 Pa. C.S.A., Ch. 89. Subch. D, the grounds and within 500 yards of the grounds of the university shall constitute the primary jurisdiction of the campus police.
- G. To order off the grounds and out of the buildings of the university all persons having no legitimate purpose or business within the University of Pittsburgh and, if necessary, remove them by force and, in case of resistance, take such offenders before an issuing authority; and
- H. To exclude all disorderly persons from the grounds and buildings of the university.

When acting within the scope of the authority of § 646.1, Pa. C.S.A, University of Pittsburgh Police Officers are at all times employees of the University of Pittsburgh and shall be entitled to all of the rights and benefits accruing there from.

4.0 Commissioned Police Officers

All University of Pittsburgh Police Officers are required to be certified under the standards of the Municipal Police Officers' Education and Training Commission (MPOETC), pursuant to Title 53 (Municipalities) Pa. C.S.A. §2167.

University of Pittsburgh Police Officers are covered under various Pennsylvania statutes defining police officers. Under 53 Pa. C.S.A. § 2162, a "*police officer*" is defined as "Any full-time or part-time employee of a city, borough, town, township, campus police or university police or county police department assigned to criminal or traffic law enforcement duties...". Title 18 Pa. C.S.A. § 501, defines a "*peace officer*" as, "a person who by virtue of his office...is vested by law with a duty to maintain public order or to make arrests for offenses...". Title 234, Pennsylvania Rules of Criminal Procedure, Rule 3 defines a "*police officer*" as, "any person who is by law given the power to arrest when acting within the scope of the person's employment." Title 75, Pennsylvania Vehicle Code § 102 defines a "*police officer*" as, "a natural person authorized by law to make arrests for violations of the law."

5.0 Limitations on Authority

Limitations on law enforcement authority are derived from statutes, federal, state, and local judicial interpretation of laws, opinions of the Attorney General of Pennsylvania and District Attorney of Allegheny County, departmental policies/rules and regulations, and university administrative decisions.

6.0 Use of Discretion by Officers

Police officers, by the nature of their job, are required to exercise discretion in the performance of

their duties. The police department provides officers with written policy and procedures, department orders, directed patrol assignments, and training in order to aid them in making decisions which govern discretion in performing their duties.

With the exception of departmental rules and regulations, departmental policy generally gives officers guidelines to consider in exercising their discretion. Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest - which may be correct in appropriate circumstances - can be a more effective means of achieving a desired end.

It is up to the individual officer to consider relevant facts, the situation, and then, using knowledge, training and good judgment, make appropriate decisions. Supervisors must closely observe the use of discretion by their subordinates and point out factual errors or alternatives that may be more appropriate.

7.0 Responsibilities

To accomplish the purposes of our role, the professional responsibilities of the commissioned members of the police department include, but are not limited to the following functions:

- A. The protection of life and the safeguarding of property;
- B. The prevention and control of crime;
- C. The investigation of crime, the apprehension of criminal offenders and the recovery of stolen property;
- D. The preservation of the peace and maintenance of good order;
- E. The enforcement of all laws and university regulations;
- F. The immediate response to all emergencies on university property and to all persons therein who are in need of aid or assistance;
- G. The performance of such other services required by the university, as determined by the Chief of Police;
- H. The advancement of a cooperative relationship with the students, faculty and staff of the university;
- I. The creation of a sense of safety and security for the entire university community through a vigilant preventive patrol; and
- J. The accomplishment of all police objectives within the law and the constitutional guarantees of all citizens.

8.0 Oath of Office and Code of Ethics

All police officers, prior to issuance of their commission, shall take and abide by the Oath of Office and the Code of Ethics as prescribed in policy.

9.0 **References**

University of Pittsburgh Police Department Manual:
Chapter 1: Administration and Management
Section 1-4: Oath of Office

University of Pittsburgh Police Department Manual:
Chapter 1: Administration and Management
Section 1-3: Code of Ethics