

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA



NOTICE TO DEFEND

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 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 for 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 or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association
Lawyer Referral
and Information Service
One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascantar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Asociacion De Licenciados
De Filadelfia
Servicio De Referencia E
Informacion Legal
One Reading Center
Filadelfia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION**

<p>Paula Knudsen Burke (No. 87607) REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS PO Box 1328 Lancaster, PA 17608 (717) 370-6884 pknudsen@rcfp.org</p>	<p>_____ TERM, 2024</p>
<p>THE DAILY PENNSYLVANIAN, 4015 Walnut St. Philadelphia, PA 19104 president@thedp.com</p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p>v.</p> <p>CITY OF PHILADELPHIA, 400 N. Broad St. Philadelphia, PA 19103 police.public.affairs@phila.gov</p> <p style="text-align: center;"><i>Defendant.</i></p>	<p>No. _____</p>

COMPLAINT IN MANDAMUS

AND NOW, comes *The Daily Pennsylvanian*, Plaintiff, by its attorney, and files the following Complaint in Mandamus against the City of Philadelphia, representing in support thereof the following:

PARTIES

1. Plaintiff, *The Daily Pennsylvanian*, is the University of Pennsylvania's independent student media organization. Plaintiff covers news about the University of Pennsylvania and the

Philadelphia metropolitan area. Plaintiff's offices are located in Philadelphia at 4015 Walnut Street.

2. Defendant, the City of Philadelphia, is a political subdivision of the Commonwealth of Pennsylvania and manages, directs, and controls the Philadelphia Police Department ("PPD"). PPD is located at 400 N. Broad Street.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this matter pursuant to 42 Pa.C.S.A. § 931.

4. Venue is proper in this Court pursuant to Pa. R. C. P. 2103(b) and 1091 *et seq.*

FACTUAL BACKGROUND

5. Like many other college campuses across the country, the University of Pennsylvania campus has experienced student protests and demonstrations about global issues, including the current conflict between Israel and Hamas. *The Daily Pennsylvanian* has provided ongoing news coverage of such events. *See, e.g.,* Ben Bindow, *Inside Josh Shapiro's covert push for influence at Penn*, THE DAILY PENNSYLVANIAN (November 21, 2024), available at <https://www.thedp.com/article/2024/11/penn-shapiro-encampment-parker-gaza-solidarity-police>.

6. As part of its continuing coverage, on October 22, 2024, *The Daily Pennsylvanian* published an article reporting complaints by student pro-Palestinian activists that their off-campus house had been searched by law enforcement officers on October 18, 2024. *See* Emily Scolnick, *Penn executes search warrant as pro-Palestinian activists allege 'raid' of student organizers' house*, THE DAILY PENNSYLVANIAN (October 22, 2024), available at <https://www.thedp.com/article/2024/10/penn-police-off-campus-raid>.

7. The University of Pennsylvania Division of Public Safety confirmed to *The Daily Pennsylvanian* that police officers executed a search warrant (the "Warrant") on October 18, 2024

at an off-campus location on that day. *Id.* According to an October 21, 2024 email from a University Division of Public Safety spokesperson to *The Daily Pennsylvanian*, “[t]he search warrant was reviewed by the District Attorney’s Office and approved by a bail commissioner.” *See* Oct. 21, 2024 Email attached hereto and incorporated herein as Ex. A.

8. Upon information and belief, the Warrant was executed by officers with the University of Pennsylvania Police Department (“UPPD”) and PPD on October 18, 2024.

9. In accordance with Pa. R. Crim. P. 209(A), “[t]he law enforcement officer executing the search warrant shall return the search warrant promptly after the search is completed, along with any inventory required under paragraph (C), to the issuing authority.” (Emphasis added). However, after significant due diligence, *The Daily Pennsylvanian* has confirmed that six weeks after the search the Warrant has not been returned to this Court as required by law.

10. Indeed, since learning of the execution of the Warrant, reporters from *The Daily Pennsylvanian* have been reporting on the matter and actively seeking a copy of the Warrant, without success. *See* Declaration of *The Daily Pennsylvanian* reporter and editor Jasmine Ni, attached hereto and incorporated herein as Ex. B.

11. On October 22, 2024, *The Daily Pennsylvanian* editor Benjamin Bindow submitted two Right-to-Know Law requests—one to the Philadelphia Law Department and one to the PPD—each requesting “a copy of a search warrant which was executed by the PPD, in conjunction with Penn Police, on the morning of Friday 10/18.” *See* Bindow Right-to-Know Law Requests, attached hereto and incorporated herein as Ex. C.

12. On October 24, 2024, *The Daily Pennsylvanian* reporter and editor Jasmine Ni visited the Philadelphia Criminal Court Office of Judicial Records and was informed that the Warrant had not been filed. *See* Ex. B.

13. Ms. Ni followed up by phone with the Philadelphia Criminal Court Office of Judicial Records on October 28, October 29, November 11, and November 18, 2024, and was given the same information—that the Warrant had not yet been filed. *See Ex. B.*

14. On November 19, 2024, Ms. Ni visited the Southwest Division of PPD at 5510 Pine Street where Lt. Jennifer Branch told Ms. Ni that it was the responsibility of the UPPD to file the Warrant at the Philadelphia Criminal Court Office of Judicial Records and that PPD only had a copy of the Warrant for storage purposes. *See Ex. B.*

15. UPPD informed *The Daily Pennsylvanian's* reporters—via an inquiry from an attorney for the Pennsylvania NewsMedia Association, of which *The Daily Pennsylvanian* is a member—that it is the PPD which bears the responsibility of filing the Warrant with the court system. *See* November 13, 2024 email from Kathleen Shields Anderson to Melissa Melewsky, attached hereto and incorporated herein as Ex. D.

16. On November 27, 2024, *The Daily Pennsylvanian* editor Benjamin Bindow received a reply, attached hereto and incorporated herein as Ex. E, to his October 22, 2024 Right-to-Know requests from Mr. Shea Skinner, Deputy City Solicitor/Right to Know, City of Philadelphia Law Department. Mr. Skinner denied Mr. Bindow's requests and wrote, *inter alia*, that “judicially-approved search warrants are considered records of the judiciary, which are not accessible through Right to Know requests to the City.” Ex. E.

GROUND FOR MANDAMUS

17. To date, Plaintiff has been unable to obtain the Warrant from the court system.

18. Plaintiff has no adequate remedy at law to obtain the Warrant in the manner provided by Pa .R. Crim. P. 209(A).

19. Plaintiff has been deprived of access to the Warrant, which is required to be filed with the court “promptly” after execution pursuant to Pa. R. Crim. P. 209(A).

20. An action in Mandamus is available to compel a tribunal, agency or public official to act when that tribunal, agency, or public official has been “sitting on its hands.” *Pa Dental Ass’n v Insurance Department*, 512 Pa. 217, 228, 516 A.2d 647, 652 (1986). Plaintiff has established a clear legal right to relief and a corresponding mandatory, non-discretionary duty in the PPD to deposit the Warrant as required by the PaR.Crim.P. 209(A). PPD has failed to comply with its obligation to deposit the Warrant, necessitating Court intervention.

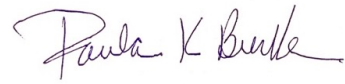
CONCLUSION

WHEREFORE, *The Daily Pennsylvanian* respectfully requests that this Court issue a Writ of Mandamus:

- a) Ordering Defendant to deposit the Warrant with the Philadelphia Criminal Court Office of Judicial Records within five (5) days of the date of this Order, providing Plaintiffs with a copy; and
- b) Directing such other relief as the Court may deem appropriate.

Dated: November 27, 2024

Respectfully Submitted,

A handwritten signature in cursive script that reads "Paula K. Burke".

Paula Knudsen Burke (No. 87607)
REPORTERS COMMITTEE
FOR FREEDOM OF THE PRESS
Lancaster, PA 17608
PO Box 1328
(717) 370-6884
pknudsen@rcfp.org

VERIFICATION

I, Jared Mitovich, Editor-in-Chief of *The Daily Pennsylvanian*, hereby state that the facts above set forth in the Complaint in Mandamus are true and correct to the best of my knowledge, information and belief and 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).

Jared Mitovich

(signature)

Date: Nov. 27, 2024

CERTIFICATE OF COMPLIANCE WITH PUBLIC ACCESS POLICY

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.

Date: November 27, 2024

Submitted by: Paula Knudsen Burke

Signature: /s/*Paula Knudsen Burke* _____

Attorney No.: 87607

EXHIBIT A

From: **Ritchey, Stacy** <sritchey@publicsafety.upenn.edu>
Date: Mon, Oct 21, 2024 at 10:39 PM
Subject: Re: [EXTERNAL] DP Inquiry - Penn Police house raid, 10/18 6 a.m.
To: Emily Scolnick <scolnick@dailypennsylvanian.com>
Cc: Greenberg, Nora Nienhagen <ngreenberg@publicsafety.upenn.edu>

Hi Emily,

Hope you are having a good night as well.

Please see a statement from the Division of Public Safety below.

While we do not comment on open criminal investigations, we can confirm that on Friday, Penn Police did execute a search warrant at an off-campus location. The search warrant was reviewed by the District Attorney's Office and approved by a bail commissioner. This search warrant was executed following all proper policies and procedures.

-Public Safety

Stacy Lutner Ritchey

Director of Communications
Office of the Vice President

University of Pennsylvania
Division of Public Safety

[4040 Chestnut Street](#)
[Philadelphia, PA 19104](#)

P: 215-746-3811

E: sritchey@publicsafety.upenn.edu

W: www.publicsafety.upenn.edu

Emergencies:

PennComm Center 215-573-3333

Or 511 from any campus phone

To learn how to become Green Office Certified, click [here](#).

EXHIBIT B

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION**

THE DAILY PENNSYLVANIAN,
Plaintiff,

v.

CITY OF PHILADELPHIA,
Defendant.

No. _____

DECLARATION OF JASMINE NI

I, Jasmine Ni, declare as follows:

1. I am currently a General Assignments Editor and Politics Beat Reporter at *The Daily Pennsylvanian*, the independent student newspaper for the University of Pennsylvania.
2. As a General Assignments Editor and Politics Beat Reporter at the Daily Pennsylvanian, I cover campus and off-campus topics, including activities of law enforcement.
3. I have personal knowledge of the matters described in this declaration.
4. According to a statement issued to *The Daily Pennsylvanian* by the University of Pennsylvania Division of Public Safety on October 21, 2024, the University of Pennsylvania Police Department (“UPPD”) and Philadelphia Police Department (“PPD”) officers executed a search warrant (the “Warrant”) on October 18, 2024 at an off-campus location.
5. On October 24, 2024, accompanied by fellow *The Daily Pennsylvanian* reporter Ethan Young, I visited the Philadelphia Criminal Court Office of Judicial Records, where an employee at front desk informed me that the Warrant had not yet been filed. On that same day, Mr. Young and I also visited the Philadelphia District Attorney’s Office, where it was

recommended that I contact PPD's Records Control Department to inquire about the Warrant.

6. I called the PPD Records Control Department and provided the operator with a list of names *The Daily Pennsylvanian* considered plausible subjects of the search warrant, and the operator looked up the name in their system with no affirmative results. I called the PPD Records Control Department back later that same day to provide more names and was told by the same operator that she had been chastised by her supervisor for looking up names in their system for me and could not help me any further.
7. I called the Philadelphia Criminal Court Office of Judicial Records on October 28, October 29, November 11, and November 18, 2024 to ask about obtaining a copy of the Warrant and was informed again on all of those occasions that the Warrant had not yet been filed.
8. On November 19, 2024, I visited the Southwest Detectives Division of the Philadelphia Police Department ("PPD") at 5510 Pine St, Philadelphia, PA 19143. I identified myself as a reporter with *The Daily Pennsylvanian* and explained that I had questions about the Warrant. I was directed by the individual at the front desk at the Southwest Detectives Division office to speak with Lt. Jennifer Branch. I met Lt. Branch in the waiting area on the second floor, outside of the Southwest Detectives Division office. She told me that it was the responsibility of UPPD to file the Warrant at the Office of Judicial Records. Additionally, she told me that PPD only had a copy of the Warrant for storage purposes.
9. As of November 27, 2024, I have not examined or received a copy of the Warrant.
10. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on November 27, 2024.

A handwritten signature in black ink, appearing to read "Jasmine Ni". The signature is fluid and cursive, with the first name "Jasmine" written in a larger, more prominent script than the last name "Ni".

Jasmine Ni
Philadelphia, PA

EXHIBIT C



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: _____ (Attn: AORO)

Date Request Submitted: _____ Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Full Name: _____

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: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

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.

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

RECORDS REQUESTED (continued):

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) \$_____.

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.



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: _____ (Attn: AORO)

Date Request Submitted: _____ Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Full Name: _____

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: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

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.

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

RECORDS REQUESTED (continued):

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) \$_____.

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 D

RE: [EXTERNAL] The Daily Pennsylvanian

1 message

Kathleen Shields Anderson <vp@publicsafety.upenn.edu>

Wed, Nov 13, 2024 at 9:33 AM

To: "melissam@pa-news.org" <melissam@pa-news.org>

Cc: "pknudsen@rcfp.org" <pknudsen@rcfp.org>

Dear Ms. Melewsky,

Thank you for your inquiry regarding this matter. The University of Pennsylvania Police Department (UPPD) is a private department and is not subject to Pennsylvania's Right-to-Know Law. Following the execution of a search warrant by the UPPD and in accordance with our agreement with the City, the Philadelphia Police Department (PPD) retains a copy of the warrant and subsequently transmits it to the First Judicial District of Pennsylvania following the PPD's standard procedures. The UPPD followed this protocol and provided the PPD with a copy of the executed warrant in this matter.

Sincerely,

Kathleen Shields Anderson, JD, MBA

Vice President

University of Pennsylvania

Division of Public Safety

4040 Chestnut Street

Philadelphia, PA 19104

Phone: [215-898-7515](tel:215-898-7515)

Web: www.publicsafety.upenn.edu

From: Melissa Melewsky <melissam@pa-news.org>

Sent: Wednesday, November 6, 2024 9:49:06 AM

To: Anderson, Kathleen Shields <kanderson@publicsafety.upenn.edu>

Cc: Paula Knudsen Burke <pknudsen@rcfp.org>

Subject: [EXTERNAL] The Daily Pennsylvanian

Caution: [EXTERNAL E-MAIL] This e-mail originated outside of our organization. Please do not click links or open attachments unless you are certain you recognize the sender and know the content is safe.

Hello Ms. Shields Anderson –

Case ID: 241200104

I am an attorney with the Pennsylvania NewsMedia Association (PNA), and I'm reaching out on behalf of The Daily Pennsylvanian, a member of PNA in good standing. The student journalists have made multiple attempts to secure access to a search warrant that was executed by campus police at an off-campus location on October 18. The campus police confirmed the warrant was executed, and as such, it is a public record. The student journalists have sought access from campus police, the District Attorney, and the court system with no success because there is apparently no record of the warrant being returned to the court by campus police after execution as required by law.

I would like to set up a time to discuss this issue with you as soon as possible, and I have time to chat throughout the week. Please let me know what works for your schedule.

Thank you,
Melissa

Melissa Bevan Melewsky | Media Law Counsel | Pennsylvania NewsMedia Association | 717.703.3048 (office)
717.903.4782 (cell)

The information contained in this email message is intended only for the personal and confidential use of the intended recipient. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by email, and delete the original message.

EXHIBIT E



CITY OF PHILADELPHIA

LAW DEPARTMENT
ONE PARKWAY BUILDING
1515 ARCH STREET
PHILADELPHIA, PA 19102

Renee Garcia
City Solicitor

Shea Skinner
Deputy City Solicitor

November 27, 2024

VIA EMAIL

Benjamin Bindow
The Daily Pennsylvanian
binday@dailypennsylvanian.com

Re: Search warrant executed on 10/18/24 near Penn's campus
Requests #: 29895 and 29900

Dear Benjamin Bindow:

Thank you for writing to the City of Philadelphia ("City") with your request for information pursuant to the Pennsylvania Right-To-Know Law (RTKL), 65 P.S. § 67.101 et seq. On October 22, 2024, the City received your requests seeking:

[Request #29895, directed to the Law Department]

I am requesting a copy of a search warrant which was executed by police officers on the morning of 10/18 around 6 a.m. in West Philadelphia, near Penn's campus. The warrant was approved by the DAO and a bail commissioner on 10/16. The search warrant was likely approved on suspicion of vandalism, and may be for a residence in the vicinity of 40th Street and Baltimore Avenue.

[Request #29895, directed to the Philadelphia Police Department]

I am requesting a copy of a search warrant which was executed by the PPD, in conjunction with Penn Police, on the morning of Friday 10/18. The search warrant was executed in the vicinity of Penn's campus in University City, likely in the area of 40th Street and Baltimore Avenue.

By correspondence dated October 29, 2024, the City acknowledged receipt of your requests invoked a thirty calendar-day extension of time in which to respond. This correspondence constitutes the City's final response to your requests.

Your request is **denied**. Initially, to the extent your request seeks a record relating to an investigation conducted by the University of Pennsylvania Police Department, which is not an agency of the City of Philadelphia, your request is misdirected.

Case ID: 241200104

Additionally, judicially-approved search warrants are considered records of the judiciary, which are not accessible through Right to Know requests to the City. *See, e.g., Bender-Mathis v. Erie County District Attorney's Office*, AP 2024-0187, 2024 WL 244474 (Pa.Off.Open Rec.) (search warrants authorized by a judge are judicial records and criminal investigative records which the OOR lacks jurisdiction over); *Cuevas Heredia v. Pa. State Police*, AP 2024-0323, 2024 WL 943229 (Pa.Off.Open Rec.) (noting that “Search warrants are judicial records, over which the OOR has no jurisdiction.”); *Phila. Dist. Attorney's Off. v. Stover*, 176 A.3d 1024 (Pa. Commw. Ct. 2017). However, judicial records can be requested from judicial records custodians pursuant to the Unified Judicial System’s Public Access Policy. *See* <http://www.pacourts.us/public-records/public-records-policies>.

Further, records “relating to or resulting in a criminal investigation” are exempt from disclosure pursuant to 65 P.S. § 67.708(b)(16), explicitly including, but not limited to, “[i]nvestigative materials, notes, correspondence, videos and reports” and records that, if disclosed, would “[r]eveal the institution, progress or result of a criminal investigation.” 65 P.S. § 67.708(b)(16)(ii), (vi)(A).

Similarly, “investigative information” is protected from public disclosure pursuant to the Criminal History Record Information Act ("CHRIA"). 18 Pa.C.S. §§ 9101 et seq. CHRIA defines investigative information as “[i]nformation assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing.” 18 Pa.C.S. § 9102. Thus, records “assembled as a result of” an inquiry into allegations of criminal conduct considered to be investigative information under CHRIA. Disclosure of investigative and treatment information is not permitted to any “department, agency, or individual unless the department, agency, or individual [. . .] is a criminal justice agency which requests the information in connection with its duties.” 18 Pa.C.S. § 9106(c)(4); see also 18 Pa.C.S. § 9121(d).

Appeals processing: If you wish to appeal this denial pursuant to 65 P.S. § 67.708(b)(16) regarding records relating to a criminal investigation, you may file an appeal with the Philadelphia District Attorney’s Office as set forth in 65 P.S. § 67.1101 and 65 P.S. § 503(d)(2). Please direct any appeal to the DA RTKL Appeals Officer, Three South Penn Square, Philadelphia, PA 19107-3499 and copy the undersigned.

If you wish to appeal this determination, you must do so within 15 business days of the date of this correspondence.

See the following link for additional resources regarding the RTKL, public information available online, and other record request processes: <https://linktr.ee/phillylaw>

This correspondence will close your request with our office as permitted by law.

Respectfully,



/s/ _____

Shea Skinner (he/him)
Deputy City Solicitor – Right to Know
City of Philadelphia Law Department