



## CITY OF PHILADELPHIA

POLICE DEPARTMENT  
HEADQUARTERS, FRANKLIN SQUARE  
PHILADELPHIA, PENNSYLVANIA 19106

RICHARD J. ROSS, JR.  
Commissioner

May 24, 2017

Curtis Waltman  
Muckrock.com  
411 A Highland Avenue  
Somerville, MA 02144  
35617-86985604@requests.muckrock.com

RE: Pennsylvania Right-To-Know Act (RTKA) Request

Dear Mr. Waltman,

Your request for information dated 04-11-17 was received by this office on 04-13-17 for records regarding mobile phone forensics tools such as devices made by the company Cellebrite, IP Box made by MDsec, Secure View by Susteen Inc., Kessler Innovations products, Binary Intelligence products or any analysis programs such as those produced by COMPELSON Labs or the XRK software by MSAB, including:

1. Contractual documents. Examples of this are invoices, purchase orders, contracts, loan agreements, procurement documents etc.
2. Records of communication with the domains CellebriteUSA.com, investigation.com, or mdsec.net from either the chief of police or head of procurement.
3. Guidelines and/or internal policy on the use of mobile phones forensics tools and software.
4. Any utilization logs for these tools.

On **04-21-17**, correspondence was sent to you advising you that your request was considered an “informal request.” It was noted to you that written requests for records to state and local agencies in Pennsylvania are generally governed by the Commonwealth’s Right to Know Law (the “Act”), 65 P.S. §§ 67.101–67.3104. In accordance with the Act, the City has promulgated a Right to Know Policy, which requires the standard statewide Right to Know Form be used for the submission of written requests pursuant to the Act. *See* 65 P.S. § 67.504(a); *Dekok v. Lancaster County*, O.O.R. Dkt. AP 2010-1197, 2011 PA O.O.R.D. LEXIS 25 at \*5 and n.1 (Pa. O.O.R. Jan. 17, 2011) (holding that in accordance with the Right to Know Law, an agency may adopt a policy requiring the use of the standard statewide form established by the Office of Open Records in order to file a Right to Know Request); *accord Pennsylvania Gaming Control Board v. Off. of Open Records*, No. 1134 C.D. 2009, 2012 Pa. Commw. LEXIS 174 (Pa. Commw. June 11, 2012). As your request was not submitted on or with the standard statewide form, the City does not consider your request to be a written request pursuant to the Act and has processed it as an informal request.

After processing your informal request, the Philadelphia Police Department (“PPD” or “the Department”) responds as follows:

Your request *cannot be granted*. PPD has no records responsive to your request. It is not a denial of access under the Act if the records requested do not exist. *Cf. Jenkins v. Pennsylvania Dep’t of State*, O.O.R. Dkt. AP 2009-0065 (Pa. O.O.R. April 2, 2009).

This response will serve to close this particular request for information with our office as permitted by law. Thank you for contacting the Philadelphia Police Department’s Open Records Office.

**FOR THE POLICE COMMISSIONER**

Sincerely,

A handwritten signature in black ink that reads "Lt. Barry Jacobs #97". The signature is written in a cursive, flowing style.

Lieutenant Barry Jacobs  
Open Records Officer  
Philadelphia Police Department  
750 Race Street, Room 203  
Philadelphia, PA 19106  
FAX: 215-686-1183  
Email: [police.righttoknow@phila.gov](mailto:police.righttoknow@phila.gov)