



FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
BRIAN KENNEDY,	:	
Requester	:	
	:	
v.	:	Docket No: AP 2026-2855
	:	
CITY OF PHILADELPHIA	:	
POLICE DEPARTMENT	:	
Respondent	:	

The Office of Open Records (“OOR”) received the above-captioned appeal under the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* For the following reasons, the appeal is dismissed.

On June 24, 2026,¹ Brian Kennedy (“Requester”), an inmate at SCI-Greene, submitted a request (“Request”) to the City of Philadelphia Police Department (“Department”) pursuant to the RTKL, seeking police reports, complaints, and call complaint records involving the Requester and two individuals between January 1, 2013, and April 1, 2019.

On July 1, 2026, the Department denied the Request, asserting that a search for responsive records cannot be conducted with the information provided by the Requester, and that any

¹ While the Request was dated June 17, 2026, it was not received by the Department until June 24, 2026. *See* Jacobs Attestation, ¶ 4.

responsive records consisting of complaints or police reports would be exempt as criminal investigation records. 65 P.S. § 67.703; § 67.708(b)(16).

On July 15, 2026,² the Requester filed an appeal with the OOR, claiming that the Request was deemed denied, as the Requester did not receive the Department's final response. *See* 65 P.S. § 67.901. The OOR invited both parties to supplement the record and directed the Department to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On July 28, 2026, the Department submitted a position statement, claiming the Department mailed a timely response to the Requester on July 1, 2026, and reiterating its grounds for denial. Additionally, the City asserts that responsive records do not exist. In support of its position, the Department submitted a statement made under penalty of perjury authored by Lieutenant Barry Jacobs ("Jacobs Attestation"),³ the Department's Agency Open Records Officer ("AORO").

On July 28, 2026, the OOR asked the Requester to indicate any challenges he wished to raise on appeal, now that he had received the Department's response. On August 10, 2026,⁴ the Requester indicated that he still had not received the Department's response and requested that the OOR provide copies of the Department's submissions and additional time in which to raise any challenges.

On August 19, 2026, the OOR provided the Requester with the Department's July 28, 2026 submissions, which included the Department's July 1, 2026 response, and granted the Requester's

² While the Appeal is dated July 7, 2026, it was not received by the OOR until July 15, 2026.

³ 18 Pa. C.S. § 4904.

⁴ The Requester's correspondence was postmarked August 5, 2026, but not received by the OOR until August 10, 2026.

request for additional time to submit any challenges he wished to raise on appeal.⁵ To date, no response has been received.

This evidence demonstrates that the Department timely responded to the Request on July 1, 2026. Jacobs Attestation ¶¶ 4-6. The Requester has not submitted any evidence to the contrary and has not raised any challenges to the response on appeal. Therefore, because there is no remaining controversy, the appeal is **dismissed as moot**. See *Kutztown Univ. of Pa. v. Bollinger*, 2019 Pa. Commw. Unpub. LEXIS 521, *6 (holding that an appeal is properly dismissed as moot where no controversy remains); *Hughes v. Exeter Township*, OOR Dkt. 2023-1631, 2023 PA O.O.R.D. LEXIS 2107.

The file is now closed and no further action will be taken. This Final Determination is binding on the parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Philadelphia County Court of Common Pleas. 65 P.S. § 67.1302(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, but 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.⁶ 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 OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: September 25, 2026

/s/ Julie Sodl

⁵ The OOR provided the Requester an additional 14 days from the date of the August 19, 2026 correspondence, or September 2, 2026. To accommodate this submission extension, the Final Determination deadline was also extended until September 30, 2026.

⁶ See *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

APPEALS OFFICER
JULIE SODL

Sent via E-File Portal to: Lt. Barry Jacobs, AORO; Gianna McDevitt, Esq.

Sent via U.S. Mail to: Brian Kennedy, QP5476