



CITY OF PHILADELPHIA

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April 4, 2014

VIA ELECTRONIC MAIL ONLY

Greer Donley
Prison Information Project
c/o Professor Margo Schlanger
910 Legal Research Building
University of Michigan Law School
625 South State Street
Ann Arbor, MI 48109
prison.info.project@umich.edu

Re: Donley CP 2014-0261

Dear Mr. Donley:

Thank you for writing to the City of Philadelphia (“City”) Prisons Department (“Prisons”) with your request for information pursuant to the Pennsylvania Right-To-Know Law, 65 P.S. § 67.101 et seq., (the “Act” or “RTKL”).

On February 26, 2014, the City received your request as follows:

1. Any current prisoner handbook or manual (including any inmate orientation handbook or manual), system-wide or institution-specific.
2. All current prisoner grievance regulations, policies, guidelines, manuals, directives, rules, etc., including general grievance policies/guidelines/etc. and specific grievance policies/guidelines/etc. relating to, for example, health care or sexual assault.
 - By “grievance,” we mean any grievance for complaint, whether formal or informal, whatever the subject matter.
3. Any records, created or updated from 2003 to the present, tallying or reporting:
 - The number of grievances filed and resolved each year.
 - The categories or subject matter of grievances filed and resolved, and number of grievances in each subject matter category used (for instance, grievances related to food, health care, use of force, etc., and including both

- ordinary and “sensitive” complaints such as those involving allegations of staff misconduct).
- Grievance outcomes or resolutions each year, by subject matter category and year.
 - Statistics or data on length of time to resolve grievances, by subject matter category and year.
 1. We are not requesting individual grievance records. We are only requesting records that summarize, aggregate or compile grievance data.
4. Any current policy for prisoner mail or correspondence, including regular and legal mail, prisoner receipt of newspapers, magazines, newsletters, and books.

On March 5, 2014, the City informed you that it required an additional thirty calendar days to respond to your request. This constitutes the City’s response to your original request.

Your request is granted in part, as set forth more fully below.

Response to Items 1, 2, and 4: These portions of your request are granted. Attached please find records responsive to these portions of your request.

Response to Item 3: Prisons has no records responsive to this portion of your request. As a result, the City does not have any records responsive to this portion of your request in its possession, under its custody or within its control. It is not a denial of access under the Act if the records requested do not exist. *Cf. Jenkins vs. Pennsylvania Department of State*, Docket No. AP 2009-0065 (OOR April 2, 2009). To the extent your request is for the City to create or compile a record which does not already exist, your request is denied. The City is not required to create records in order to respond to a Right to Know Request or “compile, maintain, format or organize a record in a manner in which [the City] does not currently compile, maintain, format or organize the record.” 65 P.S. § 67.705.

Should you wish to contest any part of this decision, you may file an appeal with the Office of Open records as provided for in 65 P.S. § 67.1101. You have 15 business days from the mailing date of the City’s response to challenge the response. Please direct any appeal to the Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225 and copy the undersigned.

Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Respectfully submitted,



Benjamin S. Mishkin

cc: Maryanne Womelsdorf, Open Records Officer, Department of Prisons