

IN THE SUPREME COURT OF PENNSYLVANIA

No. 44 MAP 2022

AMERICAN CIVIL LIBERTIES UNION OF PENNSYLVANIA

Appellant,

v.

PENNSYLVANIA STATE POLICE

Appellee.

**BRIEF OF AMICI CURIAE
THE NATIONAL POLICE ACCOUNTABILITY PROJECT AND
THOMAS MERTON CENTER**

Appeal from the Judgment of the Commonwealth Court of Pennsylvania dated
November 17, 2021, No. 1066 CD 2017

Lauren Bonds
Keisha James
Eliana Machefsky
National Police Accountability Project
2022 St. Bernard Avenue, Suite 310
New Orleans, LA 70116
504-220-0401
legal.npap@nlg.org
Counsel for Amici Curiae

Jonathan H. Feinberg
Kairys, Rudovsky, Messing, Feinberg
& Lin LLP
718 Arch Street, Suite 501 South
Philadelphia, PA 19106
215-925-4400
jfeinberg@krlawphila.com

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STATEMENT OF INTEREST OF AMICI CURIAE

The National Police Accountability Project

The National Police Accountability Project (“NPAP”) was founded in 1999 by members of the National Lawyers Guild to address misconduct by police officers and their employers. NPAP has more than 550 attorney members throughout the United States with over 25 members practicing in Pennsylvania. These attorneys represent plaintiffs in civil actions alleging misconduct by law enforcement officers. NPAP offers training and support to its attorney and legal worker members, educates the public about police misconduct and accountability, and provides resources for nonprofit organizations and community groups involved with victims of law enforcement misconduct. NPAP also supports legislative efforts aimed at increasing accountability and appears as amicus curiae in cases, such as this one, that present issues of particular importance for lawyers who represent plaintiffs in law enforcement misconduct actions. Transparency is an essential prerequisite to accountability and attorneys who bring civil rights actions frequently rely on agency policies obtained through public records requests to develop their clients’ cases.

The Thomas Merton Center

The Thomas Merton Center (“TMC”) was founded in 1972 to bring people from diverse philosophies and faiths together to work, through nonviolent efforts, for a more just and peaceful world. Through protests and ongoing projects, members of TMC aim to instill in our society a consciousness of values and to

raise the moral questions involved in the issues of war, poverty, racism and oppression. TMC regularly coordinates peaceful protest activities and has been targeted with law enforcement surveillance for engaging in First Amendment protected speech in the past.

In accordance with Pa. R.A.P. 531(b)(2)(ii), no person or entity other than amici or counsel for amici paid in whole or in part for the preparation of this amici curiae brief or authored in whole or in part the amici curiae brief.

SUMMARY OF THE ARGUMENT

Public access to police policies supports transparency, community empowerment, accountability, and informed policymaking. It also benefits the government by building much needed trust with the public, particularly with communities that have historically been the target of police violence. Transparency is especially important when it comes to social media surveillance policies as they are ripe for potential abuse and legal violations. Finally, the immense power that police agencies are granted in the name of public safety renders the importance of law enforcement transparency demands that they be held to at least the same standards as other government agencies. Where, as here, the law treats access to police records no differently from any other governmental records, the public must

be afforded access to law enforcement information—both because that is what the law requires and because of the exceptional power police are granted over the lives and liberty of everyday people.

ARGUMENT

I. Public Disclosure of Law Enforcement Agency Policies is Essential to Accountability.

A. Public Access to Law Enforcement Policies Empowers Communities to Identify and Improve Harmful Policing Practices.

Police agency policies strongly influence how officers interact with the communities they police. Barbara E. Armacost, *Organizational Culture and Police Misconduct*, 72 GEO. WASH. L. REV. 435, 494, 506 (2004); Susan Bandes, *Patterns of Injustice: Police Brutality in the Courts*, 47 BUFFALO L. REV. 1275 (1999). A flawed internal policy can enable an officer to use excessive force, conduct an illegal search, or engage in a range of other unconstitutional actions that harm members of the public. *See, e.g., Gravellet-Blondin v. Shelton*, 728 F.3d 1086, 1096 (9th Cir. 2013) (finding City’s written taser policy caused violation of the plaintiffs’ Fourth Amendment’s rights); *Morgan v. Fairfield County Ohio*, 903 F.3d 553, 566 (6th Cir. 2018) (County was liable for violating plaintiff’s rights because it maintained a search policy on “knock and talks” that afforded officers no leeway to consider the constitutional limit” of “heir actions); *Open Inns, Ltd. V. Chester County Sheriff’s Dept.*, 24 F. Supp. 2d 410, 429 (E.D. Pa. 1998) (Sheriff

Department's formal policy permitting officers to remain on premise after serving process in civil actions caused plaintiff's injury); *Black v. Stephens*, 662 F.2d 181, 191 (3d Cir. 1981) (Allentown's written procedures governing disciplinary hearings proximately caused plaintiff's Fourth Amendment violation). Without access to police policies, the public is in the dark about a significant contributor to police misconduct and will be precluded from pressing for meaningful reforms.

Access to records documenting police administrative policies is necessary to protect the public from abuse and ensure accountability in a range of contexts. Members of the public and other stakeholders cannot formulate proposals for improved policies if they do not know what procedures are currently in place. Public disclosure of agency policies allows communities to identify harmful policies and advocate for their change. *See* Barry Friedman and Maria Ponomarenko, *Democratic Policing*, 90 NYU L. REV. 1827, 1838 (2015) (describing how transparency allows the public to monitor police and exert political pressure to push for changes); Hannah Bloch-Wehba, *Visible Policing: Technology, Transparency, and Democratic Control*, 109 CALIF. L. REV. 917, 924 (2017) (noting "the systemic importance of information—or lack thereof—on efforts to change, curb, or altogether cease policing practices").

Obtaining public access to information on policing practices has been a critical tool of community campaigns seeking to reform and improve policing. For

instance, community groups have relied on policies and data obtained through public records requests to fight for better use-of-force policies and lobby for bans on the use of facial-recognition technologies. *See* Kiley Koscinski, *Activists want open data about how Pittsburgh police use ‘less-lethal’ weapons*, WITF (May 6, 2021) (describing Pittsburgh activists’ efforts to change use of less-lethal force policies);¹ *What Will it Take to End Police Violence*, COMMUNITIES UNITED AGAINST POLICE BRUTALITY (May 25, 2020) (Minnesota grassroots group use of public records request to identify problematic policies and draft proposed changes in wake of George Floyd’s murder);² *Civil Rights and Faith Leaders Send Tulsa Mayor and City Council Chair Letter Demanding Police Reforms*, THURGOOD MARSHALL INSTITUTE (May 31, 2018) (Tulsa religious leaders and civil rights groups used the state freedom of information laws to develop comprehensive recommendations following Terrence Crutcher’s death);³ *Clearview, Cameras, and Karen: Newly Released Documents Expose Facial Recognition Technologies Used Across Massachusetts*, ACLU OF MASSACHUSETTS (2020) (describing public records request to advocate for facial recognition technology changes).⁴

¹ Available at: <https://www.witf.org/2021/05/06/activists-want-open-data-about-how-pittsburgh-police-use-less-lethal-weapons/>.

² Available at: https://d3n8a8pro7vhmx.cloudfront.net/cuapb/pages/1/attachments/original/1591595256/WHAT_WILL_IT_TAKE_TO_END_POLICE_VIOLENCE_with_Appendices.pdf?1591595256.

³ Available at: <https://tminstituteldf.org/tmi-explains/civil-rights-and-faith-leaders-send-tulsa-mayor-and-city-council-chair-letter-demanding-police-reforms/>.

⁴ Available at: <https://data.aclum.org/2021/03/01/clearview-cameras-and-karen-newly-released-documents-expose-facial-recognition-technologies-used-across-massachusetts/>.

Public access to information on policing practices also assists advocates in holding law enforcement accountable once reforms are enacted. For instance, police reform groups use public records requests to ensure local law enforcement agencies are implementing federal consent decrees and complying with newly enacted laws. *See, e.g.,* Paul Tuthill, *Activists Call for Consent Decree to Advance Springfield Police Reforms*, WAMC NORTHEAST PUBLIC RADIO (Jan. 29, 2021) (NAACP of Springfield requested changed policies to see compliance with consent decree);⁵ Robert J. Hansen, *Northern ACLU calls on Sacramento County to Stop Sheriff from Cooperating with ICE*, NEWSBREAK (Dec. 9, 2021).⁶

Community oversight and participation in decision-making about policing often yields more effective policies. *See* Tracey Meares, *Colloquium on Community Policing: Praying for Community Policing*, 90 CALIF. L. REV. 1593, 1623 (2002) (“today’s police officers believe that community partnership and cooperation are effective means of addressing community crime problems”); *see also* Megan Quattlebaum, et. al., *Principles of Procedurally Just Policing*, THE JUSTICE COLLABORATORY 10-11 (Jan. 28, 2018).⁷ Police departments are better equipped to identify problems, determine priorities, and formulate initiatives when they have

⁵ Available at: <https://www.wamc.org/new-england-news/2021-01-29/activists-call-for-consent-decree-to-advance-springfield-police-reforms>.

⁶ Available at: <https://original.newsbreak.com/@robert-j-hansen-1587368/2457159932884-northern-aclu-calls-on-sacramento-county-to-stop-sheriff-from-cooperating-with-ice>.

⁷ Available at: https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf.

informed input from the public. Drew Diamond and Deirdre Mead Weiss, *Advancing Community Policing Through Community Governance: A Framework Document*, POLICE EXECUTIVE RESEARCH FORUM 16 (2010).⁸ Transparency in police policies is essential to facilitating the collaboration and robust discussions that are necessary for high-performing public safety agencies.

In the instant case, communities need to know the level of regulation and oversight over officer use of social media surveillance software to ensure there are adequate safeguards against improper targeting and other concerning actions—including ensuring that there are restrictions on monitoring online activity that is plainly protected by the First Amendment. Allowing police departments to withhold their policies from the public will frustrate community input in reform debates and effectively preclude political advocacy to change harmful policies. By providing police agencies with additional, special insulation from public scrutiny, the Commonwealth Court’s decision undermines accountability.

B. Social Media Surveillance Programs Often Raise Serious Constitutional Concerns and the Public Has Strong Interest in Knowing What Safeguards Exist.

Transparency in department policies is particularly crucial in this case due to the potential for the secrecy to facilitate the use of oppressive police surveillance

⁸ Available at: <https://cops.usdoj.gov/RIC/Publications/cops-p161-pub.pdf>.

programs. Painful experience has shown how law enforcement can weaponize surveillance tactics to spy on disfavored groups—including communities of color and peaceful political dissidents—for decades. ELIZABETH HINTON, *AMERICA ON FIRE: THE UNTOLD HISTORY OF POLICE VIOLENCE AND BLACK REBELLION SINCE THE 1960's* 179 (2021); Albert Fox Kahn and Zachary Silver, *The long ugly history of how police have tracked protesters*, *FAST COMPANY* (Jun. 2, 2020);⁹ Anna Orso, *Philadelphia police asked federal drug agents to 'infiltrate' protests last June, emails show*, *THE PHILADELPHIA INQUIRER* (Apr. 19, 2021).¹⁰ Amicus Thomas Merton Center (“TMC”) has experienced law enforcement targeting for lawful protest activity firsthand. TMC has been intermittently subjected to FBI surveillance for holding peaceful rallies and voicing opposition to U.S. foreign policy decisions since the 1980s. Scott J. Highman, *FBI Kept Eye on 27 PA Groups Foes of Reagan Policy Targeted in Campaign*, *THE MORNING CALL* (Jan. 29, 1988) (FBI agents and paid informants monitored the Thomas Merton Center and over a dozen of other Pennsylvania peace groups for opposing the foreign affairs policies in 1985 and 1986); *The Six FBI Reports Treating the Merton Center Anti-War Activism As Terrorism*, *SHADOWPROOF* (Sept. 23, 2010) (detailing

⁹ Available at: <https://www.fastcompany.com/90511912/the-long-ugly-history-of-how-police-have-tracked-protesters>.

¹⁰ Available at: <https://www.inquirer.com/news/philadelphia-police-protests-dea-infiltrate-surveillance-20210419.html>.

FBI surveillance of Merton Center for anti-war views from 2002 to 2006).¹¹ Given this history, *amici*'s concerns about police surveillance programs are real and concrete.

As activism and organizing have moved online, so has police surveillance. There are numerous documented instances of law enforcement weaponizing social media surveillance programs against peaceful dissidents. Investigative reporting has revealed that law enforcement agencies across the country have used surveillance tactics and software to spy on people engaged in online activity protected by the First Amendment. Allie Funk, *How Domestic Spying Tools Undermine Racial Justice Protests*, FREEDOM HOUSE (Jun. 22, 2020);¹² Travis Park, *Councilors Gross and Haram Critical to Pittsburgh Using Social Media Surveillance Software*, PENNSYLVANIA NEWS TODAY (May 17, 2021);¹³ *The Geofeedia Files: Boston Police and Social Media Surveillance*, PRIVACYSOS (last accessed Dec. 3, 2021);¹⁴ Antonia Noori Farzan, *Memphis police used fake Facebook account to monitor Black Lives Matter; trial reveals*, WASH. POST (Aug. 23, 2018).¹⁵ Young people of color have been especially targeted by police because

¹¹ Available at: <https://shadowproof.com/2010/09/23/the-six-fbi-reports-treating-merton-center-anti-war-activism-as-terrorism/>.

¹² Available at: <https://freedomhouse.org/article/how-domestic-spying-tools-undermine-racial-justice-protests>.

¹³ Available at: <https://pennsylvanianewstoday.com/councilors-gross-and-haram-critical-to-pittsburgh-using-social-media-surveillance-software-news-pittsburgh/142510/>.

¹⁴ Available at: <https://privacysos.org/geofeedia-files-boston-police-social-media-surveillance/>.

¹⁵ Available at: <https://www.washingtonpost.com/news/morning-mix/wp/2018/08/23/memphis-police-used-fake-facebook-account-to-monitor-black-lives-matter-trial-reveals/>.

of their activism. *See, e.g.*, Sahar F. Aziz and Khalid Beydoun, *Fear of Black and Brown Internet: Policing Online Activism*, 100 B.U. L. REV. 1151, 1183 (2020); *US targeted Black Lives Matter activists in bid to disrupt movement, report finds*, ASSOCIATED PRESS (Aug. 19, 2021).¹⁶ There are a number of instances of federal and local law enforcement agencies monitoring the social media accounts of Black activists solely because of their affiliation with unpopular political advocacy organizations. *See Aziz, supra* at 1179.

These common social media surveillance tactics raise significant privacy and free speech concerns. *See, e.g.*, Rachel Levinson-Waldman, *Private Eyes, They're Watching You: Law Enforcement's Monitoring of Social Media*, 71 OKLA. L. REV. 997, 1008-1009 (2019) (describing First Amendment retaliation and Fourth Amendment unreasonable search and seizures claims that could derive from law enforcement social media surveillance); Farrah Bara, *From Memphis, with Love: A Model to Protect Protesters in the Age of Surveillance*, 69 DUKE L.J. 197, 208-209, 212 (2019). Given the documented prevalence of social media surveillance and the potential legal harms attendant to these programs, the public has a strong interest in knowing what safeguards exist for Pennsylvania State Police's use of social media surveillance tactics—and in ensuring that other law enforcement agencies across

¹⁶ Available at: <https://www.theguardian.com/us-news/2021/aug/19/black-lives-matter-policing-prosecutions-race-government>.

the Commonwealth cannot likewise shield their social media monitoring policies from disclosure and public scrutiny.

II. Public Access to Law Enforcement Policies Enhances Public Confidence in Police, and thus, Promotes Public Safety.

Respondent has argued that their social media surveillance policy must remain confidential in the interest of effective law enforcement. However, withholding departmental policies from the public can actually impair police performance. The absence of transparency in police policy decisions erodes public confidence, ultimately making law enforcement officers' jobs more difficult.

Community trust in law enforcement has dipped to an all-time low in recent years with a majority of Americans reporting that they do not have confidence in the police. *See* Aimee Ortiz, *Confidence in Police is at a Record Low, Gallup Finds*, N.Y. TIMES (Aug. 12, 2020).¹⁷ Police leaders, activists, and legal scholars agree that police secrecy is a core driver of distrust. *Trust Initiative Report*, THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (Oct. 2018) (world's largest professional association for police leaders explaining transparency as one of three building blocks for community trust);¹⁸ Statement by Sherrilyn Ifill Before the President's Task Force on 21st Century Policing, NAACP LDF (Jan. 13, 2015)

¹⁷ Available at: <https://www.nytimes.com/2020/08/12/us/gallup-poll-police.html>.

¹⁸ Available at: <https://www.theiacp.org/sites/default/files/2018-10/Final%20Trust%20Initiative%20Report.pdf>.

“transparency is a necessary component of any police department effort to build and maintain community trust and cooperation”);¹⁹ David Mason, *Are Informed Citizens More Trusting? Transparency of Performance Data and Trust Towards a British Police Force*, 122 J. BUS. ETHICS 321, 321-341 (2014) (finding that being informed about policing information significantly improves citizens’ trust).

While transparency builds trust, secrecy tends to erode it. Without direct access to information about departmental decision-making, the public may fill gaps in knowledge with their worst assumptions. *See Transparency & Silence: A Survey of Access to Information Laws and Practices in 14 Countries*, OPEN SOCIETY JUSTICE INITIATIVES 38 (2006) (finding that in the vacuum of information, civilians tend to infer negative actions and motivations);²⁰ Barry Friedman, *Secret Policing*, 2016 U. CHI. LEGAL F. 99, 119-20 (2016) (noting “communities [cannot] be expected to trust when they can’t get the facts”).

The lack of public trust in the police can negatively impact a department’s ability to investigate crimes and detect criminal activity. There is a demonstrated link between confidence in police and cooperation with law enforcement. Tom. R. Tyler and Jeffrey Fagan, *Legitimacy and Cooperation: Why Do People Help the Police Fight Crime in Their Communities*, 6 OHIO STATE J. CRIM. LAW 231, 250

¹⁹ Available at: <https://www.naacpldf.org/wp-content/uploads/Sherrilyn-Ifill-Testimony-Task-Force-on-21st-Century-Policing.pdf>.

²⁰ Available at: https://www.justiceinitiative.org/uploads/016719b6-115e-40b8-ad00-00d24b1e3f71/transparency_20060928.pdf.

(2008) (finding a person’s perception of police legitimacy influenced their willingness to cooperate with the police, including reporting crimes and suspicious activity as well as helping police find people accused of criminal activity); Patrick J. Carr, *We Never Call the Cops and Here is Why: Qualitative Examination of Legal Cynicism in Three Philadelphia Neighborhoods*, 45 CRIMINOLOGY 445, 457 (2007) (study found Philadelphia youth who held negative views of the police were unlikely to call the police if they witnessed criminal activity). Police trust deficits restrict the flow of information from victims and witnesses to police, making it more difficult for officers to investigate crimes and detect ongoing unlawful activity. See Erik Luna, *Transparent Policing*, 85 IOWA L. REV. 1107, 1119 (2000) (“mistrusting community members are less likely to cooperate with law enforcement [and] less likely to voluntarily provide information to police”); *Research for Practice, Factors That Influence Public Opinion of the Police*, DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS 10 (June 2003) (“public confidence in police can lead to cooperation that is needed for effective policing”).²¹

Accordingly, most modern police agencies maintain initiatives to build community trust—not for a public-relations benefit but because trust is an essential component of any effective policing strategy. See, e.g., President’s Task Force on

²¹Available at: <https://www.ojp.gov/pdffiles1/nij/197925.pdf>.

21st Century Policing, *Final Report of the President’s Task Force on 21st Century Policing* 10 (2015);²² *21st Century Policing: Pillar One—Building Trust and Legitimacy and Pillar Two—Policy and Oversight*, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE.²³ Police thought leaders have increasingly embraced greater transparency in order to enhance public confidence, with the ultimate goal of providing the more effective delivery of policing services. *See, e.g., Recommendations to Transform Policing*, LAW ENFORCEMENT ACTION PARTNERSHIP, June 3, 2020;²⁴ Rachel Moran and Jessica Hodge, *Law Enforcement Perspectives on Public Access to Misconduct Records*, 42 CARDOZO L. REV. 1237, 1271 (2021) (surveying police chiefs detailing how increased transparency in officer-misconduct records assisted in community relations and trust-building); Brendan Cox, *Commentary: Open misconduct records to improve public trust in police*, TIMES UNION (Jan. 3, 2020) (former police chief explaining that “trust-building is not an optional feel-good extracurricular activity for police, it is a core responsibility with a direct link to public safety.”).²⁵

In short, transparency tends to promote greater community support for police endeavors. To the extent better policing can make communities safer, greater

²² Available at: https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

²³ Available at: <https://www.theiacp.org/sites/default/files/all/3-9/706-21stCenturyPolicingPillars1and2.pdf>.

²⁴ Available at: <https://lawenforcementactionpartnership.org/national-policing-recommendations/>.

²⁵ Available at: <https://www.timesunion.com/opinion/article/Commentary-Open-misconduct-records-to-improve-14948648.php>.

public access to Respondent’s social media surveillance policy will advance rather than hinder public safety. The Commonwealth Court’s special dispensation for law enforcement records will likely have the unintended consequence of reducing community cooperation with police.

III. The Unique Role that Police Play in Upholding Public Safety Entitles the Public to Greater Transparency in Their Policies and Procedures.

As the General Assembly recognized in enacting the RTKL, *see* [65 P.S. § 67.708\(b\)\(2\)](#), there are some rare cases where the government may have a legitimate public safety interest in withholding a departmental policy from the public. This is not one of those cases, as both the Office of Open Records and the Commonwealth Court—after reviewing the text of the policy—have confirmed that the State Police have not met their burden to keep it secret. As the OOR explained, the policy at issue in this case is administrative in nature and outlines procedural steps for an officer to engage in social media surveillance. Final Determination of the Office of Open Records (“OOR”) at 7. Accordingly, the information being withheld would be of no value to any person seeking to evade PSP’s social media surveillance.²⁶

²⁶ Nor, for that matter, is it clear that release of the policy actually *would* threaten public safety, even if—*contra* the findings of both the OOR and Commonwealth Court—it did contain details of specific investigative techniques and technologies. *See* Jonathan Manes, *Secrecy & Evasion in Police Surveillance Technology*, 34 BERKELEY TECH. L. J. 504, 538-41 (2019) (explaining anti-circumvention concerns are largely unwarranted because “very few cases involve the sophisticated criminal who gathers technical details about law enforcement’s methods”); *see also* *Lancman v. NYPD*, No. 154329/2019, slip op. at 1 (N.Y. Sup. Ct. Sept. 23, 2019) (noting it was “speculative at best,

Although the unique public safety work that law enforcement agencies perform will occasionally require confidentiality, *see* 65 P.S. § 67.708(b)(2), it far more often demands transparency. Unlike most government agents, law enforcement officers are singularly authorized to carry weapons and use lethal force in pursuit of their job duties. *See* Katherine J. Bies, Note, *Let the Sunshine In: Illuminating the Powerful Role Police Unions Play in Shielding Officer Misconduct*, 28 STAN. L. & POL. REV. 109, 142 (2017) (explaining that privacy rights of police officers cannot fairly be compared to the privacy rights of civilians because “police officers have the unique state-sanctioned ability to use force on other citizens.”). They are also given extraordinary discretion in decisions to search, detain, or arrest a person. Cynthia Conti-Cook, *A New Balance: Weighing Harms of Hiding Police Misconduct Information from the Public*, 22 CUNY L. REV. 148, 153 (2019). If anything, this immense power under the aegis of public safety justifies *greater*—not less—public access to law enforcement policies than would be demanded of other government agencies. *See* Seth Stoughton, *The Incidental Regulation of Policing*, 98 MINN. L. REV. 2179, 2182 (2014) (describing unique role of police as reason to consider context in applying otherwise neutral regulations).

and improbable at worst” that publicly disclosed information on police resource distribution would be used by criminals to identify under-policed parts of the city and plan their crimes in those neighborhoods).

The Commonwealth Court created an extra layer of concealment for law enforcement policies because of the special role police play in upholding public safety. However, it is precisely because of this unique power police have that *greater* public access is warranted.

CONCLUSION

For the foregoing reasons, *Amici* respectfully urges the Court to require disclosure of the social media monitoring policies requested by appellants in this case.

June 9, 2022

Respectfully submitted,

/s/ Jonathan Feinberg

CERTIFICATE OF COMPLIANCE WITH WORD LIMIT

I certify pursuant to Pa.R.A.Ps. 531(3) and 2135 that this brief does not exceed 7,000 words.

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and

Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon the parties via the PACFile electronic-filing system, which service satisfies the requirements of Pa.R.A.P. 121:

Nolan B. Meeks, Assistant Counsel
Pennsylvania State Police
1800 Elmerton Avenue
Harrisburg, PA 17110
(717) 783-5568

/s/

Dated: June 9, 2022