

FINAL DETERMINATION

DATE ISSUED AND MAILED: January 24, 2023

IN RE: *Sierra Holcomb v. Newberry Township Police Department* , OOR Dkt. AP 2023-0119

Upon review of the appeals filed with the Office of Open Records (“OOR”) to the above-referenced docket numbers, it is determined that the appeals are **DISMISSED** because:

The OOR lacks jurisdiction. The appeal challenges the Department’s denial of “video and audio recordings of a body cam and dash camera footage...”.¹ The Right-to-Know Law does not apply to audio or video recordings made by a law enforcement agency. 42 Pa.C.S. § 67A02(a). Rather, there is a separate procedure governing access to these records. *See* 42 Pa.C.S. §§ 67A03-67A05. Further, any appeals are to be filed “in the court of common pleas with jurisdiction.” 42 Pa.C.S. § 67A06. Therefore, the OOR does not have jurisdiction over these appeals.

For this reason, the Department is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with the York 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. However, 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.²

Issued by:

/s/ Joshua Young

Deputy Chief Counsel
Joshua Young, Esq.

Sent to: Requester (via email), Agency Open Records Officer (via first class mail)

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¹ The appeal file included two separate RTKL requests; however, the Requester challenges only the request seeking body and dash camera footage from a Department police officer.

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).