

FINAL DETERMINATION

DATE ISSUED AND MAILED: May 31, 2024

IN RE: *Jenna Wise and PA Media Group v. Cumberland County Coroner's Office*, OOR Dkt. AP 2024-0838

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, it is determined that the appeal is **GRANTED**, for the following reason.

Jenna Wise and PA Media Group (collectively “Requester”) sought copies of four autopsy reports from the Cumberland County Coroner’s Office (“Office”). The Office denied the Requests, arguing that records relate to active criminal investigations, 65 P.S. § 67.708(b)(16), and will only be available after the investigations are closed or when the autopsies are filed with the Prothonotary. However, it is well-settled that autopsy reports are available for a fee (\$500) under 16 P.S. § 1252-B.¹ *See Chester Cnty. Off. of the Coroner v. Keel*, 311 A.3d 57 (Pa. Commw. Ct. 2023) (unpublished); *Allegheny Cnty. v. Hailer*, 298 A.3d 476 (Pa. Commw. Ct. 2023) (en banc); *Hearst TV Inc. v. Norris*, 54 A.3d 23 (Pa. 2012). Therefore, the requested autopsy reports must be provided to the Requester upon payment of the fees set forth in 16 P.S. § 1252-B. Failure to do so may result in the imposition of sanctions. *See* 65 P.S. §§ 67.1304, 1305.

Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Cumberland 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 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 website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Blake Eilers
Blake Eilers, Esq.
Appeals Officer

Delivered via E-File Portal to: Jenna Wise and Charles Hall

¹ Section 306 of the RTKL establishes that “[n]othing in this act shall supersede or modify the public or nonpublic nature of a record or document established in Federal or State law . . .” 65 P.S. § 67.306; *see also* 65 P.S. § 67.3101 (“If the provisions of this act regarding access to records conflict with any other Federal or State law, the provisions of this act shall not apply.”).

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