

George Rahsaan Brooks
#AP-4884
SCI Frackville
1111 Altamont Blvd.
Frackville, PA 17931

July 28, 2011

In re: Right to Know Appeal

Dear Mr. Brooks:

I am the Open Records Appeal Officer for the District Attorney of Allegheny County. On July 21, 2011 I received a letter from you appealing the decision of the Allegheny County Medical Examiner and the Allegheny County Open Records Officer, Timothy H. Johnson, denying access to an autopsy report. Although you did not attach Mr. Johnson's response, you indicate that he stated "that the autopsy report was part of the investigatory records relating to a homicide thus, exempt from record status by § 708 (b)16 of the Right To Know Act, 65 P.S. §67.708 (b)16."

As you know, that provision exempts "[a] record of an agency relating to or resulting in a criminal investigation[.]" The only exceptions specified in 65 P.S. §67.708(b)(16) involve "information contained in a police blotter as defined in 18 Pa. C.S. §9102" or "in a traffic report except as provided under 75 Pa. C.S. §3754(b)[.]"

Based on the exception for criminal investigative material, I must deny your appeal pursuant to 65 P.S. §67.708(b)(16). The provision as written, does not make allowance for completed investigations. In addition I would note that disclosure is also prohibited by §708 (b)(20) which exempts "[a]n autopsy record of a coroner or medical examiner...." Please be advised that you have 30 days to appeal this decision to the Court of Common Pleas. See 65 P.S. §67.1302.

Very Truly Yours,

Michael W. Streily
Deputy District Attorney

cc: Timothy H. Johnson, Open Records Officer