



OFFICE OF THE DISTRICT ATTORNEY
DELAWARE COUNTY COURTHOUSE
MEDIA, PENNSYLVANIA 19063

(610) 891-4162

TANNER ROUSE
DISTRICT ATTORNEY

Delaware County District Attorney's Office
Crime Victim Right of Access Request Instructions

Please carefully review these instructions prior to submitting a request pursuant to 18 Pa. C.S. § 9158 et seq.

This new statutory section permits crime victims to request criminal investigative materials from a District Attorney's Office. Investigative materials will only be provided to a requesting party as defined in 18 Pa. C.S. §9158 or a requesting party's attorney. A **requesting party** is "a crime victim or a defendant in a civil action in which a crime victim is a party." Id. Furthermore, a "crime victim" is any individual "against whom a crime has been committed or attempted and who as a direct result of the criminal act or attempt suffers physical or mental injury, death or the loss of earnings." 18 Pa. C.S. § 11.103. The requesting party must provide sufficient information to establish that they meet the statutory requirements to be entitled to these materials.

All Crime Victim Right of Access Requests should be submitted to the District Attorney's Office and must include the following:

- 1. Crime Victim Right of Access Request Form:** this form must be thoroughly and accurately completed. Attorneys should include their client's name and information as the requesting party.
- 2. Specific description of the information requested:** all requests must describe the information sought with sufficient specificity to enable the District Attorney's Office to ascertain what is being requested. 18 Pa. C.S. 9158.2(b). Failure to adequately identify the information sought shall be grounds for denial. The requestor must also provide sufficiently specific information so that we can identify the appropriate DAO file; our files are organized by criminal defendant's name and criminal cp court docket numbers.

The District Attorney's Office will not provide notes of testimony, criminal convictions, or other public records that would be available to the public via a request with the Office of Judicial Support. These are judicial records and requests should be directed to:

Office of Judicial Support
Government Center
201 W. Front Street
Media, PA 19063

3. **Unsworn Statement:** all requests shall include an unsworn statement by the requesting party and/or the requesting party’s legal representative meeting the requirements of 18 Pa. C.S. 9158.2(b).
4. **Attachment A:** all requests must include a statement clearly demonstrating the requested information is “directly related to a civil action pending in a court of this Commonwealth” or “material and necessary to the investigation or preparation of a civil action in this Commonwealth.” 18 Pa. C.S. § 9158.2.

The failure to comply with the foregoing may result in denial. Please be sure to retain a copy of all materials submitted; these materials will be needed in the event of any future appeal

Response

A written response granting or denying the request will be provided within sixty (60) days of receipt of the request and the \$250 processing fee, or by the date returnable on the request, whichever is later.

The District Attorney’s Office may deny a request, in whole or in part, for any of the reasons provided in 18 Pa. C.S. §9158.3. Absent extenuating circumstances, all requests for information related to a pending or active investigation or prosecution will be denied. Where appropriate, the District Attorney’s Office may request a protective order limiting further dissemination of the requested materials.

Fees

Pursuant to 18 Pa.C.S. §9158.2(d), the District Attorney’s Office will impose reasonable fees for costs incurred to comply with requests. For any request granted, a standard processing fee will be imposed. Payment of the processing fee is required before any work is completed to fulfill the request.

In addition, the District Attorney’s Office will impose additional fees as necessary to cover additional costs associated with providing the requested materials. A cost-estimate will be provided in advance, and payment is expected before the responsive materials are released.

In addition to sending the form and associated documents as outlined above, a requestor must send a check made payable to “Delaware County District Attorney’s Office” in the amount of \$250.00 in order to initiate the document request process. Payment may be sent to: Delaware County District Attorney’s Office, Courthouse, 201 West Front Street, Media, PA 19063.

Processing fee	\$ 250.00
Electronic storage devices such as DVDs, flash drives, and external hard drives	Cost
Retrieval	\$ 25.00 / 1 hr.
Redactions	\$ 25.00 / 1 hr.
Photocopying/scanning	\$ 0.25/page
Legal work	\$ 70.00 / 1 hr.
Postage	Cost

Process Summary

1. Requester sends form, associated documents, and processing fee to DAO.
2. Once forms and fee are received, DAO begins document process.
3. Within 60 days, the DAO will complete the gathering/redacting/duplicating of investigative documents and inform requestor of any additional fees that are due.
4. Once the DAO has received the additional required fees, the DAO will release the documents to the requestor.

*The information and requirements contained herein are subject to change, without notice, and will be further amended pursuant to any rules and regulations provided by the Pennsylvania Office of the Attorney General and/or the Pennsylvania Courts.

Delaware County District Attorney's Office Crime Victim Information
Request Form

Date of Request:

Form and Fee Received Date (to be completed by DAO):

Requesting Party Information

Name:

(circle one) Crime Victim Crime Victim's Representative Defendant

Address:

Telephone No.:

Email:

Name of Victim (if different from requestor):

Caption and Docket Number for civil proceeding:

Name of Criminal Defendant:

Criminal Case Docket No. (the format is CP-23-CR-XXX-YEAR):

Request Information

Reason for request:

_____ Pending Civil Action

_____ Preparation of a Civil Action

Materials Requested: *please be specific, clear, concise and make sure to reference the applicable criminal docket number, OTN, and criminal case caption. Use additional pages, if necessary.*

Requested materials should be provided via:

_____ Email (not an option if requesting large data files, dvds, etc.)

_____ US Mail

18 PA.C.S. 9158.2(B) UNSWORN STATEMENT

I, _____, hereby state as follows:

1. I am a Requesting Party or the legal representative of a Requesting Party pursuant to 18 Pa.C.S. § 9158 et seq.
2. As described in Attachment A, the requested criminal investigative information directly relates to a civil action pending in a court in this Commonwealth or is material and necessary to the investigation or preparation of a civil action in this Commonwealth. 18 Pa.C.S. § 9158.2(a).
3. I understand that criminal history investigative dissemination obtained pursuant to 18 Pa.C.S. § 9158 et seq. is discoverable in a civil action directly related to the crime, unless otherwise nondiscoverable or privileged from discovery. 18. Pa.C.S. § 9158.2(e).
4. I understand that information obtained pursuant to this request shall be used only in connection with an actual or potential civil action directly relating to this criminal history investigative information and that use of information to harass, intimidate, or threaten another shall constitute a criminal offense. 18 Pa.C.S. § 9158.5(c), 18 Pa.C.S. § 9158.5(d).
5. I understand and acknowledge that the Delaware County District Attorney’s Office may deny any request, in whole or in part, pursuant to the exceptions identified in 18 Pa.C.S. §§ 9158.3 and 9158.5.
6. The statements made in this declaration are true and correct to the best of my knowledge, information and belief. I make these statements pursuant to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Requesting Party OR _____ Date
Requesting Party’s Legal Representative

(if applicable) Signature of Attorney for _____ Date
Requesting Party OR Requesting Party’s Legal Representative