



Lancaster 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.*

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.

All Crime Victim Right of Access Requests should be submitted to Ande Gonzalez, Chief of Appeals and Legal Services, 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 District Attorney's Office will not provide notes of testimony, criminal convictions, etc. These are judicial records and requests should be directed to **Lancaster County Clerk of Courts**
- 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 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 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 may impose reasonable fees for costs incurred to comply with requests. For any request granted, a processing fee may be imposed. Payment of the processing fee is required before any work is completed to fulfill the request. A cost-estimate will be provided in advance, and payment is expected before the responsive materials are released.

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 Supreme Court of Pennsylvania.



**Lancaster County District Attorney's Office Crime
Victims Right of Access Request Form**

Date of Request: ____ / ____ / ____

Submitted Via: Email U.S. Mail Fax Hand Delivery

Requesting Party Information

Name: _____

Check One: ____ Crime Victim ____ Crime Victim's Representative ____ Defendant in a Civil Action

Address: _____

Telephone No.: (____) _____ - _____

Email: _____

Request Information

Reason for request: ____ Pending Civil Action ____ Preparation of a Civil Action

*Please provide case caption & civil docket no.
Caption: _____*

Docket Number: _____

Name of Victim: _____

Name of Suspect/Defendant: _____

Incident Date: _____

Materials Requested (use additional pages, if necessary):¹

Police Jurisdiction/Case No.:

Requested Information Should be Provided To (Check One):

____ Requesting Party ____ Counsel for Requesting Party

Name: _____

Mailing Address: _____

Telephone No.: (____) _____ - _____

Email: _____

¹ Requests for judicial records should be made to the Lancaster County Clerk of Courts.

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
2. As described in Attachment A, the requested information is directly related to a civil action pending in a court in this Commonwealth, or 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 information 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. 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).

Name of Requesting Party OR Requesting Party's Legal Representative

Date: ___ / ___ / ___

Signature

² A Requesting Party is defined as "a crime victim or a defendant in a civil action in which a crime victim is a party." 18 Pa. C.S. 9158.