



Swatara Township Police Department's 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 to 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.* 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 must be mailed to the Swatara Township Police Department at:

**Crime Victim Right of Access Request
c/o Right to Know Officer
Swatara Township Police Department
599 Eisenhower Blvd.
Harrisburg, PA 17111**

Requests **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 Swatara Township Police Department 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 Swatara Township Police Department will not provide copies of criminal convictions or judicial records.

The Swatara Township Police Department cannot provide notes of testimony. Such records can be sought through the Court Reporter's Office.

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). This statement should include an attachment clearly demonstrating that 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.

4. Fee: A payment of the initial processing fee (See below).

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. Swatara Township Police Department 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.**

The Swatara Township Police Department will **not** provide any privileged or non-discoverable information, including but not limited to the following:

- Grand Jury investigative materials;
- Medical, mental health or treatment information;
- Materials protected by the attorney-client privilege or work-product privilege;
- Material protected by 42 Pa. C.S. Chapter 63 (relating to juvenile matters);
- Material subject to 42 Pa. C.S. Chapter 67A (relating to recordings by law enforcement officers); or
- Interceptions obtained pursuant to the Wiretapping and Electronic Surveillance Act, 18 Pa C.S. Ch. 57.
- Information that otherwise cannot be disclosed under federal or state law.

The Swatara Township Police Department will not provide copies of criminal convictions or judicial records. The Swatara Township Police Department will not provide notes of testimony. Please visit <https://www.dauphincounty.gov/government/court-departments/court-reporters> for further information on requesting notes of testimony.

Where appropriate, the Swatara Township Police Department may request a protective order limiting further dissemination of the requested materials.

Fees

Pursuant to 18 Pa. C.S. §9158.2(d), Swatara Township Police Department 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 \$250 processing fee is required before any work is completed to fulfill the request.**

Checks must be made out to the Swatara Township Police Department.

The Swatara Township Police Department 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.

Processing fee	\$ 250.00
Electronic storage devices such as DVDs, flash drives, and external hard drives	Cost
Retrieval	\$ 6.25/fifteen minutes
Redactions	\$ 6.25/fifteen minutes
Photocopying	\$ 0.25/page
Legal review	\$ 17.50/fifteen minutes
Postage	Cost

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.



**Swatara Township Police Department
Crime Victims Right of Access Request Form**

Date of Request: _____

Requesting Party Information:

Name: _____

Status: 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.

Materials Requested: *please be specific, clear, & concise, and make sure to reference the applicable criminal docket number, OTN, and criminal case caption. Also include the name of victim(s) and any criminal defendant(s) if known. Use additional pages, if necessary.*

Requested materials should be provided to: Requesting Party Attorney for the Requesting Party

Name:

Firm:

Mailing Address:

Telephone No.:

Email:

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.*¹
2. As described in the included attachment, 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 non-discoverable 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).

Signature of Requesting Party or
Requesting Party's Legal Representative

Date

Signature of Attorney for Requesting Party
or Requesting Party's Legal Representative (if applicable)

Date

¹ 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.