

# Whitpain Township Police Department

## 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 the Whitpain Township Police Department Open Records Officer 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 Whitpain 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. Requests must include the following: name of the victim, name of the defendant/suspected defendant, incident date, and police jurisdiction.
- 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 Whitpain 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. Where appropriate, the Whitpain 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), the Whitpain Township Police Department will impose reasonable fees for costs incurred to comply with requests. A cost-estimate will be provided in advance, and payment is expected before the responsive materials are released. Payment is currently accepted by money order or check made out to Whitpain Township.

Payment is due when the records are received.

Initial 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 for black & white \$ 0.50/page for color
Legal work	\$ 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.