



## **CRIME VICTIM RIGHT OF ACCESS**

The Criminal History Record Information Act (“CHRIA”), 18 Pa.C.S. Ch. 91, generally prohibits the dissemination of criminal investigative information to a non-Criminal Justice Agency. However, subchapter f.1 - Crime Victim Right of Access (CVRA), provides a limited exception for crime victims, defendants in a civil action in which the crime victim is a party, and/or their legal representative. Access to criminal investigative information may be granted to these parties for use in an existing civil action or in contemplation of a potential civil action.

### **PROCEDURE:**

1. CVRA Request Form - All requests to the Lehigh County Office of the District Attorney must be submitted using the District Attorney’s CVRA Request Form.
  - ❖ The District Attorney’s Office will NOT accept a subpoena as a CVRA request. 18 Pa.C.S. § 9158.2(f).
  - ❖ A Right-to-Know Law (RTKL) request is NOT the same as a CVRA request. Any request for criminal investigative information submitted on a RTKL Form will NOT be considered a CVRA Request and will be reviewed according to the RTKL -- 61 P.S. § 67.101-67.3104.

*Failure to use the CVRA Request Form and follow the instructions may result in a denial.*

2. Unsworn Statement – All requests must 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).
3. CVSA Requests may be submitted:
  - In person at the District Attorney’s Office, Lehigh County Courthouse, 455 W. Hamilton St., Suite 307, Allentown, PA 18101: Monday-Friday between 8:30a.m. and 4:30p.m.;
  - Mailed to Lehigh County District Attorney’s Office - Attn: CVRA Request; or
  - E-mailed to **DistrictAttorneyCVRA@lehighcounty.org**
4. Review and Response - The District Attorney will review the request and notify the requesting party in writing whether the request is granted or denied within 60 days of receipt of the request or by a date requested for dissemination, 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.

5. 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.
- Granted requests – A standard processing fee will be imposed and must be paid prior to completion of any work.
  - Additional fees may be imposed as necessary to fulfill the request.
  - A cost-estimate will be provided in advance, and payment is expected before the responsive materials are released.
- ❖ Please note that information disseminated shall be discoverable in a civil action directly related to the crime, unless otherwise nondiscoverable or privileged from discovery.
  - ❖ Where appropriate, the District Attorney may request a protective order limiting further dissemination of the requested materials.

Processing Fee	\$250
Electronic storage devices such as DVDs, flash drives, and external hard drives	Cost
Retrieval	\$6.25/15 minutes
Redactions	\$6.25/15 minutes
Photocopying/scanning	\$0.25/page
Legal review	\$17.50/15 minutes
Postage	Cost

**APPEAL**

A petition for judicial review must be filed in the Court of Common Pleas within forty-five (45) days of service of the denial. 18 Pa.C.S. § 9158.4.

- Only denials based on one of the following grounds may be subject to judicial review:
- ◆ The information sought does not meet one of the two necessary criteria— “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;” OR
  - ◆ Dissemination would identify a third-party victim of child abuse, domestic violence or sexual abuse.

## **GENERAL GUIDELINES**

- ❖ Information obtained can only be used in connection with an actual or potential civil action relating to that criminal history investigative information. Misuse of the information to harass, intimidate or threaten another shall constitute a second degree misdemeanor. § 9158.5(d)
- ❖ The District Attorney's Office shall deny a request if, absent reasonable redactions, dissemination would:
  1. Endanger a person or public safety;
  2. Adversely affect an investigation or ongoing prosecution; OR
  3. Relates to law enforcement's use of confidential informants or discloses investigative techniques or procedures
- ❖ The District Attorney's Office will NOT provide any non-discoverable or privileged information, including:
  1. Grand jury investigative materials.
  2. Medical, mental health or treatment information.
  3. Materials protected by an applicable attorney-client or work product privilege.
  4. Materials protected by 42 Pa.C.S. Ch. 63 (relating to juvenile matters).
  5. Materials subject to 42 Pa.C.S. Ch. 67A (relating to recordings by law enforcement officers).
  6. Information that is otherwise prohibited or protected from disclosure or dissemination by Federal or State law.
- ❖ The following personal identification information with respect to an individual other than the requesting party shall also be exempt from dissemination:
  1. A person's Social Security number
  2. A person's driver's license number
  3. Personal finance information.
  4. A person's home, cellular or personal telephone numbers.
  5. A person's e-mail address, employee number or other confidential personal identification number.
- ❖ The District Attorney's Office will not provide notes of testimony, criminal convictions, or other public records. These are judicial records and requests should be directed to the 509 Records Manager for the Lehigh County Court of Common Pleas.

### **IMPORTANT LINKS AND INFORMATION:**

[CVRA Request Form and Instruction](#)

[Fee Schedule](#)

[Crime Victims Right of Access Statute](#)

[Lehigh County Court of Common Pleas](#)

[Rule 509 Requests for Judicial Records](#)

[Lehigh County Local Rule of Judicial Administration 4009 – Requests for Transcripts](#)

*\*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.*