

PRIVATE CRIMINAL COMPLAINT PROCESS

Pennsylvania law allows for private citizens to file Private Criminal Complaints through its Court system with certain restrictions which are detailed in Title 234 Pennsylvania Rules of Criminal Procedure (Pa.R.Crim.P) Rule 420 (Summary Violations), Rules 504 (Contents of Complaint) and Rule 506 (Approval for Private Complaints). The Montgomery County District Attorney's Office has a Private Criminal Complaint Unit which reviews all requests for Private Criminal Complaints. (Misdemeanor charges only.)

With reference to Summary Violations, a citizen goes directly to the Issuing Authority within the jurisdiction where the incident took place and files a complaint. (This is the local District Justice.) The District Attorney's Office does not review a Summary Complaint. A summary offense would include "Disorderly Conduct", "Harassment", and other minor crimes. Citizens are directed to the following web site for guidance in requesting the District Attorneys Office to approve your private complaint.

<http://courts.montcopa.org/courts/cwp/view,a,1434,q,64912.asp>

If you wish to bring criminal charges against another individual you must fill out the Private Criminal Complaint which is required to bring charges in Montgomery County. The private complaint form can be located and downloaded via the following web link:

<http://www.pacourts.us/Forms/Default.htm>

Rule 504 addresses the required contents for the Private Criminal Complaint. This information can be found at the following link:

<http://www.pacode.com/secure/data/234/chapter5/s504.html>

A Private Criminal Complaint should never be used to address a monetary or other dispute which is properly the subject of a civil action. You must understand that filing criminal charges against another individual is a serious matter which requires that a crime has been committed and that the person(s) accused has committed this crime. There are other legal requirements that will also be addressed by the District Attorney's Office such as the statute of limitations, proper jurisdiction, etc.

Before you file a Private Criminal Complaint, you must understand there are numerous laws in the Pennsylvania Crimes Code that address False swearing (18 Pa. CS §4903), Unsworn Falsification (18 Pa. CS §4904) and False Reports to Law Enforcement (18 Pa. CS §4906). Refer to this link for details on these crimes:

<http://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/18/18.HTM>

In order to avoid being in violation of these and possibly other sections of the Crimes Code, you must be complete, detailed, honest and accurate when describing the facts in the affidavit and in all conversations with detectives. Anyone violating these laws is subject to criminal prosecution.

Prior to writing your criminal complaint we recommend you review the Pennsylvania Crimes Code to determine which section(s) you believe address the actions you are accusing the defendant of committing. The following link will take you to Title 18, Crimes and Offenses:

<http://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/18/18.HTM>

Detectives will be available to direct you with identifying which crimes code section(s) may apply.

Rule 506 addresses the approval process for all Private Criminal Complaints. The following link with detail this process.

<http://www.pacode.com/secure/data/234/chapter5/s506.html>

The Montgomery County District Attorney will either approve or disapprove your complaint. Individuals whose complaints have been disapproved have the right to petition the court of common pleas for a review of the decision. This agency will not approve any Felony charges on a Private Complaint. If you want to bring any Felony Charges you will have to go to the Police Agency where the incident took place.

Once you have reviewed these forms and documents you will be in a better position to understand and successfully complete the process. Should you have any questions or concerns please contact the Private Complaint Unit at 610-278-3368.

Once the forms are completed you can either drop them in the mail or schedule an appointment to meet with a County Detective. Correspondence should be addressed to the Montgomery County District Attorney's Office, Attn: Detective Tyrone Tate, Private Complaint Unit, P.O. Box 311, Norristown, Pa 19404. Individuals interested in meeting with the Detective shall arrange for an appointment via the Private Complaint Unit at 610-278-3368.