

HOW TO CLEAN UP CRIMINAL RECORDS IN PENNSYLVANIA

This summary is not meant to be exhaustive and is provided solely for illustrative purposes and under no circumstances should this summary be relied upon without the express, written advice of an independent and qualified attorney following a full legal analysis of all circumstances.

If your question is not answered in this document or the web resources included in this document, see “How to Get and Clean Up Your Pennsylvania Rap Sheet” (http://www.hirenetwork.org/pdfs/050542_pa_rap.pdf) for more information.

PRELIMINARY STEP: It is highly recommended that you obtain a copy of your Pennsylvania State Police Criminal Record to: 1) check for mistakes, 2) because you may not remember everything, and 3) to prepare for a job interview.

PA State Police Criminal Record: You are entitled to obtain a copy of your Pennsylvania rap sheet from the PA State Police (<http://www.portal.state.pa.us/portal/server.pt?open=512&objID=4451&&PageID=458621&level=2&css=L2&mode=2>). To do so, send a “Request for Criminal Pennsylvania State Police Criminal Record: Record Check” form SP4-164 (available online at http://www.portal.state.pa.us/portal/server.pt/gateway/PTARGS_0_190926_477321_0_0_18/SP4-164_Request_For_Criminal_Record_Check.pdf) to the following address:

Pennsylvania State Police Central
Repository – 164
1800 Elmerton Avenue
Harrisburg, PA 17110-9758

Complete the Request Form SP4-164 (Make sure that you checkmark the box labeled “Individual Access and Review”) and return it with a certified check or money order in the amount of \$10 payable to the “Commonwealth of Pennsylvania.” The State Police will not waive the application fee for any reason.

NOTE: If you think that there may be an outstanding warrant for your arrest, you should clear it up before requesting your Criminal Record. To clear up an outstanding warrant, contact an attorney or your local public defender.

FBI Criminal Record: The FBI (<http://www.fbi.gov/hq/cjisd/fprequest.htm>) keeps a record of all your arrests and convictions nationwide. If you think you may have arrests and convictions outside Pennsylvania, you may want to obtain an FBI Criminal Record Check. For info. on how to obtain your criminal records from particular states see <http://www.hirenetwork.org/resource.html>. For detailed guides on how to obtain and correct your RAP sheet from California, Illinois, New York, Pennsylvania or Virginia, see <http://www.hirenetwork.org/publications.html>.

To obtain a copy of your RAP sheet from the FBI, write to:
FBI CJIS Division – Record Request
1000 Custer Hollow Rd.

Clarksburg, WV 26306

FBI Criminal Record (cont.) Your letter to the FBI should state that you are requesting your RAP sheet under the Freedom of Information Act. Include your name, complete mailing address, date of birth, place of birth, and a complete set of fingerprints. Get a set of fingerprints on standard fingerprint form, including all 10 rolled and four plain fingerprint impressions. This service is available through Cogent Fingerprinting online at <http://www.pa.cogentid.com/index.htm> or via phone at 1-888-439-2486 and will cost \$36 plus an extra \$2.50 for a paper copy. Say you need them because you want to apply for a job with the Department of Education in the future. Don't forget to sign up for a paper copy of your prints to send to the FBI.

Submit a money order or certified check payable to the "Treasury of the United States" in the amount of \$18. The fee will be waived if you send a notarized letter explaining that you cannot pay the fee. It ordinarily takes three to four weeks to process your request. Contact the original agency that submitted the information to the FBI or the criminal history repository in the state where the criminal record occurred to find out how to change, correct or update information. The FBI will not modify the record without written notification from the appropriate criminal justice agency (http://www.hirenetwork.org/fbi_rapsheets.html).

If your record consists of:	Your option is:	The steps to take are:	Additional assistance may be available at:
<p>Any PA conviction (whether summary offense, misdemeanor or felony; whether found guilty, pled guilty, or pled nolo contendere)</p> <p>NOTE: Convictions almost never can be expunged. You can get a conviction expunged if you are 70 years old and have not been arrested for 10 years.</p>	<p>To apply for a pardon from the Governor of PA.</p> <p>A <i>pardon</i> is an act by the Governor of PA that erases a conviction from your criminal record.</p> <p>Although it is difficult to get a pardon, you should consider applying for one if you are having employment or other problems because of your criminal record. The process will probably take several years and at least two years. It will cost \$8.00 for an application, an additional \$25.00 in filing fees, \$10.00 to get a Pa. State Police record, and the cost of</p>	<p>Send a letter to the Board of Pardons requesting an application. A sample letter can be found at: http://www.clsphila.org/files/Pardon%20-%20letter%20for%20application.rtf</p> <p>With this letter, include an \$8.00 money order, cashier's check or certified check payable to the Commonwealth of PA, and a self-addressed, business size envelope with \$.63 postage on it.</p> <p>Send to: Board of Pardons 333 Market St., 15th Fl. Harrisburg, PA 17126 (717) 787-2596</p> <p>For next steps go to the webpage: "How to Get a Pardon of Your Conviction</p>	<p>MidPenn Legal Services Harrisburg office for Dauphin and Perry Counties 213-A N. Front St. Harrisburg, PA 17101-2240 (800) 932-0356 (717) 232-0581</p> <p>Carlisle Office for Cumberland County 401 E. Louthier Street, Suite 103 Carlisle, PA 17013 (717) 243-9400 (800) 822-5288</p> <p>See http://www.midpenn.org/staff.html for additional MidPenn Legal Services offices for other Counties</p>

If your record consists of:	Your option is:	The steps to take are:	Additional assistance may be available at:
<p>Any PA conviction (cont.)</p>	<p>passport photos, copies of documents, and postage. But if you are successful, you can have a clean criminal record again.</p> <p>Anyone who has a criminal record may apply for a pardon. There are no definite standards for when a pardon will be given. But the majority of people who receive pardons have a record of only one minor offense and it has been <i>at least</i> five years since the individual’s completion of time on probation. The most common types of crimes to receive pardons include shoplifting and disorderly conduct. Typically, serious crimes are only pardoned if several decades have passed since the crime was committed. The longer that you have stayed out of trouble, the better your chances of getting a pardon.</p>	<p>in Pennsylvania” http://www.clsphila.org/content.aspx?pointid=257&id=634 See Also: “Nine Things You Should Know About Applying for a Pardon” http://www.clsphila.org/files/Nine%20things%20you%20should%20know%20about%20getting%20a%20pardon.pdf “Applying for a Pardon in the Future? What You Can do Now” http://www.clsphila.org/files/Applying%20for%20a%20Pardon%20in%20the%20Future.pdf</p> <p>Additional tips (Please read the above documents first—these are minor tips and the above documents include MAJOR instructions):</p> <ul style="list-style-type: none"> • Try drug stores, Walmart and K-Mart for your 5 passport photos • Gather documents that might help convince the Board of Pardons of your good character (such as diplomas, program certificates, resume) and reference letters from people well respected (like counselors, religious leaders, employers, politicians, etc.) • Practice writing out answers to the questions found on the pardon application----do NOT write on the application until you get feedback 	<p>If MidPenn Legal doesn’t provide legal aid services in your county, go to http://www.palawhelp.org/PA/StateDirectory.cfm/County/%20City/%20demoMode/%3D%20/Language/1/State/PA/TextOnly/N/ZipCode/%20LoggedIn/0/directory/11/searchletters/bysa to look up the legal aid provider in your county.</p>

If your record consists of:	Your option is:	The steps to take are:	Additional assistance may be available at:
		from several people on your answers.	
<p>Arrests which did not lead to convictions For example:</p> <ul style="list-style-type: none"> • Charges for which you were not found guilty and acquitted • Withdrawals of a criminal crime • Dismissals of a criminal case. 	<p>To file an expungement petition in the county where the arrest occurred.</p> <p>An <i>expungement</i> is a court order for the state and local police to wipe out arrests from your criminal record. This can be extremely useful when seeking employment where certain licenses are required.</p> <p>If the expungement is not granted, appeals may be available.</p> <p>NOTE: In Pennsylvania, very few criminal cases can be expunged by a court. The most common cases that might be expunged are those where the arrested person was not convicted and those in which the person received a special sentence for first-time offenders (such as ARD). Convictions almost never can be expunged. You can get a conviction expunged if you are 70 years old and have not been arrested for 10 years.</p>	<p>Check with the county court to find out the procedure, and contact the Bar Association’s Lawyer Referral Service for legal representation if you desire a lawyer. Part of the process will usually require that you obtain a copy of the criminal record and a certified copy of the disposition.</p> <p>In Dauphin County: To request a referral to a private attorney who handles expungement petitions for a fee contact: Dauphin County Bar Association 213 North Front Street Harrisburg, PA 17101 http://www.dcba-pa.org</p> <p>Getting an expungement on your own can be difficult, but not impossible. The process involves filing a petition and order in court and appearing before a judge.</p> <p>If you wish to represent yourself go the Law Library in the Dauphin County Courthouse and ask for assistance from the employees there to complete the expungement petition. File the Expungement Petition with the</p>	<p>MidPenn Legal Services (see above for contact info.)</p>

If your record consists of:	Your option is:	The steps to take are:	Additional assistance may be available at:
Arrests which did not lead to convictions (cont.)		Dauphin County Clerk of Courts at the County Courthouse (717-780-6530). It will cost \$23 in cash or money order (no personal checks). Dauphin County Courthouse Market & Front Streets Harrisburg, PA 17101 http://www.dauphincounty.org/publicly-elected-officials/clerk-of-courts	
A combination of convictions and arrests which did not lead to convictions	To apply for a pardon from the Governor of PA for the conviction(s). AND To file an expungement petition in the county where the arrest(s) occurred.	For convictions: Follow steps above for pardon option. For arrests which did not lead to convictions: Follow steps above for expungement option. (Be aware that it is more difficult to expunge arrests that are combined with convictions)	MidPenn Legal Services (see above for contact info.)
A charge for which you were offered Accelerated Rehabilitative Disposition (ARD) or another type of special disposition for minor first-time offenses	To file an expungement petition in the county where the conviction occurred (Follow steps above for expungement option). Note: These charges should be automatically expunged from your record typically within around 6 months of completing all program requirements. You should wait until at least 6 months have passed before pursuing other options for clearing the charges from your	If you are not sure why the charge is still on your record, contact your probation officer to find out whether you have completed all program requirements. If you have completed all requirements ask for a letter from Probation & Parole stating that you have completed all requirements. If you have successfully completed all requirements, follow the steps for the expungement option. If you have not completed all requirements, you may still	MidPenn Legal Services (see above for contact info.)

If your record consists of:	Your option is:	The steps to take are:	Additional assistance may be available at:
	record.	file an expungement petition but the District Attorney's Office may oppose it.	
A juvenile adjudication	To file an expungement petition. (available under certain conditions)	Follow steps above for expungement option	MidPenn Legal Services (see above for contact info.)
Errors (due to identity theft or other problems)	To get your record corrected.	Pa. Commission on Crime and Delinquency's website with instructions on what to do when someone else appears on your criminal record due to identity theft http://www.identitytheftactionplan.com	MidPenn Legal Services (see above for contact info.) District Attorney's Office may also provide assistance with ID theft.

Adapted from "How to Clear Your Criminal Record"

(<http://www.clsphila.org/files/How%20to%20Clear%20Your%20Criminal%20Record%20Chart%203-061.pdf>) prepared by Community Legal Services, Inc., March, 2006.

Adapted by Firm Foundation of Pa., Inc. (<http://www.firmfoundation.org>), May, 2008.

Contact Person: Ron Tilley, rtilley@firmfoundation.org 717-233-6133 x204

See also:

"Legal Remedies and Limitations on the Employment of Ex-offenders in Pennsylvania," Community Legal Services, Inc., July, 2005 (<http://www.clsphila.org/files/Employment%20of%20Ex-Offenders%20in%20PA.pdf>). VERY HELPFUL Includes: 1) General Law Governing Employer Consideration of Criminal Records, 2) Occupations Where Certain Ex-Offenders Are Prohibited By Law from Employment, 3) Potential Remedies for Denials of Employment Based on Criminal Records (email Ron Tilley [rtilley@firmfoundation.org] to request the sample EEOC complaint referred to in this section), and 4) Child Abuse Reports and Employment

"Your Employment Rights to Not be Rejected Based on Your Criminal Record," Community Legal Services, Inc., June, 2002 (<http://www.clsphila.org/files/Employment%20rights%20community%20education%20handout.pdf>).

"Impact of Criminal Record on Public Benefits in Pennsylvania," Community Legal Services, Inc., September, 2005 (<http://www.pcadv.org/Resources/welfare-08-appendixB-section1.pdf>).

“Fact Sheet: Employers’ Rejection of People with Criminal Records Is Putting a Large Percentage of the Population Out of Work Unnecessarily,” prepared by Sharon M. Dietrich, Esq., Community Legal Services, [<http://www.clsphila.org/files/Fact%20sheet%20about%20employment%20of%20people%20with%20criminal%20records.pdf>].