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# Cleaning Up Your Rap Sheet

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In Pennsylvania there are two processes for cleaning up your rap sheet: correcting mistakes and expunging records. The first step for both is to obtain a copy of the disposition, which is a copy of the official outcome of your criminal case. You can obtain a copy from the Court Clerk where your case was heard. The disposition should have correct information concerning your criminal case. Compare the disposition to your rap sheet, looking for information on the rap sheet that doesn't match the disposition. The quickest way to get a copy of a disposition is to go to the clerk's office in person. If you are incarcerated or cannot get to the court, you can write to the clerk's office. However, it may take two to three months to obtain a copy of your disposition by mail. (See Model Letter #1, Letter to court requesting a copy of case disposition on p. 10. See also Appendix #7 for a list of addresses of major courts in Pennsylvania.)

## Correcting Mistakes

### Challenging Mistakes

Once you have received your rap sheet you should compare your disposition slips with your rap sheet. Challenge any entry that you believe is in error. A challenge form will be attached to your rap sheet. Use that form to challenge any errors.

You should specify which portion of the record is incorrect and what the correct version should be. The challenge form must be completed and returned to the Central Repository within thirty days of receipt.

### Review of Accuracy

All criminal justice agencies have sixty days to conduct a review of any challenge, and they have the obligation of proving the accuracy of the record. If your challenge is deemed valid, the appropriate officials must ensure that:

1. The criminal history record information is corrected.
2. A certified and corrected copy of the rap sheet is provided to you.
3. Prior erroneous information sent to criminal justice agencies is destroyed or returned and replaced with corrected information.
4. You are supplied the names of those noncriminal justice agencies and individuals that have received erroneous criminal history record information.

If you fail to challenge an entry that you believe is in error, you will have the obligation of proving the inaccuracy of the entry at a later date.

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Model Letter #1, Letter to court requesting certified copy of case disposition

(Date) \_\_\_\_\_

(Court) \_\_\_\_\_

(Address) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Sir/Madam:

Please send me a certified copy of a court disposition for the following case. I was the defendant in this matter.

ARREST DATE \_\_\_\_\_

ARREST CHARGES \_\_\_\_\_

DOCKET/INDICTMENT # \_\_\_\_\_

NAME/ALIASES \_\_\_\_\_

Thank you for your attention.

Sincerely,

(Name) \_\_\_\_\_

(Address) \_\_\_\_\_

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## Appeals

If the challenge is ruled invalid, you have the right to appeal the decision to the Attorney General within thirty days of notification of the decision. The Attorney General has the authority to conduct an administrative appeal hearing. If you do not agree with the decision of the Attorney General, you may appeal to the Commonwealth Court.<sup>18</sup>

If you believe the copy of the criminal history that you receive is not yours, the PSPCR will do a fingerprint comparison. You must contact them for information on how to institute the fingerprint comparison. The phone number at the PSPCR is (717) 705-7112. If you cannot call them, write to them at PSPCR, 1800 Elmerton Ave., Harrisburg, PA 17110.

## Expunging Police And Court Records

### What is an expungement?

Under Pennsylvania law, individuals can obtain permission to have their name and case files removed from the criminal justice system network in certain circumstances.<sup>19</sup> Expungement means that information about an arrest is removed from the version of your rap sheet that will be sent to employers and others. However, it is important to understand that the record of an expunged arrest or charge is never completely destroyed. It will remain in a confidential

file in the PSPCR computer. Expunged information can be released under very limited circumstances.

### Why should I petition for expungement?

Arrests that did not lead to convictions will appear on your rap sheet unless they are expunged. This means that employers and others who request a copy of your rap sheet will see information about your criminal history that they would not have had access to if it had been expunged.

### What cases can be expunged?

Any person found “not guilty” of a crime has the right to petition the court for expungement, regardless of the offense. You may also move to expunge your record if charges against you were dismissed, suspended, or nolle prossed. If you are a first time offender who participated in the Accelerated Rehabilitative Disposition (ARD) or Probation Without Verdict (PWV) programs, you are entitled to expungement as part of the plea bargain package.<sup>20</sup> Expungement should be done automatically after you have paid all your fines and successfully completed the program. However, if you participated in ARD before 1989, you must file a petition to expunge.

### Where do I begin?

You must petition the Court to have your record expunged, unless it was done automatically. Some courts have standard forms that must be used to file a petition;

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<sup>18</sup> 18 PA. CONS. STAT. § 9152.

<sup>19</sup> 18 PA. CONS. STAT. § 9122.

<sup>20</sup> PA. R. CRIM. P. RULE 320; 35 P.S. § 780-119.