



Pardon Project Training

How to Research and Review Pennsylvania Criminal Records with Pardons & Expungements

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Overview of what will be covered:

affected:

- Why Pardons and Expungements Matter
- Myths about Criminal Records
- Two remedies to Remove Criminal Records
- Dispositions – convictions or not?
- Grading of Criminal Charges
- How to Research a Criminal Record on the UJS Portal
- Overview of Expungement Process
- Not Record-Sealing (Act 5)



Record Sealing - Act 5 - is covered in a different presentation

oC is affected:

- This presentation originally included 'Sealing' which has been removed
- Record Sealing, also called Act 5, is covered elsewhere
- The same skills to research and analyze records are used
- The flow of analysis is much more complicated
- The Sealing 'benefit' still requires a Pardon to fully remove



Why Pardons & Expungements Matter

affected:

- 1 in 3 Americans have a criminal record
- ½ of all children in the US have at least one parent with a criminal record
- 3.8 million Pennsylvanians with criminal records
- Incredible negative impact to earning capacity



Why Pardons & Expungements Matter

Collateral Consequences:

- a) Employment
- b) Housing (public and private)
- c) Public Benefits
- d) Education pursuits
- e) Occupational Licenses
- f) Right to sit on jury
- g) Immigration Status
- h) Social Stigma



Why Pardons & Expungements Matter

Approximately

- 87% of Employers,
- 80% Landlords, and
- 66% of Colleges

ask or conduct criminal backgrounds checks/screening!



Why Expungements & Pardons Matter

- These background checks are usually done by private companies
- Sometimes not accurate
- Only updated once per year
 - Applicant should:
 - Ask for a copy of the disqualifying report
 - Ask for corrections pursuant to Fair Credit Reporting Act



Myths:

- That criminal records lapse
- That criminal records erase themselves
 - That Clean Slate legislation which might erase them (or might not)
- That ARDs are automatically expunged
 - (some counties do – not Lanco)
- That employers know the difference between a charge and a conviction
 - Note:
 - A charge is not proof of guilt
 - Only conviction is legal proof of guilt
- That employers can refuse employment for any record whether relevant or not (18 PACSA 925)



Remedies

- Pardons – can remove misdemeanor and felony convictions
- Expungements (18 PACSA 9122, et. seq.)
 - Non-Convictions of Summary, Misdemeanors & Felonies
 - Summary Convictions (after 5 years)
 - ARD, ACT 17, 586/546 Dispositions
 - Underage Consumption after 21st birthday
 - Over 70 years old (10 year rule)
 - Juvenile Records (in most cases)



Review of the Criminal Record Dispositions

➤ CONVICTIONS

- Plead Guilty
- Found Guilty

➤ NON-CONVICTIONS

- Dismissals
- Withdrawn
- Nolle Prosequi, nol pros, (latin for not prosecuted)
- Not Guilty
- Successful ARD
- Cases without disposition after 18 months



Grading of criminal offenses based on maximum penalties – not actual penalties

- Felonies (F1,F2,F3) – most serious

- Misdemeanors (M1,M2,M3) – less serious

- Summary offenses (s) – smallest offenses

(All Definitions are Pennsylvania State, not Federal)



Grading of criminal offenses

- Felonies

- F1 – up to 20 years in jail, \$25,000 max fine
- F2 – up to 10 years in jail, \$25,000 max fine
- F3 – up to 7 years in jail, \$15,000 max fine

- Misdemeanors

- M1 – up to 5 years in jail, \$10,000 max fine (relevant for sealing)
- M2 – up to 2 years in jail, \$5000 max fine
- M3 – up to 1 year in jail, \$2500 max fine (including ungraded Ms)

- Summaries – usually up to \$300, possibly jail



Grading of criminal offenses

- Summary offenses
 - Like tickets, but written under 18 PACSA criminal code
 - Retail Theft (s) (18 - 3929)
 - Underage Consumption(s) (18-6802)
 - Harassment (s) (18-2709)
 - Disorderly Conduct (s) (18-5503)
 - 90 days or less of jail
 - \$300 fine or less

HOW TO FIND YOUR CRIMINAL RECORD





Two Court Levels in PA

Magisterial District Level (MDJ)

Criminal

- Summaries & M3 Guilty Pleas
- Misdemeanor Prelims
- Felony prelims
- Non Traffic (s)



Court of Common Pleas (CP)

Criminal

- Felony, misdemeanor and summary dispositions



UJS WEBSITE (unofficial record)

<https://ujportal.pacourts.us/docketsheets>

Common Pleas Court

Criminal

- Summaries
- Misdemeanors
- Felonies

Miscellaneous

- Indirect Criminal Contempt (PFA)
- Expungements/
Limited Access

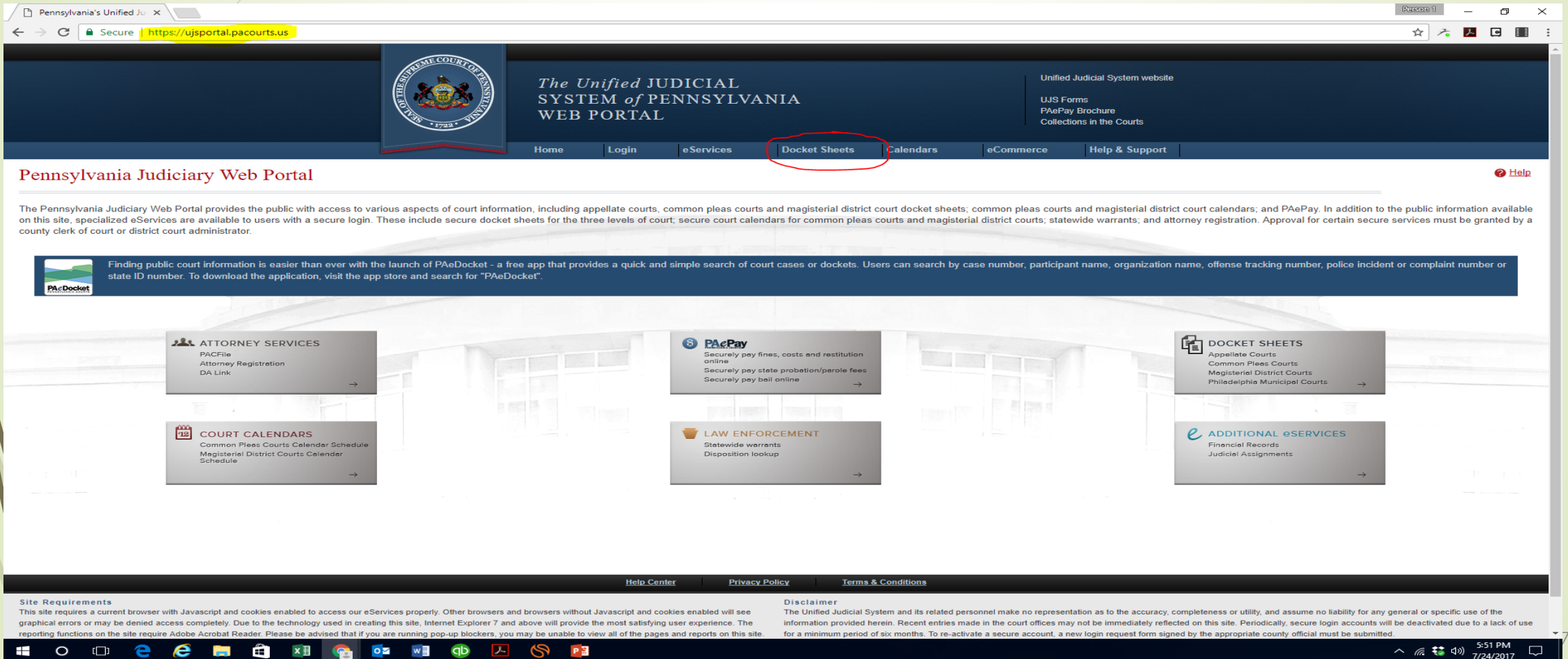
Magisterial District Justice

Criminal

- Summaries
- Misdemeanors
- Felonies

Non-Traffic

The Unified Judicial System Web Portal



The screenshot displays the Pennsylvania Unified Judicial System Web Portal. The browser's address bar shows the URL <https://ujportal.pacourts.us>. The portal's header features the state seal and the text "The Unified JUDICIAL SYSTEM of PENNSYLVANIA WEB PORTAL". A navigation bar includes links for Home, Login, eServices, **Docket Sheets** (highlighted with a red circle), Calendars, eCommerce, and Help & Support. A right-hand menu lists "Unified Judicial System website", "UJS Forms", "PAePay Brochure", and "Collections in the Courts".

Pennsylvania Judiciary Web Portal

The Pennsylvania Judiciary Web Portal provides the public with access to various aspects of court information, including appellate courts, common pleas courts and magisterial district court docket sheets; common pleas courts and magisterial district court calendars; and PAePay. In addition to the public information available on this site, specialized eServices are available to users with a secure login. These include secure docket sheets for the three levels of court; secure court calendars for common pleas courts and magisterial district courts; statewide warrants; and attorney registration. Approval for certain secure services must be granted by a county clerk of court or district court administrator.

Finding public court information is easier than ever with the launch of PAeDocket - a free app that provides a quick and simple search of court cases or dockets. Users can search by case number, participant name, organization name, offense tracking number, police incident or complaint number or state ID number. To download the application, visit the app store and search for "PAeDocket".

ATTORNEY SERVICES
PACFile
Attorney Registration
DA Link

COURT CALENDARS
Common Pleas Courts Calendar Schedule
Magisterial District Courts Calendar Schedule

PAePay
Securely pay fines, costs and restitution online
Securely pay state probation/parole fees
Securely pay bail online

LAW ENFORCEMENT
Statewide warrants
Disposition lookup

DOCKET SHEETS
Appellate Courts
Common Pleas Courts
Magisterial District Courts
Philadelphia Municipal Courts

ADDITIONAL eSERVICES
Financial Records
Judicial Assignments

[Help Center](#) [Privacy Policy](#) [Terms & Conditions](#)

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Taskbar: 5:51 PM 7/24/2017

How to Research a Criminal Record on the UJS portal

- Switch to CP level
 - First Name
 - Last Name
 - DOB (or not)
 - Search Criminal
 - Select Summary

Reviewing a UJS Summary

Kane, Kathleen Granahan Harrisburg, PA 17120		DOB: 06/14/1966	Sex: Female Eyes: Blue Hair: Brown Race: White
Court: MDJ-38-1-20 Closed			
MJ-38120-CR-0000298-2015 Arrest Date: 08/08/2015 Last Action: Formal Arraignment Next Action: Bail Type: Monetary		Processing Status: Case Transferred to Court of Common Pleas Bail Amount: \$37,500.00	OTN: T 686380-2 Disp. Event Date: 08/24/2015 Last Action Date: 10/14/2015 Next Action Date: Bail Status: Posted
<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u> <u>Counts</u>
18 § 4902 §§ A	F3	Perjury	Held for Court 1
18 § 4903 §§ A1	M2	False Swearing - Offic Proceed	Held for Court 1
18 § 5101	M2	Obstruct Admin Law/Other Govt Func	Held for Court 1
18 § 5301 §§ 1	M2	Offl Oppression-Arrest Search Etc	Held for Court 1
18 § 5301 §§ 2	M2	Offl Oppression-Deny Rights/Prv	Held for Court 2
18 § 903	M2	Conspiracy - Offl Oppression-Deny Rights/Prv	Held for Court 1
18 § 903	M2	Conspiracy - Obstruct Admin Law/Other Govt Func	Held for Court 1
18 § 903	M2	Conspiracy - Offl Oppression-Arrest Search Etc	Held for Court 1
MJ-38120-CR-0000381-2015 Arrest Date: 10/01/2015 Last Action: Formal Arraignment Next Action: Bail Type: Monetary		Processing Status: Case Transferred to Court of Common Pleas Bail Amount: \$37,500.00	OTN: T 709032-2 Disp. Event Date: 11/10/2015 Last Action Date: 01/06/2016 Next Action Date: Bail Status: Posted
<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u> <u>Counts</u>
18 § 4902 §§ A	F3	Perjury	Held for Court 1
18 § 4903 §§ A1	M2	False Swearing - Offic Proceed	Held for Court 1
18 § 5101	M2	Obstruct Admin Law/Other Govt Func	Held for Court 1

CP summary



Lancaster County Court of Common Pleas Court Summary

[REDACTED]
Elizabethtown, PA 17022
Aliases:
[REDACTED] David Landis

DOB: 07/12/1962

Sex: Male
Eyes:
Hair:
Race: Unknown/Unreported

Closed

Lancaster

CP-36-CR-0002675-2000

Proc Status: Migrated Final Disposition

DC No:

OTN:E 919732-2

Arrest Dt:

Disp Date: 06/27/2000

Disp Judge: Cullen, James P.

Def Atty: Gray, J. Richard - (PR)

<u>Seq No</u>	<u>Statute</u>	<u>Sentence Dt.</u>	<u>Sentence Type</u>
1	75 § 3731 §§ A4*		
		06/27/2000	Confinement
7	75 § 3731 §§ A1*		
		06/27/2000	Confinement

<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
<u>Program Period</u>	<u>Sentence Length</u>	
M2	Dr W/BI Alc Lev .10% Or Greater	Guilty Plea
		Min: 2 Day(s) Max: 1 Year(s) 11 Month(s)
M2	Driving Under The Influence Of Alcohol	Guilty Plea
		Min: 2 Day(s) Max: 1 Year(s) 11 Month(s)

Archived

CP-36-CR-0004980-1998

[REDACTED]

CP-36-CR-0000304-1999

[REDACTED]

The difference between a summary and a docket

* Search By: Participant Name ?

Advanced Search: ☐

Date Filed Start Date: mm/dd/yyyy (One or more of these fields is required)

Date Filed End Date: mm/dd/yyyy (One or more of these fields is required)

County: (One or more of these fields is required)

* Participant Last Name: kane

* Participant First Name: kathleen

Date of Birth: mm/dd/yyyy

Docket Type: Criminal (One or more of these fields is required)

Case Status: (One or more of these fields is required)

Search Clear

Docket

	Case Status	Filing Date	Primary Participant(s)	Date Of Birth(s)	County	Court Office	OTN	Complaint #	Incident #	
thleen Granahan	Closed	10/01/2015	Kane, Kathleen Granahan	06/14/1966	Montgomery	MDJ-38-1-20	T7090322	1		D
thleen Granahan	Closed	08/06/2015	Kane, Kathleen Granahan	06/14/1966	Montgomery	MDJ-38-1-20	T6863802	20151173		D
thleen Granahan	Closed	11/23/2015	Kane, Kathleen Granahan	06/14/1966	Montgomery	CP-38-46-Crim	T7090322	1		D
thleen Granahan	Closed	08/27/2015	Kane, Kathleen Granahan	06/14/1966	Montgomery	CP-38-46-Crim	T6863802	20151173		D
thleen	Closed	12/12/2001	Kane, Kathleen M.	11/24/1981	Delaware	CP-32-23-Crim	H4674736	UNKNOWN		D
thleen	Closed	06/10/1998	Kane, Kathleen	05/05/1951	Delaware	CP-32-23-Crim	F1400626	UNKNOWN		D

MDJ Summary

Kane, Kathleen Granahan Harrisburg, PA 17120	DOB: 06/14/1966	Sex: Female Eyes: Blue Hair: Brown Race: White
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Court: MDJ-38-1-20

Closed

MJ-38120-CR-0000298-2015

Arrest Date: 08/08/2015

Last Action: Formal Arraignment

Next Action:

Bail Type: Monetary

Processing Status: Case Transferred to
Court of Common Pleas

OTN: T 686380-2

Disp. Event Date: 08/24/2015

Last Action Date: 10/14/2015

Next Action Date:

Bail Status: Posted

<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>
18 § 4902 §§ A	F3	Perjury	Held for Court	1
18 § 4903 §§ A1	M2	False Swearing - Offic Proceed	Held for Court	1
18 § 5101	M2	Obstruct Admin Law/Other Govt Func	Held for Court	1
18 § 5301 §§ 1	M2	Offl Oppression-Arrest Search Etc	Held for Court	1
18 § 5301 §§ 2	M2	Offl Oppression-Deny Rights/Prv	Held for Court	2
18 § 903	M2	Conspiracy - Offl Oppression-Deny Rights/Prv	Held for Court	1
18 § 903	M2	Conspiracy - Obstruct Admin Law/Other Govt Func	Held for Court	1
18 § 903	M2	Conspiracy - Offl Oppression-Arrest Search Etc	Held for Court	1

MJ-38120-CR-0000381-2015

Arrest Date: 10/01/2015

Last Action: Formal Arraignment

Next Action:

Bail Type: Monetary

Processing Status: Case Transferred to
Court of Common Pleas

OTN: T 709032-2

Disp. Event Date: 11/10/2015


Last Action Date: 01/06/2016

Next Action Date:


Bail Status: Posted

<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>
18 § 4902 §§ A	F3	Perjury	Held for Court	1
18 § 4903 §§ A1	M2	False Swearing - Offic Proceed	Held for Court	1
18 § 5101	M2	Obstruct Admin Law/Other Govt Func	Held for Court	1

MDJ Docket


DOCKET					
		Docket Number: [REDACTED]			
		CRIMINAL DOCKET M3 Disposed by Lower Court			
Commonwealth of Pennsylvania		Page 3 of 3			
v. [REDACTED]					
CASE FINANCIAL INFORMATION					
Last Payment Date: 12/29/2010		Total of Last Payment: -\$38.46			
[REDACTED]	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
Defendant					
Costs/Fees					
Judicial Computer Project	\$8.00	-\$8.00	\$0.00	\$0.00	\$0.00
ATJ	\$2.00	-\$2.00	\$0.00	\$0.00	\$0.00
State Court Costs (Act 204 of 1976)	\$10.65	-\$10.65	\$0.00	\$0.00	\$0.00
County Court Cost (Act 204 of 1976)	\$29.70	-\$29.70	\$0.00	\$0.00	\$0.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$9.15	-\$9.15	\$0.00	\$0.00	\$0.00
Crime Victims Compensation (Act 96 of 1984)	\$35.00	-\$35.00	\$0.00	\$0.00	\$0.00
Victim Witness Service (Act 111 of 1998)	\$25.00	-\$25.00	\$0.00	\$0.00	\$0.00
Domestic Violence Compensation (Act 44 of 1988)	\$10.00	-\$10.00	\$0.00	\$0.00	\$0.00
Postage	\$6.00	-\$6.00	\$0.00	\$0.00	\$0.00
Costs/Fees Totals:	\$135.50	-\$135.50	\$0.00	\$0.00	\$0.00
Restitution					
Public Assistance/Food Stamp	\$999.00	-\$999.00	\$0.00	\$0.00	\$0.00
DPW/DHS Restitution					

CP Docket

COURT OF COMMON PLEAS OF LANCASTER COUNTY				
DOCKET				
		Docket Number: [REDACTED]		
		CRIMINAL DOCKET		
		M3 Disposed by Lower Court		
Commonwealth of Pennsylvania		Page 1 of 3		
[REDACTED]				
CASE INFORMATION				
<u>Judge Assigned:</u>		<u>Date Filed:</u> 09/16/2009		<u>Initiation Date:</u> 09/16/2009
<u>OTN:</u> [REDACTED]	<u>LOTN:</u>	<u>Originating Docket No:</u> [REDACTED]		
<u>Initial Issuing Authority:</u> Cheryl N. Hartman		<u>Final Issuing Authority:</u> Cheryl N. Hartman		
<u>Arresting Agency:</u> Other		<u>Arresting Officer:</u> Affiant		
<u>Complaint/Incident #:</u>				
<u>Case Local Number Type(s)</u>		<u>Case Local Number(s)</u>		
STATUS INFORMATION				
<u>Case Status:</u> Closed	<u>Status Date:</u> 09/16/2009	<u>Processing Status:</u> Awaiting Payment	<u>Arrest Date:</u> 09/16/2008	
CONFINEMENT INFORMATION				
<u>Confinement</u> <u>Known As Of</u>	<u>Confinement</u> <u>Type</u>	<u>Destination</u> <u>Location</u>	<u>Confinement</u> <u>Reason</u>	<u>Still in</u> <u>Custody</u>
11/19/2007	County Correctional Facility	Lancaster County Prison	Bail Not Posted	Yes
DEFENDANT INFORMATION				
<u>Date Of Birth:</u> [REDACTED]		<u>City/State/Zip:</u> Lititz, PA 17543		
<u>Alias Name:</u> [REDACTED]				

5/31/2017

CP docket

COURT OF COMMON PLEAS OF LANCASTER COUNTY				
DOCKET				
		Docket Number: CP-3 [REDACTED]		
		CRIMINAL DOCKET M3 Disposed by Lower Court		
Commonwealth of Pennsylvania		Page 2 of 3		
v.		[REDACTED]		
DISPOSITION SENTENCING/PENALTIES				
<u>Disposition</u>	<u>Disposition Date</u>	<u>Final Disposition</u>		
<u>Case Event</u>	<u>Offense Disposition</u>	<u>Grade</u>	<u>Section</u>	
<u>Sequence/Description</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>		
<u>Sentencing Judge</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>		
<u>Sentence/Diversion Program Type</u>				
<u>Sentence Conditions</u>				
Lower Court Proceeding (generic)				
Lower Court Disposition	08/24/2009	Not Final		
1 / Fraud Obt Foodstamps/Assistance	Guilty Plea (Lower Court)	M3	62 § 481 §§ A	
Hartman, Cheryl N.	09/16/2009			
COMMONWEALTH INFORMATION		ATTORNEY INFORMATION		
<u>Name:</u>	Robert Smulkis Jr.	<u>Name:</u>	Jeffrey Allen Conrad	
	District Attorney		Court Appointed	
<u>Supreme Court No:</u>	201099	<u>Supreme Court No:</u>	085156	
<u>Phone Number(s):</u>		<u>Rep. Status:</u>	Active	
717-712-1206	(Phone)	<u>Phone Number(s):</u>		
		717-299-7101	(Phone)	
<u>Address:</u>		<u>Address:</u>		
PA Office of Attorney General		408 W Chestnut St		
106 Lowther St		Lancaster, PA 17603		
Lemoyne, PA 17043				
		<u>Representing:</u>	[REDACTED]	

5/31/2017

The difference between a summary and a docket

* Search By: Participant Name ?

Advanced Search: ☐

Date Filed Start Date: mm/dd/yyyy (One or more of these fields is required)

Date Filed End Date: mm/dd/yyyy (One or more of these fields is required)

County: (One or more of these fields is required)

* Participant Last Name: kane

* Participant First Name: kathleen







Date of Birth: mm/dd/yyyy

Docket Type: Criminal (One or more of these fields is required)

Case Status: (One or more of these fields is required)

Search Clear

Summary

	Case Status	Filing Date	Primary Participant(s)	Date Of Birth(s)	County	Court Office	OTN	Complaint #	Incident #	
thleen Granahan	Closed	10/01/2015	Kane, Kathleen Granahan	06/14/1966	Montgomery	MDJ-38-1-20	T7090322	1		
thleen Granahan	Closed	08/06/2015	Kane, Kathleen Granahan	06/14/1966	Montgomery	MDJ-38-1-20	T6863802	20151173		
thleen Granahan	Closed	11/23/2015	Kane, Kathleen Granahan	06/14/1966	Montgomery	CP-38-46-Crim	T7090322	1		
thleen Granahan	Closed	08/27/2015	Kane, Kathleen Granahan	06/14/1966	Montgomery	CP-38-46-Crim	T6863802	20151173		
thleen	Closed	12/12/2001	Kane, Kathleen M.	11/24/1981	Delaware	CP-32-23-Crim	H4674736	UNKNOWN		
thleen	Closed	06/10/1998	Kane, Kathleen	05/05/1951	Delaware	CP-32-23-Crim	F1400626	UNKNOWN		

CP Summary

Montgomery

CP-46-CR-0006239-2015

Proc Status: Awaiting Appellate Court Decis

DC No:

OTN:T6863802

Arrest Dt: 08/08/2015

Disp Date: 08/08/2016

Disp Judge: Demchick-Alloy, Wendy

Def Atty: Lock, Joshua D. - (PR)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
<u>Sentence Dt.</u>	<u>Sentence Type</u>	<u>Program Period</u>	<u>Sentence Length</u>	
1	18 § 4902 §§ A	F3	Perjury	Guilty
10/24/2016	Confinement	Other	Min: 5 Month(s) Max: 12 Month(s)	
10/24/2016	Probation	Other	Min: 5 Year(s) Max: 5 Year(s)	
2	18 § 4903 §§ A1	M2	False Swearing - Offic Proceed	Guilty
10/24/2016	Merged			
3	18 § 5101	M2	Obstruct Admin Law/Other Govt Func	Guilty
10/24/2016	Probation	Other	Min: 2 Year(s) Max: 2 Year(s)	
4	18 § 5101	M2	Obstruct Admin Law/Other Govt Func	Nolle Prossed
5	18 § 903	M2	Conspiracy - Obstruct Admin Law/Other Govt Func	Guilty
10/24/2016	Probation	Other	Min: 2 Year(s) Max: 2 Year(s)	
6	18 § 5301 §§ 1	M2	Offl Oppression-Arrest Search Etc	Guilty
10/24/2016	Probation	Other	Min: 1 Year(s) Max: 1 Year(s)	
7	18 § 903	M2	Conspiracy - Offl Oppression-Deny Rights/Prv	Guilty
10/24/2016	Probation	Other	Min: 1 Year(s) Max: 1 Year(s)	
8	18 § 5301 §§ 2	M2	Offl Oppression-Deny Rights/Prv	Nolle Prossed
9	18 § 903	M2	Conspiracy - Offl Oppression-Deny Rights/Prv	Nolle Prossed



PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY (official record)

- Website <https://epatch.state.pa.us>
 - Basic Report - Quicker
 - Fee - need credit card
 - May not be complete
- Mail request
 - Full Access and Review (FAR)- most complete
 - Necessary for expungement petitions
 - Photo ID-copy must be sent with request
 - Fee (\$22)



REMEDIES

- Expungement
 - Summary Convictions
 - Non-Convictions of Summary, Misdemeanors & Felonies
 - ARD, ACT 17, 586, 546
- Limited Access/Sealing
 - Misdemeanor convictions
- Juvenile Records Expungement
- Pardons



18 § 9122. Expungement

Criminal history record information may be expunged when a person:

- 70 years old & no arrest or prosecution for 10 years after supervision ends; or
- Dead for three years; or
- Has a summary offense & no convictions for 5 years following the conviction for that offense; or
- Has a record of an acquittal, dismissal, withdraw, or Nol Pros.
- Has a conviction that has been pardoned by the Governor.



Expungement

- ARD – Accelerated Rehabilitative Disposition
- ACT 117 – Diversionary cases for drug/alcohol dependent first time offense
- Rule 546/586 – Dismissal upon Satisfaction or Agreement

Generally requires:

- a plea agreement and
- successful completion of all terms & conditions of program
- full payment of fines, costs & resitution



Questions?

