

Factors Considered by the Board of Pardons In Evaluating Pardon/Commutation Requests

Many individuals call, write, or email the Board of Pardons seeking information about what factors the Board deems most important in considering pardon/commutation requests. Some wish to use this information to help them decide whether to apply for clemency. Others seek the information to assist them in completing their applications after they have decided to apply.

Neither the Pennsylvania Constitution nor the laws or regulations governing the Board establish minimum eligibility requirements in order to apply for executive clemency. Also, the law does not establish a specific list of factors that the Board must consider in evaluating applications. As a result, each of the five Board members is free to rely upon the information that he/she feels is most important both in deciding to grant a public hearing and in deciding to recommend clemency to the Governor.

The Board believes that it will be helpful to clemency applicants and the public generally to provide a list of some of the factors that have been considered by the Board in the past in evaluating clemency applications. This list is by no means exclusive and is not applied by every Board member in every case. Satisfaction of the criteria identified below does not entitle the applicant to clemency, nor does failure to satisfy the criteria automatically result in rejection of the application. Rather, the Board evaluates every application on a case-by-case basis to determine whether clemency is appropriate.

Factors Considered in Pardon Applications

1. How much time has elapsed since the commission of the crime(s)? Obviously, this factor, coupled with being crime free after the offense, is one of the best indicators of whether the applicant has been successfully rehabilitated. Further, the more serious, or numerous, the crime(s), the greater the period of successful rehabilitation that the applicant should be able to demonstrate.
2. Has the applicant complied with all court requirements? The applicant should be able to demonstrate successful completion of all court-imposed requirements such as probation, and parole. The applicant should also be able to show that they have or are attempting to address all financial obligations (*finer, costs, restitution, and supervision fees*). If unsure of the latter, applicants should check with the County Clerk of Courts, and get receipts for any recent payments.
3. Has the applicant made positive changes to his/her life since the offense(s)? Successful rehabilitation may also be demonstrated by positive changes since the offense(s) in applicant's career, education, family or through community or volunteer service, particularly in areas that relate to the offense(s).
4. What is the specific need for clemency? The applicant should identify a specific need for clemency, e.g., a particular job that applicant cannot get, or some particular activity that he/she cannot participate in without clemency as opposed to the more general answers of "employment purposes" or "to put this behind me" that applicants frequently use. Except in extraordinary circumstances, the Board does not view a pardon as an appropriate means of restoring any disability that has been imposed pursuant to a state law, e.g., suspension of driver's license, revocation of professional or business licensure, etc. Rather, the Board generally defers to the General Assembly and the means of restoration provided for in the law in question.
5. What is the impact on the victim(s) of the offense(s)? The Board's regulations require that victims or next of kin be notified and given the opportunity to appear at the hearing or make a confidential submission in writing. Applicants should be aware that victims or next of kin may be present and, in any event, will have their viewpoint considered by the Board.

Factors Considered in Commutation of Sentence Applications

1. Does the applicant still have appeals pending in any court? The Board views clemency as an extraordinary remedy that should ordinarily be resorted to only after all legal remedies have been exhausted.
2. Is the applicant eligible for parole or will he/she be eligible within a reasonable period of time? In most cases, parole is the more appropriate avenue for release by applicants eligible for parole.
3. Has an appropriate period of incarceration been served based on the circumstances of the offense?
4. Has the applicant maintained an appropriate conduct record for consideration of clemency? The Board looks to the number of both serious and minor misconducts as a reliable indicator of the rehabilitation of the applicant.
5. Has the applicant had a successful work record and/or availed himself/herself of the programming opportunities for self-improvement that are available through the correctional facility? Again, the Board views these factors as reliable indicators of the rehabilitation of the applicant.
6. What is the impact on the victim(s) of the offense(s)? The Board's regulations require that victims or next of kin be notified and given the opportunity to appear at the hearing or make a confidential submission in writing. Applicants should be aware that victims or next of kin may be present and, in any event, will have their viewpoint considered by the Board.

Reviewed and approved by the Pennsylvania Board of Pardons on July 18th, 2023.