

Guide to Pardons



Pennsylvania Guide to Pardons

Governor's Message



Congratulations on having the courage to begin the clemency process. Taking ownership of the past is a challenging, but ultimately worthwhile accomplishment.

As the leader of our commonwealth, I believe in restorative justice. If you have worked to take responsibility for your past and contribute positively to our society, I encourage you to continue with this process. I weigh each case individually, keeping in mind that too many people are unable to rent an apartment, get a job or enroll in education even after they have served the sentence handed down by a judge. If you face these challenges, I especially encourage you to consider seeking clemency.

I am proud of the changes we are making to the clemency process that will allow more Pennsylvanians to be recognized for turning their lives around. We are continuing to find ways to ease the burden of applying for clemency. In the meantime, please don't feel daunted by the application process. You have already done the hardest part – turning your life around.

I wish you the best as you move forward.

Tom Wolf
Governor

Lieutenant Governor's Message



In Pennsylvania, we believe in second chances, and that's what this application is all about.

We know you want to participate more fully and contribute to society, and it's our goal to make this a reality.

To that end, we've:

- Eliminated the application fees so that financial obligations are no longer a constraint
- Hired two staff members dedicated to pardons and commutations
- Implemented the Expedited Review Program for non-violent marijuana convictions
- Worked hard to move the application process entirely online. That's expected to happen by the end of 2022.
- Streamlined the application process to cut the red tape and to make this process more user-friendly

We will continue to make more changes to ensure an open and transparent pardons process that's as accessible as possible.

Your journey to a second chance begins here...

John Fetterman
Lieutenant Governor
Chairman of the Board of Pardons

PA BOARD OF PARDONS GUIDE

This booklet is designed to be an interactive tool, a workbook with checklists and important information to walk you through the process of applying for clemency in Pennsylvania. Make this booklet your own, write your notes in the margins, and utilize the checklists. If you follow each of the steps in order, this booklet will carry you through the journey.

STEP 1: Understand the Process

First, you should understand who's involved and how the process works.

The Lieutenant Governor of Pennsylvania chairs the Board of Pardons, which is responsible for hearing all of the applications for clemency. You present your case to the board, then the board members vote on whether you have made a strong enough case to recommend clemency to the governor.

If they vote to recommend your case, your request is forwarded to the governor. Only the governor can decide whether to grant your request.

If they vote against recommending your case, you may reapply when your circumstances have improved and you have a stronger case for clemency.

If they vote to hold your application under advisement, you will be notified when the board decides to move forward with your case.

Visit www.bop.pa.gov for a current list of board members.

Step 1, continued...

Clemency is a term that means “mercy,” and it includes pardons and commutations. Whether you request a pardon or commutation is decided by whether you are currently incarcerated for the crime.

If you are not currently incarcerated, you will apply for a pardon. A pardon constitutes total forgiveness by the state for a crime of which you were convicted, regardless of whether your sentence included time in prison. If you're granted a pardon, you can petition the court for an expungement of your convictions.

If you are currently incarcerated or on parole for the crime for which you're applying for clemency, you will apply for commutation. Commutation is a reduction of a prison or parole sentence. This could mean:

- Commutation of a death sentence to life in prison
- Commutation of life in prison to life on parole
- Commutation (reduction) of a minimum and/or maximum sentence(s)

You have just completed **Step 1, Understand the Process**. You may check off this item on the checklist on Page 6.

STEP 2: Gather Your Documents (Check off these items as you progress)

- ☐ Print a free application, available at www.bop.pa.gov

If you were sentenced by the Court of Common Pleas, you'll need the following documents from your case:

- ☐ Criminal Complaint
- ☐ Affidavit of Probable Cause
- ☐ Criminal Information/Indictment
- ☐ Final Plea or Verdict
- ☐ Disposition/Sentencing Order
- ☐ Proof of payment of fines, costs, and/or restitution

OR

If you were sentenced by a Magisterial District Judge, you'll need the following documents:

- ☐ Citation of Criminal Complaint
- ☐ Affidavit of Probable Cause
- ☐ Disposition/Sentencing Order
- ☐ Proof of payment of fines, costs, and/or restitution

Once you have gathered all of the above information, please mail the application and all of the documents to the following address:

PA Board of Pardons,
333 Market Street, 15th Floor
Harrisburg, PA 17126-0333

Remember to notify the Board of Pardons if your contact information (phone, address) changes at any point in this process.


You've just completed **Step 2, Gather Your Documents**. You may check off this item on the checklist on Page 6.

STEP 3: Follow Your Process

1. Once the Board of Pardons receives your application package, it sends copies of the application to the Board of Probation and Parole, the District Attorney in the county of conviction, and, when applicable, to the Department of Corrections, Sentencing or President Judge in the county of conviction, victims, and/or the Magisterial District Judge.
2. Probation and Parole agents **conduct investigations** on behalf of the Board of Pardons. These agents will inquire about your residence, marital status and family composition, employment, resources, liabilities and indebtedness, membership organizations and volunteer activities, military experience, and your reputation in the community.

Step 4 in this book explains some factors the Board of Pardons weighs when considering your application.

3. The Board of Pardons receives a report from the investigation and conducts a **Merit Review** of the application. At this point, members of the board decide whether to grant you a public hearing to review your case. You will be notified if the board has or hasn't granted you a public hearing.
4. Generally, **public hearings** are held in the Pennsylvania Supreme Court room in the State Capitol Building in Harrisburg but in 2020 were moved online to Zoom meetings. You will be notified of the time and date. At this hearing, you and the people willing to speak on your behalf will have a chance to testify in favor of your application. Prosecutors, victims, and members of the public will also have a chance to testify. At this hearing, the Board of Pardons decides whether to recommend your pardon to the governor. The governor makes the final decision to grant or deny your pardon, and the governor does not have to act within any specific timeframe.



Your record is not automatically cleared if the governor grants your pardon. You must apply for expungement. There's more about that on Page 7 of this booklet.

5. **If you have been denied** a hearing or if the Board of Pardons voted against recommending your pardon to the governor, you may **apply for reconsideration**, or you may **reapply**.
6. If you're requesting **reconsideration**, you must show a change in circumstances since the application was filed or other compelling reasons that are sufficient to justify a reconsideration. Dissatisfaction with the board's decision is not grounds to request reconsideration.
7. Requests for reconsideration must be made using the BOP prescribed form which can be found at <https://www.bop.pa.gov/application-process/Documents/Reconsideration%20Request%20Form.pdf>. If you intend to **reapply**, you must wait for 12 months from the day of the board's "no" vote in your Merit Review or public hearing to submit your new application. If you receive two consecutive "no" votes, you must wait 24 months for a third or subsequent re-application.

You've just completed **Step 3, Follow Your Process**. You may check off this item on the checklist on Page 6.

STEP 4: Know What We're Thinking

Some factors that influence the Board of Pardons include:

1. How much time has passed since your conviction?
2. Have you complied with all court requirements and paid off costs, fines, and restitution?
3. Are you remorseful?
4. Have you attended the required treatment sessions and/or classes?
5. Have you made positive changes to your life (career, education, community involvement, etc.) since your conviction?
6. Why do you need a pardon? How does not having a pardon affect your daily life?
7. Was there a victim, and if so, how did your crime impact the victim?

You've just completed **Step 4, Know What We're Thinking**. You may check off this item on the checklist below.

Checklist

- ☐ STEP 1 - Understanding the Process
- ☐ STEP 2 - Gather Your Documents
- ☐ STEP 3 - Follow Your Process
- ☐ STEP 4 - Know What We're Thinking

Expungement

Expungements are handled by the Pennsylvania State Police and the Clerk of Courts in the county where you were arrested. Here's how to get started:

1. Complete the one-page application found at:
<https://www.psp.pa.gov/Pages/Criminal-Expungement-Process.aspx>
and mail it back to the address listed on the application.
2. Include a check or money order for \$20 payable to: "Commonwealth of Pennsylvania," a copy of your driver's license or government-issued photo ID, and a legal affidavit or letter of representation if you have an attorney.
3. After the state police send your full arrest record via mail, you must contact the Clerk of Courts in the county where your arrest took place for further instructions on how to proceed with petitioning the court for expungement. A full list of Clerks of Courts for all counties in Pennsylvania can be found here:
<http://www.pacourts.us/courts/courts-of-common-pleas/clerks-of-courts>.
4. After the Pennsylvania State Police receive the court order for expungement from the Clerk of Courts signed by a Common Pleas Court judge, the record will be expunged.



Rights and Privileges

Some of your **rights and privileges restored** after a pardon are:

- Holding a public office
- Employment in careers such as nursing, education, security and legal professions
- Serving on a jury
- Volunteering with your children's school and extracurricular activities
- Service in the military
- Owning and carrying a firearm
- International travel

Commutation

If you are **currently incarcerated or on parole** for a crime for which you are applying for clemency, you will apply for commutation. Commutation is a reduction of a prison or parole sentence.

This could mean:

- Commutation of a death sentence to life in prison
- Commutation of life in prison to life on parole
- Commutation (reduction) of a minimum and/or maximum sentence(s)

The Department of Corrections represents confined applicants in commutation cases.

Write to:

Pennsylvania Department of Corrections
1920 Technology Parkway
Mechanicsburg, PA 17050

----- Or -----

Call: 717-728-2573

The Department of Corrections reviews commutation applications and reserves the right to either recommend or not recommend applicants. However, applicants are not required to receive the Department's recommendation in order to have their applications reviewed by the Board of Pardons.

Some factors the DOC weighs include years served and the original sentence structure, criminal history, behavior while incarcerated, completion of treatment programs, re-entry and home support plans, level of remorse and empathy for the victims and responsibility for his or her actions, development of pro-social values, and the risk of a future repeat offense.

FAQ

Do I need an attorney to apply?

No. Attorneys charge hundreds or even thousands of dollars to complete pardon applications but get no better results than you can get for yourself. And having an attorney won't expedite the process. There are online resources at www.bop.pa.gov to help you complete your application.

What if the Court or Magisterial Judge cannot find or produce certain court documents required by the Board?

If the above court documents cannot be produced by the clerk of courts or the magisterial district judge, please be sure to obtain a letter from them attesting to this fact. When it comes to court records at the magisterial district judge level, if the case was 7 years ago or longer and no court documents are available, you do not need to obtain a letter of attestation.

How long does the clemency process take?

At the current rate, pardon applicants can expect to wait 2.5 years for their cases to reach Merit Review, and commutation applicants can expect to wait about 4.5 years.

Will my record be cleared if I'm granted a pardon?

No, but a pardon makes it possible to have your record expunged.

How can I get my record cleared?

The only way to remove the pardoned conviction is to file a petition for expungement in the court where the conviction occurred.

If you have additional questions, please call the Board of Pardons office at 717-787-2596.



CONTACT US



Phone: 717-787-2596
Fax: 717-772-3135



www.bop.pa.gov



PA Board of Pardons
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