



Pardons in PA: **The *AMAZING* Opportunity** **That Almost No One Knows About**

Tobey Oxholm, Director, Pardon Project

March 9, 2022

Key Terms

- **Criminal record** (arrests & convictions)
- **Expungement** (erasing the record)
- **Clean Slate** (hiding/sealing the record)
- **Commutation** (shortening the sentence)
- **Pardon** (forgiving the crime)
- **Clemency** (mercy: pardons & commutations)
- **Exoneration** (proving innocence)

Overview

- 1. What is a Pardon Project?**
- 2. What is the Problem**
- 3. What is the Opportunity?**
- 4. What are the Next Steps?**



1. What is a Pardon Project?

Neighbors Helping Neighbors

in the tradition of

the late Rev. Leon H. Sullivan



**PARDON
PROJECT**

Pardon Projects

Pardon Projects are community-based efforts that **connect** people who need help with organizations (**“Pardon Hubs”**) and people (**“Pardon Coaches”**) who have been trained in how to help.

Pardon Project Participants

District Attorneys	CAA's	Health Care
Public Defenders	CDC's	Mental Health
Judges	Rotaries	Homeless
Prothys & Clerks	Colleges &	Recovery
Pretrial Services	Universities	CareerLinks/
Legal Aid	Adult Ed	Workforce Dev
Bar Associations	Local Govs	Reentry
Communities of Faith		

PA Association of Pardon Projects

*Pardon Projects being created around PA –
neighbors helping neighbors*

Allegheny

Erie

Luzerne

Beaver

Lackawanna

Lycoming

Berks

Lancaster

Philadelphia

Centre

Lebanon?

Washington

Delaware

York

statewide.plsephilly.org

2. What is the Problem?

A “Debt to Society” is *Never* Paid

- 90% of employers, 80% of landlords, and 67% of colleges screen for criminal records
 - *All* of PA’s 18 state college include a question on their application forms asking about criminal histories
 - The good news: federal student aid and small business loans are now available
- **Criminal records are available 24/7/365**

www.ujsportal.pacourts.us

Occupations in PA where the licensing board may or does consider criminal histories

Accountant, Architect, Athletic trainer, Auctioneer, Barber, Bondsman, **Casino employee**, Chiropractor, **Cosmetologist**, Dental hygienist, Dentist, Employment agent, Engineer, **Funeral director**, Geologist, Home health care, Horse racing, Hunting/trip permit, **Insurance adjuster**, Land surveyor, **Medical technician-emergency (EMT)**, Midwife, Mortgage broker, Motor vehicle dealer, Nurse (registered nurse and licensed practical nurse), Occupational therapist, Optometrist, Osteopath, Pawnbroker, Pharmacist, **Physical therapist**, Physician, **Physician's assistant**, Podiatrist, Private detective, Psychologist, Radioactive waste disposal, **Real estate appraiser**, Real estate broker, Salesperson of game of chance, Speech pathologist, **Social worker**, Tax assessor, **Taxi driver**, Teacher of the impaired, **Truck drivers** of hazardous materials, **Vehicle damage appraiser**, Veterinarian, **ANY job involving "routine interaction with children"**

The Problem

“Research confirms that, nationwide, a past conviction history raises well over 40,000 barriers to employment, education, housing, loan borrowing, professional licensing, voting among numerous other post-punishment punishments.”

~National Inventory of Collateral Consequences of Conviction - American Bar Association (2016)

The BIG Problem in PA

- PA has a higher rate of incarceration (pro rata) than any country in the world, *including* the US, the 5th largest prison population in the US, and the 3rd highest rate of people under supervision
- On average, over 225,000 criminal cases are initiated in Pennsylvania every year.
- 1 of every 3 Pennsylvanians has a criminal record
- Approx. 80% of women incarcerated in US jails are mothers, often single parents
- Almost 1 in 2 children has a parent with a criminal record

Pardons and Poverty

“From our perspective, it is undeniable that criminal records are a major factor in keeping people in poverty.”

~ Earl Buford, CEO



January 10, 2019

3. What is the Opportunity?

“[P]ardons filed by PA residents from 2008-2018 had an **estimated impact of \$16,494,815....** The aggregate impact of all pardon recipients is **50% higher in low-income communities than high-income communities....** [Pardons] should be considered as **no-cost workforce development and neighborhood investment tools.**”

The Economy League, *Pardons as an Economic Investment Strategy: Evaluating a Decade of Data in Pennsylvania* (April 2020)

Downside? ***NONE!***

Over the same 10-year period, VERY low recidivism rates and NO “public safety” risk!

- **Of the 3,037 people who applied for a pardon, only 2 (0.066%) were later convicted of a crime of violence, and only 53 (1.75%) were later incarcerated.**
- **Of the 1,461 applicants who did not receive a hearing on their pardon applications, 1,415 did not thereafter commit a crime that resulted in incarceration (whether for a crime of violence or otherwise).**

The Pathway to a Clean Criminal Record

- Convictions for felonies and misdemeanors can only be **erased (expunged) by a judge**, and **must first be pardoned by the Governor**
- The Governor can only consider candidates **recommended to him by PA Board of Pardons**
- **Board of Pardons: 5 members**
 - Lt Governor (Chair), Attorney General, plus: victim representative, medical doctor, corrections expert

The Pardon Process

- 1) **Application to Board of Pardons (BOP)**
 - > Need to attach copies of **court records**
- 2) **Input by Court and **District Attorney****
- 3) **Merit Review by BOP (2)**
- 4) **Public Hearing and Vote by BOP (3)**
- 5) **Decision by the Governor**

process takes 2.5 years for most, ...

one year for 3 “expedited review” tracks!

What is the Opportunity?

Thanks to reforms made beginning March 2019:

- ***The entire process is FREE***
- Application form is online, written (mostly) in Plain English, and only 4 pages long
- Lawyers are **NOT** necessary
- Many resources are now online, including:
www.plsephilly.org/video-library/
- More and more courts are providing records for free via email
- BOP Hearings held via Zoom, not in H'burg

Pardons – *The Amazing Opportunity*

- * The Board of Pardons is recommending **over 87%** of all pardon applications it hears
- * The Governor is approving **98%** of all pardon recommendations (will soon grant # 2,000!)
- * The Courts are expunging **100%**

What Can WE Do?

**Help people submit
the best applications they can!**

**Assemble supporting documents
and write two Essays:**

Why were you arrested?

Why do you deserve a pardon?

Who Make Good Pardon Coaches?

**Social Workers, Health Care Workers,
Addiction Counselors, Peer
Specialists, Workforce Development,
Reentry Programs,
Rotarians/Elks/etc., Students,
Paralegals, Lawyers ...**

***Anyone who is a good listener, has
enthusiasm and patience***

4. Next Steps

Come together to discuss and brainstorm:

- Whether there is Need and Interest
 - Whom to serve
- How to reach and engage them
 - Who might help (coach) them
 - Support by the Court and DA
- Where people go for information
 - How to make it sustainable

Next Board of Pardons Hearings

Be Sure To Watch!

Tuesday, April 26th thru Friday, April 29th

<https://pacast.com/live/bophearing>

www.bop.pa.gov

Questions?

Tobey Oxholm

Director, The Pardon Project

oxholm@plsehilly.org

ADDITIONAL INFORMATION

RESOURCES

- PLSE website (designed for clients):
www.plsephilly.org (sign up for newsletters)
- Extensive Video Library:
www.plsephilly.org/video-library/
- BOP website: www.bop.pa.gov
- Online criminal record histories:
www.ujportal.pacourts.us
- How to create a Pardon Project:
www.plsephilly.org/pardon-project-statewide/resources/

What the **Applicant** Gets *At Time Of Application*

- Reclaiming self-definition
- Focusing on the future, and on opportunity
- Creating a portfolio that can be used in applying for jobs, credit, education, ...
- Incentives for good conduct/good job performance/volunteering / community engagement
- **HOPE!**

Essential Jobs in PA where the licensing board may or does consider criminal convictions

Accountant, Architect, Athletic trainer, Auctioneer, Barber, Bondsman, **Casino employee**, Chiropractor, **Cosmetologist**, Dental hygienist, Dentist, Employment agent, Engineer, **Funeral director**, Geologist, **Home health care**, Horse racing, Hunting/trip permit, **Insurance adjuster**, Land surveyor, **Medical technician-emergency (EMT)**, **Midwife**, Mortgage broker, Motor vehicle dealer, **Nurse (registered nurse and licensed practical nurse)**, **Occupational therapist**, Optometrist, Osteopath, Pawnbroker, Pharmacist, **Physical therapist**, Physician, **Physician's assistant**, Podiatrist, Private detective, Psychologist, Radioactive waste disposal, **Real estate appraiser**, Real estate broker, Salesperson of game of chance, Speech pathologist, **Social worker**, Tax assessor, **Taxi driver**, **Teacher of the impaired**, **Truck drivers** of hazardous materials, **Vehicle damage appraiser**, Veterinarian, **ANY job involving "routine interaction with children"**

Key to PA's Workforce

“One of our department’s key objectives is to **make Pennsylvania's workforce globally competitive**, and that means preparing job seekers through employment and job training services. It’s enormously frustrating that a criminal record from 5, 10, even 15 years ago can stop them from getting good jobs today. **...[G]etting past those histories is key to Pennsylvania’s economic future.** I applaud Lt. Governor Fetterman and the Board of Pardons for what they have already done to make pardons more accessible, and encourage them to keep going.”

~~W. Gerard Oleksiak, Secretary
PA Department of Labor and Industry, April 2020

MORE Good News!

“The Commonwealth should take all requisite steps, including, if necessary, promulgating new regulations, to ensure the prompt review (**within one year**) by the Board of Pardons of all applications for pardon from **Pennsylvanians who completed their sentences five or more years ago on convictions that did not include crimes of violence and who have remained arrest-free ever since.**”

PA Workforce Development Board, **November 19, 2021**

What the BOP is Looking For

At Time Of Hearing

- **5+ years of no problems since COMPLETION of sentence**
 - {10+ if crime involved serious violence or sex}**
- **5+ years of “clean and sober”**
- **Independent confirmation of rehabilitation**
- **Reasons a pardon is needed as well as earned**
- **Reasons to stay on “straight and narrow”**
- **Evidence of “giving back”**

Who Succeeds?

Pardon Outcomes by Record Type, 10+ Years Since Last Conviction, Board of Pardons

Finally Determined Applications Filed 2018-2020 (n= 804)

