

ERASING YOUR CRIMINAL RECORD:

HOW TO GET A PARDON IN PENNSYLVANIA



LASP

Legal Aid of Southeastern Pennsylvania

Advice and Referral Helpline

1-877-429-5994 (Toll Free)

Open Monday - Friday 9:00am - 1:00pm

Website: lasp.org/apply

FAQs

What is a pardon?

A pardon is an act by the governor of Pennsylvania that allows a conviction to be erased from your criminal record. **In Pennsylvania, a pardon is generally the only way that felony and misdemeanor convictions can be expunged, although misdemeanor convictions may be eligible to be sealed.**

Although it is difficult to get a pardon, you should consider applying for one if you are having employment or other problems because of your criminal record. The process will take several years. You may have to pay small costs for copies of your court documents and postage.

If you are successful, your criminal record will be automatically sealed (i.e., taken off of public records). You can also return to the county where you committed the offense and request that your record be expunged!

Who can get a pardon?

Anyone who has a criminal record may apply for a pardon. There are no definite standards for when a pardon will be given, but the majority of people who receive pardons have a record of only a misdemeanor offense that was committed at least five years ago, or a felony offense that was committed at least ten years ago. Typically, serious crimes are only pardoned if several decades have passed since the crime was committed. **The longer you have gone without any arrests, charges, or convictions, the better your chances of getting a pardon.**

How do I apply for a pardon?

Request the application

You can download the application online for free or request an application through the mail.

Include: Your name, phone number, email, and mailing address to send your application.

Collect the required documents

As the application's instructions explain you will need to gather some information and documentation for your application (**see page 4**). This may take some time.

Expedited Review

Section 1: Type of Clemency Requested				
<input type="checkbox"/> Pardon	<input type="checkbox"/> Commute Parole	<input type="checkbox"/> Expedited Review for: Non-violent Marijuana Conviction(s) and or Paraphernalia		
<input type="checkbox"/> Commute Life Imprisonment to Life on Parole	<input type="checkbox"/> Commute Minimum Sentence			
<input type="checkbox"/> Commute Death Sentence to Life Imprisonment	<input type="checkbox"/> Commute Maximum Sentence			
Have you previously filed a clemency application in any state, including Pennsylvania, or with the federal government?				
<input type="checkbox"/> Yes (If yes, please provide all known information from your most recent filing.) <input type="checkbox"/> No				
Date Applied	Application Number	State	Granted or Denied	Date Granted (if applicable)

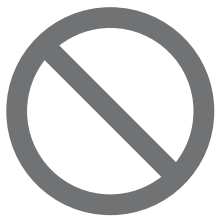
The expedited review program accelerates the review process for applicants with **non-violent marijuana convictions**, so if an applicant's pardon for these convictions is granted, he or she can have their record expunged in about **9-12 months**.



Eligible Convictions

The following convictions are eligible for an expedited review pardon application:

- Possession of a small amount of marijuana for personal use;
- Possession of a small amount of marijuana with the intent to distribute;
- The distribution of a small amount of marijuana but not for sale;
- (Paraphernalia related offenses) - Any marijuana-specific conviction relating to the possession with intent to use drug paraphernalia; the delivery of or possession with intent to deliver or manufacture with intent to deliver drug paraphernalia; or the unlawful advertisement/promotion or sale of drug paraphernalia;
- Criminal conspiracy (relating to an underlying marijuana-specific offense);
- Marijuana-related DUI's incurred by lawful medical marijuana cardholders in the Commonwealth of Pennsylvania (*Applicants would be required to produce proof that they were lawful medical marijuana cardholders at the time of their offense*);
- Any felony conviction for possession with the intent to deliver a controlled substance (marijuana only); and
- Any marijuana-specific conviction that the Secretary of the Board of Pardons deems appropriate.



Ineligible Convictions

The following convictions make someone ineligible for an expedited review pardon application:

- Anyone that has not yet been convicted of a marijuana-specific offense in a court of competent jurisdiction;
- Anyone that is currently enrolled in, or has completed the Accelerated Rehabilitative Disposition (ARD) Program;
- Anyone who possesses a criminal conviction classified as a violent offense;
- Anyone who possesses a conviction for driving under the influence of marijuana; and
- Anyone convicted of driving under the influence of marijuana who was not a lawful medical marijuana cardholder in the Commonwealth of Pennsylvania at the time of the incident. Any prospective applicant who at the time of submission is incarcerated for an offense that is unrelated to the conviction(s) for which they are seeking expedited relief.

NINE THINGS YOU SHOULD KNOW ABOUT APPLYING FOR A PARDON

1

Trying for a pardon is worthwhile. It takes a lot of effort and time waiting to get a pardon (it can be 2 to 3 years), but if you succeed, you will no longer have your criminal record to stand in the way of getting a job, apartment, or other opportunities.

2

Do not file too soon. The Board of Pardons (BOP) usually will not recommend a pardon until **at least five years** from the end of your supervision. The longer you wait, the more you can show you have changed, and the more likely you are to get a pardon.

3

Be patient. It can take several years from the time you file your application, until the BOP grants a hearing and until the Governor signs your pardon.

4

Be thorough. Follow the instructions perfectly and gather all of the information they ask for. Answer every question in detail and leave no blank spaces. **If your application is denied you must wait at least a year to file a second application.**

5

Take responsibility for your crime. If the BOP believes you are not taking full responsibility, you will not get recommended for a pardon.

6

Make your case. Talk about how the crime occurred, why you need a pardon, and how you've changed. **It is helpful if you can add extra pages to the application** and attach any job training certificates, newspaper articles about you, and letters of support.

7

Get supporters. Have people who will stand up for you write letters of support. If you are granted a hearing, bring them along if you can and introduce them when you speak. We suggest at least 10 letters of support to help build your case.

8

Get advice. Have your application looked at by someone who knows about the process. Help is available at X-Offenders for Community Empowerment (**call 215-668-8477 or go to <https://www.x-offenders.org/>**) or if you are a Philadelphia Resident, at Community Legal Services (**go to www.clsphila.org/get-help/pardons**) or Philadelphia Lawyers for Social Equity (PLSE) (**call 267-519-5323 or go to <https://www.plsephilly.org/>**).

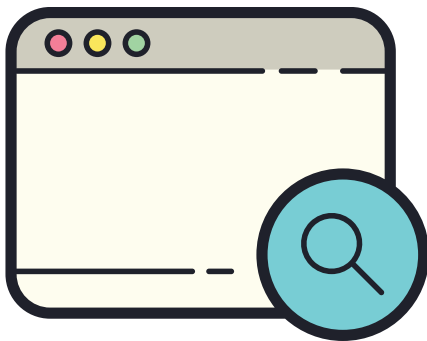
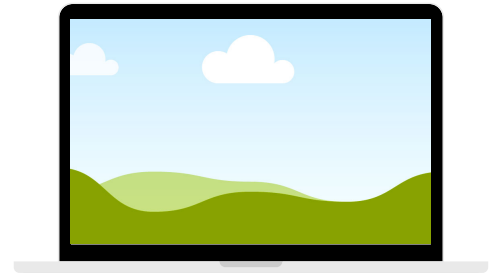
9

Be consistent. The BOP will look carefully at your application and compare it to your statements at your hearing and other written statements you have made. Refresh your memory by looking at your application before your hearing.

Looking Up Your Criminal Record

You can use the public website the Unified Judicial System (UJS) of Pennsylvania Web Portal to find your cases.

- A. Go to www.ujportal.pacourts.us/
- B. Near the top of the webpage, close to the logo, find the tab "Case Information," and then click on "Court Case."



- C. Pick the court level where you want to search for court cases.
- D. Change the "Search Type" to "Participant Name."
- E. Fill in the required fields.

*Tip #1: Choosing a "docket type" will allow you to see all counties, rather than having to pick only one county.

*Tip #2: Some criminal cases at the district court level are categorized under "Non-Traffic."

Alternatively, you can download and use the app "PAeDocket".



Why didn't my cases come up?



- Some cases are sealed automatically if they are older
 - District Courts commonly take down older case records
- Some cases are expunged automatically if you completed a diversionary program
- Some cases are entered under an alias or misspelled name
- Some cases list an incorrect date of birth
- **Takeaway** = If your court case does not appear on the UJS Portal, this **does not necessarily mean** that your record has been expunged and will not appear on a background check

PARDON CHECKLIST



Request or Download an Application for Clemency

Online: Board of Pardons website ([go to www.bop.pa.gov/Apply%20for%20Clemency/Pages/How-to-Obtain-an-Application.aspx](http://www.bop.pa.gov/Apply%20for%20Clemency/Pages/How-to-Obtain-an-Application.aspx))

Address: 333 Market Street, 15th Floor, Harrisburg, PA 17126-0333

Phone: (717) 787-2596

Include: Name, Phone number, email, mailing address to send application.



Gather documents from the Clerk of Courts at the Courthouse in the county where you were convicted (copies are fine as long as they are legible)

- 1) A copy of the Criminal Complaint;
- 2) A copy of the Affidavit of Probable Cause;
- 3) A copy of the Criminal Information/Indictment Sheet;
- 4) A copy of the final plea or verdict;
- 5) A copy of the disposition/sentencing order; and
- 6) Proof all fines, costs, and restitution have been paid (**ALL** of these must be paid or the Board of Pardons will not consider your application)

NOTE: If the Clerk of Court cannot find any of these documents, ask for a letter explaining why this information cannot be provided.



IF YOU'RE NOT SURE WHAT IS ON YOUR RECORD:

Order an "Access and Review" background check from the Pennsylvania State Police

Address: Pennsylvania State Police, Central Repository - RCPD, 1800 Elmerton Avenue, Harrisburg, PA 17110-9758

Include: Money order for \$20.00 (payable to Commonwealth of Pennsylvania), a completed Criminal History Request Form - SP4-170 ([go to www.psp.pa.gov/Pages/Request-a-Criminal-History-Record.aspx](http://www.psp.pa.gov/Pages/Request-a-Criminal-History-Record.aspx) to download), a copy of a valid government-issued ID with your current address.



Write your application statements

You will need to write two types of statements: 1) a description of what happened in each court case, and 2) a personal statement that tells the Board of Pardons why you are a good candidate for a pardon (Application Sections 3 and 5).



Complete a sample application first

When you receive your application, make a copy and practice writing out your answers on the copy before you write out your final responses on the official form.



Submit your application

Return the completed application to the Board of Pardons and make sure to keep a copy for yourself.

WHAT HAPPENS NEXT?

Your Application Will Be Filed

The BOP will file your application within 2-3 months of receiving it. If there are any mistakes you will be contacted by BOP and will have one chance to make corrections.

A Parole Agent Will Interview You

A state parole agent will interview you to determine if you are a "responsible, contributing member of society." See the next page for questions you should be prepared to answer and information you should have on hand. Cooperate with the agent and make points in your favor! The agent will prepare a report based on the interview.

The Board Will Review Your Application

The interview report, opinions submitted by the local trial judge and district attorney, and your application are sent to the BOP for review. At least **two members** must vote in your favor to pass this step and schedule a hearing, **three** if the crime included violence or a firearm. The BOP includes the Lt. Governor, the attorney general, a victim representative, corrections expert, and psychologist. It typically **takes a year for the Board to decide** whether to grant a hearing.

You Will Have to Attend a Hearing in Harrisburg

If you are granted a hearing, you will need to attend it and speak to the Board. Hearings are open to the public and are only 15 minutes long. You do not need an attorney, but you can choose to be represented by an attorney or anyone else. It is a good idea to bring support, and you can ask them to speak in your favor. The Board asks questions to determine if you are sorry for committing the crime and to make sure you will not commit another crime. The Board will also ask about any other arrests on your record. Make sure to tell the Board about the problems you are having as a result of your criminal record, such as difficulty finding a job or advancing your career.

Wait for the Results

Following the hearing, the Board will first meet privately and then hold their vote in public. If the majority votes in your favor, then they will recommend that your application be approved by the Governor. The Governor can then approve or deny the application. After the final decision has been made, you will be notified by the Secretary of the Board.

If You are Pardoned: Sealing and Expungement

If you are pardoned, your record will be automatically sealed. Sealing means that it will no longer appear on public records, but will be retained by law enforcement. Additionally, you can petition to expunge your record. If your expungement is granted, then your record will no longer be on public records and law enforcement records.

If You are not Pardoned: You Can Apply for Reconsideration

If your application is denied, you can request reconsideration from the Board. In order for your request to be granted, you **must** show something has changed since the last application was filed.

WHAT WILL THEY ASK ME AT MY INTERVIEW?

Residence

- Where have you lived for the past 5 years? (Prepare a list of addresses)
- Do you rent your home? (If yes, have the rent amount and landlord's information ready)
- What is the size of your home? (Square footage and lot acreage)
- Do you have any sheds, barns pools, etc. located on the property?
- Who lives in your home? What are their ages?

Family

- Are you married? (If so, have your marriage license and date of marriage ready)
- What is your maiden name? (If applicable)
- Have you been married before? (If so, have their name and the date of separation, annulment, divorce, or death)
- Do you have children, including foster, adopted, or step-children if you assisted in raising them? (If so, have their name, age, and any information regarding child support, even if they are adults now.)
- Have you told your children about your crime? (The BOP has asked this question in the past)

Employment

- Where are you currently employed? (Prepare the name of your employer, approximate start date, job title, salary, full or part time, and type of work)
- If you have been at your current employment for less than one year, prepare the same information for your last employment.
- If you are not employed - how are you financially supporting yourself?

Resources &

Liabilities/Debts

- Vehicles: year, make, model, and estimated value of all vehicles including ATVs, motor homes, and boats
- Property: addresses and amount of equity (the market value of your home minus how much you have left to pay for it) in each, including time shares and vacation homes
- Additional Forms of Income: amount received monthly for pension, alimony, child support, unemployment compensation, Social Security Income (SSI), Social Security Disability Insurance (SSDI), or other forms of public assistance
- Total annual household income
- Total outstanding debt
- Are the fines, costs, and restitution related to your conviction paid in full? (If not, what is the outstanding balance and when is the last time you made a payment?)
- If you are unable to pay, what are your specific challenges that prevent you from doing so?

WHAT WILL THEY ASK ME AT MY INTERVIEW?

Education

- Did you complete high school, college, trade school, or a career certification program? (Prepare names of schools or programs, area of study, time of attendance, and degree, diploma, certification, or license obtained)

Military History

- Did you ever serve in the military? (If so, have your DD214 available and how you were discharged)

Community Involvement

- Do you attend religious services? (If so, where and what is your level of involvement?)
- Are you involved in the community? (Volunteer work, public offices, etc.)
- What is the organization name? (Position, status within the organization, and dates)

References

- **OPTIONAL:** Prepare a list of three personal or professional references. Make sure that everyone on the list knows that they will be contacted by phone and why. Other references may submit letters on your behalf.

Special Conditions

- Did you ever complete to a drug/alcohol or mental health evaluation? (If so, was treatment completed, and did you complete it?)
- Did you ever attend AA or NA? (If so, where and how often, what was your level of participation?)
- Did you participate in other programs, such as Alcohol Highway Safety School, Anger Management, Parenting or Domestic Violence classes, Victim Impact Panel, or CRN? (If so, what program(s), where, and how often? What was your level of participation?)
- Did you voluntarily complete any of the above?

Offense History

- What were the details of the events leading to your arrest?
- Have you had any contact with the police since your offense? (If so, include date, police department name, and the reason for the contact)
- Why are you requesting pardon?

Additional Info

- Anything else you feel is important for the Board of Pardons to know about you?