



*Guide to Pardons*



Pennsylvania Guide to Pardons

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Lieutenant Governor  
Austin Davis



# Lieutenant Governor's Message



Here in the Keystone State, we believe in second chances. For some, the path to second chances begins with the Board of Pardons. As the Board's Chairman, I am committed to making the clemency process easier and more efficient, ultimately providing opportunities for individuals to present their case for clemency.

The Shapiro-Davis Administration understands that clemency applicants wish to right wrongs, contribute more fully to society, and give back to their community. To help qualified applicants achieve those goals, the Board of Pardons eliminated application fees to mitigate the constraint of financial obligations. More recently, our Administration has proposed an increased budget for the Board of Pardons and dedicated funding for a commutations unit within the Department of Corrections.

Additionally, our Administration is actively working towards moving the pardon application process online; and we will continue streamlining the application process to provide opportunities for those who need them.

Though second chances begin at home with supportive family and community members, your journey towards a second chance within the legal system starts here. I wish you the best of luck in that journey.

A handwritten signature in black ink, appearing to read "Austin A. Davis". The signature is stylized and cursive.

Austin A. Davis  
Lieutenant Governor  
Chairman, 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**

You submit your application and court records to the Board. You will then be asked to complete a questionnaire or participate in an interview about yourself, depending on the circumstances of your case. Once the Board has reviewed your application and other information about you, if the members find merit in your application, they will vote at the Merit Review to give you a public hearing. At your public hearing, you will present your case to the Board and answer any question they may have.

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.

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 serving a sentence.

If you are not currently serving a sentence, 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 4.

Visit [www.bop.pa.gov](http://www.bop.pa.gov) for a current list of board members.



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

Print a free application, available at [www.bop.pa.gov](http://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
- Statement of Balance of Financial Obligations

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
- Statement of Balance of Financial Obligations

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 4.

### STEP 3: Follow Your Process

1. Once the Board of Pardons receives your application, it sends copies to the District Attorney and Sentencing Judge in the county of Conviction, and to the Department of Corrections.
2. Department of Corrections staff 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.
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 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.

1. 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.
2. 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. Requests for reconsideration must be made using the BOP prescribed form which can be found in the Process tab on the Board's website: [www.bop.pa.gov](http://www.bop.pa.gov).
3. 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 4.

## 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?
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	
<input type="checkbox"/>	STEP 1 - Understanding the Process
<input type="checkbox"/>	STEP 2 - Gather Your Documents
<input type="checkbox"/>	STEP 3 - Follow Your Process
<input type="checkbox"/>	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 and desire clemency for your sentence, then you can apply for a 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 (DOC) staff may advocate for the confined applicants in commutation cases.

Write to:

Pennsylvania Department of Corrections  
1920 Technology Parkway  
Mechanicsburg, PA 17050

----- Or -----

Call: 717-728-2573

The DOC 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.

# FAQ

## **Do I need an attorney to apply?**

No. Having an attorney won't expedite the process and may not result in you being more successful than you would be without one. There are online resources at [www.bop.pa.gov](http://www.bop.pa.gov) to help you complete your application.

## **What if the Court or Magisterial Judge cannot not 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](http://www.bop.pa.gov)



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