

KNOW YOUR OPTIONS

There are several options available to help Pennsylvanians clear or seal their criminal record depending on the grading of the offense and the length of time since the crime was committed.

1. Limited Access: *Seals your qualifying misdemeanor record from public view but does not expunge your criminal record. Limited access prevents your case from being provided to most employers, landlords and others. But Criminal Justice agencies still have access to the information and the case will still be on FBI records.*

2. Clean Slate Automatic Sealing: *Automatically seals non-convictions, some misdemeanors, and summary offenses after ten years from public view. Criminal Justice agencies still have access to the information, and the case will still be on FBI records.*

3. Act 134: *Allows the Courts to expunge a summary offense without being granted a pardon by the Governor. If an expungement is granted the State Police and FBI are notified to erase your record.*

4. Clemency Options:

a. Pardon - Total forgiveness by the State. A pardon allows the Courts, State Police, and FBI to expunge your record.

b. Commutation - A reduction of a prison or parole sentence.



Can a Sealed Conviction be Pardoned?



Yes, Sealed Convictions are Pardon eligible and can be added to Section 3 of the Clemency Application.

Visit the Unified Judicial System of PA website to find out if you are eligible:

<http://www.pacourts.us/learn/learn-about-the-judicial-system/clean-slate-expungement-and-limited-access>

Filing Instructions

If you decide the clemency process is right for you, it requires research, clear documentation of the facts, and patience.

To avoid rejection, please follow the instructions carefully prior to submitting your application. If you accidentally miss something, the Board of Pardons staff will attempt to inform you or your representative so corrections can be made.

Know Your Criminal History:

It is your responsibility to provide a complete criminal history to the Board in Sections 3 and 4 of the application. Only convictions provided in Section 3 will be considered in your request for clemency.

IMPORTANT NOTICE

- ✓ Provide written notification to the Board of Pardons office if you decide to withdraw your application at any time.
- ✓ You are **required** to keep our office updated on any change in contact information including phone number, address, and email address. **Updates must be provided in writing.**
- ✓ If you have any questions regarding the completion of your application, please contact the Board of Pardons office at 717-787-2596 between 11:00 and 4:00 or leave a message.

Step 1: Obtain Court Documents

Before you start filling out your application, you **must** obtain the following documents (applicants currently incarcerated, **do not** have to obtain the documents) from the Court of Common Pleas in the county where you were convicted:

- Criminal Complaint
- Affidavit of Probable Cause
- Criminal Information/Indictment
- Final Plea or Verdict
- Sentencing Order
- Proof of Payment of Financial Obligations (fines, costs, restitution, supervision fees)
 - *If you have an outstanding balance, provide a receipt showing your current balance and the date of your last payment.*

HELPFUL TOOLS

If unsure of your criminal record, the following websites may assist you in your search.

Court System Search:

www.ujportal.pacourts.us

State Police Criminal History:

<https://www.psp.pa.gov>

If your case(s) do not show up on either of the above websites, contact the Court of Common Pleas in the county where you were convicted.

BE ADVISED!

A copy of the court docket sheet is not an acceptable substitute for the required documents, except for proof of payment of financial obligations or outstanding balances. If the documents are not available, you **must** provide a letter from the Clerk of Courts stating that they are unavailable.

If your case was handled by a Magisterial District Judge and it has been more than seven years since you were sentenced, you are not required to obtain court documents as they have been destroyed.

Step 2: Filling Out the Application

Section 1 – Type of Clemency Requested

- ✓ Check the type of clemency requested.
- ✓ Check if you have applied for clemency before in any state, including Pennsylvania, or with the federal government. Provide the requested details.
- ✓ Confined applicants serving a Life or Death Sentence who also have a detainer sentence must check Commute Min or Max in addition to your primary clemency type.

Section 2 – Applicant Information

- ✓ Complete all applicable fields.
- ✓ Incarcerated applicants **must** be represented by a private attorney, friend, family member, or a Pardons Case Specialist/Parole Manager. Be sure to have your representative review your application prior to submission. (**Mailing address to submit your completed application will be in Step 3, after you have completed all applicable items in these filing instructions.**)

Section 3 – Convictions For Which Clemency Is Requested

NEED MORE SPACE?

Please do **not** alter the application. Continuing a response to a question on paper that is not part of the official application or saying “**see attached**” or any variation of this is **not** acceptable.

If additional space is needed, you **must** use a supplemental page. Supplemental pages have been included for Sections 3, 4 and 5. Please make copies as needed or obtain additional supplemental pages from our website at www.bop.pa.gov.

Confined applicants can obtain additional supplemental pages from their institutional library.

- ✓ **Date of Incident:** The date the crime occurred (which may be different than the arrest date.)
- ✓ **OTN:** This is the **Offense Tracking Number**; find it on the Criminal Complaint.
- ✓ **Offense(s):** List each charge resulting in a conviction. Do not list the crimes code number.
- ✓ **In your own words, provide detailed facts of the incident, which must include how you were involved.**

- ✓ **To the best of your ability, answer** →

TIP

Who was involved?

What did you do?

When did you do it?

Where did you do it?

Why did you do it?

TYPES OF CLEMENCY

Pardon: Complete forgiveness.

Commute Life Imprisonment to Life on Parole

Commute Death Sentence to Life Imprisonment

Commute Parole: Get off parole early.

Commute Minimum or Maximum Sentence: You are requesting release prior to serving your full sentence.

Expedited Review: Non-Violent Marijuana Convictions(s) and or Paraphernalia

Representative's Name Section

If you are representing yourself, leave this section blank. If completed, the person listed will be contacted if there are any questions regarding your application.

Section 4: Additional Criminal Information and Driver History

The Board of Probation and Parole conducts a detailed investigation on each application and will report on any criminal record found. The Board of Pardons appreciates you reporting your **complete** criminal history.

Juvenile Charges, Adjudications of Delinquency and/or Consent Decrees:

List any juvenile charges, adjudications of delinquency or charges which resulted in a Consent Decree to the best of your recollection.

Adult Charges:

List any adult charges **not** included in your clemency request. You are not required to list charges that have been expunged.

Traffic Citations:

List only traffic citations/tickets from outside of Pennsylvania.

Section 5: Optional Personal Statement

If you decide to include the **OPTIONAL** personal statement, it **may** include:

- ✓ a summary of how your life or circumstances have changed since your last arrest
- ✓ reasons you seek clemency
- ✓ reasons you feel you are a good candidate for consideration
- ✓ information you feel supports your request

Section 6: Signature

Carefully read this section, sign, and date the application to confirm your understanding.

Step 3: Submitting Your Application

Required

Court Documents
Completed & Signed Application

Optional

Certificates
Diplomas
Recommendation Letters
Supporting Documents

Recommended

Keep a copy of everything you submit
for your personal records.
If represented, have your rep review
your application before submitting it.

Notice

Before mailing your packet, be sure all sections and required fields are filled out according to the instructions and you have all the required documents for cases you are seeking clemency. Incomplete packets risk rejection. If you have questions, please contact our office at (717) 787-2596.

Confined Applicants

Mail To:

Pardons Case Specialist/Parole Manager
Bureau of Standards and Accreditation
Pennsylvania Board of Probation and Parole
1920 Technology Parkway
Mechanicsburg, PA 17050
(717) 728-0386 or (717) 728-4727

Non-Confined Applicants

Mail To:

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

(717) 787-2596

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, parole, and payment of all fines and costs. 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 August 15, 2012.