



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF LIEUTENANT GOVERNOR
MIKE STACK

12/17/15

Re: Pathways to Pardons

Dear Drug and Alcohol Facility,

Drug and alcohol addiction has impacted all Pennsylvanians at some level. It may be personal, it could be a brother or sister, a cousin, or a friend, but make no mistake we have all seen the negative impacts of drug and alcohol addiction. Sometimes, these negative impacts include a criminal conviction that a person would not have committed had they not been under the influence of drugs or alcohol. Below, we have some information that we want to provide to you in support of Pennsylvanians in recovery, which we hope you will pass onto your clients at a time that is in your client's best interest clinically.

As you well know, individuals with a history of substance abuse often have a past that is checkered by crimes they committed while suffering from addiction. Once fully committed to recovery, their criminal history, while not representative of the people they are today, continues to thwart their ability to lead fully productive lives by limiting their career opportunities, their ability to get jobs, and even their ability to get housing or financial credit.

For those fully committed to their recovery, evidenced by approximately five years in recovery and with no criminal related activity, there is hope. Specifically, they can seek a pardon by filing an application with the Pennsylvania Board of Pardons ("Board"). A pardon is a forgiveness of crime and the cancellation of the relevant penalty, making it possible for the crime to be expunged completely from the person's criminal record. In Pennsylvania, the Governor can grant a pardon, but only upon the recommendation of the Board.

Because the pardons process takes about three years, it is advisable to file an application for a pardon with the Board when seven years have passed from the conviction. Importantly, it is *not* necessary for applicants to be represented by an attorney to seek a pardon. In addition, to be successful, candidates should have completely paid *all* of their court costs, fees and restitution. For individuals in recovery, the Board will want to hear about the applicant's recovery process, prior and current support systems and details related to their sobriety.

Please also be advised that your clients who are only convicted of summary offenses may not need a pardon and should consider seeking an expungement at the county level. For misdemeanors and felonies, once applicants have successfully had their crimes pardoned by the Governor, they still need to file an expungement petition with the courts to have the criminal record taken off the books.

Please see the attached Pennsylvania Board of Pardon's document, which you are welcome to post at your facility and to duplicate and distribute to your clients. The Board's website at www.bop.state.pa.us is an excellent source of information, as well. It is our sincere hope that this information will help you to further assist your clients in recovery with finding their pathways to pardons in order to remove the barriers created by a criminal record that limits their current job opportunities.

Sincerely,

Handwritten signature of Mike Stack in black ink.

Mike Stack
Lieutenant Governor
Commonwealth of Pennsylvania

Handwritten signature of Gary Tennis in black ink.

Gary Tennis
Secretary, Department of Drug and
Alcohol Programs



Seeking a Pardon

IF YOU HAVE BEEN CONVICTED OF A CRIMINAL OFFENSE ...

The Board of Pardons exists as a separate entity that has the authority to make recommendations to the Governor for pardons, reprieves, commutations of sentence, and executive clemency. The Governor grants clemency **only** upon a favorable recommendation by the Board of Pardons. The Governor is not bound to accept the recommendation of the Board of Pardons, but exercises an independent judgment in all cases.

Some factors considered by the Board of Pardons in evaluating Pardon/Commutation requests

How much time has elapsed since the commission of the crime(s)?

Has the applicant complied with all court requirements?

Has the applicant made positive changes to his/her life since the offense(s)?

What is the specific need for clemency?

What is the impact on the victim(s) of the offense(s)?

Procedure: Complete an application. Instructions and more information can be found on the PA Board of Pardons website: www.bop.state.pa.us/

Some of the rights and privileges restored after a pardon: Holding public office, owning and carrying a firearm, service in the military, international travel, employment in varying fields i.e. nursing, education, security, legal, etc.



DID YOU KNOW 70% OF APPLICATIONS RECEIVED ARE FOR DRUG CONVICTIONS? APPROX. 60% OF APPLICANTS REPORT SUBSTANCE USE DISORDERS.

What is a pardon?

A pardon is the forgiveness of a crime and the cancellation of the relevant penalty.

Will my record be cleared if I am given a pardon?

No, a pardon does not remove or clear your record, but it 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 I receive a pardon, and then am asked by an employer or future employer whether I have been convicted of a crime, can I say no?

Yes, you can say that you were never convicted of a crime because of the holding by the Supreme Court of Pennsylvania in *Commonwealth of Pennsylvania v. Suttley*, 378 A.2d 780 (Pa. 1977). The Court held that a pardon is defined as "the exercise of the sovereign's prerogative of mercy. It completely frees the offender from the control of the state. It not only exempts him from further punishment but relieves him from all the legal disabilities resulting from his conviction *It blots out the very existence of his guilt, so that, in the eye of the law, he is thereafter as innocent as if he had never committed the offense.*" It is recommended, though, that such a denial be explained as based on the existence of a pardon.

*Under Act 134, persons convicted of a **summary offense** are eligible to request that their record be expunged by the Court of Common Pleas of the county where the offense took place, after a 5-year waiting period following the conviction (usually the date of payment of your fines and costs). Act 134, for the first time, allows for expungement of most summary offenses by a court without first being granted a pardon by the Governor. However Act 134 does not grant individuals the ability to claim they were never convicted as with a pardon.

www.bop.state.pa.us/