



Erasing Your Criminal Record: How to Get a Pardon in Pennsylvania



COMMUNITY LEGAL SERVICES
OF PHILADELPHIA

February 2016

WHAT IS A PARDON?

A pardon is an act by the Governor of Pennsylvania that erases a conviction from your criminal record. **In Pennsylvania, a pardon is generally the only way that felony and misdemeanor convictions can be eliminated.** These convictions cannot be expunged by a court, though certain eligible misdemeanors can be sealed from the public after enough time has passed.

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. It will cost \$8.00 for an application, an additional \$25.00 in filing fees, \$10.00 to get a PA State Police record, \$10.00 for your Full Driving History, and the cost of passport photos, copies of documents, and postage. But if you are successful, you can have a clean criminal record again.

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 one minor offense that was committed at least five years ago, or a more serious offense that was committed at least ten years ago.

The most common types of crimes to receive pardons include shoplifting and disorderly conduct. Typically, serious crimes are only pardoned if several decades have passed since the crime was committed. **The longer you have stayed out of trouble, the better your chances of getting a pardon.**

HOW DO I APPLY FOR A PARDON?

Request the application

The first step is to send a short letter to the Board of Pardons (BOP) requesting an application for a hearing (see address on back). With this letter, you must include an **\$8.00 money order, cashier's check or certified check payable to the Commonwealth of Pennsylvania, and a self-addressed business size envelope with \$1.40 of postage on it. Personal checks will not be accepted.**

Collect the required documents

As the application's instructions will explain, you will need to gather some information and documentation for your application. For instance, you will be required to order your complete criminal history from the PA State Police. **It can take as long as six months for this record to be sent to you, so you should send away for it as soon as you begin the pardon application process.** You will also need to request your Full Driving History from the PA Department of Transportation and get one color passport-sized photo.

Gather necessary information and supporting materials

You will need to track down information about your conviction(s), such as the date of the crime, the place where you were tried, and the name of judge who presided over your trial and/or sentenced you. You must also list every time you were arrested and any citation you ever received. This information often can be gathered at your county courthouse. You will have to go to the Courthouse in the County where you were sentenced and get copies of certain documents from the original file such as the Disposition/Sentencing Order.

Although not required, you should also consider getting letters of recommendation and any documents that show positive changes in your life (such as diplomas or awards).

Fill out the application

The application is several pages long and asks you a variety of questions. **The most important questions on the application require you to discuss the specific details of the crime, your conduct since the crime was committed, and your explanation of why you should be pardoned. It is extremely important that you tell the Board that you accept responsibility for the acts which led to your conviction(s). Explain your answers to these questions in as much detail as possible.**

Send in your completed application

Be sure to read the instructions carefully. Once you finish the application, you must make **five copies** of the application and send it to the Board along with all required and supplemental documents and a \$25.00 money order. If your application is missing anything, the Board will send it back to you.

Requesting a fee waiver

You can try to get the Board to waive the \$33.00 of its fees if you feel that you cannot afford it, but the Board almost never waives fees for people who are not currently in prison. To do this, your first letter to the Board should request the form for what is called an "in forma pauperis" application. You will still have to include a self-addressed envelope with \$1.40 in postage. When you receive this form, you can fill it out and send it back to the Board of Pardons. **But you should make every effort to pay the filing fees, because the Board considers your financial situation in deciding to recommend a pardon.**

WHAT HAPPENS NEXT?

Your application is filed

Assuming your application is complete, the Board will file your application within 2-4 months of receiving it.

Interview by state parole agent

About two years after the Board files the application, a state parole agent will interview you at your home, to collect information to determine whether you are "a responsible, contributing member of society." He or she will ask about who else lives with you and about your conduct since the crime was committed. You should be prepared to make points in your favor, such as any community service, military service or religious activities in which you have participated. The agent will also ask you personal questions, such as whether you are married and have children, where you work, and if you owe any loans. It is important that you cooperate with the agent. If the agent asks any questions that make you uncomfortable, please explain your concerns rather than refusing to cooperate. The agent will then prepare a report based on this interview.

The board reviews application

At this point, your investigation report, any opinions that might be submitted by the local trial judge and district attorney, and your application are sent to the Board to be reviewed. The Board consists of five members: the Lt. Governor (the chair); the Attorney General; a victim representative; a corrections expert; and a psychologist. To get a hearing, generally at least two members of the Board must vote to grant you one. It typically takes one year until the Board decides whether or not to grant you a public hearing. If the Board does not grant you a hearing, your application has been denied. If you are granted a hearing, it is held within the next couple of months, in Harrisburg.

Hearing in Harrisburg

If you are granted a hearing, you will need to attend the hearing and speak for yourself 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. You may want to bring someone else 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 a career.

The board takes a public vote

The board takes a vote on all cases presented at the hearing at the end of the hearing session. If fewer than three of the five members of the Board recommend that you receive a pardon, your application is denied. **If at least three members vote in your favor, the Board's recommendation that you receive a pardon will be sent to the Governor.**

The role of the Governor

The Governor has the final say about whether you are granted a pardon, but he tends to follow the recommendation of the Board. Once the Board's recommendation is sent to the Governor, it can take up to a year for a final decision. If the Governor grants the pardon, you will receive a signed document from him.

Expunging the record

The final step is to go to the clerk of court in the county where you committed the offense to request an expungement. You will need to file a petition and attach the signed pardon document from the Governor. A judge will then order that the record be expunged, and within two to six months, all records of the crime for which you received a pardon will be erased by both the court and the Pennsylvania State Police.

RESOURCES AND CONTACT INFORMATION

1. Board of Pardons

333 Market Street, 15th Floor
 Harrisburg, PA 17126-0333
 (717) 787-2596
<http://www.bop.pa.gov/>

2. Pardon Me Clinic

What: Provides assistance to people in Philadelphia who are applying for pardons
Where: There are clinics in West, South, and North Philadelphia
For more info: Contact Wayne Jacobs at 215-668-8477

3. Community Legal Services

Center City Office: 1424 Chestnut St., Philadelphia, PA 1910, 215-981-3700
North Philadelphia Law Center: 1410 West Erie Ave, Philadelphia, PA 19140, 215-227-2400, www.clsphila.org