

Pardons in PA

Spreading The *AMAZING* News Through Adult Education

January 20, 2021

Tobey Oxholm, Director, Pardon Project

oxholm@plsephilly.org



The Problem: Histories

“Research confirms that, nationwide, **a past conviction history** raises **well over 40,000 barriers** to employment, education, housing, loan borrowing, professional licensing, voting among numerous other **post-punishment punishments.**”

~National Inventory of Collateral Consequences of Conviction - American Bar Association (2016)

Occupations in PA where the licensing board may or does consider criminal histories

Accountant, Architect, Athletic trainer, Auctioneer, Barber, Bondsman, **Casino employee**, Chiropractor, **Cosmetologist**, Dental hygienist, Dentist, Employment agent, Engineer, **Funeral director**, Geologist, Home health care, Horse racing, Hunting/trip permit, **Insurance adjuster**, Land surveyor, **Medical technician-emergency (EMT)**, Midwife, Mortgage broker, Motor vehicle dealer, Nurse (registered nurse and licensed practical nurse), Occupational therapist, Optometrist, Osteopath, Pawnbroker, Pharmacist, **Physical therapist**, Physician, **Physician's assistant**, Podiatrist, Private detective, Psychologist, Radioactive waste disposal, **Real estate appraiser**, Real estate broker, Salesperson of game of chance, Speech pathologist, **Social worker**, Tax assessor, **Taxi driver**, Teacher of the impaired, **Truck drivers** of hazardous materials, **Vehicle damage appraiser**, Veterinarian, **ANY job involving "routine interaction with children"**

Occupations in PA where the licensing board may or does consider criminal convictions

Accountant, Architect, Athletic trainer, Auctioneer, Barber, Bondsman, **Casino employee**, Chiropractor, **Cosmetologist**, Dental hygienist, Dentist, Employment agent, Engineer, **Funeral director**, Geologist, **Home health care**, Horse racing, Hunting/trip permit, **Insurance adjuster**, Land surveyor, **Medical technician-emergency (EMT)**, **Midwife**, Mortgage broker, Motor vehicle dealer, **Nurse (registered nurse and licensed practical nurse)**, **Occupational therapist**, Optometrist, Osteopath, Pawnbroker, Pharmacist, **Physical therapist**, Physician, **Physician's assistant**, Podiatrist, Private detective, Psychologist, Radioactive waste disposal, **Real estate appraiser**, Real estate broker, Salesperson of game of chance, Speech pathologist, **Social worker**, Tax assessor, **Taxi driver**, **Teacher of the impaired**, **Truck drivers** of hazardous materials, **Vehicle damage appraiser**, Veterinarian, **ANY job involving "routine interaction with children"**

Using Criminal Histories

- 90% of employers, 80% of landlords, and 67% of colleges screen for criminal records
 - *All* of PA's 18 state college include a question on their application forms asking about criminal histories
- Criminal records bar 100's of jobs & **SBA loans**
- Allegheny County, Allentown, Bethlehem, Lancaster, Northampton County, Philadelphia, Pittsburgh, Reading and York County all have some version of “**Ban the Box**” law, but ...
- ... criminal records are available 24/7/365

ujportal.pacourts.us

Deliverables from Today's Presentation

- Who can apply for a pardon
- How long the process takes
- What documentation the individual needs
- Why the individual needs to “own”/do this
- Why it's worth doing
- Why it's worth teaching as part of Adult Ed
- What resources are out there to help

Deliverables from Today's Presentation

- Who can apply for a pardon - **ANYONE**
- How long the process takes – **2.5 YEARS, but it's speeding up**
- What documentation the individual needs – **Court Records plus supporting materials**
- What resources are out there to help

www.plsephilly.org

Clearing Criminal Histories

- Expungement vs Sealing (“Clean Slate”)
- Convictions for felonies and misdemeanors can be **expunged** (erased) by a judge only after receiving a **pardon** from the Governor
 - **The Governor can only consider candidates recommended to him by PA Board of Pardons**
- **Board of Pardons: 5 members**
 - Lt Governor (Chair), Attorney General, plus: victim advocate, medical doctor, corrections expert

The Pardon Process

(Why the Individual Must Own This)

- 1) **Application** (download from website)
www.bop.pa.gov
- 1) **Investigation** by Probation & Parole
(applicant, victim, DA, judge, employer...)
- 2) **Merit Review** by the Board – to decide
who gets a hearing (**2 votes required**)
- 3) **Public Hearing** before, and Vote by, the
Board of Pardons (**3 votes required**)
- 4) **Decision** by the Governor

Where We *ARE!* (Dec 2020)

- Application form is free, online, written in Plain English (mostly), and only 5 pages
- “Pardon Coaches” being trained across PA
- # applications have more than doubled
- Process taking 2 years (filing to hearing)
 - 1 year for marijuana/paraphernalia convictions
- *Total change* in nature of the “current status” investigation by the Board of Probation/Parole
- Hearings held via Zoom, 160+/session
- “Consent agenda” votes (60 at one time)

Pardons – The *MOST* Amazing News

- * The Board of Pardons is recommending **over 80%** of all pardon applications it hears
- * The Governor is approving **99%** of all pardon recommendations
- * The Courts are expunging **100%**

More Good News: PA Workforce Advisory Board

Recommendation: **Increase the capacity of the Board of Pardons (BOP) to both decrease the amount of time for an application to be considered and to increase the number of individuals who can have their pardons heard within one year.**

Recommendation to Gov. Wolf

August 12, 2020

“Expanding the use of pardons stands to economically improve the individual lives of those who were once convicted of crime, the communities in which they live, and the Commonwealth as a whole.”

Economy League Report on Pardons

<http://economyleague.org/pardonimpact>

The Application for a Pardon
and
Why It's *So Easily* Part
of Adult Basic Education

www.bop.pa.gov

Who Gets Pardoned?

What the BOP is Looking For

AT THE TIME OF THE HEARING

- 5+ years of no problems *since COMPLETION of sentence* {10+ if crime involved sex or serious violence}
- 5+ years of “clean and sober” if crime involved drugs or alcohol
- Independent confirmation of rehabilitation
- Reasons to stay on “straight and narrow”
- Evidence of “giving back” to the community

The Benefits of *Just Applying*

- Reclaiming your definition
- Focusing on the future
- Creating a portfolio that can be used in applying for jobs, credit, education, ...
- Incentives for volunteering / community engagement

The Benefits of *Just Applying*

- Reclaiming your definition
- Focusing on the future
- Creating a portfolio that can be used in applying for jobs, credit, education, ...
- Incentives for volunteering / community engagement

Hope

Questions/Comments

Today / Now

-or-

oxholm@plsephilly.org

info@plsephilly.org

RESOURCES

- PLSE website (designed for clients):
www.plsephilly.org (sign up for newsletters)
- Extensive Video Library:
www.plsephilly.org/video-library/
- BOP website: www.bop.pa.gov
- Online records: www.ujportal.pacourts.us

Tobey Oxholm, Director, Pardon Project
oxholm@plsephilly.org