

Lebanon County Criminal Justice Advisory Board
Minutes of the Meeting of August 9, 2022

Time: 11:00 a.m.

Place: Second Floor Conference Room, MH/ID/EI, 220 East Lehman St., Lebanon

Present

Pier Hess Graf, District Attorney and CJAB Chair; Holly Leahy, MH/ID/EI Administrator and CJAB Vice-Chair; Honorable John C. Tylwalk, President Judge; Robert J. Phillips, County Commissioner; Jamie Wolgemuth, County Administrator; Audrey Fortna, Director of Probation Services; James Donmoyer, Director of Drug and Alcohol Commission; Stephanie Axarlis, Court Administrator; Stephanie Hamersky, Assistant Director, Domestic Relations; Tina Litz, LCCF Warden; Jon Hess, County Police Chiefs; LeAnne Burchik, Executive Director, Domestic Violence Intervention; Brian Deiderick, Chief Public Defender; and, John P. Shott, CJAB Planner.

Absent

Jeffrie Marley, Sheriff; Erin Moyer, Director, Children and Youth; Carla Cyr, Veterans Justice Outreach; and, Kim Mackey, PCCD Regional Representative.

Guests

Lori Burrus and Michael Schroeder, Lebanon Chapter of the N.A.A.C.P.; Nathan Lytle, Community Peer Group; Bevan Allen, DDAP/F.O.R.E.; and, Susan Wright, PA Counseling/F.O.R.E.

Proxy entered for the record: Stephanie Hamersky, Assistant Director, for Michael Anderson, Director, Domestic Relations.

CJAB Chair Pier Hess Graf called the meeting to order at 11:03 a.m. Presence of a quorum noted.

Minutes of June 14, 2020 CJAB Meeting—Approved on a motion by Ms. Leahy, seconded by Ms. Fortna.

The Chair introduced today's guest presenter: Professor Michael Schroeder, Branch Secretary and Chair of the Public Safety and Criminal Justice Committee, Lebanon Chapter of the N.A.A.C.P. Professor Schroeder gave a brief presentation about the Pardon Project, an initiative of the Philadelphia Lawyers for Social Equity. The Project's focus is on giving certain offenders who have improved themselves an opportunity to shed the burden of their criminal actions. Offenders who receive pardons have their convictions erased from their records and no longer have to "check the box" when filling out an application. Professor Schroeder noted that the Pardon Project now has partners in 13 counties and urges Lebanon County to endorse the project and become the 14th. This would involve the District Attorney's Office and the Prothonotary's Office making available the criminal records of those who are eligible for and express an interest in receiving a pardon recommendation from the Board of Pardons and, possibly a pardon from the Governor. It would also entail asking the President Judge to help in facilitating and expediting the process for applicants. ***(Material from Professor Schroeder's presentation attached to the minutes.)***

The President Judge noted that he has been receiving a growing number of inquiries about pardons in recent years. Usually, these inquiries come to the original sentencing judge; the President Judge addresses these inquiries in cases where the original sentencing judge is retired or deceased.

REPORTS OF STANDING COMMITTEES

- **D.U.I. Court**—At present, 24 offenders are participating in the program; the Court removed one participant from the program this morning. Team members recently attended a conference for drug court professionals at which they received and heard several good ideas that Lebanon County could use.
- **Prison Reduction**—Average Daily Population (ADP) at the end of July was 291. At present, the LCCF has 22 staff vacancies. No final decision on whether to reinstate work release for eligible inmates; the LCCF solicitor is reviewing the issue. The vivitrol project at the LCCF has been at a standstill because the former vendor, RASE, was not able to deliver the services. LCCF has found another vendor, though cost figures are still pending.
- **Mental Health**—TEAM M.I.S.A. (Mental Illness and Substance Abuse) continues to meet monthly and has, to date, discussed the cases of 36 individuals. Statistical breakdown: 35 have mental-health history or issues, two have intellectual disabilities; 16 have drug/alcohol issues, two veterans; nine have experienced chronic homelessness.

Renovations are proceeding on the County-owned cottage behind the MH/ID/EI building. This unit will provide transitional housing for up to three individuals. County is currently waiting on needed appliances to arrive. The plan is to have the dwelling ready for occupancy no later than Dec.31, with the first referrals in early 2023.

The County has confirmed seven suicides so far in 2022. Statistical breakdown: four male, three female; three by firearm, three by overdose, one stepping in front of a train; two veterans; five victims from Lebanon, one from Palmyra, one from Myerstown; three with known mental health history; two known to MH/ID/EI; six white, one black. Number of reported suicides in the county for 2021 was 19.

- **Veterans Court**—Current number of participants is 19, with one admission and one removal pending. Lebanon County Veterans Court softball team recently won a trophy for its stellar performance on the softball field. Trophy now prominently displayed in Courtroom 1.
- **Drug Court**—To date, no one has been admitted to this new Treatment Court program, though the Court has received some applications.

CJAB DEPARTMENTS: REPORTS AND ISSUES OF INTEREST

Day Reporting Center—Current number of active participants is 22. The Court and Probation continue to work on ways of boosting the number of participants.

Heroin Task Force—To date, the County has confirmed 14 overdose deaths, with some cases pending. Statistical breakdown: nine male, five female; 8 involved fentanyl; 13 victims were county residents, including 12 residing in the 17042 or 17046 zip codes; youngest victims was 19, oldest was 67; 12 white, two Hispanic. Number of confirmed overdose deaths in 2021 was 31.

Narcan is still available through Mr. Donmoyer's office.

Upcoming events:

August 31, Overdose Awareness Vigil, 6-7 p.m.;

September 24, Lebanon Recovery Day at Monument Park, 12 -4 p.m.

The County is anticipating the first round of funding from the opiate settlement by the end of August, though the actual amount is unknown at this time. Mr. Donmoyer has received several ideas on ways to utilize the funding; however, the County may expend these funds solely to address opiate disorders.

Offender Reentry Coalition—Bevan Allen and Susan Wright were on hand to present a brief update on the status of reentry in Lebanon County and their plans to reinvigorate the coalition. A FY 2021-2022 Memorandum of Understanding between Community Action Partnership (C.A.P.) and First Opportunity in Re-Entry (F.O.R.E.) identifies roles and responsibilities of each party as they relate to contracting services for re-entry systems in the County. F.O.R.E. hopes to have a meeting of the Reentry Coalition and its various committees in the near future. F.O.R.E. also recognizes that the Coalition needs to update the Offender Reentry Strategic Plan adopted by the Coalition in February 2016. F.O.R.E. will keep the CJAB updated as developments unfold.

Other Updates from CJAB Department—

IP Funding for FY 2022-2023—The County has received the official Award Letter from PCCD that authorizes \$236,848 in IP-Treatment funding for FY 2022-2023. The grant budget appropriates funding for the new Drug Treatment Court. It also directs funding for other components of the IP-Treatment Plan, such as electronic monitoring/house arrest and the Day Reporting Center. These proposals adhere to grant guidelines and funds services for offenders who meet the criteria under Act 115 of 2019 (Restrictive Conditions of Probation).

Body-Worn Camera Grant for Probation Services—PCCD has administratively rejected the County's grant application to purchase body-worn cameras for Adult and Juvenile Probation Officers. According to PCCD, probation officers do not have general arrest authority and, therefore, do not qualify as law-enforcement officers under the grant criteria. It is still feasible, however, for Probation Services to purchase body-worn cameras with other funds, most likely Act 35 Supervision Fees.

ITEMS FROM PREVIOUS MEETING

NEW BUSINESS

- ***Review of CJAB Bylaws***—PCCD reminds all CJABs in the Commonwealth to review their bylaws periodically. Last official review of Lebanon's Bylaws took place in Spring 2021, when Board amended the Bylaws to add Domestic Violence Intervention as a core member. PCCD also recommends that CJABs review and updated their Strategic Plans.
- ***Agenda Format***—Kim Mackey of PCCD contacted Mr. Shott asking if PCCD could use our CJAB's agenda as a basic format to share with other CJAB Chairs and Coordinators, some of whom are struggling with meeting and/or agenda formats. Members voiced their willingness to share our format.

ADJOURNMENT—With no further business to conduct, the Chair declared the meeting adjourned at 11:50 a.m. on a motion by Ms. Axarlis, seconded by Ms. Leahy.

NEXT CJAB MEETING: Tuesday, October 11, 2022, 11:00 a.m., MH/ID/EI

The Pardon Project

A Presentation to the Lebanon County Criminal Justice Advisory Board (LC-CJAB)

Lori Burrus & Michael Schroeder
Lebanon County NAACP Branch 26AA
August 9, 2022

We are here today to ask the members of the LC-CJAB for their help in bringing the Pardon Project here to Lebanon County. An initiative of the Philadelphia Lawyers for Social Equity (PLSE, at <https://www.plsephilly.org/>), “The Pardon Project was created to give people who have improved themselves a realistic chance to stop being defined by the worst things they’ve done in their lives. A pardon means you have been forgiven by the government for the crime you committed, and leads to having your convictions erased from your record. After a pardon, you don’t have to ‘check the box’ when filling out an application, nor do you have to tell anyone that you were ever convicted.”

In addition to this cover letter, we are including three items in this packet:

1. A helpful and informative article by Sharon R. López and Taylor E. Pacheco, “Pardon Projects: Communities Coming Together in Restorative Justice” published in *The Philadelphia Lawyer* (Jan/Feb 2022), pp. 26-32.
2. A press release dated April 22, 2020 by the Economy League of Greater Philadelphia, “New Economy League Study Explores Economic Impact of Pennsylvania Legal Pardons” announcing its 42-page report, “Pardons as an Economic Investment Strategy: Evaluating a Decade of Data in Pennsylvania,” accessible at <https://economyleague.org/driving-regional-change/campaigns-projects/the-impact-of-pardons>.
3. A two-page PLSE document, “Role of the District Attorney Office in Successful Pardon Projects,” June 2021 (<https://www.plsephilly.org/wp-content/uploads/2021/11/DAO-role-in-successful-Pardon-Projects.pdf>).

As the April 2020 press release says, “This report, which builds on the Economy League’s 2011 findings in, *The Economic Benefits of Employing Formerly Incarcerated Individuals in Philadelphia*, demonstrates that pardons can be viewed as more than just individual acts of clemency, but also a no-cost community reinvestment policy. Pardons are a powerful workforce development tool that can help uplift not only individuals, but the communities in which they reside and the economies in which they contribute.”

Begun in summer 2018 by the PLSE, the Pardon Project now has partners in 13 of Pennsylvania’s 67 counties: Allegheny, Beaver, Berks, Centre, Erie, Lackawanna, Lancaster, Washington, Bucks, Chester, Delaware & Montgomery, and Philadelphia.

With your help, we’d like to make Lebanon County the 14th.

We are asking for three things from the members of the LC-CJAB:

1. We’re asking for your general endorsement and support of the idea of the Pardon Project and bringing it to Lebanon County.
2. We’re asking for the help of the District Attorney’s Office and the Prothonotary’s Office in making available the criminal records of people who are eligible for and express interest in receiving a pardon recommendation from the Board of Pardons and a pardon from the governor.
3. We’re asking for the help of the President Judge in facilitating and expediting the process for applicants.

Thank you.

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Additional Resources:

- Resources for New Pardon Projects: <https://www.plsephilly.org/pardon-project-statewide/resources/>
- Our NAACP Branch 26AA webpage on the Pardon Project: <https://lebanonnaacp.org/pardonproject>

The Pennsylvania Lawyer

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Family Lawyers as ADR Facilitators

Also in this Issue:

- Hollywood Courtroom Dramas and Trial Techniques
- Firing Medical Marijuana Card Holders
- Community Pardon Projects

Pardon Projects: Communities Coming Together in Restorative Justice

By Sharon R. López and Taylor E. Pacheco

"It just wouldn't have happened without their help," said Akeem Sims, sent to prison in 2006 for dealing cocaine and now on his way to becoming a CPA at a major financial services firm, thanks to a pardon he obtained with the help of law student "pardon coaches" at the University of Pennsylvania.

Issues that unite prosecutors and public defenders, the left and the right, business leaders and community organizers, and people of all faiths are an endangered species these days. But on one issue of criminal justice, most agree: Granting pardons to qualified former offenders enables them to qualify for jobs, housing and educational opportunities and allows them to become successful, contributing members of their communities.

"I am totally committed," said Eugene Vittone, who was Washington County district attorney, president of the Pennsylvania District Attorneys Association and one of the founders of the first pardon projects in the state. "Once offenders have 'repaid their debt to society' as a judge has decided, then I think we all owe it to ourselves to give them the best chance they can to succeed and become contributing members of society. And that's a pardon." (Vittone died in late August 2021, shortly after completion of this article.) In launching the Pardon Project of Berks County, District Attorney John Adams predicted, "This will be beneficial not only to the individuals seeking a pardon but in the long run, will benefit our entire community."



Beaver County District Attorney David Lozier is widely credited for his leadership in creating the pardon project there. Dr. Cheryl King, executive director of the Franklin Center (a community nonprofit serving homeless and low-income persons), explained: “Dave hasn’t missed a single meeting. He got our information on the county’s website, mobilized the bar association and helped screen the first pardon clients who were referred to our first pardon coaches.” “It’s primarily thanks to him that we have people lining up both for help, and to help,” said community organizer Rico Elmore. Elmore and Americans for Prosperity’s Emily Greene were the conveners and driving force for the Pardon Project of Beaver County.

“I’ve been seeing one pardon application per month, and supporting them,” said Lozier, “but I bet there are a thousand folks in this county who deserve that second chance.”

Why are pardons the issue?

What unites people across the state and the political divides is the potential for economic stability and empowerment that lies in the elimination of criminal history records. The movement began in the summer of 2018 as leaders began to realize the problems those histories were causing.

“It’s crushing that what someone was charged with 10 or 15 years ago, very often when they were young adults, can completely wipe out everything that person has done since then to improve themselves, even if they have accepted responsibility [for their crimes],” said Sarah Martinez-Helfman, president of the Samuel S. Fels Fund in Philadelphia. Dr. Nikia Owens, former managing director of Financial Security for the United Way of Greater Philadelphia and Southern New Jersey, put it more starkly: “Our society can invest every dollar we have in job training and

Granting pardons to qualified former offenders enables them to qualify for jobs, housing and educational opportunities.



“We’re in the business of second chances.”

workforce development, but we have no chance to succeed if these individuals are still prevented by the bad choices they made decades ago from getting the jobs or housing for which they are qualified today.”

Earl Buford, who recently served as CEO of Partner4Work, the workforce development agency for Pittsburgh and Allegheny County, agreed: “It is undeniable that criminal records are a major factor in keeping people in poverty. Their records are preventing them from getting jobs that are available and for which they are qualified. For some, these are professional jobs in accounting and health care; but even at the trades level, a criminal record stops them from enrolling in training programs or taking the examination that leads to a state license.”

The process wasn’t working well until the Pardons Board made key changes.

The only way to erase a conviction for a misdemeanor or a felony in Pennsylvania is to get a pardon from the governor, and the only way to get to the governor is by first getting the recommendation of the statewide Board of Pardons (BOP).

You may have heard of Clean Slate. First in the country, this Pennsylvania law was championed by Sens. Scott Wagner (R-York) and Anthony Williams (D-Delaware, Philadelphia) and Reps. Sheryl DeLozier (R-Cumberland) and Jordan Harris (D-Philadelphia). It passed with near unanimity as Act 56 of 2018 and was quickly signed by Gov. Tom Wolf. The law requires that certain criminal records — arrests that don’t end in convictions and certain low-level misdemeanors that occurred at least a decade ago — be “sealed” (hidden from public view) through an automated process. But for Pennsylvanians with higher-level convictions, such as felonies and first-degree misdemeanors, as well as for tens of thousands of people, many of whom are now parents and who were convicted of drug-related offenses when they were young, and for anyone seeking a job

that requires an FBI background check, Clean Slate doesn’t help. For them, a pardon is the only way to move forward.

Until 2019, the pardon process in Pennsylvania was arcane, expensive and slow. It took almost five years from beginning to end and ended in failure for 93% of those who purchased the application form. But beginning in February 2019, the five-member BOP, under the chairmanship of newly elected Lt. Gov. John Fetterman, went to work, changing just about everything.

“Pennsylvania has long been one of the most heavily incarcerated states in the nation,” Fetterman explained. “While we have been leaders on the punishment side of criminal justice, we hadn’t paid any attention to the rehabilitative or forgiveness side. The result is that we’ve been needlessly keeping families in poverty and keeping millions of dollars away from our communities. That makes no sense to anyone.”

That point was backed up by a pathbreaking 2020 report by The Economy League on the economic impact of pardons. Researching all pardons awarded over a 10-year period (2008-2018), it found that, with just a stroke of the governor’s pen, \$16.7 million had flowed to communities across the state. “Pardons are a no-cost workforce development and neighborhood investment policy,” it concluded. Quickly seconding its findings, then-Pennsylvania Secretary of Labor and Industry Gerard Oleksiak called pardons “necessary to keep Pennsylvania’s workforce globally competitive,” and the state’s auditor general at the time, Eugene DePasquale, urged the BOP and the governor to issue more pardons, faster.

Reducing barriers to qualified applicants is key.

Today, the process is free, the pardon application form is available to download on the BOP’s website, and it will be entirely online in less than a year. The BOP staff



sees itself as “here to help,” said BOP Secretary Brandon Flood, himself a pardon recipient, who responds almost immediately to every email sent his way, including in the evenings and over the weekends. “We’re in the business of second chances.”

One step that often stopped applicants was obtaining copies of five records from the underlying prosecution, which the BOP requires be attached to each pardon application. Enter attorney Mary Walk, director of Delaware County’s Judicial Support Office. At her recommendation, county President Judge Kevin F. Kelly issued an administrative order in September 2020 that authorized copies of the records be provided for free, by email, without a hearing, simply upon the request of attorneys certifying that they were providing pro bono assistance to low-income clients seeking pardons. Within a year, almost two dozen other county courts joined in, many using the policy, procedure and fillable PDF forms designed by Michael McGeever, director of the Allegheny County Department of Court Records, and shared on that court’s website. “Having one form makes it easy for all of us, since pardon applicants often have convictions in more than one county,” said Judy Enslin, Beaver County Clerk of Courts and president of the Pennsylvania State Association of Prothonotaries and Clerks of Courts.

In late August 2021, another major change happened when the BOP eliminated the requirement that all applicants disclose in their application every interaction they had with the police or the courts when they were juveniles — a disclosure that the Pennsylvania Bar Association’s Board of Governors and House of Delegates opposed in a recommendation that was overwhelmingly approved in May 2020.

And when it comes time for the public hearing that is required by the constitution before a pardon can be recommended to the governor, that hearing is no longer held in the Supreme Court in Harrisburg, which often required applicants, their families and representatives to miss a day from work and to pay for travel and sometimes even a hotel room. Today, the hearings are conducted over Zoom.

Pardon projects, coaches and hubs increase access to powerful relief.

“It’s a whole new day,” said the Rev. Dr. Charles Mock, pastor of the Community Missionary Baptist Church and one of the leaders of the Erie County pardon project. “The clouds have parted, and the future has become brighter for thousands of people who have been struggling because of their past. And it’s not just hope because of the reforms, communities are coming

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Pictured, from left: Erie County Pardon Project volunteers Judge Stephanie Domitrovich; Julie Kresge, Erie County Bar Association executive director; Tina Fryling, solo practitioner and associate professor, Mercyhurst University; Jacqueline Wilson Lager, executive director, Northwest Legal Services; Taylor Baker, Mercyhurst University; Dr. Maria Garase, Mercyhurst University; J. Timothy George, Purchase George & Murphey PC; Colin Hurley, Mercyhurst University; Peter Agresti, pre-law program director, and assistant professor, Gannon University; Erie County District Attorney Jack Daneri; Erie County First Assistant District Attorney Elizabeth Hirz; Aubrea Hagerly-Haynes, Erie County First Deputy Clerk of Courts; and Antonio Howard, Federal Public Defender's Office for the Western District of Pennsylvania and community muralist

“By accepting the past and focusing on the future, pardons ... promote healing. That’s a path forward we all can take together.”

together to help their neighbors overcome the past.”

That’s because the forms and the process are now so straightforward that they can be easily taught. “Between June 1, 2019, and Nov. 30, 2021, we approved 50 courses on pardons in Pennsylvania, awarding 1,023 CLE credits to 792 attorneys,” reported Nathan Graham, provider relations coordinator for the Pennsylvania Continuing Legal Education Board. And it’s not just attorneys who are lining up to help: paralegal programs, communities of faith, social work and recovery programs, community action agencies, adult education teachers, community health providers — they are all learning about pardons.

Everyone who gets trained — it takes less than an hour — is called a pardon coach, because their principal role is simply to help applicants complete one government form and tell their personal story the best that they can. “It’s taking our volunteer coaches just three to four hours, from start to finish,” said Joe Mitchell, longtime pardon volunteer who heads the pardon project for the Barristers’ Association of Philadelphia, “and when they finish with one, they are asking for another person to help.”

“It’s such an easy lift, to learn what’s behind the form and to help coach someone

through it,” said Linda Ciampi, executive director of the Outreach Center for Community Resources in Scranton, and chair of the pardon project of Lackawanna County. “It’s eye-opening for my students, for sure,” added John Churchville, professor of legal studies at Lancaster Bible College, who hired three students to help him get a pardon project started in Lancaster County. “It is giving them a real appreciation not just of the criminal justice system, but of their power to help others.”

“Helping Erie County’s pardon project become a reality is one of the most exciting projects things I’ve ever worked on,” said Peter Agresti, assistant professor, and director of the pre-law program at Gannon University, which is a major hub for the pardon project of Erie County.

Lawyers, judges and lawmakers are working together to make pardon projects a success for those who deserve it.

The first pardon project outside Philadelphia was in Scranton. There, it was sparked by Joseph Price, a former Lackawanna Bar Association (LBA) president. He convened his colleagues on the LBA Access to Justice Committee to discuss the idea. Former Lackawanna County President Judge Michael Barrasse recognized how powerful



Pictured, from left: Jerry Musheno, board president, Lackawanna Pro Bono Inc. (LPB), and board chair, Skills in Scranton (Greater Scranton Chamber of Commerce); Linda Ciampi, chair of the Lackawanna Pardon Project and CEO of Outreach; and Sylvia Hahn, LPB executive director

the hope for a pardon could be for those involved in the drug court that he had created. “It is essential,” he said, “that the criminal justice system provide the opportunity and means for individuals to avail themselves of the dismissal of charges and a pardon for which they qualify. The lawyers and public who are volunteering are giving these individuals a true second chance to rebuild the life they want and deserve.” County First Assistant District Attorney Judith Price created the process by which pardon project clients will get their applications speedily reviewed, and hopefully endorsed, by the district attorney’s office there, potentially cutting the time from filing to BOP hearing to just one year.

Allegheny County was next. There, the pardon project is led by a broad consortium of attorneys: President Judge Kim Berkeley Clark (who is also board chair of the Pennsylvania Legal Aid Network), Public Defender Matt Dugan, First Assistant District Attorney Rebecca Spangler, Allegheny County Bar Association (ACBA) past presidents Lori McMaster and Elizabeth Hughes, ACBA Pro Bono Center Executive Director Barbara Griffin and Neighborhood Legal Services Managing Attorney Jennifer Modell. Reed Smith LLP was the first law firm to sign on, agreeing to take a cohort of clients and holding the first statewide pardons CLE

for its attorneys and paralegals in both Pittsburgh and Philadelphia.

In Erie, the lawyers leading the pardon project are Chief Public Defender Patricia Kennedy; District Attorney Jack Daneri; Tim George, second vice president of the Erie County Bar Association; and Judge Stephanie Domitrovich. In Washington County, the driving force is Southwestern Pennsylvania Legal Services’ Executive Director Brian Gorman. In Centre County, the founders are Sharon Barney and Gopal Balachandran, both of Penn State Law. In Lancaster, the leaders are Christine Harrison-Mahrer, reentry manager for PA CareerLink, the workforce development agency; and attorney Mark Walmer, who has long represented people before the BOP and who has seen the changes over the past two years. “It’s all just unbelievable,” he said. In Berks County — the most recent pardon project to open its doors — the lawyers at the forefront are Mark Yoder, Bar Association President Justin Bodor, and Magisterial District Judge Tonya Butler, in addition to District Attorney Adams.

As they did with Clean Slate, Pennsylvania lawmakers on both sides of the aisle are now leading the push for pardons. “I am an enthusiastic supporter of our pardon project,” said Sen. Camera Bartolotta (R-



“It is undeniable that criminal records are a major factor in keeping people in poverty.”



“Once offenders have ‘repaid their debt to society,’... we all owe it to ourselves to give them the best chance they can to succeed and become contributing members of society.”

Beaver, Greene and Washington), who has championed Washington County’s pardon project and who co-chairs the Pennsylvania Legislature’s Criminal Justice Reform Caucus. “There’s nothing but upside to giving second chances to people who have turned their lives around and this important project deserves to go statewide.”

Sen. Judith Schwank (D-Berks) who leads the pardon project in the county, said, “I am an enthusiastic proponent because I know it can have a positive impact on so many of my constituents and better our community. Mistakes made long ago shouldn’t follow you for the rest of your life.” Her personal invitations brought all of the key players to the first “brainstorming” meeting and are resulting in Reading being one of the fastest-developing pardon projects in the state.

“Expanding access to pardons must become a bipartisan priority so that constituents all across the commonwealth can move forward,” said Rep. Joanna McClinton (D-Philadelphia, Delaware) who, as House Democratic Leader, is championing efforts to increase funding for the BOP so that it can handle the upsurge of applications. “It’s in everybody’s interest to get people contributing to our society to the best of their abilities.”

Pardons are a way of assuring fairness in the criminal legal system, an essential part of the path forward for a better society.

Less than a decade ago, the BOP received fewer than 300 pardon applications a year;

today it is receiving over 2,000 and is recommending over two-thirds of them to Gov. Tom Wolf, who has signed 1,714 as of Nov. 30, 2021 — more than any governor in Pennsylvania history. The Collateral Consequences Resource Project, which collects data on pardoning in all 50 states, ranks Pennsylvania’s new system among the most productive. Margaret Love, its executive director, and a former U.S. pardon attorney, reported, “Pennsylvania is one of only a handful of states [] where pardon plays a regular role in the justice system and is easily accessible to ordinary individuals.” “We can all be proud of that,” said Commonwealth General Counsel Greg Schwab, “and we’re doing everything we can to make sure these improvements last for years to come.”

“For so many reasons, society is paying great attention to the fairness of the criminal justice system,” said Allegheny County President Judge Clark. “Most of the responses have been to criticize and blame — the police, prosecutors, defense attorneys, judges and legislators — and that causes further divisions within our society. Pardons are totally different. By accepting the past and focusing on the future, pardons promise forgiveness and promote healing. That’s a path forward we all can take together.” ☞



PBA Past President Sharon López is a partner in Lancaster’s Triquetra Law and is a member of the board of directors of Philadelphia Lawyers for Social Equity (PLSE), a legal nonprofit that provides education, representation and advocacy on behalf of low-income people with criminal records.



Taylor Pacheco is the PBA Young Lawyers Division Zone 1 co-chair, a member of the 2020–21 PBA Bar Leadership Institute class and deputy director of PLSE. PLSE started the Pardon Project in 2018 and has helped to create pardon projects in over a dozen counties across the state.

If you would like to comment on this article for publication in our next issue, please email us at editor@pabar.org.



PRESS RELEASE

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NEW ECONOMY LEAGUE STUDY EXPLORES ECONOMIC IMPACT OF PENNSYLVANIA LEGAL PARDONS

Evaluating a decade's worth of data, the Economy League's in-depth study analyzes pardons and proposes policy options to increase pardons as a positive economic tool.

PHILADELPHIA (Apr. 22, 2020) – The Economy League of Greater Philadelphia released its new report, *Pardons as an Economic Investment Strategy: Evaluating a Decade of Data in Pennsylvania*, today. The study found that the average pardon filed between 2008-2017 took three years to process; 38.2% of pardons filed during this period were granted, and these pardons resulted in a positive economic impact of \$16 million. In addition, Pennsylvanians reentering society from the justice system as a result of a legal pardon often return to low-income neighborhoods in the state's major cities, with Philadelphia being the most common destination.

In *Pardons as an Economic Investment Strategy: Evaluating a Decade of Data in Pennsylvania* [economyleague.org/pardonimpact], the Economy League of Greater Philadelphia, under a grant from the Lenfest Foundation, studied how pardons have helped Pennsylvanians with criminal records to improve their economic circumstances and benefit their local community.

"The Lenfest Foundation is focused on creating high-quality career pathways that equip youth and young adults with the necessary knowledge, skills, experiences and credentials to succeed in the 21st-century economy," said Keith Leaphart, D.O, Chair of the Foundation's Board of Directors. "But we've learned there is little hope of that future for the thousands, if not tens of thousands, of people who had run-ins with the criminal justice system when they were young. This study makes it clear that permanent criminal history records are not just keeping individuals and their families in poverty, but whole neighborhoods. We thank Philadelphia Lawyers for Social Equity for bringing this issue to our attention, and the Economy League for its path-breaking work."

This report, which builds on the Economy League's 2011 findings in, *The Economic Benefits of Employing Formerly Incarcerated Individuals in Philadelphia*, demonstrates that pardons can be viewed as more than just individual acts of clemency, but also a no-cost community reinvestment policy. Pardons are a powerful workforce development tool that can help uplift not only individuals, but the communities in which they reside and the economies in which they contribute.

"The facts are clear: we all benefit when people who've paid their debt to society and are ready to contribute to our community have the opportunity to truly get a second chance," said Josh Shapiro, Pennsylvania Attorney General. "I applaud the Economy League's efforts, which analyzed how the Board of Pardons operates and how

these decisions can affect individuals, families and communities across Pennsylvania. Over the last three years, I have worked closely with my fellow board members to streamline the pardon process so that we can consider more applications faster while also ensuring that we fully weigh the individual facts and circumstances of each applicant necessary to ensuring justice and upholding public safety. We will continue to improve the pardons process with this data in mind to make all of our communities safer, stronger, and better-off."

The Economy League's report aggregates state-wide data, particularly the U.S. Census 2017 American Community Survey five-year estimates, the Pennsylvania Uniform Crime Reporting System, and clemency application data provided by the Pennsylvania Board of Pardons. The report has several key findings:

- The average pardon grant rate during this 10-year period was 38.2%, has been 54% from 2015-2017, taking an average of 3.17 years to reach a decision per pardon;
- In 2017, pardon grant rates were consistent across racial groups, and in 2017 whites filed three times more pardon applicants than minorities;
- The rate of pardons granted in high-arrest counties falls below the statewide average;
- Pardons filed between 2008 and 2018 and ultimately granted allowed recipients to earn an estimated \$16 million in additional wages as of December 2019.

"One year ago this month, the Board of Governors of the Philadelphia Bar Association unanimously called on the Board of Pardons to hear as many pardon applications as it possibly could within one year of filing," said Hon. A. Michael Snyder (ret.), Chancellor, Philadelphia Bar Association. "We did so because the backlog was preventing Pennsylvanians from obtaining jobs, housing, education, credit and other opportunities for which they are qualified. With this Report, the Economy League has put a hard number of what the delays beyond one year actually cost Pennsylvania. We again urge the Board to adopt procedures that will speed this important relief to deserving people and their communities across the state."

Pennsylvania Department of Labor and Industry Secretary W. Gerard Oleksiak said, "One of our department's key objectives is to make Pennsylvania's workforce globally competitive, and that means preparing job seekers through employment and job training services. It's enormously frustrating that a criminal record from 5, 10, even 15 years ago can stop them from getting good jobs today. This report shows that getting past those histories is key to Pennsylvania's economic future. I applaud Lt. Governor Fetterman and the Board of Pardons for what they have already done to make pardons more accessible, and encourage them to keep going."

This study proposes that the impact of granting pardons is magnified for no-cost at the community level as a workforce development and neighborhood investment tool. The Economy League explores various policy and practice options to expand this use and the economic impacts through: (1) Increasing the number of pardon applicants, (2) Increasing the share of applications that are granted pardons, and (3) Shortening the processing time – which if processing time were reduced by 25%, those who received pardons over the past 10 years could have earned \$6.9 million in additional income.

About the Economy League of Greater Philadelphia

The Economy League of Greater Philadelphia addresses critical issues facing Greater Philadelphia by providing impactful research, connecting diverse leaders, and advancing shared solutions. We envision a thriving Greater Philadelphia region powered by informed and collaborative leadership. Since its founding in 1909, the Economy League has believed that high-quality analysis and practical insight about the region's most important challenges and opportunities, combined with collaborative, across-sector leadership are crucial drivers of prosperity in Greater Philadelphia.

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Role of the District Attorney Office in Successful Pardon Projects

June 2021

Pardon Projects are being created around Pennsylvania to help people with criminal records (all of whom have completed their sentences by years if not decades) get beyond those histories so that they can pursue their potential for themselves, their families and their neighborhoods.¹ We are training “Pardon Coaches” throughout the state in what the pardon process is and how it works, and linking them with community organizations serving low-income people, so that the information and support they need to best present their applications will be available where they live and work.

Each county is responsible for deciding what the eligibility criteria are for clients wanting assistance. The key criteria are of three types: **income** (to ensure that we are only providing services for free to those whose poverty precludes them from paying for the services), **crime** (the offense(s) for which a pardon is sought), and **time** (how many years have passed since the completion of the sentence). Other criteria relate to the connection between the individual and the county (e.g., do they need to be a resident) and the absence of any open prosecution.

The underlying crime is clearly of importance to the Board of Pardon: it has a specific definition for “Crime of Violence,” and any crime that fits that definition has specific procedures applicable to it. It is also of obvious importance to volunteer programs: if volunteers thought they could be asked to represent a murderer, rapist or child molester (for example), they could simply decide that they just were not going to volunteer at all – and given how many people there are with conviction for crimes nowhere near as serious, that could end the volunteer program before it starts.

In Philadelphia County, for example, the eligibility criteria for the Pardon Project Pro Bono Program specified “No conviction, at any time, in any jurisdiction, of any ‘crime of violence’ as defined in 37 PA Code § 81.202.” Other counties have modified this exclusion, but in such cases, they uniformly require a deeper case-by-case consideration of the applicant and the crime.

The major reason to obtain the input from the District Attorney’s Office early-on in the process of establishing eligibility criteria for a Pardon Project is that DAOs are routinely asked by the Board of Pardons for their input on every pardon applicant whose conviction(s) occurred in their county. (The text of the current form letter is below.) If the DAO is vehemently opposed to a candidate, obtaining a pardon becomes quite unlikely, and therefore a poor use of volunteer time. That is why Pardon Project around the state have been developing their intake criteria to be responsive to the DAO’s interests, if not identical to them.

Moreover, the Board of Pardons is developing an “accelerated track” for pardon applicants who have the support of the local DAO. This faster track would cut the current 2.5-year-long process in half. Once a Pardon Project client has submitted her/his application to the Board, the intention is to share that application with the DAO and ask for its review.

¹ As the April 2020 study of the Economy League demonstrated, granting pardons resulted in \$16.5 million flowing to communities across Pennsylvania in less than a decade; and are a “no cost community development and neighborhood investment policy”. <http://economyleague.org/pardonimpact>

It is hoped that by engaging with the DAO, they will more fully understand the goals and the role of the county's Pardon Project, and the economic and social importance of pardons to the community (not just the individual and her/his family). As institutions devoted to justice and the safety and security of the community, it is hoped that the DAO will voluntarily decide to try and provide early attention to pardon requests coming from the Project, as well as to other deserving individuals.

The input from DAOs has been sought by people brainstorming Pardon Projects in Allegheny, Beaver, Erie, Lancaster, and Lackawanna Counties; and are being invited to participate in McKean and Washington Counties, which are just having their first meetings.

To date, six DAOs have formally agreed to provide early reviews of pardon applications coming from Pardon Projects in Allegheny, Beaver, Delaware, Lackawanna, Montgomery and Philadelphia Counties.²

BOP letter to DAs

March 12, 2021

Honorable _____
District Attorney
____ County Courthouse

RE:

Board of Pardons Number:

Application Number:

Dear District Attorney _____:

This letter is to inform you that the Board of Pardons has filed the enclosed clemency application.

Pursuant to 37 Pa. Code § 81.226 (a), the Board is required to send the district attorney a copy of the application to obtain expressions of opinion as to the merits of the application. Your comments are valued by the Board and will potentially affect two decisions it makes: whether to grant the applicant a public hearing, and if so, whether to recommend to the Governor that the application be granted.

Thank you in advance for your cooperation in this matter.

Respectfully,

Brandon Flood
Secretary
Board of Pardons

² The DAO Early Review protocol (as of March 31, 2021) is available at:
<https://www.plsephilly.org/wp-content/uploads/2021/03/DAO-review-of-pardon-applications-March-2021-1.pdf>