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LET'S GET FREE'S COMMUTATION SUPPORT KIT - MARCH 2023

This guide was crafted with input from the PA Statewide Commutation Strategy Group including Ellen Melchiondo, Elaine Selan, Naomi Blount Wilson, Amy Sortino, Avis Lee, Kevin Butler, Lily Rorick, Alan Lewandowski and etta cetera.



2023 BOARD OF PARDONS SCHEDULE MERIT REVIEW & PUBLIC HEARING SESSIONS:

Family and Friends and can tune in through links posted at the Board of Pardons
Website <https://www.bop.pa.gov/> You can see previous hearings at youtube.com/letsgetfreepa

ADVOCATES USUALLY DON'T GET THE COMPLETE LIST OF WHO IS ON THE DOCKET FOR MERIT REVIEW UNTIL A WEEK BEFORE THE HEARINGS. THE SECRETARY HAS BEEN POSTING IT ON THE WEBSITE AT LINK ABOVE.

Merit Review April 6 Pardons and Commutations
Public Hearing May 17 May 18 Pardon applications w/o victims
Public Hearing June 14 June 15 June 16 Commutation and Pardon Applications

Merit Review July 6 Pardon Applications
Merit Review August 3 Commutation Applications
Public Hearing September 13 September 14 September 15 Pardon Applications
Public Hearing October 12 October 13 Commutation Applications

Merit Review November 2 Pardon Applications
Merit Review December 7 Commutation Applications
Public Hearing January 10, 2024 January 11, 2024 January 12, 2024 Pardon Applications
Public Hearing February 15, 2024 February 16, 2024 Commutation Applications

MEMBERS OF THE BOARD OF PARDONS

- Honorable Austin Davis, Lieutenant Governor, Chairman
- Honorable Michelle Henry, Acting Attorney General
- Honorable Harris Gubernick, Corrections Expert - Term expires November 30, 2023
- Honorable John P. Williams, MD, Psychiatrist - Term expires November 30, 2025
- Honorable Marsha H. Grayson, Esquire, Victim Representative - Term expires November 30, 2027.

Secretary of the Board of Pardons: Shelley Watson: shewatson@pa.gov (717) 787-2610
Board of Pardons 333 Market St, Harrisburg, PA 17126 BOPClemency@pa.gov (717) 787-2596
DOC Pardon Case Specialist: John Johnson 1920 Technology Parkway, Mechanicsburg, PA 17050
Phone: (717) 728-0386

COMMUTATION PROCESS OVERVIEW WITH TIME ESTIMATES

The whole process will generally take 3 years
OR MORE after you submit your application.

This process requires a lot of patience. After you send in your application it can take 18 months or more before it will be officially “filed.” It can take up to **two years OR MORE** from your filing date to get through the commutation process. The long wait is due to several factors: COVID; increased number of applications; and limited Prison and Board capacity. Someone who filed after you may have a hearing before you for different reasons. Don’t take it out on other applicants. It’s a long wait for everyone. There are more details about each step further in the guide

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1. GETTING & COMPLETING AN APPLICATION

Filling out the application can be emotionally hard and the time it takes varies on the person.

- ➔ The application was revised January 2022. People in prison can get a copy of the application from the Library or ask a counselor. Request an application by writing to Board of Pardons 333 Market Street 15th Floor. Harrisburg, PA 17126. It will take 3 weeks. Include your name and DOC number.
- ➔ Application fees have been eliminated.
- ➔ Mailing the application to someone inside will only be a copy of the form and cannot be used
- ➔ For questions about the application contact John Johnson, Pardons Case Specialist Pennsylvania Department of Corrections 1920 Technology Parkway, Mechanicsburg, PA 17050. Phone: 717-728-0386 johjohnson@pa.gov
- ➔ Application Status Update (717) 787-2596 All phone calls are taken between 11:00 am and 4:30 pm (Eastern Time). Reminder, no matter how many times you ask it’s very unclear at this point where anyone is in the process. They are planning to digitize the application process which should make checking the status very simple.
- ➔ Review the DOC policy on commutation at your law library: 11.4.1
- ➔ Mail your application to: Pardons Case Specialist/Parole Manager Bureau of Standards and Accreditation Pennsylvania Board of Probation and Parole 1920 Technology Parkway Mechanicsburg, PA 17050

→ **Innocent Claims and Wrongfully Convicted** – The Innocence Project was collaborating with the Board of Pardons to create an addendum that will be used specifically by those who have a claim of wrongful conviction that will include questions specific to these issues. As of March 2023, this addendum still not ready and it's been over 3 years. **Is it still happening?** The commutation process is not designed to address or resolve actual innocence claims so unless you can prove it, keep guilt or innocence out of the application. Focus on compassion, mercy and your accomplishments/prison record. If the PA Innocence Project supports your innocence claims, they will write a letter on your behalf to include with your application. [PA Innocence Project - 1515 Market St, Suite 300 Philadelphia, PA 19102 PA Innocence Project 914 Fifth Avenue, Pittsburgh, PA 15219]

→ **Digital Application Coming Soon** - When this happens, we believe each applicant will have their own account – applicants and their support people can help file the application, make modifications and check on the status of the application. There should be an identifiable location in each prison where one will be able to use the technology. Implementation was promised January of 2023. Still not here. It's a good idea to have it written out elsewhere to be revised, reviewed, proofread by others before you type it into your computer application.

2. **FILING, STAFFING, EVALS:** This part can take two years or more.

→ APPLICATION RECEIVED AND FILED

After you submit, you will get a letter and number from the BOP stating they **received** your application. It will be **about** 18 months after that before you hear that application is **filed**. You will be notified in another letter and you will get another number from the Board of Pardons in the mail – a **filing number**.

→ STAFFING

You will be staffed sometime before merit review, don't read too much into the timeline. It could be right before merit review or could be a year before merit. "Staffing" is also called The Special Review Committee and is generally one or two deputy superintendents, a Major of Unit Management, or a Corrections Classification Program Manager or whoever is designated by the superintendent. You will have an interview with this group and often be assigned to a commutation support person, who keeps you connected with info about your application. Current staff may not write letters of support. They may submit an email to the respective Unit Manager to be included in the staffing packet.

→ PSYCHIATRIC REVIEW

In addition to an eval from the bloc psychologist, a 344-question psychological evaluation is completed from DOC Central Office and the head psychiatrist at the DOC (currently Mr. Snyder) conducts an interview.

THE STAFF ARE NOT SUPPOSED TO RELITIGATE YOUR CASE THEY ARE SUPPOSED TO ASSESS HOW YOU HAVE BEEN IN PRISON AND WHAT YOU HAVE ACCOMPLISHED, ETC. THE "STAFFING" DECIDES IF YOU HAVE INSTITUTIONAL SUPPORT.

POSSIBLE INTERVIEW WITH DOC SECRETARY (can delay process)

- Before your merit review you MAY be interviewed by the Secretary's team. Former Secretary Wetzel instituted the policy of interviewing applicants before the merit review and Interim Secretary Little kept it in tact and the newly appointed Harry is expected to continue. There is nothing in commutation policy mandating the Secretary to conduct video interviews with people in prison. Many see it as one more step you have to go through. This interview decides if you have full DOC support. Again, not everyone will have an interview with this office.

Once the prison and secretary have completed their evaluation, the application goes to merit review, regardless if there is institutional or DOC support. The applicant is less likely to be approved for a public hearing without this support.

3. MERIT REVIEW HEARING STAGE (after 2 years or more..)

Merit Review is when the board of pardons looks over all your paperwork and decides if your case has enough merit to have a public hearing.

- **Your Merit Review Date:** One of the hardest parts of this process is not knowing when things are happening. One of the most common questions we get is, "When is my merit review date". The Board has been posting the merit review docket on the website maybe a week before. You are supposed to be notified about the hearings but we know of a few instances where they did not deliver the information and the applicant didn't even know they were up at merit. Let's Get Free tries to email all applicants and let them know if they are listed.
- If you are denied merit review, you can reapply after 12 months. If denied the second application, you have to wait 2 years to reapply. You can also file for reconsideration; you must show a significant change in circumstance to be granted a reconsideration. (See page for more info)

4. PUBLIC HEARING PHASE (60 days or more after merit could, be another year)

- The Board notifies the applicant, the president judge in the conviction county, and the DA's Office. The DA notifies any surviving victims. Public Hearing will happen no less than 60 days after merit review for victim notification.
- An in-person interview will be scheduled the day before the hearing. This may be at Camp Hill or at Central Office in Mechanicsburg. The prison staff person who supports the applicant at the public hearing will be attending the in- person interview. Some board members may be on video. Any Board member who is not part of the interview cannot vote on the individual's application.

- A recent change in the process is that the DOC Office of Pardons Specialists will not be representing lifers at public hearings. This job falls to a staff person at the prison and was Wetzel's idea. The idea is that Staff at Central Office will never know the people as well as the institutional staff. Applicants are not permitted to select the designated facility staff person. This is the decision of the Superintendent. You are still free to appoint someone else to represent you such as an attorney, friend or family member, however, Mr. Johnson would not recommend this since the representatives don't have to speak as much and prepare long presentations as was the case in the past. But the representative must know the case inside and out and know how to prep the supporters in presentation.
- All hearings since Covid happen over Zoom and are live streamed. Applicants are not allowed to be present or watch the live stream, but some prisons allow it. The hearings can take 10 minutes to over an hour. At the hearing, the following individuals can speak: DOC representative, District Attorney, Victim's family, Supporter of the applicant. If someone agrees to speak on behalf of the applicant, let them know they don't have to go it alone. Suggest they practice with someone. It is very stressful for loved ones too. Livestream: <https://pacast.com/live/bophearing>
- Encourage your supporters to reach out to us if they have questions, guidance or just want some moral support. If they want to know what to expect, they can find a videos of the hearings on Lets Get Free's YouTube Chanel. Perhaps your counselors can pull it up for you as it is public and pertains directly to your situation. <https://www.youtube.com/letsgetfreepa>
- The Board votes on the applications on the same day of the hearing. People with LWOP need all 5 votes – a unanimous yes. People with other sentences need 3 out of 5. The timing of the votes has changed over the last 2 years. In 2022 the votes happened on the same day as hearing.
- **HELD UNDER ADVISEMENT** – Occasionally some cases are held under advisement. This is when the Board has a question that needs answered about something. If your case is held under advisement it will come before the Board again but there is no clear pattern for timing. One time the case came up at the following hearing session. Other times we wait and wait.
- If you receive a unanimous vote your application is recommended to the governor to sign. It can take 1- 6 months or longer before he signs. The quickest we know of was 30 days but generally in about 3 months. The governor's office does their own investigation w/ their legal team. Historically, the Governor rarely denies the Board's recommendation although he is not mandated to ever sign.
- If not recommended, you can reapply in one year or file for reconsideration.
- After the Governor signs on, you may be released within 72 hours. Although, nothing is ever the same for everyone. Depending on the prison you will be transported or allowed to be picked up by your family. You have to stay in a CC center for a year but you can start staying at your home plan once it is approved – they do a step down – one night for two weeks, 2 nights at home plan for 2 weeks etc. until you are one night at center.

TIPS FOR WRITING A COMMUTATION APPLICATION

- It is very important to have someone proofread your application before submission.
- The application includes supplemental pages and you must use them instead of other paper. Do not write "see attachment" in spaces where information continues. There is a box at the end of each section where you indicate if you will be including supplemental information. Information that you want to provide such as resume or published work should just be sent along with the application.
- If you are not in prison and assisting an applicant Ellen found it useful to "download the application as a pdf, save it to the desktop and a text box automatically appears. I also get rid of the text lines, and select white to make the background solid." If using Adobe Acrobat Pro, one can edit and add text easily into the commutation application

HERE'S SOME TIPS FOR EACH SECTION FOR PEOPLE WITH LIFE SENTENCES:

- **Section 1** Type of Clemency: Check "Commute Life Sentence to Life on Parole" and do your best to remember each time you previously applied.
- **Section 2** Applicant Information: Just the facts. If using the DOC-Parole for representation click the box. If using someone else, give that information. One representative can be modified, even after submitting the final application.
- **Section 3** Convictions for Which Clemency is Requested: Less information is asked here: "place, role and caught." Use a supplemental page if needed. Do not minimize your role. Don't add dialogue. Don't make excuses. Minimize details, you're not writing a memoir or screenplay. (see tips for writing about your crime)
- **Old Section 4** Additional Criminal Information: This section was cut and refers to documents of past incidents – the Board and DOC will be responsible now for gathering those documents. This section is not removed from consideration of your commutation, it's just that the burden is not on the applicant to supply the information.
- **Section 4 Optional Personal Statement:** This is totally optional. One page is usually enough. In this section write what life was like before the crime and tie that in to describe how your life changed and improved directly. For people who didn't actually kill someone but were at the scene acknowledge the decisions made or behaviors resulted in being a suspect and ultimately convicted and sentenced. You must take responsibility for your part. Wanting family members to know how sorry you are should be an apology letter sent to the apology bank or Office of Victim Advocate, not in a commutation application.
 - Less is more in Section 4. Accomplishments, can be in list form. Reentry plan including home and job plan, a list of your supporters and how they will help you. Be sincere, humble and realistic about your goals.
 - If you have misconducts while you are in prison it might be a good idea to explain them Misconducts often sound terrible in writing and we have seen the Board totally misunderstand what happened because of the paperwork and them not understanding how the guards write things up.
- **Section 5:** Sign and date. Keep a copy for yourself!

TIPS FOR WRITING ABOUT YOUR CRIME

One of the most challenging aspects for those who are pursuing commutation is to explain the role they played in the situation. Again, **it is very important to have someone proofread the application before submission.** When writing about the details of the crime, it is important to be both detailed and concise. Do not leave any information out, but also try to be straight to the point. One challenge is knowing how much to share about what led up to the crime. Since the Board of Pardons doesn't tell us what swayed them to vote for or against an applicant, a 360 degree perspective is owed to the process. It really is up to the individual applicant to educate the Board of the unique circumstances that they find themselves convicted of. It's a balancing act. You want to provide context for your situation without excusing or diminishing your role.

You no longer have to admit to things you didn't do as was the thought under the old commutation process. Before, your story had to match that of the State. Now you can tell your truth but it is important to take responsibility for your role. If you are wrongfully convicted – you are still convicted in the eyes of the state. So it is basically a plea for mercy. Because this is not supposed to be re-litigation - it's not a retrial – the most you might do is point out some evidence that they could see. This process isn't set up for the wrongfully convicted – write Lt. Governor about this.

NAOMI BLOUNT'S ADVICE: "STICK TO THE QUESTIONS ASKED ON THE APPLICATION FORM. DON'T GO INTO WHAT HAPPENED IN THE COURTS. MAKE YOUR APPLICATION CLEAR, SO READERS DO NOT HAVE TO GUESS AS TO WHAT YOU MAY MEAN. MOST IMPORTANTLY... TELL THE TRUTH!!!! REMEMBER, EXCLUDING INFORMATION OR FACTS WILL BE VIEWED AS BEING UNTRUTHFUL."

Henrietta Harris is the 7th woman to be commuted→
Did you know, if it wasn't for her son begging her to file
for reconsideration, Henrietta would have given up?
Go for the long shots...

**IN ADDITION TO ALLOWING OTHERS TO
PROOF READ YOUR APPLICATION....**

**READ THE WRITTEN PORTIONS OF THE
APPLICATION OUT LOUD. YOU MAY BE
SURPRISED BY HOW YOUR WORDS SOUND.**



TIPS FOR YOUR INTERVIEW WITH THE BOARD OF PARDONS

The day before the public hearing, commutation applicants who have been granted a public hearing are transported to central office where they have a one-on-one interview with the board of pardons. This interview could last 30 minutes to an hour, with some board members present and some on video call.

In a recent meeting focusing on commutation support, Avis Lee and Kevin Butler, both recently commuted offered this advice for your interview:

- Be practiced, not rehearsed
- Have friends randomly ask hard questions at different times a day
- Practice not being defensive, even if you're getting drilled again about your case that's already been litigated.
- Free write. Journal. Your fears. The hardest outcome of the interview. The best outcomes.
- Think about what topics are extra sensitive for you and the worst case scenarios of questioning.
- Some staff members have been known to be antagonistic to try to get a reaction out of you, rise above.
- Stay calm, keep your voice level. Practice that in a mirror.
- Watch your facial expressions -you may not know what your face is looking like
- Gather up your accomplishments and goals achieved while incarcerated
- If you have misconducts while you are in prison it might be a good idea to explain them during your interview or ask your Commutation Rep too. Misconducts often sound terrible in writing and we have seen the Board totally misunderstand what happened because of the paperwork.

When asked for advice about an upcoming hearing, Vern Robinson (SCI-Phoenix) shared:

"You need to shun all your jailhouse mannerisms. I'm sure you know your mistakes. You need to envision yourself without those mistakes. Not that they didn't happen but envision what you would have done differently and how you came to be that person. Start speaking from the vantage point of what I could have been. What I could have done differently.

The main thing is that you have to acknowledge the harm. You have to begin to believe in acknowledging harm. You can't blame. Like, you can't blame your parents (even tho..) but don't think about that, think about the aspects that made you - having to carry a gun or whatever - and start acknowledging 'I was out of pocket for being in that position.' Ghani says 'We owe the people we harm. We owe them a lot. We don't owe the system anything.' When you are going to the hearing (interview) don't think of yourself as going against the system. Think of it as going to speak to the people you harmed.

You have to acknowledge where you went wrong. The people that abandoned or hurt you bear fault but they don't bear all the fault on the actions that happened. The fact the you were hurt is irrelevant - begin to understand and feel it - you have to embody the desire to repair harm, and the commitment to not harm again. Acknowledge first. Acknowledge, repair and not harm again."

PRACTICE QS:

- ◆ If you could say anything to the victim's family, what would you say?
- ◆ Did you write a letter to the accountability bank?
- ◆ Why do you think we should release you?
- ◆ What are your plans after your release?
- ◆ Why did you engage in the crime?

More tips for the interview...

Be conscious of what words you're using, some words distance you from the crime, for ex: "it was an armed robbery, **but**" vs "it was an armed robbery, **and**" --- which comes across very differently and can really impact how they consider you.

It has come to our attention that certain board members are far from trauma informed, meaning they can ask very insulting and inappropriate questions. Past applicants have been asked about childhood trauma. A recent applicant shared that they didn't ask anything they thought they would. Meditate on what you hope the board will come away with after you meet with them. Recognize that the weeks leading up to the hearing, the interview, the hearing itself, the votes are very very stressful.

In addition, don't pay mind to your peers who may discourage you in your application process. It is brave to seek redemption and it is very emotionally hard process to go through. Do what you can to take care of yourself, especially that week. Do your best, be gentle with yourself. The stress related to this interview can't be underscored enough.

TIPS FOR FILING RECONSIDERATION

If you are denied at the merit review stage OR the public hearing stage you file for reconsideration. Applicants and their representatives don't need to worry about wording reconsideration requests in legalese. If there's a legitimate change in circumstance, it doesn't really matter how well written the request is.

Simply being voted down for a public hearing isn't reason enough to successfully request reconsideration. There must be a legitimate change in an applicant's circumstance.

- ◆ Has a victim's next- of-kin withdrawn its objection to clemency? Did an applicant save the life of someone inside his/her facility who was perhaps choking on food or about to be attacked? Has a DOC-unsupported applicant completed extra programming or new testing that has caused DOC to now support him/her? Is there a major change in health? Those are all examples of things one would hope board members might see as legitimate changes in circumstance.
- ◆ If only four of the five board members were present to vote on an applicant who needed just one more vote to win a public hearing, that can also be a legitimate reason to file for reconsideration. But let's say in that scenario that all four, or three of the four, board members voted no. Then that might not be a true change in circumstance because getting the missing board member's "yes" vote wouldn't change the outcome.

Under the old BOP Secretary Celeste Trusty, reconsideration applicants aren't automatically turned away after 30 days if they have a legitimate argument. She has some flexibility, so if a turned-down applicant's circumstances should legitimately change, say, three months after being voted down at Merit Review. As of March 2023 we do not know how Shelley Watson is going to handle reconsideration requests. And even with Celeste really pushing for reconsiderations NO reconsiderations were granted for people who were denied at the merit review stage in 2022.

We usually don't know which reconsiderations are going up until the **DAY OF** the hearing when the secretary posts the agenda.

TIPS FOR HOME PLANS AND JOB PLANS

HOME PLANS are important! It is advantageous to have a home plan when you are going up before the Board.

- It's ok to have more than one home plan - maybe a couple family members have offered. Ask your counselor for the homeplan form and send it to the person who is willing to support you.
- If you don't have a homeplan or one that is instate that is ok. You can stay at the CCC but let them know what town you plan to go and how you are thinking of securing housing in the future.
- Having a home plan that is located in PA is essential for people with LWOP sentences if you want to get out of the CCC before the year is up.
 - When your LWOP sentence is commuted you must reside in Pennsylvania for one year [12 full months]—no wiggle room on this requirement; this is the law. You are technically on Furlough status for a year—this means your assignment to a Community Corrections Center [CCC] can be modified so that you will be permitted to spend extended periods of time at your home plan location. You will be able to do this once your home plan is approved. Remember a home plan is simply a promise of a place to stay; you will be able to modify the plan, if needed, once you arrive at the CCC. (which is after the governor signed on yes, etc.)
- **AFTER YOU ARE COMMUTED** -You officially submit the home plan when you arrive at the CCC - and that's when your home plan is really approved or denied. An official with the DOC will call the home plan contact and visit the place. Avis submitted her home plan the day after she got to the center, Feb 13, and it was finally approved by April 1. She was then allowed to spend one night at the home plan for two weeks. Then two nights at the home plan for two weeks and so on until it's down to one night a week at the center. The call this a step down
- You can have your own apartment as your home plan but that usually takes longer to put all those ducks in a row. That could be part of your plan (i.e., once I'm at the CC center I will get a job and start looking for apartments).
- If you are a senior or have a mental health diagnosis you may have different options for housing. Site specific resources for the county you are returning to are important to underscore that you have really thought through your plan. Write to your returning county and ask what resources they provide.

JOB PLANS

It's ok if you don't have a job waiting for you by the time you make it to the interview stage or by the time you leave. It's actually very rare that **anyone has a job before leaving prison** and should not impede your freedom. If someone HAS offered you a job ask them to submit a support letter sharing the details of the opportunity. They do want you to have a plan. That's what it is, a PLAN. Here are some tips for your job plan:

- You can write to places in the county you wish to transition to, like Goodwill Industries or Salvation Army and ask them about job opportunities. You can photocopy their response and include it in your packet.
- People have also been asking for letters that promise an interview for a job. (continued)
- Part of your plan can be connecting with Reentry services in your area you are returning too and seeking support in finding workplaces that hire formerly incarcerated people.
- All of those skills you learned in prison shouldn't go to waste. Those are real skills and can be part of your plan.
- If you are disabled and/or have chronic health problems your plan can include filing for disability.
- While it might not be ideal, fast food restaurants often will hire you rapidly on the spot even if you have a record. AND because of COVID it is THE EASIEST its been in the last 20 years to get a job. Everywhere seems to be hiring and many places can't afford to exclude you for a record.

HOW CAN SUPPORTERS HELP?

Stage 1 (Pre-Filing): Supporters can help fill out the application, offer constructive feedback, help editing and proof read. The application needs to be in the applicants' own words and completed to the best of their ability. Supporters can help write the document in English if the person is non-English speaking.

Stage 2 (Once filed, before merit review): Supporters can use the time before merit review to create a really solid home plan. Applicants need a place to live, a job offer or promises of interviews and if they had drug or alcohol issues before incarceration, a support plan for that when they get home.

Stage 3 (after filing): Collect support letters (personal and professional) and send in as many support letters as possible. Make copies - send the original to the Board, and make sure your loved one has a copy, and keep a copy yourself.

Stage 4: (Before Hearing) Help prep your loved one for the interview.

EMOTIONAL SUPPORT IS IMPORTANT FOR EVERYONE THROUGHOUT THE WHOLE PROCESS! WEEKLY VIDEO VISITS LEADING UP TO THE HEARING CAN BE VERY HELPFUL AND PLANNING A VISIT FOR WHEN YOUR LOVED ONE RETURNS FROM CENTRAL OFFICE.

REMEMBER SUPPORTERS NEED SUPPORT TOO. THE DAYS LEADING UP TO THE HEARINGS ARE ABSOLUTELY ANXIETY PRODUCING. ALSO, THE ACT OF WRITING A SUPPORT LETTER CAN BE VERY EMOTIONALLY TAXING AS WELL.

LETTERS OF SUPPORT ARE EVERYTHING!!

Gathering support letters and making sure you have everything together can cause anxiety. Be gentle with yourself. Think of family lifelong friends, people you have met on the inside, people who have gotten out that are in your corner, faith-based organizations, justice hearted organizations. Judge who regrated sentencing you? It has happened. Some families will write one really good letter and then get a lot of family letters to sign it. Keep in mind if you are writing to organizations for support letters and they don't know you personally it is hard for them to write you a letter. Try building a relationship first.

The best time to send in your letters is anybody's guess! You can send letters into your application up until a month before your hearing. You want to give the board time to read the letters. The quickest way to do that is email the BOP Secretary.

However, many people want to get the letters together sooner GO AHEAD!! Some advice to send the letters in when your commutation application is officially filed. The concern there is that the tangible support will become outdated because the process takes so long so if you can send the letters when you get your filing date, they should be good.

You can always send an update if something about your home plan or job plan has changed in the time it takes for your application to go through. If there have been any changes – new programs, new support, new developments you can send it into your application that is already filed. To our knowledge the DOC/Institution does not read the support letters. Keep track of when you send in the letters and if you can ask your supporters to refresh the letters after two/three years ask!

THERE ARE TWO TYPES OF LETTERS:

A REENTRY SUPPORT LETTER shows tangible support coming home: housing, money, job, transportation, clothes, etc... Other types of support could include being a reference for jobs, co-signing an apartment, being ongoing emotional support.

CHARACTER STATEMENTS/RECOMMENDATION LETTERS : A letter of recommendation explains why a person believes you should be commuted. They can testify to your transformation or risk factor if released. They can express other things like looking forward to spending time with you, future plans, showing you how to navigate the free world, etc. You can file these letters any time! Some have said they never get stale. Some believe they do.

TIPS FOR WRITING SUPPORT LETTERS:

- Briefly touch on who you are, your background, employment, degrees, etc. Gas yourself up! Let them know you are somebody!
- Include Commutation Applicant's Name, DOC Number and Prison
- Date your letter and include contact information – phone number or email
- talk about your personal or professional experience(s) about knowing the applicant
- if you are a family member and can testify to information that only you know – like mitigating circumstance (child abuse,etc) testify! You don't want to make excuses but circumstances matter.
- any type of collaborations you've had with the person (especially working on projects that are or were beneficial to you or others)
- what type of person you believe them to be and/or if they have helped you in any way personally;
- if you have visited, done time with them or however you know them, knew them, knew of them either prior to their crime, during incarceration and still today,
- why you believe they are deserving of a chance at freedom
- Your thoughts on their maturity and rehabilitation.
- Your thoughts on their remorse for the offense they are convicted of.
- Your thoughts on chances for successful reentry into society, employment and participation in society upon my release.
- Any willingness you would have in assisting in reentry to society when I am released

Make copies of your letter and send the original to the Board, and make sure people inside have copies inside, and keep a copy yourself.

Reminder: Supporters can now email letters to the board of pardons secretary Shelley Watson [BOPClemency@pa.gov] also include DOC rep Johnny Johnson [Johjohnson@pa.gov] Shelley will distribute the letter to the board and place in the applicant's packet. Mailing the letters is also fine: The Board of Pardons 333 Market St, Harrisburg, PA 17126

practices for alleviating stress

by tender tierney (vermont), a genderwild being and lgf volunteer | tenderspaceelementalsomatics.com



Living in a chronic high stress environment without relief, such as being in prison, can create conditions in the body that tax our nervous systems and lead to long term health complications. Finding ways that allow our bodies to reset and cope with these stressors can be a good way to care for ourselves and are an alternative to other options you may not have access to as an incarcerated individual. With all of these practices it is good to notice how it feels for you, the key point is to be aware of what is happening for you as you do the activity and not push yourself into feeling worse.

1. Orienting: this practice of using our senses to notice our space can help to send the signal to our animal body that there is no immediate threat. You could imagine yourself as a deer in a field, looking up and turning slowly with your ears and eyes all the way to the left over your shoulder and then to the right. Looking up, and down. Taking time to notice any color or textures, or sounds that call your attention. Notice how you feel. This can be done many times throughout the day either quickly or extended over time.

2. Bilateral stimulation is any cross body alternating rhythmic movement such as walking, drumming, eye movements or particular sound stimulation. We are going to try 2 different ways. For the first it would be good to have a small egg shaped object to toss back and forth. Maybe there is something in your present space that you could use? This could be balled up socks or maybe even a ball. Be creative!

Here I invite you to begin tossing an object that you found back and forth from hand to hand.

Noticing the weight of the object and the feeling as it touches your hand. Do this for a few minutes. If you were unable to find something there is the option to alternatively tap your opposite shoulder with the hand at a comfortable pace. With whatever we are doing we can notice what happens as we speed up or slow down, take some time to play catch and bring awareness to what happens.

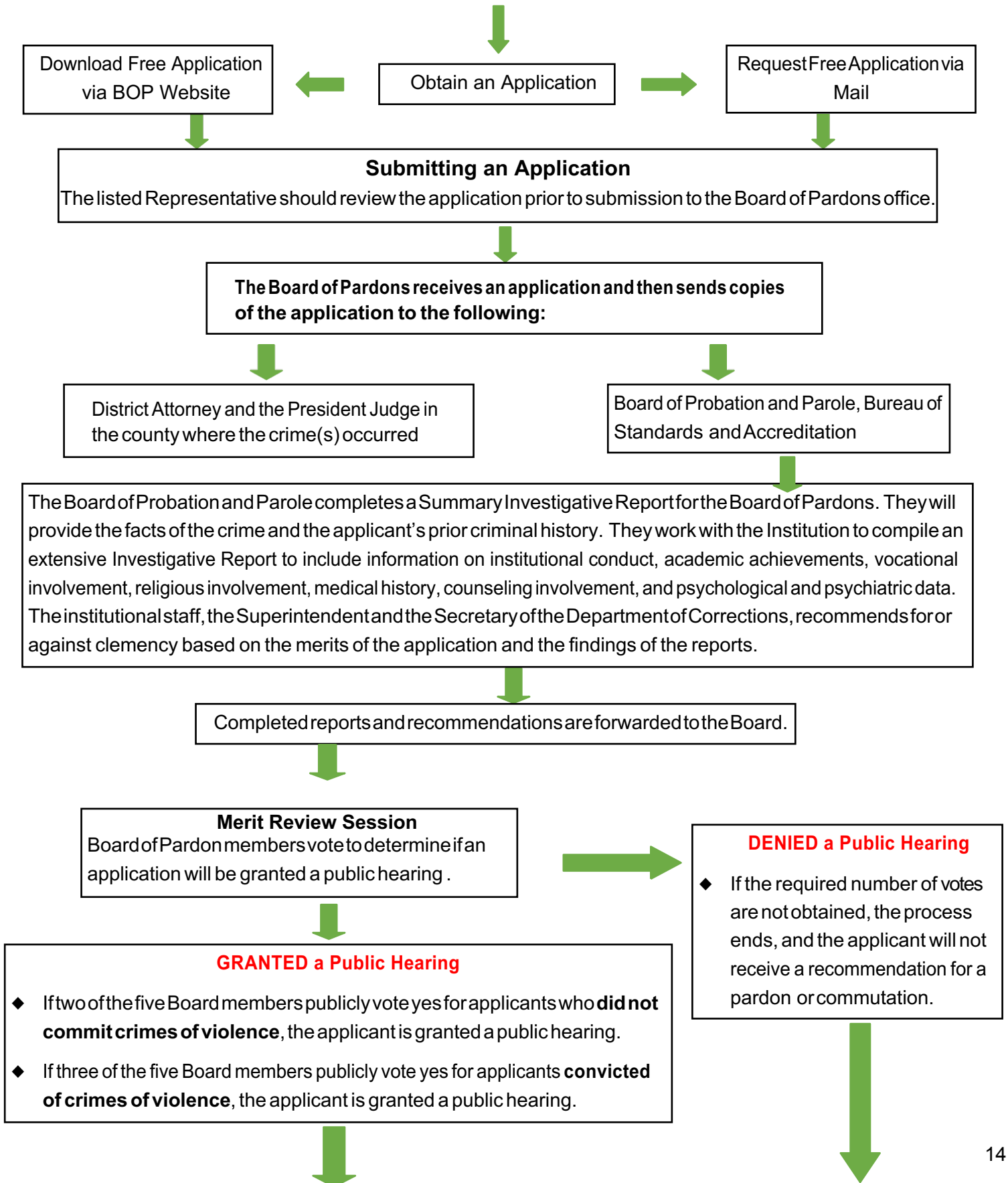
3. A butterfly hug is another form of bilateral stimulation using touch. Begin by facing the palms towards our chest with hands outstretched, and cross the hands to opposite sides so the thumbs meet with an interlocking light grip to make a butterfly. If it feels comfortable for you, you can place the hands butterfly high on the chest with the palms resting around or above the heart center and the fingers landing high on the chest in the soft part between the neck and shoulders. We will explore tapping back and forth trying to find the amount of pressure and pace that feels best. Perhaps it is a light and more quick or slow and deeper like a cat kneading.



4. Hum or buzz: with this exercise we are stimulating a part of the body that can help us to relax and have more capacity. Take a medium to large breath into the lower belly (as your body allows), and on the exhale make a deep hum or buzzing sound until all of the breath is out. Let the next inhale happen on its own. This can feel settling or exciting so don't over do it! One at a time or sets of three are good.

5. 5 senses: this practice is meant to take our focus off of the brain and into our environment. It can be done just by going through each of the senses or by counting out. Try naming and experiencing: 5 things you can see, 4 things you can touch, 3 things you can hear, 2 things you can smell, and 1 thing you can taste?

Application Process for Incarcerated Cases



The Applicant, Representative, Board of Probation and Parole, District Attorney, President Judge and Victim/Victims Next of Kin, will receive notification of the hearing date and time.

Applicants serving a sentence of death, life, or a sentence for murder, voluntary manslaughter or attempted murder/voluntary manslaughter will be interviewed by Board Members prior to the public hearing. The applicant and their representative will answer questions from Board.

Public Hearing Session
Supreme Court, Capitol Rotunda Room 437,
Main Capitol Building, Harrisburg PA.

- ◆ The representative, and applicant's supporters have a total of 30 minutes to present their case.
- ◆ Victims/Victims Next of Kin or those in opposition also have a total of 30 minutes to present their opposition.

Recommendation goes to the Governor for final decision.

Recommendation

After all the applicants are heard, the Board adjourns, then returns to vote publicly. An applicant must receive a majority vote to be recommended; however, those seeking to commute a death or life imprisonment sentence must be approved by a unanimous vote.

If granted, the applicant will **serve life on parole** and be interviewed weekly for the **first six months**.

Act 16 of 1995 - Applicant must serve 1 year at a Community Corrections Center.

Reapplication:

- ◆ The applicant may reapply 12 months from the date of the final adverse decision.
- ◆ An applicant who receives two consecutive adverse decisions cannot file another application for 24 months after the date of final adverse decision.

Reapplication:

- The applicant may reapply 12 months from the date of the final adverse decision.
- An applicant who receives two consecutive adverse decisions cannot file another application for 24 months after the date of final adverse decision.

Reconsideration

The applicant must show a change in circumstances since the application was filed, or other compelling reasons sufficient to justify reconsideration. Dissatisfaction with the Board's decision is not grounds to request reconsideration.

Denied Recommendation

For more information contact:

PA Board of Pardons
717-787-2596
www.bop.pa.gov

Office of Lt. Governor Austin Davis
717-787-3300

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>

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.



Reconsideration Request Form

Section 1: Applicant Information

First Name: _____ Middle Name: _____ Last Name: _____

Institution: _____ Inmate #: _____

Date of Previous Hearing: _____ Type of Hearing: Merit Review Session Public Hearing

Board's Vote During Previous Hearing: _____

Section 2: Recent Change in Circumstances/Compelling Reason(s) for Reconsideration

Dissatisfaction with the Board's decision is not grounds to request reconsideration. The applicant shall show a change in circumstances since the application was filed, or other compelling reasons, sufficient to justify reconsideration. Use the space below to list any specific changes or compelling reasons that have emerged since your case was reviewed.
