



PHILADELPHIA BAR ASSOCIATION

Lauren P. McKenna
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Pennsylvania Board of Pardons
333 Market Street
Harrisburg, PA 17126

Members:

Hon. John Fetterman, Lieutenant Governor, Chairman
Hon. Josh Shapiro, Attorney General
Hon. Harris Gubernick, Corrections Expert
Hon. John P. Williams, MD, Psychiatrist
Hon. Marsha H. Grayson, Esquire, Victim Representative

Cc: Hon. Tom Wolf, Governor

Sent via E-Mail to Brandon Flood, Secretary (bflood@pa.gov)

Re: Board of Pardons Policy Conditioning Merit Review on Full Payment of All Fines, Fees and Costs in Underlying Convictions

Dear Chair Fetterman and Members of the Board:

As Chancellor of the Philadelphia Bar Association, I am writing to express our opposition to the recently enacted Board of Pardons policy requiring all applicants to pay the full balance of fines, fees and costs due in underlying criminal matters before a merit review hearing is scheduled.

Promoting access to justice is a cornerstone of the Philadelphia Bar Association's efforts to ensure that all Pennsylvanians, regardless of economic circumstances, have an opportunity to use the legal system to achieve a fair and just result.

It is well known that a conviction history creates barriers to employment, education, borrowing, housing and economic mobility. Individuals released from incarceration who return to low-income communities often find that these barriers confine them to lives of economic hardship. For these individuals, the grant of a pardon may be their best opportunity to be released from poverty.

We were disappointed to learn that the Board of Pardons will require indigent applicants to pay these assessments, which are often decades old, before hearing the merits of a pardon request. This policy creates a two-tiered system in which applicants who can afford justice may obtain it, while those at the bottom of the economic ladder find this essential next rung too high to reach.

The Board of Pardons has always had the discretion in appropriate circumstances to make payment of fines, fees and costs a condition of clemency in its recommendation to the governor. The new policy removes this authority and eliminates the governor's discretion to waive payment.

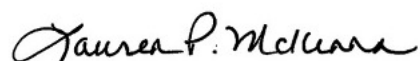
At its June 29 meeting, the Philadelphia Bar Association's Board of Governors adopted the enclosed resolution opposing the policy prohibiting hearings on applications for clemency where there are unpaid fines, fees or costs from underlying convictions.

In recent years, the Board of Pardons has made great strides in reducing the backlog of pardon applications, speeding up the review process, educating the community on the availability of pardons and simplifying the application procedure. Through your efforts, Pennsylvania has become a national leader in restorative justice.

The Philadelphia Bar Association has applauded these advances, as we share the goal of providing opportunities for second chances to deserving applicants for clemency. Nevertheless, we view this new policy as a setback, and we urge you to rescind it before the next round of merit hearings in August.

Thank you for your consideration of this letter and our Resolution.

Respectfully,



Lauren P. McKenna
Chancellor