

Ten Year Study: Very Low Recidivism Rate Among PA Pardon Applicants, And Very Few Crimes That Raise “Public Safety Concern”

August 31, 2020– Philadelphia Lawyers for Social Equity (PLSE) announced today the results of the ten-year examination it has conducted into whether applicants for pardon, successful and not, go on to commit crimes that raise public safety concerns. The study, *Pardons and Public Safety: Examining A Decade of Recidivism Data in Pennsylvania*, covered the 3,037 pardon applications that had been filed in Pennsylvania between 2008 and 2018.

Reviewing the same ten years of data that had been analyzed by the Economy League of Greater Philadelphia in the report it published earlier this year, the PLSE study finds that only 53 of the 3,037 pardon applicants (1.7%) were subsequently incarcerated, and that just 2 applicants (0.066%) were convicted of having committed a crime of violence. It also finds that, to the extent that the Pennsylvania Board of Pardons has tried to predict who poses a threat to public safety, the Board denied “an enormously high percentage of applicants who could have benefitted from [pardons]”: of the 1,461 people who were not even given a hearing on their pardon applications, 97.45% have not gone on to commit a crime that led to their incarceration.

"Hard data is critical to fully understanding, assessing and reforming how the criminal justice system operates," said Attorney General Josh Shapiro. "As the Board of Pardons has reformed and streamlined the pardon process over the last few years, we have sought justice and public safety. This study provides valuable and important data to help us continue broadening opportunities for second chances."

The PLSE study builds on the Economy League’s April 2020 report *Pardons as an Economic Investment Strategy: Examining a Decade of Data*. Finding that pardons had contributed \$16.5 million to Pennsylvania’s economy, the Economy League recommended that “pardons, with continued oversight for public safety concerns, should be considered as no-cost workforce development and neighborhood investment tools” and urged the Board to increase the number of pardon applicants, the percentage of applications granted, and the speed in which pardons are granted or denied. The PLSE study projects that another \$30 million could have been generated, with no increased risk to public safety, had more pardons been granted.

Daniel S. Nagin, Ph.D., the Teresa and H. John Heinz III Professor of Public Policy and Statistics at Carnegie Mellon University who consulted on the PLSE report, endorsed its conclusions. “Concerning the very modest number of individuals who do recidivate,” he said, “it is important to recognize that Board’s pardon decision had no effect on their recidivism, because these individuals were already free in society.” Noting the “lifelong stigma that burdens access to the legal labor market” that comes from a criminal conviction, he continued: “Increasing the rate of pardon among those who have heretofore

been denied will free the vast majority of individuals who have put their criminal past behind them to pursue their potential as contributing members of society.”

The PLSE study also documented that, three years after a negative decision was made on their pardon applications, 98.26% of the disappointed applicants had not committed another crime, and have not to date. This finding lead PLSE to recommend that the Board of Pardons automatically re-hear in three years every case it initially denies – which would keep the applicant’s hope alive and incentivize continued good behavior.

Jeff Brown, Chair of Pennsylvania’s Workforce Development Board and the president and chief executive officer of Brown’s Super Stores, Inc., also applauded the report. “It’s clear that Pennsylvania cannot reach its economic potential if its citizens are not allowed to reach their personal potentials. Criminal records are steel ceilings - and I see it every day - that make every mistake a life sentence.” Earlier in August, the Workforce Development Board recommended that the capacity of the Board of Pardons be increased, both to decrease the amount of time for an application to be considered and to increase the number of individuals who can have their pardons heard within one year.

“My business employs over 600 returning citizens,” Brown continued, “and I know how committed and dependable they are. This study clearly demonstrates that giving returning citizens a second chance makes our communities much safer.”

The PLSE Report, ***Pardons and Public Safety: Examining A Decade of Recidivism Data in Pennsylvania*** (August 2020), can be found at: <https://www.plsephilly.org/pardon-recidivism-study>. The Economy League’s Report, ***Pardons as an Economic Development Strategy: Evaluating a Decade of Data in Pennsylvania*** (April 2020), can be found at <http://economyleague.org/pardonimpact>.

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ABOUT PLSE: PLSE provides free legal representation to low income residents of Philadelphia whose criminal records are holding them back from achieving their potential as productive, contributing citizens. The services include seeking expungements in criminal court and pardons from the Governor, educating elected and community leaders, creating community-based Pardon Hubs, and empowering under-resourced communities to seek a greater voice and needed systemic reforms. PLSE is a recipient of the Barra Award as an Exemplary Non-Profit Organization.