

Process for Obtaining Expedited Review
by the Montgomery, Delaware and Philadelphia District Attorney's Offices
of Applications for Pardon coming from PLSE's Pardon Project
[as of March 17, 2021]

An essential part of the investigation made by the Board of Pardons [BOP] into pardon applicants is obtaining input from the District Attorney's Office [DAO] in each county where a conviction was obtained.

**Pardon candidates who have the support of the DAO can be placed
on an accelerated track that can lead to hearings within one year!**

Thanks to a new procedure that applies to PLSE Pardon Project clients, PLSE clients and Pardon Coaches are able to expedite the DAO's review in three counties: Montgomery, Delaware and Philadelphia. This memo will explain the procedure, and the timing, for those reviews.

Background

These DAOs have received a copy of the eligibility criteria PLSE uses to screen candidates for the Pro Bono Pardon Project, and they understand why we consider any client who is admitted into it is presumptively an excellent candidate for a pardon. While not committing in advance to support any particular candidate, the District Attorneys in these counties all agree that this new accelerated review will advance the cause of justice.

This new procedure could result in the BOP receiving the DAO's input as much as 18 months earlier than it now does. Because the input is being given at the start of the process, it should also greatly reduce the time needed by the Department of Probation and Parole to conduct the "present status" investigation on behalf of the BOP.

The Process

When an application for pardon is received in the mail, the BOP assigns it an "**Application No.**" DAO review can be requested at any time after the application receives its **Application No.** When to ask for it is discussed in the next section.

To obtain DAO review, a PDF of the complete copy of the Application (**bearing the Application No. and including all required court records and all supplemental materials**) should be emailed to:

Delaware County: Catherine Kiefer daoappeals@co.delaware.pa.us

Montgomery County: Edward McCann emccann2@montcopa.org

Philadelphia County: Ray Roberts Raymond.Roberts@phila.gov

A request for review and recommendation can be made in the cover email or in a separate letter. **Be sure to indicate that the candidate is being represented by the PLSE Pardon Project.** Please also confirm that **the DAO's letter should be emailed to the Hon. Brandon Flood, Secretary, Board of Pardons at bflood@pa.gov.**

There are several options available to the DAO: 1) positive recommendation, 2) recommendation for denial, 3) a comment or opinion without a recommendation, or 4) no response. Whenever DAO issues its letter of recommendation to BOP (regardless of whether it is favorable, neutral, or not), DAO will email a copy of the letter to the person who requested the review. If the DAO letter is emailed to a PLSE volunteer, the volunteer must then provide it to the applicant

Important Note: The DAO is not obliged to respond to our request for a recommendation within any specific time. **We have agreed not to contact DAO before at least 45 days have passed from the date the request for review was submitted to the DAO.**

WHEN to Use This New Process

The best time to ask the DAO for its evaluation is when you have more than just the applicant's own say-so about what they have done to demonstrate they deserve a pardon -- that is, it is better to wait until there is documentary evidence to share about how they have turned themselves around and become a "contributing member of society" and/or how their conviction is harming them and their families.

We have stressed in our trainings how very important "Certificates, Diplomas, Recommendation Letters, [and other] Supporting Documents" are to receiving a hearing and, eventually, a recommendation to the Governor. Even so, the Board does not regard them as necessary at the time of filing, and their absence will not hold up the BOP's administrative review. Given the importance of "getting in line", we recommend that applications be mailed in to the BOP as soon as the Application is completed, even if you don't have any "supporting documents" yet.

You can always submit amendments to the Application and additional supporting documents: just **be very sure to put the "Application No." on every document.** When the package is "good enough" to ask for DAO review is, of course, up to the applicant – and it's yet another example of how helpful Pardon Coaches can be.

Be sure to let PLSE know when you have made the request, so that PLSE does not duplicate your efforts, and so we can track the speed with which these requests are being processed.

Questions

If you have any questions about this process, send them to probono@plsephilly.org.