

Lackawanna County Pardon Project

First Meeting – 1/22/2021, 12:00-1:00 pm

Notes and Action Items

Participants: Tobey Oxholm – Meeting Organizer; Jerry Musheno, Brianna Florovito, Jane Augustine, Judy Price, Sylvia Hahn, Frank Castellano, John Bogdanovicz, David Fallk, Lori Malloy, Carl Deeley, Linda Ciampi, Frank Bolock, Sid Prejean, Will McGowan, John Byrd, Larry Moran Sr., Meghan Osborn, Jessica Eskra, Steve Kravitz and Pam Janus

Next Meeting: via Zoom Friday February 5th, 2021 at 1:05PM

Individual Action Items:

- 1) Prior to the next meeting, Lackawanna County District Attorney's Office and Lackawanna County Public Defender's Office will investigate the number of criminal prosecutions and the number of individuals represented by either the Lackawanna County Public Defender's Office and/or conflict counsel for the indigent. They will bring to the next meeting any numbers or statistics they believe might be helpful in determining the scope of people needing pardons.
- 2) Attorney Larry Moran will explore the possibility of having summer interns in his office review files for possible pardon candidates.
- 3) Attorney John Bogdanovicz will explore and report to the group on whether NPLS can add a screening tool or question to their intake / first meeting protocol to screen for clients or client family members who may be parole eligible.
- 4) Frank Castellano will reach out to the Court to discuss the project and work on a possible protocol for obtaining/providing records without charge to low-income people applying for pardons.
- 5) Tobey Oxholm will provide Frank Castellano with the Delaware County Order allowing records to be emailed free in PDF.
- 6) Tobey Oxholm will provide Frank Castellano with document templates being used elsewhere in PA for reference.
- 7) Jessica Eskra will reach out to the Director of Parks and Recreation to determine availability and resources at parks where Clinics or Information Sessions can be held.
- 8) Tobey Oxholm will provide information about upcoming Pardon Coach trainings.

Group Action Items:

- 1) Consider possible places where safe and socially distanced Clinics and/or informational meetings can be held
- 2) Consider if there are other people or organizations who should be brought into the planning meetings

- 3) Consider organizations we might be able to partner with for purposes of getting the word about the project out to the community
- 4) Consider a target first date for an initial Clinic. Due to the uncertainty of COVID, the date may be changed, but once a date is tentatively set, we can begin working on a timeline to complete necessary documents, to begin training volunteers and to begin reaching out to possible clients.
- 5) Review the email Tobey sent post meeting for links to training materials and additional helpful information.

Notes:

- 1) Philadelphia Lawyers for Social Equity (PLSE) won the 2021 Greater Philadelphia Innovation in Human Services & Community Development Top Prize – notable because it recognizes expungements and pardons as investments in neighborhoods and human capital.
- 2) PLSE is approaching the Lackawanna Pardon Project as a community collaboration as it does with all of its projects. Helping pardon eligible people remove the barrier of a prior criminal record gets people back to work and/or better paying jobs which in turn stabilizes families and communities.
- 3) The PA Board of Pardons has established their schedule for the year and published it on their website.
 - a. The schedule can be accessed by going to www.bop.PA.gov
 - b. You can view the merit reviews via Skype. **Next one is on February 4, 3pm.**
 - c. Public Hearings are held on Zoom. **Next session is March 3-5, 9am-2pm.**
 - d. Everyone is encouraged to visit the website and to watch the proceedings virtually. Prior to COVID adaptations, the only way to participate was to physically attend the proceedings generally held in Harrisburg.
 - e. In response to COVID, other changes to the pardon process include a fillable PDF form, allowing signature pages to be PDFs if mailed in by the Coach, and “present status” interviews via phone by the Dept of Probation and Parole.
 - f. Pardon Coaches are primarily assisting people via phone and zoom.
 - g. The Board is no longer considering whether costs and fees are still listed as being due; it is concerned only about restitution and fines.
 - h. The PA Supreme Court Criminal Rules Committee is considering an *In Forma Pauperis* status for defendants being represented by public defenders/conflict counsel/etc, so fees and costs are not allocated to their cases from the start.
- 4) It would be helpful to have some Lackawanna County specific data to consider for the next meeting. There is a spot where criminal and socio-economic matters overlap. It would be helpful to have numbers for Lackawanna County both so that

we know the possible eligible population as well as making it easier to find and recruit people we may be able to help.

- a. As a stepping off point, the Lackawanna County Public Defender's Office represented approximately 2,500 of the 3,000 criminal prosecutions in Lackawanna County last year. They estimate that on a given year, they represent between 75% to 80% of criminal defendants in the Lackawanna County criminal court.
 - b. Not sure how COVID has / will change those numbers moving forward.
 - c. It is acknowledged that the number of incarcerations per percent of population in Lackawanna County may be among the highest in the state.
- 5) CareerLink in Scranton might be a good partner in the project. They perform a very extensive background screen of clients to identify barriers to employment. They then work with the clients to overcome those barriers. They would be a great referral program for this project.
- a. Workforce Development Coaches may be able to partner with us to refer clients.
- 6) The Scranton Chamber of Commerce is interested in working with the program to get the word out about "Second Chance Hiring" to CEOs and Human Resources offices of members. In some areas, this barrier to employment can stunt business growth and efficiency by preventing otherwise excellent candidates from being hired.
- 7) Attorney Moran indicated that he has been considering having summer interns review Public Defender files to identify people who may be eligible for pardons or other relief. He will review whether this project may be possible taking into account the possible continuing COVID restrictions.
- 8) Attorney John Bogdanovicz indicated that there may be a way for North Penn Legal Services to screen candidates and their family members during intake or initial meeting with their assigned attorney / advocate. If someone or a family member is eligible for the program, the benefit to the person and his/her family would be tremendous.
- 9) Jane Augustin of Outreach indicated that they can get the word out to the prison population once COVID restrictions are lifted, and they can re-enter the facility. Their job coaches can also screen potential applicants. Jane sees value in providing some coaching and assistance to people who may not yet meet the eligibility requirements to file for a pardon. It would give that group valuable goal setting information.
- 10) Frank Castellano will facilitate the process with the Court system.
- 11) The following are suggestions / thoughts / concerns the Court may consider in crafting the program parameters:
- a. Since 2019, the Court records needed for the pardon process no longer need to be certified.
 - b. We will work to develop a system for income qualified people to obtain the records for free if possible.

- c. It is suggested that the Court's current IFP standard be adapted and used in this project.
 - d. Tobey has information he will share with Frank to help facilitate Court planning for the project.
 - e. Tobey noted that no Court proceedings are necessary, but that as part of its investigation of applicants, the Board of Pardons seeks input from the President Judge of the county(ies) where the applicant was convicted.
 - f. It was suggested that one person and/or court email be established to receive and respond to requests for pardon documents to streamline and monitor the procedure.
 - g. In Bucks, Chester, Delaware and Montgomery Counties, Pardon Coaches under the pro bono program are able to request that the documents be emailed directly to them. The Court may want to consider that as a potential model.
- 12) Lackawanna Pro Bono Inc. volunteered to be the central hub of the project. LPB will work with PLSE to recruit, train and maintain volunteers for the project. LPB will also keep track of data and outcomes. LPB will also screen potential clients for eligibility and assignment to volunteers. LPB will also work with PLSE and the Court to develop an informational packet and forms for use in the project.
 - 13) Getting numbers of participants up is going to take a while and require publicity for the project and outreach. Good data can lead to good grants if the program grows large enough.
 - 14) Jessica Eskra offered to activate the City of Scranton's Census Ambassador program to get the word out to the community about the project. She also felt the Office of Economic and Community Development would be a good partner in getting information about the project out to people who would benefit from it.
 - 15) The Recovery Bank offered to host Clinics when it is safe to do so. It was noted that a lot can be done outside with heaters and hotspots.
 - 16) Outreach also offered to be a possible place for Clinics when it is safe to gather. It was noted that people are more likely to come out to a place they trust and feel comfortable in.
 - 17) Lori Malloy suggested that we consider virtual Clinics.