



August 10, 2022

Honorable Tom Wolf, Governor
Lieutenant Governor John Fetterman, Board of Pardons Chair
K. Celeste Trusty, Board of Pardons Secretary
Honorable Josh Shapiro, Attorney General, Board of Pardons Member
Honorable Harris Gubernick, Corrections Expert, Board of Pardons Member
Honorable John P. Williams, MD, Psychiatrist, Board of Pardons Member
Honorable Marsha H. Grayson, Esquire, Victim Representative, Board of Pardons Member

Re: Provide Reasons for Clemency Grants and Denials and #VisitAPrison

Dear Governor Wolf, Lieutenant Governor Fetterman, Secretary Trusty, Attorney General Shapiro, Mr. Gubernick, Attorney Grayson, and Dr. Williams:

We write out of concern that the current clemency process lacks transparency, and as a result, applicants and their families are left in the dark as to why they are denied. As you know, clemency is the only hope of relief for people serving very long and life without parole sentences. We have heard from many families throughout Pennsylvania who are bewildered and heartbroken following the Board's denials last week of commutation applicants who have served decades in prison, have the full support of the Department of Corrections (DOC), and are widely considered paradigms of rehabilitation by every metric. We ask that the Board immediately begin providing reasons for granting and denying clemency applications, and adopt a process to share those reasons with concerned parties.

Providing the reasons for grants and denials affords due process by showing that the law is administered fairly and rationally. Currently, the public impression of our families is that the process is not uniformly fair and rational, but rather can be political, capricious, and often downright mysterious. Providing reasons for denials is a practical way to advance the rehabilitative goal of corrections by advising the applicants of what they can do to improve their prospects; or alternatively, understand that the Board will not consider them a worthy applicant. This knowledge will also benefit the DOC and victim(s). [FAMM](#) is renewing this request which was originally proposed in our [March 2022 letter to clemency officials](#).

[FAMM](#) is non-partisan and works with everyone to implement the reforms that we advocate. To that end, we suggest adopting a form to use during clemency hearings. We have enclosed a sample check-box form that lists [the common criteria the Board considers](#). The Board Secretary and/or individual Board Members could utilize this form or draft and use their own form during merit review and public hearing voting sessions. We would ask that, for full transparency, copies of any adopted form be made available to victims, the DOC, and clemency applicants before they apply for clemency, and that completed forms be shared with those parties after a clemency recommendation decision is reached.



1100 H Street NW, Suite 1000 • Washington, D.C. 20005



(202) 822-6700



www.famm.org

Finally, we thank Secretary Trusty and Board of Pardons staff for participating in [FAMM's #VisitAPrison challenge](#). We reiterate our request that all individual Board Members also visit a state prison to tour and spend time with people serving life sentences. [FAMM](#) is happy to coordinate the visit, and considers it critical, ongoing education in support of the important work you do at the Board.

Thank you for considering our views. Please contact me at (717) 945-9089 or mgoellner@famm.org with questions or to discuss this matter further.

Respectfully,

/s Maria Goellner

Maria Goellner, Esquire
Pennsylvania State Policy Director
[FAMM](#)

cc: Acting Secretary of Corrections George Little

PENNSYLVANIA BOARD OF PARDONS

The Board of Pardons has considered¹ the following this _____ day of _____, _____ at the

MERIT REVIEW / PUBLIC HEARING OF _____.

REASON(S) FOR CLEMENCY DECISION

Check all that apply

To grant	To deny	<u>Reason</u>
		Nature and circumstances of the offense (including age at the time, role in offense, etc.)
		Time elapsed since the commission of the crime
		Punishment served and/or time served incarcerated
		Time elapsed on probation/parole, completion of sentence, and/or parole eligibility
		Legal remedies exhausted
		Evidence of rehabilitation
		Period of crime-free living and/or institutional conduct record
		Other criminal history/violence
		Programming, education, other pro-social or anti-social activities
		Work record
		Compliance with all court requirements, including but not limited to payment of all costs and fines
		Specific need for clemency
		Witness input (including but not limited to victim/survivor, prosecutor, judicial input)
		Parole and/or Dept. of Corrections input
		Responsibility/remorse (acceptance, demonstration, articulation)
		Risk to community (including but not limited to Predictive Analytics Scoring)
		Community/family support
		Other:

Recommendations for improvement: _____

¹ Neither the Pennsylvania Constitution nor the laws or regulations governing the Board of Pardons establish minimum eligibility requirements in order to apply for executive clemency. The law does not establish a specific list of factors that the Board must consider. This list contains the most common criteria considered. It is not exhaustive and the Board's decision *is not limited* to these factors. The Board of Pardons provides this list to applicants, victims, and the Dept. of Corrections solely for the purpose of furthering the goals of transparency and rehabilitation.