

Commonwealth of Pennsylvania



DICK THORNBURGH

Governor

NCJRS

JUN 2 1980

ACQUISITIONS

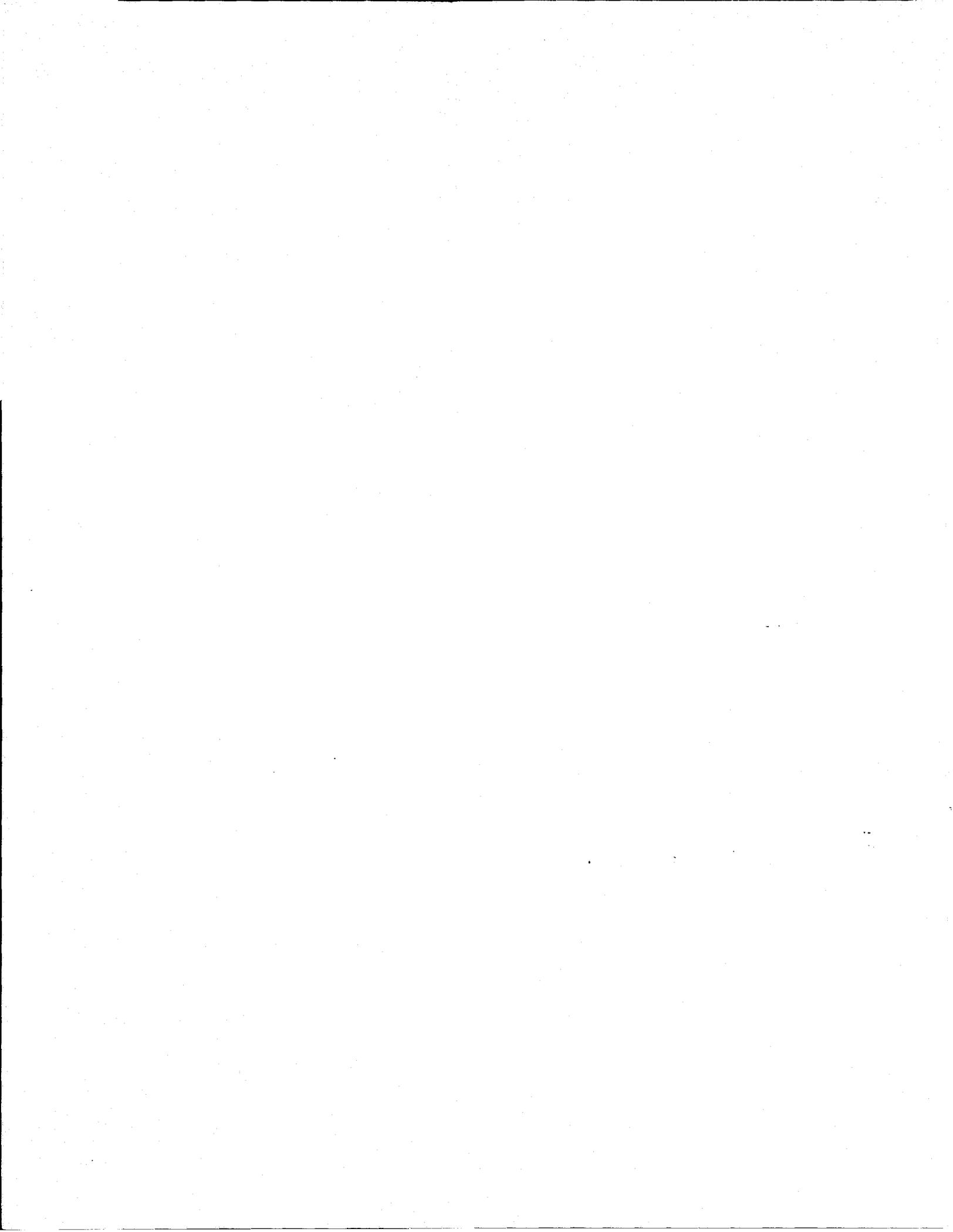
THE BOARD OF PARDONS

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FUNCTIONS

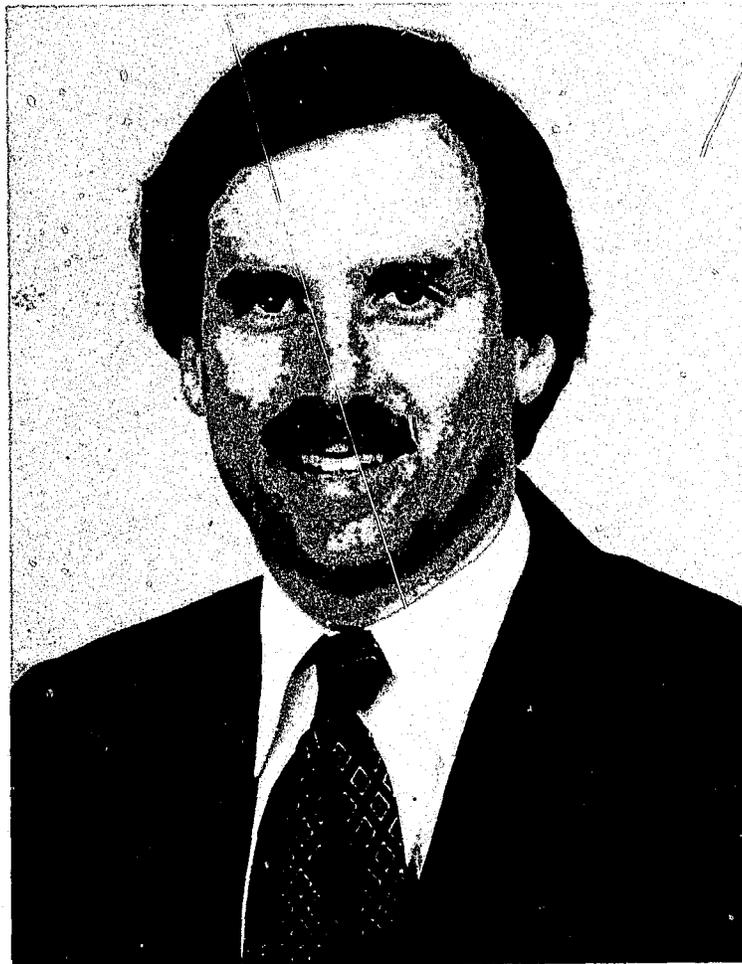
DUTIES

RESPONSIBILITIES





DICK THORNBURGH
GOVERNOR
COMMONWEALTH OF PENNSYLVANIA



WILLIAM W. SCRANTON III
LIEUTENANT GOVERNOR
COMMONWEALTH OF PENNSYLVANIA



**Commonwealth of Pennsylvania
LIEUTENANT GOVERNOR'S OFFICE
Harrisburg**

WILLIAM W. SCRANTON III
Lieutenant Governor

TO THE PEOPLE OF PENNSYLVANIA

It is the intent of this publication to better acquaint the people of Pennsylvania with a unique aspect of the criminal justice system, the Board of Pardons.

The information contained herein is meant to serve not only those hundreds of Pennsylvanian's who have a direct contact with the Board of Pardons, but to inform all of our citizenry of the unique avenue of relief provided in the Pennsylvania Constitution.

With the ever increasing public interest in our Pennsylvania justice system it is my hope as Chairman of the Pardons Board that we may continue to improve this vitally important function.

Sincerely,

A handwritten signature in black ink, reading "William W. Scranton III" with a stylized flourish at the end.

WILLIAM W. SCRANTON III

The Board of Pardons
Commonwealth of Pennsylvania

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Prepared by:

GERALD A. GILLINGHAM
SECRETARY OF THE BOARD

Revised 1979

Board of Pardons

HISTORY OF PARDONING POWER

Throughout the civilized world, especially in those countries influenced by the Judeo-Christian Culture, the concept of clemency has existed for centuries.

According to Webster's Dictionary, "clemency" is defined as "an act of leniency or a disposition to be merciful."¹ The word "clemency" is derived from the Latin words *clementia* (meaning mildness) and *clemens* (meaning merciful).² Clemency has come to be coupled with the word "pardon". A pardon is the excusing of an offense without exacting a penalty, or the forgiveness of a fault, offense, or discourtesy.¹ Thus, pardon may be described as an expression of clemency.

England has exercised pardoning power from its early history as a necessary attribute of sovereignty.

In the United States, this power is granted to the President by the Constitution, and in the various states and territories it is either conferred by constitutional provision or organic act, or provided by statute, usually conferred upon the governor.³ In the Commonwealth of Pennsylvania, this power is shared by the Board of Pardons and the Governor, who makes the final decision.

FUNCTION OF THE BOARD

In the Commonwealth of Pennsylvania, the Board of Pardons reviews criminal cases, except impeachment, to determine whether clemency should be recommended to the Governor for his approval or denial.

When the Board makes its recommendation, it must provide reasons, in writing, to the Governor, stating why an individual's application for clemency is being recommended. The Board must be convinced, at a public hearing, that there are sound and persuasive reasons to make a recommendation for clemency.

After the recommendation is prepared and signed by the Board Members, it is forwarded to the Governor for his review and signature. If the Governor approves the Board's recommendation he signs it, and a charter with his signature is prepared for official notification. The applicant's petition for clemency is then approved, either granting a pardon or reducing his sentence. The Governor may reject the Board's recommendation and the request stands denied.

The Board also has the power to make recommendations in remitting fines and forfeitures. This is usually done upon the application from Clerks of Courts of the 67 counties of Pennsylvania, who, for some reason, are not able to collect fines and costs from individuals over a period of years. The current policy

of the Board is that no fines and forfeitures which are not ten years or older will be considered for remission.

In 1974, by mutual consent, representatives of the Court of Common Pleas and the Bureau of Correction designated the Pardons Board as the arbitrator of pre-release cases where there was disagreement on the placement of persons serving their minimum sentence in pre-release status. Before a person can be placed in such a program, the Bureau of Correction and the Court must agree. Generally, there is agreement, but on occasion, an impasse develops. When that occurs, the Pardons Board is called upon to resolve the issue.

Public hearings are scheduled and advertised to provide all interested parties with an opportunity to present their views. After all pertinent information has been carefully reviewed the Board makes its decision. Once the decision has been made, both parties are officially notified. The confined person is either approved for pre-release status or denied.⁴

The Board of Pardons has tremendous power, as well as an awesome responsibility. Consequently, many people view the Board as a "super court" able, in effect, to adjust the sentence imposed by a lawfully constituted court of law. While the Board may have this power, the record clearly illustrates it is not used haphazardly or capriciously. Rather, the pardoning power has been used for extenuating circumstances in which the court could not act. However, if there is some legal technicality, such as the introduction of hearsay evidence, illegal confession, illegal search and seizure, inadequate counsel, and so forth, the court has the responsibility and the duty to resolve those matters.

The Board of Pardons does not decide innocence or guilt. The Judicial System has that function!

Some people equate hearings of the Board of Pardons with a formal hearing before a Court of Law. Board hearings are not formal, but informal. Although a certain amount of decorum is necessary, the Board does not maintain the formality and protocol found in the court. Persons who come before the Board are not sworn in or cross-examined. They appear for the purpose of pleading on applicant's behalf or stating their opposition. No official record is made of their comments except in a general way to help the Board reach a decision. It should be noted the applicant has already been adjudged guilty. If there is some legal question, then the applicant's recourse is through the courts, not the Board of Pardons.

You need not be a practicing attorney to represent a client before the Board, but if you are not an attorney, you cannot charge the applicant a fee. Anyone who can reasonably articulate the applicant's plea may make the presentation before the Board, as long as he or she is not presently incarcerated. This could be a

clergyman, construction worker, housewife, teacher, layman, etc. The main point is the person's ability to present the plea in a clear and concise manner. The important point to remember is that the applicant has already been found guilty and sentenced through the judicial process. The Board of Pardons determines whether there are sufficient reasons to recommend mercy. Thus, the Board's only consideration is whether the applicant should be granted a pardon or have his sentence reduced.

COMPOSITION OF THE BOARD

The Board of Pardons consists of five members: The Lieutenant Governor, who serves as Chairman; the Attorney General; and three members appointed by the Governor, with the approval of two-thirds or a majority of the members elected to the Senate, for six year terms. These three members must be residents of Pennsylvania and recognized leaders in their fields—one shall be a member of the bar; one a penologist; and the third a doctor of medicine, psychiatrist, or psychologist.⁵

With this composition, the Board has the expertise to carefully scrutinize all cases that come before it. Each member gets the expert advice of the other members regarding an applicant before a decision is reached.

This kind of membership provides the Governor with sound advice and recommendations useful to him before he approves or rejects the Board's recommendations for clemency.

At the present time, the Members of the Board of Pardons are:

The Honorable William W. Scranton III, Lieutenant Governor, Chairman

The Honorable Edward G. Biester Jr., Attorney General

The Honorable Richard W. Rogers, Esq., Member (Attorney)

The Honorable Laurel L. Rans, Member (Penologist)

The Honorable Daniel J. Menniti, PhD, Member (Psychologist)

MEANING OF COMMUTATION

The Board has the power to recommend to the Governor the granting of pardons and the commutation of sentences.

Commutation is best explained by citing an example.

Let us assume an individual has been convicted of Murder in the Second Degree, receiving a sentence of 10 to 20 years. In effect, the Court has said the offender must spend at least 10 years in prison before he can be returned to society. When he completes the 10 year minimum sentence, the Board of Probation and Parole can then process him for release on parole to complete the remaining 10 years of his 20 year sentence under supervision. He cannot be released any sooner by the Board of

Probation and Parole until he serves his minimum sentence of 10 years.

However, there is a way he may be released before completing the full ten years. He may apply to the Board of Pardons for a commutation (or reduction) of his minimum sentence.

Let us say that he has completed 7 years of his 10 year minimum and applies to the Board of Pardons for mercy. The Board, with the Governor's approval, reduces his 10 year minimum sentence to 7 years. He now has a new sentence of 7 to 20 years for Second Degree Murder, making him eligible for parole consideration.

As he has already completed his new minimum sentence, the Board of Probation and Parole will now process him for release under parole supervision. He must still complete the remaining 13 years under parole supervision unless sometime in the future the Board of Pardons commutes his maximum sentence (20 years).

In the case of those persons who are convicted of Murder in the First Degree and receive a Life sentence, there is no way they can be released except by the Board of Pardons, with the Governor's approval. Persons who have Life sentences do not have a minimum sentence and the Board of Probation and Parole cannot release them unless the Board of Pardons sets a minimum sentence. Therefore, all persons under a life sentence who seek release from confinement must come before the Board of Pardons. There is no other way they can be returned to society.

MEANING OF A PARDON

A pardon is the highest form of mercy that can be bestowed upon an individual who has a criminal record. According to William J. McKnight III, a former member of the Board of Pardons, in his report, *Pardon, Amnesty and Reprieve*, he cites the following definitions of a pardon:

"A definition which has been designated by the court as probably the most accurate and comprehensive, and as best expressing the legal signification of the word, is that a pardon is a declaration on record by the chief magistrate of a state or country that a person named is relieved from the legal consequences of a specific crime. Another definition commonly given is that a pardon is an act of grace proceeding from the power intrusted with the execution of laws, which exempts the individual on whom it is bestowed from the punishment the law inflicts for a crime he has committed."³

From these definitions, it is apparent that a person who is pardoned by the Governor is free from all criminal disability. His record can no longer be used to deter him from becoming a policeman, being bonded, securing a passport, obtaining a professional license, etc. However, this does not mean that a person's court record or his police record is expunged. In 1978,

the Pennsylvania Superior Court held that the granting of a pardon for reasons other than innocence does not entitle the person to have his criminal record expunged.⁶ Should he be confined, he would be released immediately and free from parole supervision.

Of course, being pardoned by the Governor while in confinement would be an extreme example, but should it be granted the sentence in force would no longer be in effect.

Generally, the Board of Pardons does not recommend those who have serious and extensive criminal records for pardon. Persons who are granted pardons are usually those whose criminal records are not too serious.

HOW DO YOU APPLY FOR CLEMENCY

An application form can be secured from the Secretary of the Board of Pardons, Department of Justice, 14th Floor, Strawberry Square Building, Harrisburg, Pennsylvania, 17120, by forwarding a check or money order in the amount of \$2.00 payable to the Commonwealth of Pennsylvania. The Secretary's office will then forward the necessary forms. There are twelve copies of the form, one pink (original) and eleven white copies, that must be completed. When they are completed, the pink copy and ten white copies, accompanied by five passport size photographs of the applicant, and a check in the amount of \$20.00 payable to the Commonwealth of Pennsylvania, are forwarded to the Secretary's office for processing. In completing the application, it is very important that the applicant does not conceal or withhold information from the Board. By doing so, he jeopardizes his opportunity for a favorable decision, no matter how worthy his case might appear. It is to his benefit that all information is revealed for the Board's information. If the application is not complete, as required, it will not be listed for a public hearing until all requirements are fulfilled.

Should a person not have sufficient funds to meet the cost of purchasing the forms and paying the filing fee, he may complete a forma pauperis form showing his financial status. This form can also be obtained from the Board Secretary's office. The Board will then evaluate his statement and decide whether the fee, or fees, shall be waived. Should the waiver be granted, the application is then processed.

Some people ask, why so many copies? First of all, the pink copy and four white copies go to the Board so that each member may have one. The pink copy is for the Lieutenant Governor. This is the original copy and is kept in the Board of Pardons office file after the hearing is completed.

The other copies go to the following places: the Trial Judge, or in his absence, the President Judge; the District Attorney; Bureau of Correction; Board of Probation and Parole; and in

cases involving more than one jurisdiction, copies also go to the Judge and District Attorney in the appropriate county.

After these copies are received by the various persons and agencies, they have a specific role to play in helping the Board of Pardons reach a decision on the application. The Judge usually forwards his comments by correspondence to the Board. Generally, he will make his position known as to whether he favors, opposes, leaves the matter of clemency to the Board's discretion, or has no comment to make. Many times, the Judge will give strong reasons for favoring clemency, or conversely, give strong reasons for opposing clemency.

The District Attorney usually follows the same procedure. In the case of many counties, the District Attorney, or his representative, makes a personal appearance before the Board declaring his position.

The Bureau of Correction responds by providing a detailed report on the individual's institutional adjustment. This report covers his conduct, vocational, educational, medical, psychological, as well as other reports regarding his adjustment. The Board wants to know what efforts have been made by the applicant to merit consideration for clemency. If necessary, psychiatric evaluations are requested, or any additional information which the Board deems necessary.

The Board of Probation and Parole is required to do the investigations, as the Board of Pardons does not have a field investigative staff. This requirement was mandated by the Legislature when the Board of Parole was created. According to Purdons Statutes: "The Pennsylvania Board of Parole shall be charged with the duty of making investigations and recommendations to the Pardon Board in cases coming before it, and upon its request."⁴

In this investigation, the assigned Parole Agent thoroughly reviews the crime by checking police reports, records in the Clerk of Courts office, court testimony, and any other pertinent data. However, the Parole Agent makes a personal contact with the Judge and District Attorney to make sure the Board of Pardons secures their remarks even though they may have already submitted their comments by letter.

To be reasonably sure that victims of violent crimes, or their survivors, are contacted, the Parole Agent secures their last known home address. This address is used to forward a letter notifying them that this particular individual's plea for clemency will be heard by the Board of Pardons at a specific time. This gives them the opportunity of either writing to the Board or making a personal appearance to offer their comments.

The Board seeks and encourages comments, whether they be positive or negative, from the victims or their survivors.

After the Parole Agent completes his investigation, this report is then forwarded to the Board Secretary's office. All these reports are then compiled for submission to the Board Members for their careful review prior to the public hearing.

SOME FACTORS THAT ARE CONSIDERED

Many people have the misunderstanding that only the applicant's institutional adjustment should be considered by the Board of Pardons. Consequently, if the individual's conduct participation in treatment programs, educational programs, etc., are good, then there is no reason why he should not be released. After all, he is making a sincere effort to earn his release from confinement to return to society, and what else is there to consider?

There are many other factors that are extremely important!

The Board must consider the attitudes of the Court, particularly the Trial Judge, who initially sentenced the applicant and heard the testimony regarding the circumstances of the crime. It is his responsibility to fix the punishment for the particular crime committed and decide what the Court feels is best for society as well as the offender. This is a function of the Court and not the Board of Pardons.

The District Attorney is also contacted for his views, as he is the chief prosecutor for the county and is responsible for the enforcement of its laws. His office has personal knowledge regarding the facts concerning the commission of the criminal act and what kind of affect this act has had on the community. Being an elected official, he should know the attitudes of the community regarding the convicted individual.

What kind of a criminal act was committed and how did it affect the people involved? This is very important to the Board in reviewing the application for clemency. Crimes of violence, such as murder, rape, aggravated assault and battery, assault with intent to kill, and armed robbery, are extremely serious offenses which are not taken lightly by the Board.

The Board wants to know how the victims involved were killed or injured, and if there were any extenuating circumstances which should be considered in deciding whether commutation should be granted.

If the Board feels this individual has received a fair sentence, and there are no extenuating circumstances to merit clemency, then the individual should serve his minimum sentence and be considered for release by the Board of Probation and Parole.

It is not the Board's function, nor desire, to adjust sentences of all applicants who come before it, although such power and authority is vested in the Board.

Other factors that are considered are psychiatric, psychological, and medical problems. If the Board reduces an applicant's



Left to right: Hon. Laurel L. Rains, Member; Hon. Edward G. Beister, Attorney General; Hon. William W. Scranton III, Lieutenant Governor, Chairman; Hon. Richard W. Rogers, Esq., Member; Hon. Daniel J. Menniti, PhD., Member.



sentence — making him eligible for parole — will he be a good risk for society? Can he now return to the community with a good chance of success and respectability? Does he have the mental stability and maturity to handle stressful situations without resorting to aggressive behavior? What kind of help will he need from the community to assist him in his return to society?

If the Board cannot resolve these questions favorably, it cannot in good conscience recommend commutation.

Another important factor is the attitude of the community toward the offender regarding his crime, and the community's willingness to accept him. This attitude is extremely important, because if the community is strongly opposed to commutation of sentence, it is of little value to override the sentiments of the citizenry. It would be counterproductive to the individual's rehabilitative goals.

When the victims or survivors of victims appear at the hearing to voice their opinions, the Board weighs their remarks carefully. These are the persons who have been injured physically, emotionally, and socially, whether they have been attacked personally or have lost a member or members of their immediate family. It is very touching for the Board to hear a mother, father, wife, husband, children or grandparents describe their loss. What can be said to someone who has experienced this kind of tragedy?

Although these are some of the factors the Board considers, they are by no means all of them. The Board reviews not only the applicant's prison record, but it also weighs other factors which are considered equally important in determining a recommendation of clemency to the Governor.

FUNCTION OF THE BOARD OF PROBATION AND PAROLE

Many Pennsylvanians, as well as persons in other states, do not really understand the difference between the Board of Pardons and the Board of Probation and Parole. This is not unusual as both of these agencies are very instrumental and necessary in the Field of Correction.

In some states, the Board of Pardons and the Board of Probation and Parole are one agency, minimizing the confusion of their purpose and function. It shall be the purpose here to clarify the differences and reduce some of the widespread misunderstanding regarding these two separate and distinct agencies within Pennsylvania.

One of the main reasons for the confusion between the two agencies is that the Board of Pardons, with the approval of the Governor, carried out the function of paroling inmates prior to August 6, 1941, at which time the Board of Parole was constituted by the General Assembly. At that time, Trial Judges sen-

tenced individuals directly to a particular institution rather than to a classification center as they now do. Today, the Bureau of Correction decides in what institution the individual shall serve his sentence.

When the convicted person was sent directly to the penitentiary (now referred to as a correctional institution), for example, Western State Penitentiary, he began serving his sentence. Let us assume that his sentence was two to four years. After serving his minimum sentence of two years with a satisfactory prison record, he was then considered for release on parole by the Board of Trustees at Western State Penitentiary.

The Board of Pardons received the recommendation from the Board of Trustees at its regular scheduled meeting and decided whether it should be forwarded to the Governor for his approval. With the Governor's approval, the inmate was released on parole to serve the balance of this four year sentence.

In the event he violated his parole, the Board of Pardons and the Board of Trustees reviewed his case, deciding, with the Governor's approval, whether he should be continued on parole or returned as a parole violator.⁴

In order to have a more unified and concerted effort in the area of supervision and rehabilitation of paroled offenders, it was felt that this system needed improvement. Supervision of parolees was minimal, and, in many cases, was practically nil. Many gaps in the rehabilitation process were apparent. A more qualified and professional field staff needed to be developed. The administration of the parole program was cumbersome, and, in some instances, believed to be ineffective.

As parole became more and more important in the treatment process, it became apparent that a more unified and coordinated system had to be developed to protect society and re-orient the offender to responsible living in the community. The members of the Pardons Board held other positions in State Government and could not devote full time to administering a Parole Board.

In order to provide better services to the public, the General Assembly constituted the Board of Parole on August 6, 1941, giving it the authority in the following area:

"The Board shall have exclusive power to parole and reparole, commit and recommit for violations of parole, and to discharge from parole all persons heretofore or hereafter sentenced by any court in this Commonwealth to imprisonment in any prison or penal institution thereof, whether the same be a state or county penitentiary, prison or penal institution, as hereinafter provided. It is further provided that the board shall have exclusive power to supervise any person hereafter placed on parole. . . . the powers and duties herein conferred shall not extend to persons sentenced for a

maximum period of less than two years . . ."⁴

The Board of Parole, now called the Board of Probation and Parole, has the exclusive power over all individuals receiving a sentence of two years or more. Any sentence under two years remains in the jurisdiction of the sentencing court, which decides when that person is paroled. If a person receives a one to two year sentence, he is under the jurisdiction of the Board of Probation and Parole. If he receives a sentence of 11½ to 23 months, he is under the jurisdiction of the sentencing court. He can be supervised by the Board of Probation and Parole but the court order must specify this condition, otherwise he is supervised by the Court's Probation Office.

It is now the responsibility of the Board of Probation and Parole to decide whether individuals who have a sentence of two years or more, are granted parole. They cannot parole the person until he has completed his minimum sentence, or the Board of Pardons, with the approval of the Governor, has commuted (reduced) his sentence giving him a new minimum sentence. When that occurs, the Board of Probation and Parole begins to initiate the paroling process.

Since August 6, 1941, the Board of Probation and Parole has had this function, but it does not have the power to commute sentences. This power rests with the Board of Pardons, and it alone decides whether a recommendation to the Governor for commutation shall be made.

The power to parole once held by the Board of Pardons has been transferred to the Board of Probation and Parole. However, the Board of Pardons still retains its power to grant pardons and commute sentences, as this is clearly specified in Article IV, Section 9 of the Pennsylvania Constitution. In cases where commutation has been granted, the Board of Probation and Parole can refuse parole, but it must give the Board of Pardons reasons, in writing, of its action no later than ten days after the new minimum sentence has expired. The Board of Pardons may either accept these reasons or refuse them by ordering the Board of Probation and Parole to release an individual on parole.⁴

THE HEARING PROCESS

Before any recommendation of clemency can be made to the Governor, the Board of Pardons must have a full hearing in open session, upon due public notice.

All names of applicants who apply for clemency are advertised in an area newspaper, informing the citizenry of the place, time, and date of the hearing at which the applicant's case will be heard. This notification officially informs all citizens of the Commonwealth that they may attend and offer their comments concerning a particular case. Usually, those persons who were directly involved in the criminal act make their comments

known, but other interested persons in the community are certainly welcomed.

In addition to the advertising, a calendar is printed showing the place, date and time of hearing, with the name, offense, sentence, effective date of sentence, institution (if confined), nature of appeal, and representative. A copy of the calendar is mailed to the representative of the applicant, District Attorneys, Bureau of Correction, Board of Probation and Parole, and other interested parties as an additional reminder of the scheduled hearings.

The Commonwealth is divided into three hearing districts: Eastern, Central, and Western Regions. Cases that were tried and sentenced in the various counties are heard in Philadelphia, Harrisburg, or Pittsburgh, according to the district of that county.

Hearings are convened in the Supreme Court Room in Pittsburgh and Harrisburg and in the State Office Building in Philadelphia beginning at 9:00 a.m. The Chairman of the Board begins the session by calling the name of the first case. The representative of the applicant presents himself before the Board, making his presentation for clemency. He is permitted a maximum of fifteen minutes for his case. During that fifteen minutes, the representative may present members of the family or other persons to speak on his client's behalf. Members of the Board may ask these individuals questions regarding the petitioner to help them reach a decision.

If the District Attorney is present, the Chairman calls on him for his comments. When he is finished speaking, the Chairman inquires as to whether anyone else wishes to comment. Should no one come forward, the Chairman then proceeds to the next case. The same procedure follows for each subsequent case. When all listed cases are heard, the Board adjourns.

After the public hearing, the Board convenes in Executive Session to review, discuss, deliberate, and vote on the cases that were heard. The Executive Session may be held on the same day or at another designated time convenient to the Board Members. The Lieutenant Governor convenes the session.

Cases that were heard in chronological order at the hearing are reviewed in the same way. Members from the various disciplines offer their opinion, whether favorable, unfavorable, or request additional information on a particular case before deciding their vote. With this kind of expertise, the Board has the distinct advantage of reaching a decision that should be helpful to society as well as to the individual. With such a Board of varied discipline, the Governor's responsibility for Executive Clemency is made easier.

When the discussion is terminated, the Lieutenant Governor polls the Members for their vote. Before clemency is recom-

mended, at least three Members must vote favorably or the appeal for mercy is denied. Those Members casting negative votes must prepare a dissent letter to accompany the recommendation for clemency to the Governor, who then decides what action he will take. Of course, if three Members vote against clemency, the application is denied.

The Governor is not involved in denials! He reviews only those cases that are recommended for his signature.

When all the cases are carefully reviewed, the Board Secretary is directed to prepare the necessary warrants and charters for proper execution. He has approximately four to six weeks to carry out this directive before these papers are sent to the Governor.

After the Governor signs the recommendation and charter, the charter is forwarded to the Secretary of the Commonwealth, where the Commonwealth Seal is affixed and signed by the Secretary, making it an official document.

The charter is returned to the office of the Board Secretary, who forwards it to the applicant or representative for delivery. When the charter is delivered and accepted by the applicant, it then takes effect. The applicant has the right to refuse the charter, even though it was signed by the Governor. Such an incident occurred in July 1977.

The recommendations for clemency are filed in the Board Secretary's office, an extension of the Lieutenant Governor's office, for official filing, and are available for public inspection.

Monthly Hearing Schedule

(NOTE RULE 51)

* * * * *

FEBRUARY

Eastern Philadelphia
Western Pittsburgh

MARCH

Eastern Philadelphia
Central Harrisburg

APRIL

Eastern Philadelphia
Western Pittsburgh

MAY

Eastern Philadelphia

JUNE

Eastern Philadelphia
Western Pittsburgh
Central Harrisburg

SEPTEMBER

Eastern Philadelphia
Western Pittsburgh
Central Harrisburg

OCTOBER

Eastern Philadelphia

NOVEMBER

Eastern Philadelphia
Western Pittsburgh

DECEMBER

Eastern Philadelphia
Western Pittsburgh
Central Harrisburg

* * * * *

The Board may continue, or provide for additional sessions, as the calendar listings may require.

The dates of the Sessions will be announced in sufficient time prior to each monthly Session.

Counties Within The Hearing Districts

EASTERN DISTRICT:

**PHILADELPHIA
BERKS
BUCKS
CARBON
CHESTER
DELAWARE**

**LEHIGH
MONTGOMERY
MONROE
NORTHAMPTON
PIKE
WAYNE**

WESTERN DISTRICT:

**ALLEGHENY
ARMSTRONG
BEAVER
BUTLER
CAMBRIA
CAMERON
CLARION
CRAWFORD
CLEARFIELD
ELK
ERIE
FAYETTE**

**FOREST
GREENE
INDIANA
JEFFERSON
LAWRENCE
MERCER
McKEAN
SOMERSET
VENANGO
WARREN
WASHINGTON
WESTMORELAND**

CENTRAL DISTRICT:

**ADAMS
BEDFORD
BLAIR
BRADFORD
CENTRE
CLINTON
COLUMBIA
CUMBERLAND
DAUPHIN
FRANKLIN
FULTON
HUNTINGDON
JUNIATA
LACKAWANNA
LEBANON
LANCASTER**

**LUZERNE
LYCOMING
MIFFLIN
MONTOUR
NORTHUMBERLAND
PERRY
POTTER
SCHUYLKILL
SNYDER
SULLIVAN
SUSQUEHANNA
TIOGA
UNION
WYOMING
YORK**

The Constitution of Pennsylvania

(AS AMENDED)

provides

Pardoning Power; Board of Pardons

Article IV. Section 9. (A) In all criminal cases except impeachment, the Governor shall have the power to remit fines and forfeitures, to grant reprieves, commutation of sentences and pardons; but no pardon shall be granted, nor sentence commuted, except on the recommendation in writing of a majority of the Board of Pardons, after full hearing in open session, upon due public notice. The recommendation, with the reasons therefor at length, shall be delivered to the Governor and a copy thereof shall be kept on file in the office of the Lieutenant Governor in a docket kept for that purpose.

(B) The Board of Pardons shall consist of the Lieutenant Governor who shall be chairman, the Attorney General and three members appointed by the Governor with the consent of two-thirds or a majority of the members elected to the Senate as is specified by law for terms of six years. The three members appointed by the Governor shall be residents of Pennsylvania and shall be recognized leaders in their fields; one shall be a member of the bar, one a penologist, and the third a doctor of medicine, psychiatrist or psychologist. The Board shall keep records of its actions, which shall at all times be open for public inspection.

List of References

1. **Webster's Seventh New Collegiate Dictionary.** G & C Merriam Co., Springfield, Mass., 1971.
2. **Webster's Unabridged Dictionary** (Second edition, New York, 1956).
3. **William J. McKnight III, Pardon, Amnesty and Reprieve.**
4. **Purdon's Pennsylvania Statutes Annotated,** Title 61, Sections 1052, 331.34, 309, 331.17 and 331.21; Penal and Correctional Institutions, George T. Biesel Company, Philadelphia, 1964.
5. **The Board of Pardons Rules.** (Constitution of Pennsylvania, Article IV, Section 9) March 17, 1969.
6. **Commonwealth v. Homison,** Pennsylvania Superior Court, 385 A. 2d. 443 (1978). Also, see Attorney General's Official Opinion #78-27 for information.

Interviews

1. The Honorable L. Ehrman Meyer, Judge, Lebanon County, Former Secretary of the Board of Pardons, 1932-1937.
2. Joseph Nissley, Esquire, Former Secretary of the Board of Pardons, 1939-1955.
3. Mr. George I. Bloom, Chairman of the Public Utility Commission, and former member of the Board of Pardons.

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