

PARDON PETITIONS

A Guide for Pro Se Filers

Illinois Prison Project, Updated May 2021

Pardon Petition Handbook

This handbook is intended to be used for the preparation of pardon petitions. It can be used by anyone who wants to file a clemency petition.

Additionally, this handbook is intended to be educational only. While we will try to provide you as much information as possible about what we know about clemency generally, we do NOT know the specifics of your situation and the information here does NOT constitute legal advice.

I. How Should I Use this Handbook?

This handbook provides information about how to file a pardon petition. You may choose to use this document together with Illinois Prison Project's Pardon Petition Template. This document provides background information to help you answer all of the questions on that template.

II. What to Know Before You Begin

What is clemency?

Clemency is the power of the Governor to excuse a criminal conviction or modify a criminal sentence imposed by a court. Pardon is a type of clemency, specifically the voiding of a conviction. If someone's conviction is pardoned, it is as if it never happened.

Most people who apply for a pardon from the Governor usually also request permission to expunge their criminal case(s). The Governor can grant a pardon with or without permission to expunge the criminal case record. If granted permission to expunge, the person must go back to the court where the case was heard and file the necessary expungement paperwork. By statute, the State's Attorney does not have a right to oppose the petition to expunge the court record.

Who reviews and decides on clemency petitions?

Clemency petitions are filed with the Prisoner Review Board (PRB). The PRB makes a confidential recommendation to the Governor. However, the recommendation is not binding. The Governor makes the final decision about all clemency requests. The Governor's authority to grant or deny a clemency petition is limitless, meaning the Governor can commute any sentence at any time, to anything, and for any reason. On the other hand, the Governor can deny any pardon request for any reason, and without explanation. You may find it helpful to remember the saying, "Always hope for the best but prepare for the worst."

How quickly will the Governor decide?

The PRB considers petitions four times a year. There are four designated filing deadlines (January, April, July, and October) per year. If you want to attend a hearing before the PRB your hearing date will be based on when you file your petition.

Petitions filed in January receive an April hearing in Chicago. Petitions filed in April receive a July hearing in Chicago. Petitions filed in July receive an October hearing in Chicago. And, petitions filed in October receive a January hearing in Springfield. Updated filing information and hearing dates can be found on the PRB's website at <https://www2.illinois.gov/sites/prb/pages/prbexclemex.aspx>.

Following the hearing, the members of the PRB who heard the petition will decide whether to recommend someone for a pardon. The PRB then submits its confidential, non-binding recommendation to the Governor, along with a copy of the clemency petition and any additional documents filed in the matter. The Governor has the sole discretion to grant or deny a petition. The Governor is not bound by any timeline or schedule.

III. What To Do Before You Begin

Before you begin, make sure that you have a plan for how you will finalize and send the petition. The PRB requires that clemency petitions be typed. You may choose to use IPP's Pardon Petition Template and fill in the answers and narrative sections. You will also need to gather additional documentation, such as letters of support and court records. After you have compiled the documents, you will need to compile the entire petition into a single electronic file (PDF), to be emailed. You will also need to mail copies of the petition to the following: to the PRB, the judge who heard your case (if the judge is no longer on the bench, mail to the chief or presiding judge of the courthouse), and the State's Attorney.

You must sign and *notarize* the petition. The petition with the *original* signature must be sent by mail to the PRB.

IV. What Information Will I Need to Include in the Clemency Petition?

The PRB requires that all clemency petitions include the following information. If you are using the Pardon Petition Template, you'll see a place to include all of this information. Before you begin, however, you may want to go down this list and make sure you have all this information.

A. Your information:

- The name under which you were convicted
- Address
- Phone Number
- Date of Birth
- Place of Birth
- Any Aliases, including your maiden name or married name if they are different from your name right now.
- Social Security Number
- Prior Clemency Request: If you have applied for clemency before, you'll need to know the month and year in which it was considered.

B. Information about the convictions for which clemency is being sought:

- Offense of Conviction: What were you convicted of?
- County of Conviction: What county were you convicted in?
- Sentencing Judge (Name of judge who sentenced you)
- Case numbers
- Sentences imposed
- Date(s) sentenced (include both date sentenced & date sentenced concluded)
- Kind of Conviction — Jury Trial, Bench trial or Guilty Plea
- Your Version of the Offense

This question requires a longer answer than some of the other questions. You will need to provide a detailed statement about what happened in your case. This includes dates, places, and all surrounding circumstances. Unless you have a very compelling innocence claim, most attorneys recommend that you both accept responsibility for the offense and express remorse.

You should include both your version of the facts underlying your conviction **and** official documentation of the statement of facts underlying your conviction. Some examples of documentation that might include an official statement of facts include a plea transcript, trial transcript, sentencing transcript, appellate order, or States Attorneys Statement of Facts. If you cannot obtain any of these documents, you may consider using the underlying police reports if they accurately reflect your conduct. Ideally, your version of the facts underlying your conviction and the official version of facts will be the same on important points -- unless you are asserting your innocence.

C. Information about previous other criminal history:

For every case in which you were arrested in the past, you will need to provide the following information:

- The offense
- The disposition (meaning what happened in the case, such as whether the case was dismissed or the person was convicted; and if convicted, what sentence they served)
- What happened in the case (your own version of events)

Unlike the information you will be providing about the crime you are seeking a pardon for, you don't need to go into the same degree of detail for your arrests and/or other convictions.

Generally speaking, a few sentences are usually enough to describe the crime.

If you have traffic violations that are also criminal in nature (e.g., DUI, reckless driving, driving on a suspended or revoked license), you will need to list them in this section of the petition. If you are unsure whether your traffic violation is a criminal offense, you can contact the Secretary of State.

D. Personal Life History (Before and During Criminal Legal Involvement)

This information should be written out, like a story. The more details you can include about your life before your conviction, the better. Since you will not have the chance to speak directly to the Governor, the petition is your **only** opportunity to introduce yourself to the Governor. You want whoever reads your petition to feel a sense of compassion and empathy for you after reading your petition. Thus, the more you can share about your life, the more likely the Governor may want to help you by granting you a pardon.

Below are some questions that you could answer in this section. An answer to each question is not required. The purpose here is to include a full life history, so that the PRB and the Governor understand what your life has been like, especially any struggles or hardships that you have been through:

- Childhood
 - What was your childhood like? Was there enough food and money for the family to be comfortable, or were basic necessities a struggle? Did you grow up in a neighborhood where s/he felt unsafe, whether from violence, drugs, or trouble at home? Were you ever abused—physically, verbally, or sexually—as a child, or did s/he witness that abuse of someone else? Did you become pregnant at a young age (before 18)? When did you leave home? Why? Were you homeless as a child or teenager?

- Alternatively, if you had a typical or happy childhood (and your underlying conviction was a real aberration), please describe that here.
- Educational history
 - Where did you go to school? Did you excel academically, or struggle in school? Were you in special classes, or did you have a learning disability? How far did you get in school? If you did not graduate, why not? Did you play sports, participate in clubs, or any other extra-curricular activities as a child? What positive or negative experiences did you have during your time in school?
- Employment history
 - Where did you work, and for how long? Include as much information as you can about each position, including title and pay rate. Please note if you particularly enjoyed or excelled at any position.
- Hardships and violence as an adult:
 - Did you experience hardships as an adult? For example, did you experience any abusive relationships, such as being beaten up by a partner or spouse? Were you the victim of violence outside of the home, such as community violence or gang violence? Were you ever the victim of violence against them because of who they are (for example, because of their sexual orientation)? Were you in any serious accidents that caused serious, permanent, or life-threatening injuries?
 - Alternatively, if you did not experience hardships as an adult, and if your conviction was an aberration and isolated event from the rest of your life, please indicate that as well.
- Military service:
 - Did you serve in the military? Where did you serve? Were you in combat? Were you injured while serving in the military? How did serving affect you?
- Mental health history
 - Do you have any current or prior mental health diagnoses? If a current diagnosis, how are you treating the condition (e.g., medication or therapy)?
- Drug use/addiction
 - Do you have a prior history of drug or alcohol use/abuse that might explain how you became involved in the criminal justice system? How were you able to overcome your addiction to drugs and/or alcohol? How do you maintain your sobriety? What is your sobriety date?

E. Personal Life History (After Criminal Legal Involvement)

This is the most important part of your narrative, and will help the PRB and Governor understand how you have moved forward from the factors that contributed to your involvement in the criminal legal system. Just like the narrative about your life before your conviction, this section will be written out like a story. In this section, you will paint a picture of your growth after your conviction, the steps that you took to move past the factors that contributed to your prior history, and your life today.

The more details you can include about your life after your conviction, the better. You want whoever reads your petition to have a sense of your growth after your conviction, your current life, and the path you will take if you are granted a pardon. The more you can share about your life, the more likely the Governor may want to help you by granting you a pardon. Examples of topics to address in this section include:

- Employment
 - Please describe any employment history you have had since your conviction. Please include details including how long you held each job, your responsibilities, what you enjoyed about your jobs (if applicable), and how your employment bettered the lives of you or your family. If you are seeking a pardon to advance your employment, you might use this section to demonstrate how your employment history is building on itself, and describe it as a career (rather than a series of jobs).
- Mental Health Treatment
 - If mental illness contributed to your underlying conviction or your life around the time of your conviction, you might describe the steps you have taken to address any mental health condition you had or have.
- Substance Abuse Treatment
 - If substance abuse contributed to your underlying conviction or your life around the time of your conviction, you might describe the steps you have taken to address any addiction you had or have. Why did you pursue substance abuse treatment? What was your experience in treatment like? How have you maintained your sobriety?
- Education
 - If you have pursued educational opportunities since your conviction, provide details about them here, including the institution, courses you took, grades, and degrees or certificates you achieved or hope to achieve. What were your favorite classes or courses, and why? Why did you pursue your education? What impact

did obtaining an education have on your professional life, personal life, or sense of self-worth? What strategies did you take to succeed in school?

- Religion
 - If you have participated in any type of religious events, assisted with the prison ministry, and/or developed a spiritual connection during or after your conviction, please describe the role that religion has played in your life. How has religion or your faith changed the way you see or interact with the world? Has religion or your faith changed the way that you see yourself? Has it changed or shaped your community, your daily life, or your relationships with the people you care about?
- Art
 - If you are an artist of any sort (music, spoken word, visual, writer, poet, etc.), please describe what you create, and why. What does your art mean to you? How did you begin creating, and why? Does painting, drawing or studying artwork give you peace, joy or helps you reflect? Do you share your work or love of art with others?
- Volunteerism
 - If you have been involved in volunteer activities since your conviction, please describe those volunteer activities in detail here. How has volunteering helped you to make changes in your personal or emotional life, improved the lives of others, and impacted your community? What plans do you have to volunteer in the future?
 - If you have a mentorship relationship, please describe any mentorship relationships you have. Who do you mentor, and why? What has mentoring meant to you?
- Current relationships with family members
 - Please describe your relationship with your romantic partner, if you have one, the ages and names of any children you have, and the nature of your relationship with your children (do they live with you or with someone else). Describe other family members or loved ones that play a current role in your life today.
 - Many people are caregivers to children, disabled adults, or other loved ones. If you play a caregiving role to a family member or other person, please describe that role here, including the tasks you perform and your emotional relationship with the person you care for.
- Current Health Conditions

- If you struggle with health conditions that support your request for a pardon, please include that information here. Please list any and all medications, recent surgeries, specialized treatments, etc. If in doubt, include more health-related information than less.

F. Reasons for seeking clemency and the type desired

Reasons for seeking a pardon. In this section, you will provide the reasons why you should receive a pardon. For the PRB, this is a critical question. If you opt to have a hearing before the PRB, you will *always* be asked why you need clemency.

Need: In the view of the PRB, receiving a pardon is a form of relief that should only be granted to those who would not otherwise be able to overcome the stigma or obstacle of having a criminal record. For that reason, you need to spell out plainly and clearly ***why you need a pardon***. The more details you can provide about your reason, the better. Some examples of why one might request a pardon include:

- **Work.** You can argue that your conviction is preventing you from finding employment, or precluding you from a specific job.
- **School.** You can argue that your conviction is preventing you from enrolling in school. For example, Illinois nursing schools will not admit someone who has an unsealed conviction on his or her record. If your conviction is not eligible to seal, your only remedy is to petition for a pardon and permission to expunge your criminal record.
- **Licensure.** You can argue that your conviction may make it difficult for you to obtain licensure for a specific skilled trade or profession. Or, that your conviction has created a life-time bar to your obtaining a particular license.
- **Public Office.** Having a felony conviction typically bars someone from holding public office. You can argue that your conviction is preventing you from giving back to your community by holding public office.
- **Firearm Ownership.** Any felony conviction (as well as certain misdemeanor convictions) will lead to the loss of your firearm/gun rights. A Governor's pardon and reinstatement of your guns are necessary to overcome the loss of one's gun rights due to a felony conviction in Illinois.
 - Please note, this reason to seek a pardon is the least likely to be successful as a general matter. If your pardon application is based on your desire to own a firearm, you might consider articulating why firearm ownership is uniquely important to you, or connect it to another compelling reason. For example, you might seek a pardon if gun possession is a requirement of a job.

Merit: In this section, you should include as much information as possible about why you would like a pardon, but also why you deserve one. For example, if you are seeking a pardon so that you can become a licensed practitioner, you should explain how and why you chose that career path, why you would be an excellent professional, and what you hope to give back to the community.

Type of Relief Requested: Pardon.

G. Signature and Notary

You must sign the petition and have it notarized. It must include the following language:

“I declare under penalty of perjury that all of the assertions made in this petition are complete, truthful and accurate.”

V. Rap Sheets

It is helpful to PRB a copy of your “rap sheet,” or criminal history record. If you have cases from Cook County, you can obtain a copy of your rap sheet by going to the main headquarters of the Chicago Police Department, 3510 S. Michigan, Tuesday, Wednesday, and Thursday, from 8:00 am to 1:00 pm. Please make sure to bring a photo I.D. with you. You will be charged \$16 to be fingerprinted. You can pay with cash or a money order.

If you don’t have cases in Cook County, you can obtain a copy of your criminal history record from the Illinois State Police by going to your local police department and request “Access and Review.” You will be fingerprinted as part of the process. Most police departments perform this function on only certain days of the week. Please call ahead because you may need to make an appointment. All police departments charge an administrative fee to obtain Access & Review. That administrative fee varies. Due to COVID, some police departments have suspended the Access & Review process. If this is the case with your local police department, you will need to go to a business that provides this service.

After you file the petition, the PRB will mail you a fingerprint card to use. You must use the fingerprint card that the PRB sends you. You can go to your local police department or any place that can do an old fashioned inked fingerprint card. You must return the fingerprint card to the PRB by the date requested. The PRB must be able to obtain your criminal history prior to your clemency hearing.

Before You File

There are multiple organizations throughout Illinois who will help you obtain your rap sheet prior to filing. Reach out to them if you would like assistance obtaining your criminal history.

- **Cabrini Green Legal Aid**
 - 6 S Clark St., Suite 200, Chicago, IL 60603
 - (312) 738-2452
 - <https://www.cgla.net/>
- **First Defense Legal Aid**
 - 601 South California Avenue, Chicago IL 60612
 - (708) 797-3066 (Office)
 - 1-800-529-7374 (24-Hour Emergency Hotline)
 - <https://www.first-defense.org/>
- **Land of Lincoln Legal Aid**
 - 8787 State Street, Suite 201, East St. Louis, IL 62203-2026
 - (618) 398-0574
 - <https://lincolnlegal.org/>
- **Lawndale Christian Legal (under the age 24)**
 - 1530 S. Hamlin, Chicago, IL 60623
 - (773) 762-6381
 - info@lclc.net
 - <https://lclc.net/>
- **Legal Aid Chicago**
 - 312-341-1070
 - <https://www.legalaidchicago.org/>
- **The Monroe Foundation**
 - (773) 315-9720
 - <https://themonroefoundation.org/business/>
- **James B. Moran Center for Youth Advocacy**
 - 1900A Dempster Street, Evanston IL 60202
 - (847) 492-1410
 - <https://moran-center.org/contact>
- **Prairie State Legal Services**
 - 303 North Main Street, Suite 600, Rockford, IL 61101
 - (815) 965-2134
 - <https://www.pslegal.org/>
- **Safer Foundation**
 - 571 West Jackson Blvd., Chicago, IL 60661

- (312) 922-2200
- <https://saferfoundation.org/>
- **Teamwork Englewood**
 - 815 W. 63rd Street, Suite 2, Chicago, IL 60621
 - (773) 488-6600
 - <https://www.teamworkenglewood.org/>
- **Westside Justice Center**
 - 601 South California Street, Chicago, IL 60612
 - (773) 940-2213
 - <https://www.westsidejustice.org/>

After you File

After you file your petition, but before your hearing, you will receive a confirmation letter from the PRB with your docket number and date of hearing along with a Criminal Justice Applicant Card (CJE), and a list of Law Enforcement Agencies who will perform a livescan fingerprint.

- Take the confirmation letter and Criminal Justice Applicant Card to a law enforcement office (listed in the letter from the PRB).
- Tell the law enforcement agency that you need to be fingerprinted for the Prisoner Review Board for Criminal Justice Enforcement CJE. The Prisoner Review Board's Lead's Identification number is ORI #IL084045G.
- If the Law Enforcement Agency is not able to use the ORI number for whatever reason, then ask to have your fingerprints inked and rolled onto the Criminal Justice Applicant Card sent to you by the PRB.
- Mail the Criminal Justice Applicant Card to the PRB.

VI. Documents You Should Gather and Attach to the Petition

Although every petition is different, there are certain documents that you might want to consider including as attachments:

- **Letters of Support.** Letters of support from people in the community are very important, and you should include as many as you can. Letters of support can come from family members, friends, people you've met while performing volunteer or community service work, teachers/mentors, AAA or NA sponsor, clergy. A template is included at the end of this petition.
- **Photographs.** You might include photographs of your family, or you performing charitable or community service work.

- **Military Records.** Include a copy of your DD214.
- **Police Records.** Sometimes it is helpful to obtain a copy of the original arrests report and any supplemental investigation records held by the arresting police department. You may obtain these records by submitting a written Freedom of Information Act (FOIA) request. Generally, you will not be charged any money for obtaining these records. Obtaining these records can be extremely helpful if you are claiming innocence or if you disagree with some but not all of the facts associated with your arrest and subsequent criminal prosecution.
- **Court Documents:** Please include court documents that include the official version of facts. Examples include a plea transcript, States Attorneys Statement of Facts, Rule 23 order, or appellate opinion. It is also helpful to include a certified copy of disposition of the court record for the case you're seeking a pardon. To obtain a certified copy of disposition or any records from your court file, you will need to go to the clerk of the circuit court where your case was heard. If your case is old, the court file will likely be in storage and must be ordered. You will be charged a nominal fee to obtain a certified copy of disposition. Copies of any documents from the court file will be subject to copying charges.
- **Additional Court Documents.** You may want to include additional court documents if they are sympathetic, such as letters of reference that were submitted to the judge prior to the sentencing phase. **Education Records:** You may want to include transcripts, certificates, work product (essays, exams, etc.), and diplomas.
- **Job Materials:** Include any recommendations, awards, or recognitions from your workplace. Consider asking your supervisor, employer, or client for a letter of recommendation.

VII. How to Submit the Petition

We recommend that petitions be submitted **both by mail and by email**, to ensure the quickest consideration, and to avoid your petition being rejected.

- To file by mail:
 - You will need three copies of the entire petition (meaning what you typed up all of the documentation). Petitions should be stapled or clipped together so that they can easily be separated. Do not bind them or submit them in plastic sleeve sheets.

- Send a copy to the **current State’s Attorney of the county of conviction** and a copy to the **sentencing judge or the chief judge of the circuit**, if the sentencing judge is no longer on the bench. Information about chief judges of each circuit court can be found at <http://illinoiscourts.gov/CircuitCourt/CircuitCourtJudges/ChiefJudges&Assoc.asp>
- Send a copy of the petition plus **proof of mailing** (registered or certified mail receipt included in the package) to the Illinois Prisoner Review Board, 319 East Madison, Suite A, Springfield, Illinois 62701.
- You will need to provide that PRB with proof that you mailed copies of your petition to the States Attorney and the judge. For that reason, you will need to either send those copies by certified mail or registered mail, **or** send the PRB a notarized statement that you mailed copies of your petition to the States Attorney and judge.
 - Certified or Registered Mail:
 - To send something via certified mail, you need to obtain a green certified mail receipt and the necessary labels from the Post Office. The green receipt is made of cardstock and has adhesive on the back so it can be attached to an envelope. When the envelope is delivered, the mail carrier will tear the green receipt off, ask the recipient to sign it, and then the receipt will be mailed to the return address you provide.
 - Next to the green receipts at the Post Office, you will also find the labels you must attach to the receipt to give it a serial number. There is a barcode label that should be placed at the top of the envelope and a sticker with a string of numbers to attach to the green receipt itself. This three-minute video explains the process in detail: <https://www.youtube.com/watch?v=U4krdipqbIs>.
 - Before you seal the envelope to the PRB, prepare and address the envelopes to the State’s Attorney and the appropriate judge, attach the green certified mail receipt and labels. **Then, make photocopies of the fully-addressed envelopes with the green certified mail receipt visible.**
 - You should then have two photocopies, one of the envelope to the State’s Attorney, and one of the envelope to the appropriate judge.

Enclose them with the original petition that you are mailing to the PRB. This will serve as proof of mailing.

■ Notarized Statement:

- As an alternative to photocopying the envelopes, you can create an affidavit stating that you mailed the petitions to the State's Attorney and the appropriate judge, have the affidavit notarized, and include it in your mailing to the PRB.
- An affidavit is a sworn statement made under penalty of perjury. Your affidavit can be simple and follow the format below:

Affidavit of [Your Name]

1. My name is _____ and I am petitioning the Governor for a pardon.
2. On **DATE**, I mailed a copy of my pardon petition to the State's Attorney of ____ County, at **ADDRESS**.
3. On **DATE**, I mailed a copy of my pardon petition to the sentencing/Chief Judge at **ADDRESS**.
4. Further, Affiant sayeth naught.

- Leave room at the bottom of the affidavit for your signature and the notary's signature and stamp.
- **Do not sign the affidavit until you are in front of a notary public**, whom you can find often at a bank or currency exchange. Bring your ID so the notary can verify your identity.

● To file by email:

- Send a pdf copy of the petition to:

- Jason Sweat (jason.sweat@illinois.gov) and Nichole Damhoff (nichole.damhoff@illinois.gov).
- In that same email, CC the State's Attorney for the county of conviction. To determine which email address to use, please call the State's Attorney for the county where you were convicted.

VIII. States Attorney's Position

The States Attorney's Office has the choice of supporting your petition, taking no position, or objecting to your request for a pardon. If the States Attorney objects, they typically file a written statement listing their reasons for objecting to your request. Some States Attorneys routinely send an attorney to the hearing to argue their objection. Cook and Dupage States Attorney Offices usually have a representative at the hearing when they've filed objections.

Although PRB rules require that you send a copy of your clemency petition to the States Attorney, the States Attorney is not required to send you a copy of their written objection before the hearing. In other words, you won't know for sure if the States Attorney objects to your petition until the day of your hearing.

You should anticipate getting an objection from the States Attorney in the following instances:

- In Cook County, if it has been less than 10 years since the end of your last sentence or last arrest, the State's Attorney objects on this basis alone ("10-year" rule). It does not seem to matter what the crime was.
- If you were convicted in a larger county (e.g., Cook, Lake, Dupage), where prosecutors are more likely to file an objection than smaller offices.
- If you were convicted of an offense involving violence or the presence of a gun.
- If you have a long criminal record or are seeking clemency for multiple cases.
- If you were convicted of a sexual offense.
- If your conviction is recent (most attorneys recommend that you wait to file a petition if you are still serving a sentence or only recently completed a sentence).
- If you fail to provide a complete statement of facts regarding the crime for which you are seeking clemency.
- If you fail to provide a complete list of your *other* criminal offenses (clemency rules require that you include a summary of all your other cases, regardless of whether they are arrests or convictions).

Please do not panic if the States Attorney objects. Although it is helpful if you and the States Attorney agree that your petition should be granted, people routinely have favorable outcomes to their pardon requests even when the States Attorney's objection.

IX. Public Hearing

Requesting a Hearing: Everyone who files a petition for clemency has the right to a hearing before the PRB. That request **must be made in writing** at the time you file your petition for

clemency. The request can be made in your petition for clemency or in a separate letter sent along with your petition. Similarly, you can choose not to have a hearing on your petition. If you don't request a hearing your petition will be reviewed and voted on in private by the PRB.

There are several reasons why you should request a hearing before the PRB:

- It is your only opportunity to meet the PRB members in person and again argue why you deserve clemency.
- The hearing gives the PRB members an opportunity to ask you for additional information about your case or to clarify any information that is in your petition.
- In the event the States Attorney objects to your petition, the hearing is the best opportunity to respond to those objections.

Timing: The PRB holds clemency hearings four times a year. Three times a year (April, July, and October) these hearings are held in Chicago. Once a year (January), the hearing is held in Springfield. These hearings are open to the public. Whether your hearing is held in Chicago or Springfield depends on **when** you file your petition for clemency

- Hearings were suspended due to COVID, but are being scheduled for the Summer of 2021. You can find up-to-date information on hearing schedules at the Prisoner Review Board website, <https://www2.illinois.gov/sites/prb/pages/prbexclemex.aspx>.

Hearing Panel: After you file your petition, your case is assigned to a panel made up of four to five members of the PRB. This takes place whether or not you've requested a public hearing. You will not be notified ahead of the hearing which members of the PRB have been assigned to hear your case. Only one board member is required to read your petition prior to the hearing. Regardless of who is assigned to read your petition, any board member is free to question you at the hearing.

The Public Hearing: You will have an opportunity to speak before the PRB at your hearing. Even though these hearings do not take place in a courtroom, please treat them as formal events. Dress as you would for church or court, turn off your cell phone, and wait patiently for your turn. The PRB members will be able to see you and any loved ones you bring with you as long as you are in the hearing room.

- **Presentation:** When your case is called, you will get to speak first. **Do not reread your petition at the hearing.** Focus on why you need clemency, as well as why you believe you deserve to be granted clemency. It is important to take responsibility for your role in the crime and to express remorse for your actions. Be forthcoming about the facts of your

case -- both in your petition and at the hearing. You never want to minimize or avoid addressing the more difficult aspects of your case. Especially when the States Attorney objects, you never want the States Attorney to be left to tell the PRB what the facts of your case are.

- There is nothing wrong with writing out a statement and reading it at the hearing -- especially if you are afraid you may forget something important to say, want to make sure your presentation is organized, or have limited experience speaking in public.
- **Witnesses:** You are welcome to bring friends, family, or clergy to speak on your behalf. Sometimes the Board sets a limit on how many people are permitted to speak (two people). On other occasions, no limit is set on the number of witnesses you can call. If you decide to bring witnesses, it is important to discuss with them ahead of time what they plan to say. You want your witnesses to **support** your petition for clemency, not say anything that would detract or undermine your case for clemency.
- **State's Attorney Objection:** If the State's Attorney objects to your clemency petition, the representative from the State's Attorney will be asked to speak after the PRB finishes questioning you. In opposing your request for a pardon, the State's Attorney may attack you or your petition.
 - *Do not take the SAO's remarks personally, and do not react to their comments.* Remember that the hearing members are watching you, and it is important to maintain your composure. After the SAO speaks, you will then get the last word -- meaning you have an opportunity to respond to the SAO's objections to your petition.
 - Remember, the State's Attorney does not know what you've done with your life since you were convicted. Therefore, it's your responsibility and opportunity to tell the Board who you are today and how you turned your life around.

After the Hearing: Whether or not you request a hearing, the panel assigned to "hear" your case votes on whether to recommend you for clemency. The PRB's recommendation is confidential and non binding -- meaning that the Governor does not have to accept (or agree with) the PRB's recommendation.

X. Additional Resources

If you have additional questions, please feel free to reach out to:

- Access to Justice Hotline

- Call 888-708-6A2J
- Illinois Prison Project
 - Twice monthly virtual legal clinics
 - <https://www.illinoisprisonproject.org/legal-clinic>
- Moran Center for Youth Advocacy
 - Ina Silvergleid
 - isilvergleid@moran-center.org
 - 847-492-1410 ext 108

Frequently Asked Questions

1. How long should the petition be?

There are no minimum or maximum page requirements when filing a pardon petition. However, your petition should be long enough to give a very thorough explanation of your life, your conviction, your life *after* your conviction, and your reasons for seeking a pardon. In general, the compelling petitions are between 15 and 75 double-spaced typed pages, not including attachments. We know that is a broad range, but individual petitions can and do vary. To make sure that your petition goes into enough detail to be compelling without being overwhelming, consider asking a friend or loved one to read it as if they had never met you.

2. Will there be a hearing on the petition?

There will not be a hearing on the petition unless you affirmatively ask for one. If the crime was against an individual or individuals, they will be notified of your petition and have the right to attend the PRB hearing and speak to the PRB about why you should not receive a pardon.

3. What happens to my petition?

Your petition will be considered by the PRB, which makes a non-binding and confidential recommendation to the Governor's Office.

4. When will I hear if the petition is granted?

Ordinarily, the PRB has 60 days from the date of the hearing to make a confidential non-binding recommendation to the Governor. After the recommendation goes to the Governor's office, there

is, unfortunately, no timeframe for when a petition must be granted or denied; the timeframe is entirely up to the Governor's Office.

5. What happens if the petition is granted?

If the petition is granted, the Governor's Office will direct the PRB to notify you that your request for a pardon has been granted. If you have requested permission to expunge, and/or reinstatement of firearm rights, the pardon document will set forth whether your pardon includes permission to expunge and/or reinstatement of firearm rights. As discussed earlier, if you are granted permission to expunge, it will be up to you to file the expungement paperwork with the courthouse where your case was heard. You must attach a copy of your pardon to your expungement petition.

6. What happens if the petition is denied?

If the petition is denied, you will receive a letter from the Governor's Office. You may refile in one year from the date of the denial.

7. Does the petition need to be notarized?

No. Currently, the PRB has suspended the requirement that petitions be notarized. Before you file your petition, it is a good idea to check with the PRB (by calling or going to the website) to confirm that the notary requirement has not gone back into effect. Prior to COVID-19, a petition without a notarized signature would be returned to you by the PRB for failing to follow the PRB's clemency petition rules.

8. Where can I find the information about my current and/or previous cases (i.e. judge, sentencing date, etc.)?

The best way to retrieve your criminal record (arrests and convictions) in Illinois is to undergo Access & Review. Access & Review is the process where you go and get fingerprinted by your local police. Your fingerprints are sent to the Illinois State Police, which generates a criminal history report listing any arrest or conviction you have. Obviously, the report will only cover arrests and convictions you have in Illinois. The report is mailed to you. There is an administrative charge associated with the Access & Review process. That charge will vary based on the police department. If you recall what county or counties you've been arrested in, you can

always contact the clerk of the circuit court in each of those counties. Most clerks have a case search feature on their website.

If you have been arrested and/or convicted in another state, you would need to contact that state's statewide law enforcement agency to find out how you would go about obtaining this information. Alternatively, if you recall the county where you were arrested/charged, you can go directly to the county's clerk of court and search for the information that way.

In most states, the information is searchable free of charge. In some cases, you may find a paywall -- meaning that you will be charged for simply conducting a case search (whether or not you find anything).

If you have old cases (prior to early 1980s) the best way to gather the information is by doing Access & Review (if Illinois cases) or contacting the statewide law enforcement agency (outside of Illinois) as opposed to the court clerk.

9. I have a pending case. Can I still file?

It is not recommended that you seek a pardon while you have a pending criminal or criminal traffic case. One of the criteria for obtaining a pardon is proof of rehabilitation. Your argument for rehabilitation is not going to be persuasive if you have a current, pending criminal case. The optics are bad.

10. What if I have cases out of multiple counties?

If you are seeking a pardon in more than one case and they are **not** all from the same county, you will have to file separate petitions.

11. Can the Illinois Prison Project review our petition before we file or can IPP file on our behalf if we compile everything?

Unfortunately, due to the sheer volume of requests, we cannot review every petition prior to filing. We are happy to try to answer discrete questions, however. Please email questions to illinoisprisonproject@gmail.com. We will update this handbook with additional information as we answer questions.

How to Write a Letter of Support for a Pardon-Expungement Case

Letters of support from friends and family can help provide more information about what a person has done since they were released and why you deserve a pardon.

Who can write a letter of support?

The best letters are usually those written by family members and friends who personally know the person who is applying for a pardon. Important friends of the family, such as your pastor or other religious leaders, can also write letters.

How long should the letter be?

Some letters are just a couple of sentences and other letters are several pages long. You should just say whatever you want to say, and talk about whatever is most important to you. Don't worry about it being too long or too short. Even a very short letter is a good letter!

What are the most important things to say in a letter of support?

1. Who are you?

You can say your name and, if you want to, you can say what your profession is, if you are retired, served in the military, or if you are a parent or caretaker.

2. How do you know this person?

Are they related to you? Did you raise them? Did you grow up together? How often do you talk to them or see them?

3. What kind of person are they?

If you've seen a big change in your loved one, you can talk about what kind of person your loved one was before their criminal conviction, and what kind of person they are now. Do they help others? Are they part of a church community? Do they express regret about a former way of life or things they did in their past?

You should also talk about what your loved one has achieved since the time of their conviction - have they gone back to school? Started a new career? Your goal is to demonstrate what a great person your loved one is and why they deserve a pardon.

4. Did this person have a hard life? Did they experience hard times? Were they the victim/survivor of abuse?

If you knew this person when they were younger, and they had a hard life, please say so. If they were poor when they were growing up, or a difficult home life, you can talk about

that. If they were abused by someone in their life, please talk about that.

5. How would a pardon help this person?

This may be the most important section! Talk specifically about why this person needs a pardon, and how their criminal record is negatively impacting their life. For example, was your loved one rejected from a job once their employer found out about their criminal record? Or have they been rejected from school because of their conviction? You can also talk generally about how the stigma of a criminal record has impacted your loved one.

Is there anything I should not say in the letter?

Most importantly, everything you say should be true and from the heart. Also, filing a clemency petition is NOT like being in court. It is not helpful to say that the person is innocent. Instead, the Governor wants to know that people are sorry for what they have done and have been rehabilitated, and also that they have friends and family who care about them and who will be able to support the person if they are released.

Can my letter be handwritten?

Yes! But please write legibly.

Must I include my address?

You ideally should include your address as part of verifying your identity.

SAMPLE PARDON LETTER

[DATE]

Office of the Governor
James R. Thompson Center
100 W. Randolph, 16-100
Chicago, IL 60602

Dear Governor Pritzker,

My name is Esther Good. Amanda Good is my niece. I have known her since she was born. Ever since she was little, she wanted to help others. I remember as a little girl she always tried to help me in the kitchen, even when she was too small to be much help. But I did love the company. We didn't have a lot of money when Amanda was a child, but we made do.

When Amanda was a teenager, she was raped by some older boys. After that, she started having a hard time in school. She would come home from school and I knew she was high. I think she was trying to deal with what happened to her and she didn't know how to do it. She struggled a lot and she lost her way.

Amanda has a family who loves her very much. We are a very close family and we take care of our own. It broke my heart when Amanda was arrested. While she was in prison, I would write her letters and call her on the phone about once a week. Since she came home, I have seen the change in Amanda. She's gotten sober and that helped a lot. She's thinking clearly now and she wants to help other people in their sobriety. She also got her GED and her Associate's Degree while she was in prison, and she took parenting classes that helped her to reconnect with her kids.

Since Amanda came home, she's worked hard to get back on her feet and to change her life. She lives with her mother and is her mother's caretaker, and she's also very involved in her church community. Every weekend, she helps to prepare meals as part of her church's soup kitchen. She works at a fast food restaurant, and even though she doesn't earn much money, she saves every penny that she can for her kids' future. Amanda is working hard to build a brighter future for herself and her kids, and she wants to become a nurse. But her application to nursing school was denied because of her criminal record. If her conviction was pardoned, she could go back to school and become a nurse and help lots of people.

Amanda is a person who has made mistakes, but she is a good person. She is kind and loving. She cares about other people, especially her family. She deserves a chance to rebuild her life and to prove that she is more than her criminal record. Please find it in your heart to grant her pardon.

Sincerely,

Ms. Esther Good
1234 Sample Street
Chicago, IL 60603
(312) 555-5555

Records Relief Options

SEALING

- **What it Does**
 - Eliminates public access to your court record
 -
- **What it Doesn't do**
 - Does not remove your criminal case from law enforcement records (e.g., Illinois State Police, FBI)
 - Does not eliminate case information from Secretary of State records (*criminal* traffic violations)
 - Will not reinstate your Second Amendment (gun) rights if you were convicted of a felony
 - Will not remove news coverage (published articles, mugshot databases) pertaining to your arrest or prosecution
 -
- **Pros**
 - Your criminal record(s) won't be found if an employer does a "public records" criminal background check.
 - Permits you to tell a potential employer or licensing authority (most professional/occupational licenses) that you've never been convicted of a crime (if all your convictions have been sealed)
 - If your petition to seal is denied, you have a right to repetition again
- **Cons**
 - If you undergo a law enforcement (fingerprint) background check, the FBI *will* disclose any sealed record you have on your background to the party requesting the background check
 - The more serious the crime, the greater the likelihood the State's Attorney will object to your petition to seal. When the State objects, a judge has sole discretion to decide whether your petition is granted

PARDON

- **What it Does**
 - Enables someone to expunge a conviction that would not otherwise be eligible to seal
 - Is the only way someone convicted of a felony can regain certain rights lost due to their conviction (e.g., gun rights)
 - Removes statutory lifetime bars to professional or occupational licensing due to a criminal conviction)
- **What it Doesn't do**

- Has no effect on traffic records maintained by the Secretary of State
- Will not remove published news coverage of your criminal case (some mugshot databases will remove case information if you provide them with a copy of an expungement order)
- **Pros**
 - Only available remedy for people who have criminal convictions that can't be sealed
 - Only way to reinstate one's Second Amendment rights
 - Only remedy available to cancel a removal (deportation) order, provided that **all** the petitioner's rights (lost due to a felony) are reinstated **and** the offense pardoned is not a drug-related crime
 - There is no limit on the number of times you can apply for a pardon on the same case
- **Cons**
 - Some petitioners have had to wait years before getting a decision from the Governor
 - Because Illinois has no written clemency eligibility standards (like some states), each governor decides how he/she wants to exercise their clemency powers which makes it difficult to anticipate how a *new* governor will choose to exercise this power

EXPUNGEMENT

- **What it Does**
 - Removes all public and law enforcement (state and federal) records of the arrest and court proceedings
- **What it Doesn't do**
 - See previous remarks (in Sealing section) regarding published news coverage, mugshot databases
- **Pros**
 - Eliminates all law enforcement records pertaining to your arrest (including destruction of any mugshots and fingerprints taken at time of arrest)
- **Cons**
 - Certain expungeable records (i.e., deferred prosecutions, qualified probations) are treated as convictions under federal immigration law; anyone looking to change their legal (immigration) status should consult an immigration attorney before seeking to expunge or seal their criminal record

Pardon Petition Checklist

Underlying Offense

- Court Order, sentencing transcripts, or **some** other official documents with official account of the offense

Institutional Adjustment

- Highlight classes, certificates, diplomas, and other accomplishments, if applicable

Personal History

- Childhood
- Education
- Military history
- Job history (in and out of prison)
- Marriage/Children
- Substance or Mental Health Treatment

Attachments

- Letters of Support
- Medical Records
- Accomplishments after incarceration
- Photographs

Submission

- Signed (under penalty of perjury)
- Mailed to PRB, Court, and State's Attorney
- Emailed to PRB and State's Attorney