Pardons in Wisconsin: Leveraging Partnerships

September 14, 2022

Wisconsin Constitution Article V, Section 6, empowers the Governor to pardon state criminal convictions for any offense, other than treason or cases of impeachment.

Governor has broad discretion over how pardon requests are considered and granted, subject only to statutes relating to how to apply for a pardon.

Constitution gives the Governor the power to grant pardons, but the Governor can choose not to do so.

From Wisconsin Legislative Council IssueBrief: Pardons
Pardons Granted by Administration

<table>
<thead>
<tr>
<th>Governor</th>
<th>Mandate Period</th>
<th>Pardons Granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gov. Tony Evers</td>
<td>2019-present</td>
<td>603</td>
</tr>
<tr>
<td>Gov. Scott Walker</td>
<td>2011-2019</td>
<td>0</td>
</tr>
<tr>
<td>Gov. Jim Doyle</td>
<td>2003-2011</td>
<td>293</td>
</tr>
<tr>
<td>Gov. Scott McCallum</td>
<td>2001-2003</td>
<td>24</td>
</tr>
</tbody>
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Current Pardon Eligibility Criteria

Person is eligible for a pardon if all of the following conditions apply:

1. Seeking a pardon for a Wisconsin felony conviction.
2. It has been at least five (5) years since they finished any criminal sentence. This means they completed all confinement AND all supervised release (e.g., probation, parole, or extended supervision).
3. Person does not have any pending criminal cases or charges in any jurisdiction.
4. Person not currently required to register as a sex offender.
Why are Pardons important?

- Very limited expungement eligibility in Wisconsin
- Professional licensures, accreditations, certifications
- Employment
- Firearms rights
- International travel
- Housing
- Volunteering at schools
- Personal healing
- Many more reasons
Leveraging Partnerships

- Meet people where they are comfortable/tap into trust partners have with community
- Make services easily accessible (zoom/in person)
- Reach populations who might not proactively contact/know about your organization
- “Pressure points” in the system
- Addressing issues like systemic racism (Wisconsin’s incarceration rate for its Black and Native American residents more than 10 times higher than the white imprisonment rate)
- Good pro bono case
  - No strict deadlines
  - “Feel good” case
  - Non-litigation
- Involvement of law and paralegal students
Many pardon applicants are survivors of child abuse/neglect, domestic/sexual violence and/or have experienced poverty, systemic racism, addiction, mental health issues, homophobia, transphobia, human trafficking, etc.

Applicants often express shame and embarrassment about their past and it is retraumatizing for them to relive it.

Important for advocates to have training/background in being trauma informed.