



Pardon Process Timeline

1.

Applicant files notarized pardon application with certified court records (information, criminal complaint, judgment of conviction), support letters, and any supporting documentation with cover letter explaining why the applicant is deserving of a pardon. If the conviction(s) is for an old non-violent offense, the cover letter should ask that the board consider directly recommending the applicant for a pardon to the governor without the need for a hearing. Applicant sends notices to Clerk of Courts and District Attorney's office where conviction happened with a copy of the entire filing asking for the judge and district attorney's support of the pardon application. Things to consider before filing a pardon application include: 18 month waiting period after denial; public hearing process and potential publicity; application and materials are subject to open records request; applicant may find the process retraumatizing or emotionally trying.

2.

Pardon Advisory Board notifies applicant and attorney whether application is considered complete or whether additional information or an additional review is necessary. Once the application is considered complete, it takes an estimated 13-14 months to get a hearing before the board. We are hopeful that this timeline will shrink now that some cases can bypass the hearing stage.

3.

Applicant gets email notification that governor will be granting pardon OR applicant gets notice of scheduled hearing. Alternatively, applicant gets notice of denial.

4.

If scheduled for a hearing, the attorney preps applicant for the hearing. Several applicants and four members of the pardon advisory board appear on Zoom for the hearing. Each applicant is given 15 minutes. The applicant is given a chance to speak and then the board is given the chance to ask questions, if they have any. We prep applicants to cover the following topics in their statement: any relevant factors about what was going on in your life that led to the incident, explaining and taking accountability for the incident, summary of positive things you have done since then, and how being granted a pardon would positively impact your life. We counsel applicants to remain calm and answer any questions in a concise and non-defensive manner and to thank the board for their time. Common pitfalls include an inability to satisfactorily explain differences in the applicant's narrative vs. the criminal complaint and inability to satisfactorily explain subsequent police contact or restraining orders/injunctions against them.

5.

The board meets in closed session after the hearings and discusses the cases. If three of the four board members present think the applicant should get a pardon, the board recommends that the governor pardon the applicant. The governor makes a final determination about whether to grant the pardon.

6.

About a month after the hearing, the applicant receives an email from the board letting them know if the governor will be granting them a pardon or not.

7.

If the applicant is granted a pardon, the conviction stays on CCAP and on the CIB but includes an entry saying that the applicant was granted a pardon by the governor. A job applicant must still report a pardoned conviction to the potential employer if asked. Specific benefits of a pardon include firearm rights restoration in many but not all circumstances, the right to perform jury duty, the right to hold public office, and the right to hold certain employment licenses.

Suggested Approach for Working a Pardon Case



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Legal Action will provide you with the applicant's CIB background check and the certified court records. We will also provide you with a Word version of the pardon application. It can be easier to edit the answers in a Word document and then transfer them to the pdf once everything is finalized.

At the first meeting, work on developing rapport with applicant. Ask if they are familiar with the pardon process or if they would like you to explain it to them. Ask if they have any questions they want answered before you get started. Be mindful that this may be difficult for them to talk about. Many pardon applicants feel like "a totally different person" now and some have feelings of embarrassment or shame about their conviction. Many have been through traumatic experiences themselves.

Applicants often have trouble filling out the written application for a variety of reasons, including feeling overwhelmed, feeling fearful of writing "the wrong thing," and sometimes a low literacy level. Unless the applicant wants to, please do not ask them to do a first draft of the pardon answers themselves. Set up a few phone or Zoom appointments to work on the application together.

When you are first speaking with the applicant, consider starting with the more positive parts of the application (questions 13-16). This often makes the applicant feel more comfortable and allows you and the applicant to start getting to know each other and builds trust. Try to fill in as much information as you can on the application from CCAP and the applicant's CIB for a first draft.

Especially at the beginning, ask open-ended questions and let the applicant talk. It can be helpful to just take notes at the phone meeting and then work the content into the pardon application after the phone call, making notes about any follow-up questions you have. Some open-ended questions could include:

- How many children/grandchildren do you have and what are their ages?
Tell me about your relationship with them.
- Who are the "support people" in your life? How do they support you?
- Tell me about your job. What would your supervisor/co-worker say about you?

Work with the applicant to brainstorm who could write a support letter for them and let them know if there is something specific that person should cover. It is helpful to email or mail the applicant copies of the “Dos and Don’ts of Recommendation Letters” documents to give to people writing letters for them. It can be harder than expected to get letters of support. Sometimes it helps to email the prospective supporter some variation on this template, based on what the client has discussed with them and their relationship:

Dear Pardons Board:

I am writing a letter of recommendation for XXXXXXXXXX. I know them through XXXXXXXXXX. I believe she is a perfect candidate for a pardon. I have always known her to be XXXXXXXXXXXX (qualities), I never could have accomplished XXXXXXXXXXXXXXXXXXXXXXXXXXXX without her. I have really special memories of spending time with her, including XXXXXXXXXXXXXXXXXXXXXXXXXXXX. I believe she has earned the right to put this in her past because XXXXXXXXXX. I know she has goals she wants to accomplish, like XXXXXXXXXXXXXXXXXXXXXXXXXXXX, and this felony conviction is making it more difficult for her, even though it happened so long ago.

Please grant her pardon application. Thank you for your consideration.

Sincerely,
XXXXXXXX

While a template can be helpful, do not write a letter of support for someone. It is important that it be in their voice. It is important that the letters of support do not appear to be “canned.” Advise applicants to aim for quality over quantity, with the goal of getting 3-4 strong support letters. Work with them to think of any other supporting documentation you can include, such as a recent positive job evaluation, diplomas, certificates, school transcripts, news/newsletter/community newspaper articles, etc.

Consider setting up a next appointment while you’re still meeting with the applicant. Otherwise, when you reach out to the applicant to set up another appointment, give them specific dates and times that you are available. If the applicant needs motivation, tell them that there have been governors in Wisconsin who chose not to grant any pardons, so applying now while there is a process in place is a good idea. Make sure you know their preferred form of communication. If you are comfortable with it, many applicants prefer texting to answer quick questions and set up future appointments. If you have any trouble getting in touch with the applicant, please let Legal Action know.





Approaching Pardon Application Questions

Keep the language of the applicant when drafting the answers to the pardon applications. Make the application easy to read, in an order that makes sense, and including all necessary information, while still retaining the applicant's voice.

Question 1: Personal Information

Most of this information will be provided to you by Legal Action or easily found on CCAP or the applicant's CIB. Give the applicant the option of disclosing their gender and race. Give the applicant the option of giving you their social security number over the phone or writing it on the paper application when they get it notarized.

Question 2: Crimes for Which You Are Seeking a Pardon

This information should all be on CCAP. If the case is older, it might not say when the applicant was discharged from the Department of Corrections. If the applicant does not remember and does not have their discharge paperwork, you can do a public records request through the DOC asking for a copy of their discharge certificate:

[https://wisconsindoc.govqa.us/WEBAPP/_rs/\(S\(2dhwhqkpkm0nql4zg4xwjupq\)\)/SupportHome.aspx](https://wisconsindoc.govqa.us/WEBAPP/_rs/(S(2dhwhqkpkm0nql4zg4xwjupq))/SupportHome.aspx).

Question 4: Other Convictions

Look through CCAP and the applicant's CIB to find information about other criminal convictions. Remember that some cases will be old enough that they will have aged off CCAP. You can go to the courthouse and look on their CCAP kiosk to see those cases. Legal Action can also do this for you.

Note: forfeitures do not count as criminal convictions.

Question 5: Restitution

Look on CCAP and make sure that your applicant has paid all restitution and court costs for any criminal cases, including criminal traffic cases. Encourage them to enter into a payment plan if there are any costs outstanding on forfeiture or non-criminal traffic cases. The applicant should call the clerk of courts for information about outstanding costs.

Question 7: Other Law Enforcement Contact

List any contact with law enforcement that did not result in a criminal conviction. This includes any stops, forfeitures, speeding tickets, etc. For any traffic tickets, note where they are not AODA related. The Pardons Board will have access to a higher level of police contact records than is available to the general public.

Question 9: Description of the Crime

It can be helpful for you to prepare a short paragraph summarizing the crime based on the criminal complaint and information documents and then have the applicant elaborate/correct the statement. It is also helpful to include background information on what was going on in the applicant's life at the time of the incident and leading up to the incident. Paint a picture of things the applicant endured that may have led to the incident while still ensuring that the applicant is taking responsibility for the crime. A pardon is an official act of forgiveness; nonetheless, a compelling pardon application can acknowledge the structural inequities a client describes while still taking a compelling measure of responsibility. If the client's narrative contradicts the narrative in the Complaint, be sure to deal with the discrepancies. Sometimes the police report or other documentation backs up the client's narrative.

Some of the circumstances that pardon applicants have talked about being related to their conviction include:

- **age at the time of the incident (immaturity, peer pressure);**
- **growing up in poverty;**
- **not finishing high school/not having education to get a job that can support applicant/family;**
- **growing up in foster care;**
- **substance abuse/mental health issue;**
- **having a child at a very young age;**
- **being a single parent;**
- **other medical issue (ex: undiagnosed ADHD with impulsivity);**
- **absent parent(s);**
- **parent(s) with mental health and/or substance abuse issues;**
- **experiencing/witnessing domestic abuse and/or sexual assault;**
- **growing up in a neighborhood/family where applicant regularly saw others engaging in criminal activity;**

Question 10: Why You Need a Pardon

The board has made clear that they will be focusing on applications where a pardon would change the applicant's life for the better in some tangible way. Applicants have indicated the following reasons for needing a pardon:

- necessary for professional licensure;
- conviction is impeding job search (i.e., applicant makes it far along in job application process and then is rejected once a background check is done);
- conviction is preventing applicant from advancing at their current place of employment;
- conviction is impacting ability to obtain rental housing in desirable neighborhood;
- conviction is impeding applicant from being able to live in a desirable nursing home or assisted living facility;
- conviction is preventing applicant from traveling to certain countries;
- applicant wants to legally own a firearm or go hunting;
- conviction is preventing applicant from being a foster parent;
- conviction is preventing applicant from volunteering at child/grandchild's school;
- applicant wants to run for elected office.

Note: if applicant is a single parent and their child(ren)'s only source of financial support, note in this section that it is especially important that the applicant is able to get a good paying job.

Note: If the applicant has a commercial driver's license or other occupational license, you can include a copy. That information can be found here: <https://wisconsin.gov/pages/online-srvcs/other-srvcs/status-check.aspx>, <https://licensesearch.wi.gov/>.

Question 12: Employment Information

If the applicant has a resume, ask them to send it to you. Tax returns and W-2s can also be helpful in piecing together employment history. Many applicants with a felony conviction have a string of short-term jobs because they are forced to go through temp agencies to find work. Fill out this section as completely as you can with the information the applicant remembers and can find.



Question 14: Education

In addition to including information about HSEDs, GEDs, community/technical college, and university studies, include any certifications that an applicant has obtained through work. Some common classes or certifications applicants may have include safety courses, food safety, sexual harassment, racial equity, and IT courses. If an applicant has not graduated from high school or obtained an HSED or GED, refer them to their local community college. Many have free GED prep courses. Some also have special scholarships for formerly incarcerated people for further coursework.

Question 16: Community Service

Include any formal volunteer work that the applicant has done (ex: volunteering at Red Cross blood drive) but also include more informal community engagement work. Examples could include helping elderly family members, helping family members with medical conditions, bringing meals to neighbors, going on field trips with child's school, baby-sitting grandchildren, etc. Note if an applicant is busy doing something like taking care of a child with special needs, because this explains why the applicant may not have time in their day to do more formal volunteer work. A parent of a child with special needs must often spend more of their time doing things like going to special education (IEP/504) meetings, taking the child to medical appointments, and doing therapies. Think broadly about what counts as community service. Consistency in community service/volunteering is a very positive factor.

Once the application is finalized, the applicant will need to sign it in the presence of a notary. The applicant may get the application notarized at any Legal Action office. Banks, credit unions, and libraries also often offer free notary services.

If you would like Legal Action to submit the application for you and the applicant, please let us know.

If you have any questions, please contact:

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