

To: Office of the Pardon Attorney, United States Digital Service
From: [Last Prisoner Project](#)
Date: February 28, 2023

Subject: Recommendations on the Federal Marijuana Pardon Certification Process / Portal

As a nonprofit organization focused on providing legal assistance to individuals incarcerated for—or otherwise burdened by—cannabis convictions, the team at Last Prisoner Project has deep expertise on issues related to pardons and commutations. As such, we would like to provide additional feedback and recommendations on the Federal Marijuana Pardon Certification Process / Portal currently being developed by the Office of the Pardon Attorney in partnership with the U.S. Digital Service.

AWARENESS CAMPAIGN

- We understand that eligible individuals have already received the pardon, and the Biden Administration—via the Office of the Pardon Attorney—is currently working to implement a process by which pardon recipients can obtain certificates that serve as physical, official proof of these pardons. However, recent pieces in publications like The Hill and Reason have made it clear that there is confusion amongst media and advocacy organizations regarding the “effective date” of President Biden’s October marijuana pardons.¹ To that end, we believe this information—that 6,500+ people *have already received* the pardons—needs to be articulated more precisely and consistently to the public.
- Ideally, each pardon recipient would be contacted directly and informed of the existence of the Federal Marijuana Pardon Certification Process / Portal. As that’s unlikely to happen, we suggest implementing a robust and proactive awareness campaign that sees this information distributed in places where pardon recipients are most likely to encounter it (i.e., Facebook ads, handouts at social security offices, etc.).

PORTAL CONTENT:

- Ideally, the portal would have a robust FAQ section that would enumerate which rights and benefits are restored as a consequence of receiving the pardon (think SNAP/TANF eligibility, driving privileges, jury duty eligibility, etc.) Recipients may also be curious as to whether their pardon will (or will not) provide relief for things—i.e., deportation, payment of court fines and fees, etc.—that have happened due to the conviction(s) in question. It is essential to make the effect of this relief clear, especially given the widespread confusion we have witnessed so far.

¹ [Four Months After Biden Promised Marijuana Pardons, He Has Not Issued](#), Reason, February 16, 2023
[President Biden: What happened to the marijuana pardons you promised?](#), The Hill, February 10, 2023.

- The portal should also make it clear to pardon recipients that their conviction will still appear on background checks and give instructions on how to address these convictions if and when asked by prospective employers, governmental officials, etc.

USER EXPERIENCE:

- While the portal should be a digital-friendly experience, creating a staffed helpline that could support pardon recipients with less technological know-how would be beneficial. Ideally, this helpline would be staffed with criminal justice-literate practitioners (i.e., federal public defenders or their staff).
- In an ideal world, advocates for the pardon recipients (think family members and attorneys), would be able to access the portal on their loved ones'/clients' behalf.
- The portal should be explicit about the information the pardon recipient will need to have at their fingertips to apply for a certification of pardon (name, SSN, date of conviction, case docket number, etc.) and provide assistance (e.g., a number to call) if that information is unknown to the recipient.
- Please consider including the application in multiple languages.

MISCELLANEOUS

- We recommend conducting an impact analysis of the Federal Marijuana Pardon Certification Process / Portal. This analysis should track things like uptake on the certification process, issues encountered by portal users, the ROI of federal resources spent on developing the process/portal, etc.
- We suggest making the portal flexible enough to use for other mass pardons that President Biden (or his successors) may issue in the future.
- We recommend involving someone with a criminal history background during the development of the portal to surface and address likely user challenges.

Thank you so much for taking the time to review these suggestions. We look forward to continuing to work with you all as you develop and launch the Federal Marijuana Pardon Portal/Certification process.

Sincerely,

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