

STATE OF ALASKA BOARD OF PAROLE

Executive Clemency Packet



INFORMATION & INSTRUCTIONS

Definitions

Clemency refers to the constitutional power to grant a pardon, commutation, reprieve, or remission of fines and forfeitures. Article III, Section 21 of the Alaska Constitution gives the power to make clemency determinations exclusively to the Governor. **Clemency is an extraordinary measure that is rarely given and is only granted in special circumstances.**

The Governor only has clemency power over State crimes. The Governor does not have the authority to pardon crimes committed under federal law, municipal law, or the laws of another state.

The following types of clemency, defined below, are permitted under the Alaska Constitution:

- **Pardon**: is an order granted to an individual that officially forgives the individual for past criminal conviction(s). A pardon does not expunge, remove, or erase the conviction from that individual's record.
- **Commutation**: is a partial or full reduction of a sentence for a person that is currently incarcerated for having committed a crime or crimes. A commutation substitutes a less severe punishment for the original sentence that the individual was given.
- **Reprieve**: provides temporary relief from punishment. A reprieve enables the recipient to postpone the beginning of incarceration or shorten the period of incarceration.
- **Remission of fines**: is a reduction or cancellation of court-ordered fines.

Expungement is the process of erasing, removing, or deleting a person's criminal record. Alaska does not have a law or method to expunge criminal history records at this time. ***Clemency is different from expungement***— even those individuals who receive clemency will not have their records expunged.

Application Instructions

MANDATORY REQUIREMENTS: A clemency application must contain the following to be considered:

1. **A completed application form** (*Applications must be typed or printed legibly in blue or black ink. Applications must be signed and dated by the applicant to be considered complete.*); and
2. **A completed Waiver and Authorization to Release Information form** (*This form must be signed and dated by the applicant for the application to be considered complete.*).

OPTIONAL REQUIREMENTS: As part of the clemency application, the applicant may also include:

- **Proof of payment of restitution, court fines, or other outstanding fees;**
- **Court documentation** for the conviction for which the applicant is requesting clemency;
- **Arrest reports** for the conviction for which the applicant is requesting clemency (can be obtained from law enforcement agencies);
- **Educational documentation** (*high school diploma or GED, vocational training certificates, college transcripts*);
- **Resume or other work history documentation;**
- **Military history documentation** (*including dates of service, branch of service, and type of discharge, if applicable*);
- **Volunteer or community service documentation;**
- **Up to three letters of recommendation** (*preferably from non-relatives; should reference that the letter writer is aware that the applicant is seeking executive clemency; must contain contact information and state that the writer knows that the applicant is seeking clemency*); and/or
- **Other supporting documents.**

*** Completed, signed, and dated applications must be mailed to***

**Alaska Board of Parole
550 W. 7th Ave, Suite 1800
Anchorage, Alaska 99501**

OR

Applications can be sent via email to **clemency@alaska.gov**

Applications mailed to the Office of the Governor will be forwarded to the Board of Parole for review.

How the Clemency Process Works

1. Applicant mails completed application packet to the Alaska Board of Parole.

All applicants must mail the clemency application to the Alaska Board of Parole at 550 W. 7th Ave, Suite 1800, Anchorage, Alaska 99501. The Alaska Board of Parole, upon receipt of completed applications, will screen all applications for eligibility.

Incomplete or ineligible applications will be returned to the applicant with a notice of the deficiency.¹ *Eligible applications* will be forwarded to the Office of the Governor.

2. The Office of the Governor decides whether an application should receive further review.

The Office of the Governor receives applications from the Board of Parole that have been determined to be eligible for clemency. The Office of the Governor reviews eligible applications and decides to either (1) deny the application, or (2) refer the application back to the Board of Parole for further investigation.

3. The Board of Parole sends notice to the crime victim(s) and reviews referred applications.

Once the Office of the Governor indicates that it would like further review of an application, the Board of Parole will send notice to the victim(s) of a crime against a person, crime of domestic violence, or arson in the first degree; the Office of Victims' Rights; and the Department of Law within **5 days** of notice of the clemency investigation.² Those notified will have an opportunity to provide comments to the Board of Parole on the clemency application. Additionally, the Board of Parole will send notification of consideration to the applicant, and may request additional information from the applicant at this time.

The Board of Parole's review process will often involve collecting background information on the applicant, including but not limited to court records, police reports, and/or probation and parole records. No later than **120 days** after receipt of notice of consideration from the Office of the Governor, the Board of Parole will submit a report of investigation to the Office of the Governor with its findings.

4. The Office of the Governor refers an application to the Executive Clemency Advisory Committee for further investigation.

Once the Board of Parole's investigation is complete, the application is forwarded to the Office of the Governor. At this stage, the Governor has two choices: (1) he or she may deny the application at this stage, or (2) he or she may refer to application to the Executive Clemency Advisory Committee for further investigation. If the Governor refers an application to the Committee, the Committee will review

¹ *Ineligible applications* include those applications for crimes committed under municipal, federal, or law of another state or otherwise not listing a crime under Alaska state law.

² AS 33.20.080(b).

the application materials and the Board of Parole's report of investigation and make a (non-binding) recommendation to the Governor.

5. The Office of the Governor and the Department of Law will conduct a conflict of interest check.

Before issuing a final decision on clemency, the Office of the Governor must verify whether a conflict of interest exists between the executive branch and the clemency applicant.³ The Office of the Governor must provide written disclosure to the Department of Law and the Attorney General identifying whether a conflict exists. The Department of Law and the Attorney General will conduct an independent investigation and issue a written decision on whether granting executive clemency would violate the Alaska Executive Branch Ethics Act.⁴

6. The Governor makes a final clemency decision.

The Governor has the authority to make the final decision with regard to clemency. The Governor will review the clemency application, the Board of Parole report of investigation, and the Executive Clemency Advisory Committee recommendation and made a final decision on whether to grant or deny clemency. The Governor is not bound by the Executive Clemency Advisory Committee's recommendation. There is no timeline for the Governor to make this final decision.

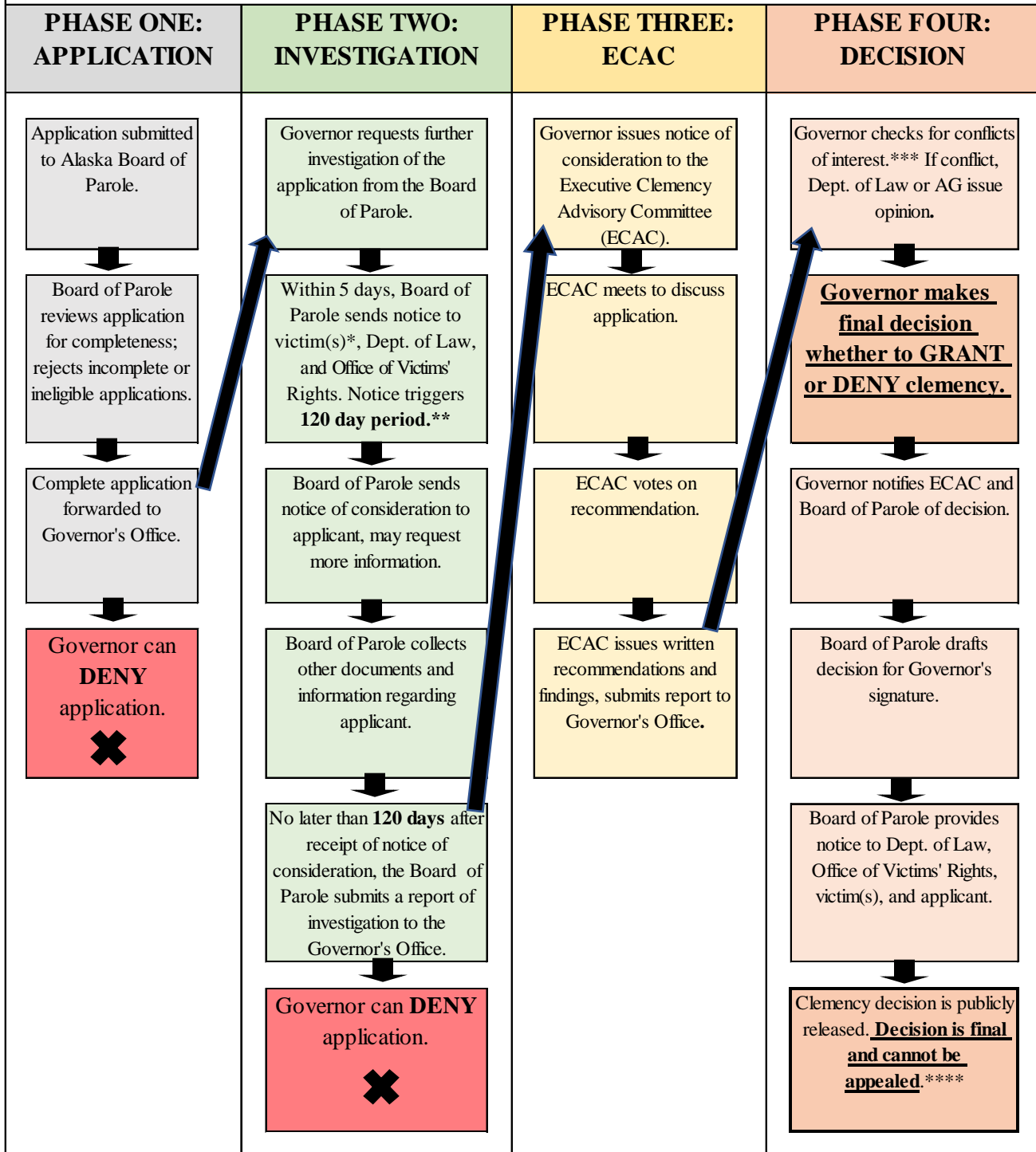
Once the Governor has made a final decision, the Office of the Governor will notify the Board of Parole and Executive Clemency Advisory Committee. The Board of Parole must then provide notice of the Governor's decision to the crime victim(s), the Office of Victims' Rights, the Department of Law, and the applicant before the decision is publicly released.

The Governor's decision is final and may not be appealed.

³ AS 39.52.225.

⁴ AS 39.51.110-AS 39.51.190.

Clemency Process for Alaska (Updated 1/2018)



*Only victims of a crime against a person, a crime involving domestic violence, or arson in the first degree are required to be notified. AS 33.20.080(b).

**120 day time period defined in AS 33.20.080.

***Disclosure in connection to conflict of interest between Governor and applicant defined in AS 39.52.225.

****Applicant cannot appeal, but may reapply for clemency three years after date of denial.

Guidelines for Consideration

Applicants are reminded that *clemency is an extraordinary remedy* and is rarely granted. All applicants are encouraged to include proof of exemplary behavior, distinct achievement, ability to act as a responsible and contributing member of society, and provide evidence of a productive, law-abiding life.

To apply for clemency, ALL applicants must:

- **Have been convicted of a crime under Alaska state law (not municipal law, federal law, or law of another state).**

Applications for clemency for crimes not committed under Alaska state law will be considered ineligible. The following are general guidelines for consideration for clemency applications.

PARDONS:

To apply for a pardon, applicants must:

- Have been convicted of a crime under Alaska state law (not municipal law, federal law, or law of another state).

Pardon applicants are encouraged to include:

- Letters of recommendation;
 - Proof they have been fully discharged from incarceration or probation or parole for three years (unless claiming innocence, a miscarriage of justice, or other extraordinary circumstances apply);
 - Evidence they have paid all restitution and court fees;
 - Notice they have not been convicted of a crime within the three-year period prior to the application;
 - Notice they have exhausted all judicial remedies; and
 - Notice they do not have any charges pending at the time of application.
-

COMMUTATION OF SENTENCE:

To apply for a commutation of sentence, applicants must:

- Have been convicted of a crime under Alaska state law (not municipal law, federal law, or law of another state).

Commutation applicants are encouraged to include:

- Letters of recommendation;
- Proof of exemplary behavior;

- Evidence that he/she has made strides in self-development and improvement;
 - Evidence that he/she has made responsible use of available rehabilitative programs and has addressed treatment needs; and
 - An explanation as to why commutation is in the interest of justice, consistent with public safety and the rehabilitation of the applicant.
-

REPRIEVES

To apply for a reprieve, applicants must:

- Have been convicted of a crime under Alaska state law (not municipal law, federal law, or law of another state).

Reprieve applicants are encouraged to include:

- Letters of recommendation;
 - Explanation of extraordinary hardship or reason for reprieve; and
 - Detailed reasons why a temporary reprieve is in the interest of justice and consistent with public safety.
-

REMISSION OF FINE OR FORFEITURE

To apply for a remission of fine or forfeiture, applicants must:

- Have been convicted of a crime under Alaska state law (not municipal law, federal law, or law of another state).

Applicants for remission of fine or forfeiture are encouraged to include:

- Letters of recommendation;
 - Explanation of extraordinary hardship or reason for remission of fine or forfeiture; and
 - Explanation of why a remission of a fine or forfeiture is in the interest of justice.
-

STATE OF ALASKA BOARD OF PAROLE

Application for Executive Clemency



Note: When your Clemency Application has been fully completed to the best of your knowledge, it should be submitted to: Alaska Board of Parole, 550 W. 7th Ave. Ste. 1800, Anchorage, AK 99501.

I. OVERVIEW & ELIGIBILITY

Full Legal Name: _____

Date of Application: _____

Type of Executive Clemency Being Requested (see definitions on p. 1):

- Pardon
- Commutation
- Reprieve
- Remission of fine or forfeiture

Criminal Offense(s) for which you are seeking clemency: _____

OBSCIS or Prisoner Number: _____

Current Status:

- Incarcerated
 - Institution: _____ Parole eligibility date: _____
- On Probation
- On Parole
- Sentence Fully Completed
- Other (please explain): _____

1. Are you applying for clemency for a crime (or crimes) for which you were convicted under Alaska state law?

- No.
- Yes.

(Note: applicants requesting clemency for crimes committed under municipal or federal law, or crimes committed under the laws of another state, will be deemed ineligible).

2. Have you been denied clemency within the past 3 years by the Governor of Alaska?

- No.
- Yes.

3. Have you previously applied for clemency?

- No.
- Yes. *(If yes, list the dates of all previous clemency applications and the results of those clemency applications).*

4. Have you exhausted all legal remedies for the conviction(s) for which you are seeking clemency? *(Explain what legal remedies you have or have not taken).*

- No.
- Yes.

5. Are you currently in the process of appealing any of the conviction(s) for which you are seeking clemency?

- No.
- Yes. *(If yes, specify and include the court case number).*

6. Are there any legal proceedings now pending against you in a court in Alaska?

- No.
- Yes. *(If yes, describe their nature, location, and provide the court case number).*

II. PERSONAL & CONTACT INFORMATION

1. **Legal Name** (First, Middle, Last): _____

2. **Other Names you have used** (including but not limited to maiden name, former married name, nicknames, and all aliases): _____

3. **Sex:** Male Female

4. **Date of Birth** (Month, Day, Year): _____

5. **Social Security Number:** _____

6. **Race:** _____

7. **Home Address** (*Notify the Board promptly of any change of address*).

Street/P.O. Box/Route: _____

City: _____ State: _____ Zip: _____

8. **Mailing Address** (*All correspondence will be sent here. Notify the Board promptly of any change of address*).

Street/P.O. Box/Route: _____

City: _____ State: _____ Zip : _____

9. **Previous Addresses from the Past 10 Years:**

From (Month/Year): _____ To (Month/Year): _____

Street/P.O. Box/Route: _____

City: _____ State: _____ Zip : _____

From (Month/Year): _____ To (Month/Year): _____

Street/P.O. Box/Route: _____

City: _____ State: _____ Zip : _____

From (Month/Year): _____ To (Month/Year): _____

Street/P.O. Box/Route: _____

City: _____ State: _____ Zip : _____

10. **Telephone Number(s)** (*Notify the Board of any change of telephone number*).

- Home: _____
- Cell: _____
- Work: _____

11. Email Address: _____

12. Citizenship Status:

United States

Other: _____

If other, what is your alien registration number? _____

13. Government Identification Card(s):

Driver's License:

Number: _____

Issuing State: _____ Expiration Date: _____

State Identification Card:

Number: _____

Issuing State: _____ Expiration Date: _____

Other:

Number: _____

Issuing State: _____ Expiration Date: _____

14. Marital Status (*Check all that apply*):

Single

Married

Separated

Divorced

Widowed

15. Spousal Information

• Name of current spouse or live-in companion: _____

• Date of current marriage: _____

• If you were previously married, please name your previous spouse(s): _____

16. Children (Name, age, gender, and current legal guardian(s)):

17. Parents' legal names (First, Middle, Last):

III. CRIMINAL HISTORY

1. List All Crimes for which clemency is being requested. *(Attach separate sheet if needed).*

Crime	Court Case Number	Date of Conviction	Date of Sentencing	Sentence Received
(1)				
(2)				
(3)				

2. Describe, in your own words, the facts and circumstances for the crime(s) for which you are seeking clemency. *(Attach separate sheet if needed).*

3. Have you ever violated parole or probation? *(Specify when, where, and what occurred).*

4. Adult Criminal Record: *List all instances (other than the convictions for which you are seeking clemency) that you have been arrested, charged and/or convicted of a criminal offense as an adult offender under the laws of Alaska, the United States, or any other state or territory. (Attach separate sheet if needed).*

Date/Location	Charge	Court Case Number	Disposition
(1)			
(2)			
(3)			

5. Juvenile Criminal Record: *List all instances in which you were arrested, charged, and/or convicted as a juvenile offender under the laws of Alaska, the United States, or any other state or territory. (Attach separate sheet if needed).*

Date/Location	Age	Charge	Court Case Number	Disposition
(1)				
(2)				
(3)				

IV. EDUCATION HISTORY

1. Primary and Secondary Education: *(attach separate sheet if needed)*

School Type	School Name	Location	Graduation Date <i>(if applicable)</i>
Elementary			
Middle			
High			

2. Post-Secondary Education and/or vocational training: *(List the name of the institution, the location of the institution, the dates you attended, and the degree you received)*

3. Have you ever been suspended or expelled from school? *(If so, please explain)*

4. Have you received your GED? *(Please list the date).*

5. If you have not obtained your GED, do you plan to? *(Please describe your plans)*

6. Have you received further educational or vocational training? *(If so, please list the organization from which you have received additional training/certificates, the name of the certificates, and what date you received).*

Type of Additional Training or Certificate	School or Organization Name	Location	Graduation Date <i>(if applicable)</i>
(1)			
(2)			
(3)			

V. EMPLOYMENT, FINANCIAL, AND MILITARY HISTORY

1. Current Employment Status

- Employed:
- Unemployed:

2. Employment History *(Please begin with your most recent employment and work backwards. Attach separate sheet if needed).*

Name of Employer	Job Title	Dates of employment	
		Start Date	End Date
(1)			
(2)			
(3)			
(4)			

3. Have you ever been fired or terminated from a job?

- No.
- Yes. *(If yes, specify why).*

4. Do you have any outstanding loans or financial obligations?

- No.
- Yes. *(If yes, list to whom they are owed and the current balance and monthly payment).*

5. Have you ever served in the military?

- No
- Yes. *(If yes, please list which branch, the date of enlistment, the date of discharge, your status upon discharge, and the reason for your discharge).*

VI. MENTAL AND PHYSICAL HEALTH HISTORY

1. Are you currently under care for either physical or mental health?

- No.
- Yes. *(If yes, describe what you are being treated for, and list the names and addresses of medical doctors and/or mental health professionals that are treating you).*

2. Are you currently prescribed any medications?

- No.
- Yes. *(If yes, please fill out the table below. Attach separate sheet if needed).*

Medication	Date Prescribed	Purpose Prescribed	Prescribing Doctor

3. Which Medications have you been prescribed in the past?

Medication	Date Prescribed	Purpose Prescribed	Prescribing Doctor

4. Mental Health History: *(Please include: (1) the name of your therapist(s), (2) dates that you received treatment, (3) any diagnos(es) you have received).*

VII. DRUG AND ALCOHOL HISTORY

1. Have you ever been under the influence of drugs and/or alcohol when you committed a crime?

No.

Yes. *(If yes, please explain the circumstances, and which substances).*

2. Do you have a history of substance abuse?

No.

Yes. *(If yes, please explain).*

3. Have you ever attended substance abuse treatment?

No.

Yes. *(If yes, please list the type of treatment you attended, the place(s) and dates(s)).*

4. Have you ever been involved in the illegal manufacture, sale, or distribution of drugs other than the offense(s) for which you are seeking clemency?

No.

Yes. *(If yes, please complete details of your involvement).*

VIII. COMMUNITY ENGAGEMENT

- 1. Please describe any community service and/or volunteer work you have participated in since your conviction.** *(If applicable, please include organizations with you have participated, and the time period of your participation).*

- 2. Please describe any other notable contributions that you have made to your community since your conviction.** *(If applicable, please include organizations with you have participated, and the time period of your participation).*

IX. PERSONAL STATEMENTS

1. Describe, in your words, why you are seeking clemency— i.e., what you hope to gain if you are granted clemency. (attach separate sheet if needed)

2. Describe, in your own words, why the Governor should grant you clemency. (attach separate sheet if needed)

X. SIGNATURE – * (REQUIRED) *****

I, _____, swear that the information that I have provided with this application for clemency is accurate to the best of my knowledge.

Respectfully submitted,

Signature of Applicant

Date

XI. HIPPA WAIVER – *(REQUIRED)*****

**STATE OF ALASKA
BOARD OF PAROLE
550 W. 7th Ave Suite 1860
Anchorage, AK 99501**

AUTHORIZATION FOR RELEASE OF INFORMATION

Name: _____

SSN: _____ Record # or Other ID: _____ Date of Birth: _____

Other Names Under Which Records Might Be Filed: _____

The purpose of the release of this information is: **Clemency Application**

I hereby authorize the use or disclosure of my health care and/or other information from my medical providers, including any mental health, physical health, or drug and alcohol treatment records. I authorize release of this information directly to the Alaska Board of Parole. **I understand that this authorization is voluntary, and can be used by the Alaska Board of Parole, Alaska Governor’s Office, and Alaska Executive Clemency Advisory Committee in consideration of my application for clemency.** I understand that my records *may* contain sensitive information. I understand that I may revoke this authorization at any time by notifying the individual(s) or organization releasing this information in writing, but if I do, it won’t have any affect on actions taken on this authorization before my revocation was received. I understand that the individual(s) or organization releasing this information will not condition my treatment, payment, enrollment in a health plan (if applicable) or eligibility for benefits on whether I provide this authorization. I understand that if the person(s) or organization authorized to receive this information is not a health plan or health care provider, the released information may no longer be protected by federal privacy regulations. To the extent that this information is required to remain confidential by federal or state law, the recipient of this information must continue to keep this information confidential. I understand that I may request a copy of this signed authorization.

This authorization expires upon final decision by the Alaska Board of Parole as to whether to forward the application to the Office of the Governor.

Signature of Client or Personal Representative
(Or Witness if signature is by mark)

Date

Printed Name of Personal Representative or Witness, if needed

Description of Personal Representative’s Authority

NOTE: This authorization was revoked on: _____ *(see attached revocation)*
Date

RECIPIENT INFORMATION: If the identifying information released pertains to the diagnosis, treatment, or referral for treatment for a substance abuse disorder, the confidentiality of the information is protected by federal law (42 CFR Part 2) prohibiting you from making any further disclosure of this information without the specific written authorization of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information if held by another party is NOT sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

XI. GENERAL WAIVER – * (REQUIRED) *****

**STATE OF ALASKA
BOARD OF PAROLE
550 W. 7th Ave Suite 1860
Anchorage, AK 99501**

WAIVER AND AUTHORIZATION TO RELEASE INFORMATION

TO: State of Alaska Board of Parole

I authorize you to furnish the Alaska Board of Parole with any and all information that you have concerning me, my work records, my reputation, my military service records, my financial status and credit ratings, school transcripts, or any type of criminal, probation/parole or case histories. Information of a confidential or private nature may be included.

I understand my rights under Title 5, United States Code, Section 552a, the Privacy Act of 1974, and waive those rights with the understanding that the Alaska Board of Parole will use the information furnished. I further understand that the information may also be provided to the Alaska Governor's Office and the Executive Clemency Advisory Committee for the purpose of considering my application for clemency.

I hereby release you, your organization and others from any liability or damage, which may result from furnishing the information requested. A photocopy reproduction of this request shall be for all intents and purpose as valid as the original. You may retain this form in your file.

Applicant's Signature

Social Security Number

Date of Birth

Date

XII. OPTIONAL APPLICATION MATERIALS

1. Letters of Recommendation

- Letters of recommendation are strongly encouraged, though not required. You may enclose up to three letters with your application.
- If you submit a letter of recommendation, it must include contact information for the person writing your letter and must specify that the letter is provided for your clemency application. Letters from non-family members are preferred.
- Letters of recommendation may be submitted by any reputable person in the community that can testify to the good moral character and behavior of the applicant.

2. Other Relevant Documents

You may enclose other documents that help demonstrate your rehabilitation and/or contribution to the community. Examples include:

- Proof of payment** of restitution, court fines, or other outstanding fees;
- Court documentation** for the conviction for which the applicant is requesting clemency;
- Arrest reports** for the conviction for which the applicant is requesting clemency (can be obtained from law enforcement agencies);
- Educational documentation** (high school diploma or GED, vocational training certificates, college transcripts);
- Resume or other work history documentation**;
- Military history documentation** (including dates of service, branch of service, and type of discharge, if applicable);
- Volunteer or community service documentation**; and/or
- Other** supporting documents.

Click "Submit Application" to generate an e-mail with this completed form attached.

Attach all relevant documents to the e-mail, and then send the e-mail to submit your application.