

ARKANSAS CLEMENCY MANUAL

The Arkansas Department of Correction's only allows three pages per letter.
To send this document to a person incarcerated in an Arkansas prison
you will need to send it in two separate envelopes.
Do not include this page.

WHAT IS CLEMENCY?

Clemency is a mechanism for granting a person convicted of a criminal offense relief from a court-ordered sentence or punitive measure. The two main methods for clemency are pardons and a commutation of sentence. A *pardon* exempts a person convicted of a crime from any remaining punishment or future consequences stemming from the conviction. A *commutation* reduces a person's sentence—either fully or partially—and needs to be requested through an application process.

WHO HAS THE POWER TO GRANT CLEMENCY?

The governor has full clemency authority, except in cases of treason and impeachment, “under such rules and regulations as shall be prescribed by law.”¹ However, Arkansas law requires that all applications for clemency “be referred to the Parole Board for investigation.”² The Parole Board is required to “investigate each case and shall submit to the Governor its recommendation, a report of the investigation, and all other information the board may have regarding the applicant.”³ While the governor is required to seek the advice of the Parole Board, they have the ability to go against their recommendation.

WHO IS ELIGIBLE FOR CLEMENCY?

Any person convicted of a state offense is eligible for a governor's pardon. This includes any person serving a sentence of years, life, life without parole, or a sentence of death. A person who is not presently incarcerated may also apply to cut their sentence, come off or parole sooner, or gain a pardon (which would reinstate their rights).

STEPS IN THE CLEMENCY APPLICATION PROCESS

1. Any person making a request for clemency must first have their application processed by the Board of Parole in what is called a “screening.” This will determine if there is any “merit” to the application. A victim can only make written recommendations to the Board of Parole during this step of the process.
2. If the application is found to have “merit,” it will most likely be scheduled for a hearing before the Board of Parole. A victim will be notified (if they have requested these notifications through VINE, which informs them of any status changes of the incarcerated person) when a hearing is scheduled and can contact the Board of Parole about providing written or oral recommendations.
3. Once the hearing is complete the Board will vote on a recommendation to send to the Governor for final action.

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¹ Ark. Const. art. VI, § 18.

² Ark. Code Ann. § 16-93-204(a).

³ § 16-93-204(b).

4. The Governor will review the application, the recommendation of the Board of Parole, and all other pertinent materials before making his decision. If the Governor intends to grant the application for clemency, he will announce his intent and allow a 30-day period for public comment. If the Governor decides to deny the application it will be announced and no further action will be taken.
5. The application goes to the Governor even if you receive “without merit,” or are denied by the Parole Board for a final decision. The Governor still has the power to grant clemency, but the likelihood may be greatly diminished if your application was deemed “without merit by the Board.
6. The entire process takes 180 days. If the Governor fails to make a decision within 30 days of publishing their intent, or doesn’t take action at all, a person can refill immediately, as opposed to waiting the typical 4-8 year waiting period following a denial from the Governor.

INVESTIGATION REQUIREMENT OF THE PAROLE BOARD

1. Before the board shall consider an application for a pardon or recommend a commutation of sentence, the board shall solicit the written or oral recommendation of the committing court, the prosecuting attorney, and the sheriff of the county from which the person was committed.
2. Before considering an application for a pardon or recommending a commutation of the sentence of a person who was convicted of capital murder,⁴ or a Class Y, Class A, or Class B felony, the board shall notify the victim of the crime or the victim’s next of kin, if they file a request for notice with the prosecuting attorney.
 - o When the board provides notice,⁵ the board shall solicit the written or oral recommendations of the victim or the victim’s next of kin regarding the granting of a pardon or commutation of sentence.
3. The chair of the board or their designee has the power to issue oaths, subpoena witnesses to appear and testify, and bring any relevant books, papers, records, or documents before the board.
 - o If a hearing will be held on the application, the board shall notify the victim or the victim’s next of kin of the date, time, and place of the hearing.
4. At least thirty (30) days before submitting their recommendation to the Governor that an application for pardon, commutation of sentence, or remission of fine or forfeiture be granted, the board shall: (1) Issue a public notice of its intention to make such a recommendation; and (2) Send notice of its intention to the circuit judge who presided over the applicant’s trial, the prosecuting attorney, and the sheriff of the county in which the applicant was convicted and, if applicable, to the victim or the victim’s next of kin if they registered for notification with the prosecuting attorney.⁶
5. The board shall retain a copy of the recommendation in the board’s file.

⁴ § 5-10-101

⁵ 16-93-204 (d)(2)(A)

⁶ 16-21-106(c).

THINGS TO CONSIDER BEFORE SUBMITTING AN APPLICATION

- Make sure to have all of your supporting documents, support letters, and certificates of accomplishments while incarcerated. No matter how small it may seem to you, you want to be detailed about how you have made positive use of your time while incarcerated.
- Be precise in answering the questions of the application. Do so in as much detail as possible without rambling. You want to keep the reader's attention, without getting off track, losing their attention, or risking them missing something important.
- Attach copies of your documents, but keep the originals. You will want to have them on hand if you are granted an in-person interview.
- Attach letters showing possible employment, housing, and other forms of support you have that the Board may see as important to your success if granted parole.
- Enlist people on the outside to make contact with the law enforcement, prosecutor, and even the judge in your case. If the people originally involved in your case are no longer there, have your supporters reach out to the people currently holding office. Have them speak on your behalf, highlighting your growth while incarcerated. They will get a letter from the Board, and you want them to have a positive impression of you—not just what they read in old reports. Any positive statements you can get from them will go a long way.
- Keep in mind that even if you get a negative or (without merit) recommendation from the Parole Board, your application still goes to the Governor's desk for final determination. After the Parole Board makes its recommendation, you have about 30 days before your application is forwarded to the Governor's desk. This is the time to start having family, friends, supporters, potential employers, etc., reach out to the Governor's office encouraging them to view your application and grant you clemency. This can be done by sending mass emails, calling and leaving numerous messages, and asking for an in-person meeting to speak on your behalf. The more the Governor hears your name the better.
 - Governor Asa Hutchinson Contact Information:
State Capitol Room 250, 500 Woodlane Ave., Little Rock, AR 72201
(501) 682-2345

WHERE TO SEND YOUR APPLICATION

If not incarcerated send the application to:

DCC Institutional Release Services (IRS)
Executive Clemency Department
2801 S. Olive St. Suite 6-D
Pine Bluff, AR, 71603

If incarcerated send the application through:

Institutional Release Officer (IRO)
At your unit of assignment

THINGS TO CONSIDER BEFORE SUBMITTING AN APPLICATION

The clemency letter is more than a letter. Petitioning clemency to a state governor now requires an individual to fill out a form. These forms are relatively short in length, depending on what the petitioner is seeking.

The most important aspect of the clemency letter, or application, is where the petitioner gets to explain why they are seeking clemency. Here, you have the chance to explain your circumstances and why you deserve a commutation of a sentence. It is helpful to read clemency letter examples to see how this section can help sway the Governor whether or not the Office of the Parole Board refers to the case for clemency.

THINGS TO CONSIDER BEFORE SUBMITTING AN APPLICATION

- **Audience:** The first thing to keep in mind when writing a clemency letter is to remember your audience. You are not writing to a friend or family member. Rather, you are writing to the chief executive of your state's government, i.e., your state's governor. As such, your writing should have the same deference that you would use if you had the opportunity to speak to the highest-ranking public official in person. You would not be informal, casual, or long-winded with a governor. Your Clemency letter should match the same approach.
- **Tone:** As with 'knowing your audience,' great care should be taken to remember the overall tone of your clemency letter. Indeed, this letter is, at its essence, a plea for mercy, for a second chance. While you do not want to project desperation, you want your posture to be one of remorse for your past mistakes. One important facet in any clemency decision is whether the petitioner takes responsibility for his or her actions. Showing remorse, showing an understanding of how your actions were detrimental to others, and showing a true sense of appreciation for why your past actions were wrong will give the president or governor a solid reason why you are deserving of clemency.
- **Lessons Learned and Looking to the Future:** While taking responsibility for your actions is essential, just as essential for your clemency letter is an optimism about the future. You need to explain how you have learned from your mistakes, how you have taken tangible steps to improve your life, and how you are certain that you will continue to make amends in the future.
- **Format and Structure.** Finally, you cannot forget to make sure that your letter is as neat and error-free as possible. This is an important plea for forgiveness, so be sure that you show the reader that you are taking great care and that the letter is as perfect as possible.

STRUCTURE OF YOUR CLEMENCY LETTER

There are many ways to organize a clemency letter. So, please do not feel that you have to adhere to this particular clemency letter template. But, you may want to use this structure as a starting point.

- **Heading information:** As with any letter, you want to make sure that you address the letter properly, with a date, then the address of the president or governor, and then a subject line with something like “Letter of [your name] in Support of His Petition for [Commutation of Sentence/Pardon].”
- **Greeting:** Again, as with any letter, “Dear Governor [name],” is entirely appropriate.
- **Introduction:** The first paragraph is normally where you introduce yourself, and where you explain why you are writing. Something like “My name is _____, and I am writing to respectfully request that you find it in your heart to grant my request for clemency,” or something to that effect.
- **Details about your case:** You may then want to discuss the reason why you are in prison (when asking for a commutation), or why you are asking for clemency at this point in time (when asking for a pardon).
- **Acknowledge your wrongdoing:** Next, you should discuss why you think your past actions were wrong, and what you have done to turn yourself around.
- **List other reasons:** You should then continue with a list of all of the reasons why you think clemency is deserved in your case. Did you go into counseling? Receive treatment? Take GED classes, or obtain an advanced degree? Does a family member need your assistance? In short, any reason that justifies your request will help your case.
- **Hope for the future:** You then may want to close on a positive note. You may want to express how meaningful a second chance would be, and what good things you will do with that second chance.
- **Thanks for consideration:** Do not forget to thank the person for taking the time to consider your clemency petition.
- **Closing:** You can end with “Sincerely, [your name]” and your address.

Please keep in mind that to the Arkansas Parole Board, accountability is huge. They stop listening the moment you say, “I didn’t do anything wrong.” You may not have been the main party, but they expect you to take accountability for the part you did play. In cases where you are innocent of all wrongdoing, expect push back, because they hear innocence claims often, and automatically assume you are not being honest.

FOR MORE INFORMATION, PLEASE CONTACT:

Office of the Governor

State Capitol, Room 250

Little Rock, AR 72201

Phone: 501-682-2345

Fax: 501-682-3597

www.governor.arkansas.gov

Arkansas Parole Board

1302 Pike Ave., Ste. D

North Little Rock, AR 72114

Phone: 501-682-3850

Fax: 501-682-3860

www.doc.arkansas.gov/parole-board

For VINE Information:

1-800-510-0415

www.vinelink.com

DecARcerate:

PO Box 7708

Little Rock, AR 72217

contact@decarceratear.org

Phone: (501) 367-7890

www.decarceratear.org