

OHIO PAROLE BOARD
APPLICATION FOR EXECUTIVE CLEMENCY
INSTRUCTIONS AND GUIDELINES

The following includes information on the clemency application process, hearing procedures and decision-making timeframes.

STEP 1: REQUESTING AN APPLICATION

Applications for Executive Clemency may be obtained through the Department of Rehabilitation and Correction internet site at www.drc.state.oh.us. Written requests for applications should be sent to the Ohio Parole Board, Clemency Section, 770 West Broad Street, Columbus, Ohio 43222. Please include an address to where the application can be mailed. Email requests for applications should be sent to drc.clemency@odrc.state.oh.us.

STEP 2: FILING THE APPLICATION

All clemency applications must be submitted in writing to the Ohio Parole Board. Only those forms obtained from the Ohio Parole Board Clemency Section or its website will be accepted.

- A. Applications downloaded from other internet sites or obtained from other agencies will not be accepted and will be returned.
- B. Applications must be typed or printed legibly in black or blue ink. Utilization of an attorney in the clemency process is optional.
- C. The applicant, the applicant's attorney or the applicant's POA (Power of Attorney) must submit ONE (1) copy of the application with original signatures, along with ONE (1) copy of all attachments, to the Ohio Parole Board, Clemency Section, 770 West Broad Street, Columbus, Ohio 43222.
- D. Attachments to the application will not be returned. Please only submit copies, not originals, of the requested documents. Retain a copy of the application and supporting attachments and documents.
- E. Please contact the Ohio Parole Board – Clemency Section – with any change of address or telephone number.
- F. The application, along with all attachments will be provided to the sentencing court and/or prosecuting attorney's office in the county of conviction, if requested. Any letters of support will not be released. Information that is not public record will be redacted from these documents prior to release.

STEP 3: GUIDELINES FOR COMPLETING THE APPLICATION

Lines 1 through 4: Fill in all applicable identifying information.

If paroled or released to post release control (PRC) or granted probation/community control, then the applicant must provide a certificate of release or a journal entry granting probation/community control. If released from supervision, the applicant must provide the final release certificate or journal entry terminating probation/community control. These documents can be obtained from the Adult Parole Authority, the County or Municipal Probation Department or Clerk of Courts Office and may require the payment of a copying fee.

Line 5: Please check the box for the type of clemency being requested.

There are three (3) types of executive clemency:

- A. **PARDON:** The forgiveness of guilt and punishment. A pardon can be full and complete or contingent upon the applicant meeting certain prescribed conditions. Pardons do not erase or seal a conviction; a pardon forgives guilt.

- B. **COMMUTATION:** The reduction of a penalty to one less severe. The most common commutation applications are requests for the reduction of the minimum sentence to render the applicant parole eligible earlier, or the substitution of a lesser definite sentence to cause an earlier release date.

- C. **REPRIEVE:** Temporary postponement of the execution of any sentence.

Line 6: If the applicant has previously applied for clemency, please check yes in this section. Include, if possible, the month and year that the application was denied by the Governor.

Please note that Ohio Administrative Code 5120:1-1-15 dictates that if the parole board has received an application for pardon, commutation or reprieve for a person for whom executive clemency was denied within two years from the date the denial was issued by the governor, the parole board shall review the application to determine whether it contains any significant new information that was not and could not have been presented in the earlier application. If the application contains no such new information, the parole board shall return the application to the applicant. The Parole Board shall inform the applicant of the date on which the applicant may reapply for consideration.

Line 7: Please provide the requested information concerning all arrests, including arrests outside of Ohio or for federal crimes. The applicant must then specify the offense(s) for which

clemency is requested. For each of those cases, the applicant must provide copies of 1) the indictment or bill of information and, 2) the judgment entry of conviction and sentence. These documents can be obtained from the sentencing county and may require the payment of a copying fee. These documents cannot be provided by the institution record office as they are not the originators of the documents.

Line 8: Please provide all applicable information.

Line 9: Please list the applicant’s current and prior employment records for the last five (5) years. If incarcerated, please list the applicant’s employment records for the last five (5) years prior to incarceration.

Line 10: Please indicate any participation in activities including volunteer work and other community involvement. If incarcerated, please describe any programming or work assignments that demonstrate assistance to other inmates or members of the public (e.g. tutor, community services projects, etc.).

Line 11: Please check the box which best describes the reason clemency is being requested. If further explanation is necessary to address a specific hardship or need, the applicant may provide this additional information in a separate attachment and include it with the application packet.

Line 12: (Attachments) Attach any letters in support of the applicant or other relevant documents. Letters should not be sent separately to the Parole Board, or directly to the Governor. To be considered, all materials must be submitted with the application. Attach all required court documents or parole documents as required in Lines 2, 3 or 7. Attach any copies of diplomas, or certificates that may document the information provided in Lines 9 or 10.

Signatures: Applications for executive clemency must be signed by the applicant. Applications prepared and submitted by the applicant’s legal representative must also be signed by the legal representative. Other interested parties (e.g., parents, friends, etc.) cannot submit an application on behalf of an applicant, unless a Power of Attorney (POA) is provided.

STEP 4: REVIEW OF THE APPLICATION:

1. All applications, once received, will be reviewed for completeness and to assure that all required documents have been provided. All incomplete applications will be returned without further processing, to the applicant or legal representative with an accompanying correspondence specifying the deficiencies.

2. Ohio Revised Code Section 2967.07 requires a “thorough investigation into the propriety of granting a pardon, commutation or reprieve....” after an application has been filed. The Parole Board will utilize any available pre-sentence investigation or offender background investigation

on the applicant and will supplement those investigations if necessary. A Parole Officer may contact the applicant to conduct an interview and/or ask the applicant to complete a questionnaire. The questionnaire may be viewed at the Department of Rehabilitation and Correction internet site at www.drc.state.oh.us. Applicants may print off a copy of the questionnaire, complete it and return it with the application, at initial filing.

3. The Parole Officer will also contact the sentencing judge, prosecuting attorney and arresting agency in the county/city in which the applicant was convicted to solicit their opinion regarding the application for clemency.

4. Complete applications will be submitted to the Parole Board Members for review. The Parole Board Members will decide by majority vote if the application merits further consideration at a hearing. If the Parole Board Members do not decide by majority vote to conduct a hearing, the application will be forwarded to the Governor with a recommendation to deny the clemency request.

STEP 5: HEARING PROCEDURE:

If the Parole Board determines that an application warrants further review at a hearing, the applicant and/or legal representative shall be notified of the date and time of the clemency hearing. If the applicant is an inmate, participation in the hearing may be facilitated through video-conferencing from the institution where the inmate is incarcerated, or an interview will be conducted at the institution in which the inmate is incarcerated prior to the hearing date. For those applicants not incarcerated, attendance at the hearing will be arranged at a district office with video-conferencing capabilities, closest to the applicant's residence.

The hearing will be conducted before at least a majority of the Parole Board Members and pursuant to the Parole Board's Policy and Procedure governing clemency matters.

STEP 6: RECOMMENDATION AND DECISION:

Following the application review or a hearing, the Parole Board shall submit to the Governor a favorable or unfavorable recommendation regarding the request for clemency, by a majority vote.

The final decision granting or denying clemency is solely that of the Governor. The final decision will be communicated in writing to the applicant and/or the legal representative by the Governor's Office. There is no timeframe by which the Governor must decide on a clemency application. A final decision can take several months.