



FOR IMMEDIATE RELEASE

Contact: Kate Burkhart, 907-465-4970, kate.burkhart@akleg.gov

OMBUDSMAN INVESTIGATES, PAROLE BOARD IMPROVES CLEMENCY PROCESS

August 28, 2017 JUNEAU — [Ombudsman Complaint A2016-1399] The Ombudsman has closed an investigation about the clemency process at the Alaska Department of Corrections Parole Board. A complainant asserted that the Parole Board was obstructing their ability to submit a plea to the governor for executive clemency under A.S. 33.20.070. The Ombudsman investigated and found that the complaint was justified. The Office of the Ombudsman, after discussion with the Parole Board, recommended a relatively simple solution to the issue presented in the complaint. The Parole Board implemented the recommended process change, ensuring that people seeking clemency are provided with due process.

The root of the problem presented in the complaint was a 2007 change to AS 33.20.080, the statute that had authorized the governor to refer clemency requests to the Parole Board for investigation. The law was changed to require the governor to notify the Parole Board before granting clemency, which triggers notice to the public and victims before any pardon or clemency could be granted. This change created confusion about responsibility for applications for clemency when they are made. The current statute does not require the governor to refer all clemency requests to the Parole Board for investigation, only those he or she is considering granting. The Board's duty to investigate and notify victims only arises after it receives formal notice that the governor has already decided to consider granting clemency. Thus, the Board has had no duty to investigate any of the requests for clemency that it has received since 2007.

Clemency requests sent directly to the governor were routinely forwarded to the Parole Board in the expectation that some action will be taken, as was the normal procedure before 2007. However, the governor's office gave no formal notice that would trigger a Parole Board investigation, so the Board took no action. Also, when the Parole Board received applications directly, it filed them away and provided no notice to the governor when a clemency request was received. The Parole Board agreed with the ombudsman finding that applicants for clemency have a due process right to ensure their applications are communicated to the governor's office in a meaningful way.

"Often, complaints that we investigate can be resolved with a relatively simple change, that doesn't cost too much money or time to make. I appreciate that our staff and the Parole Board were able to find that kind of solution during the investigation – and that the Parole Board implemented the change," said Alaska State Ombudsman Kate Burkhart. During this investigation, the Ombudsman recommended that the Parole Board implement a simple method for notifying the governor when a request for pardon or clemency is received. The Parole Board accepted the recommendation and has updated the process for reviewing and forwarding clemency applications to the governor's office.

###