

RECOMMENDATION TO THE GOVERNOR OF ALASKA FROM THE ALASKA CRIMINAL JUSTICE COMMISSION

Recommendation 20-2017, adopted December 7, 2017:

Reinstate the Clemency Process and Clear the Backlog of Clemency Applications

The Commission has researched various ways to provide relief from the collateral consequences of a conviction. In some cases, expungement of a criminal conviction after a certain period of time may be appropriate. In other cases, where the particular circumstances warrant relief, the Commission recommends clemency.

Clemency can refer to either a pardon (where the whole conviction is pardoned) or a commutation (where the sentence is reduced). In Alaska, this power rests exclusively with the Governor. The current process starts when an offender petitions either the Parole Board or the Governor for clemency, or both. The Governor's office has the final say on whether to proceed on an application. Once the Governor has authorized review of an applicant (and the application is not facially deficient), the Parole Board investigates the case, which is then sent to the Executive Clemency Advisory Committee (ECAC). The ECAC then makes a recommendation on clemency to the Governor. The Governor must then wait to make the final decision until at least 120 days have passed.

Since statehood, the governor has made a final determination in 651 clemency cases; clemency was granted around 62 times. The clemency process has been put on hold, pending revisions, since 2009. The Parole Board is still accepting applications, keeping them on file in the event the process resumes.

The Commission therefore recommends that the governor's office activate the Executive Clemency process and address the backlog of clemency applications.