

Pardon and Parole Board

Frequently Asked Questions About Commutations

GENERAL QUESTIONS

1. What is a commutation?

A commutation is a substitution of a lesser incarceration term for a greater one, or modification or reduction of a punishment, such as the change of an indefinite term to a definite term. The purpose of a commutation is to correct an **unjust** or **excessive** sentence in relation to the range of punishment for the crimes of conviction. A commutation is not intended to serve as an early release mechanism.

2. What is considered an unjust or excessive sentence?

There are three reasons a sentence could be considered excessive or unjust: 1) The sentence for the range of punishment of the crime was excessive; 2) facts now known were not available to the court or jury at the time of the trial; or 3) there is a statutory change in the penalty for the crime which makes the original penalty appear excessive.

3. Who is eligible to apply for a commutation?

An Inmate in the custody of the Department of Corrections, not serving a probationary term as a result of a deferment or suspension of a sentence and not on parole, shall be eligible for commutation consideration of a sentence except for a conviction of impeachment.

4. When can I apply for a commutation?

An inmate can apply at any time for a commutation. However, after an unfavorable recommendation, or denial, an inmate must wait three years from the date of denial.

5. Who grants a commutation?

At least three (3) members of the Pardon and Parole Board must favorably recommend a commutation before the application can be presented to the Governor. In Oklahoma, only the Governor can grant a commutation.

6. Does the Governor have to accept a commutation recommendation from the Pardon and Parole Board?

No, the Governor can accept or deny the recommendation made by the Pardon and Parole Board. The Governor can also change a recommendation made by the Board and grant a different commutation sentence.

7. Can the Pardon and Parole Board commute active suspended sentences?

No, the Pardon and Parole Board only considers cases for which an inmate is serving time and is in physical custody in the Department of Corrections. Inmates who are on parole or are serving probationary terms are not eligible for commutation.

8. Can my application for commutation be protested?

Yes, victims and/or representatives of the victim, the judicial representative from the court of conviction, a representative from the arresting law enforcement agency, and the District Attorney are allowed to protest the application.

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9. How can my family or friends support my application for commutation?

An inmate's family or friends may write letters of support on an inmate's behalf. Letters may be typed or handwritten on one-side only. Handwritten letters must be legible. Please do not use staples. Letters must include the inmate's name, DOC number, and docket month and year on top of the each page and on the back of the envelope. The deadline to submit such documentation is the Tuesday before the hearing date.

10. Does an applicant need a lawyer to file for a commutation?

No, an applicant does not need a lawyer to apply for a commutation.

11. Is there a deadline to apply for a commutation?

No, there is no deadline to apply. Once the application is reviewed and deemed complete, the application will be placed on the next docket.

12. Is there a fee to apply for a commutation?

No, there is no fee to apply for a commutation.

APPLICATION QUESTIONS

13. How can I apply for a commutation?

To apply for a commutation, the current application form must be completed and submitted to the Pardon and Parole Board. If the application is illegible, the application will be returned and will not be processed. Each question must be answered fully, truthfully, and accurately. Sections should not be left blank. It is the applicant's responsibility to submit a complete application. If the application is not complete, the applicant will be notified and given an opportunity to provide the missing information. No further action will occur until the information is received and the application is complete.

14. How do I get a commutation application?

The Pardon and Parole Board does not provide applications directly to inmates. For an inmate to obtain an application, the law library should have a sign-up sheet to request a commutation application. At the end of the month, the list of requests is forwarded to the Pardon and Parole Board. Copies are then distributed to the facilities based on the requests from the sign-in sheet. If an application is required immediately, the Department of Corrections may charge an inmate .25 cents per page or \$4.50 for the application. The Pardon and Parole Board cannot waive this fee. Another option to obtain an application is for a family member to print a copy from the Pardon and Parole Board's website, at <http://www.ok.gov/ppb/Publications/Forms/index.html>, and mail the application to the inmate. A copy of the commutation application should be available in the law library within the facility for review prior to requesting an application so an inmate may see the required information in the application.

15. Who can fill out the application for an inmate?

Anyone can assist an inmate in filling out an application.

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16. What is required in a commutation application?

The commutation application is detailed and requires a substantial amount of information due to the serious nature of the request. All questions require a response.

17. Can the parole investigator or my case manager assist me in completing the application or providing information necessary to complete the application?

No. Parole investigators and case managers cannot advise an applicant regarding completion of a commutation application.

18. How long does a commutation take?

On average, a commutation application will take six (6) months to process. If an application is incomplete, an inmate or the attorney, if retained, will be notified and the application will not move forward until the incomplete information is provided to the Pardon and Parole Board. Once the application is determined to be complete, an applicant will be placed on the next available docket for an initial review and study by the Board. If an applicant is passed to the Stage Two hearing, a parole investigator will complete a report. A commutation investigation takes approximately 90 days. Then, the application is then placed on the next available docket for a Stage Two hearing.

19. Where do I send the application?

The application must be mailed to the Pardon and Parole Board at 2915 N. Classen, Suite 405, Oklahoma City, Oklahoma, 73106.

20. Should I keep a copy of the application?

Yes, the applicant or attorney, if retained, should keep a copy of the application. Denied applications are not returned. An open records request may be made for a copy of the application which will be provided at .25 cents per page. Payment must be made before the copy is provided.

21. Will I get a letter telling me that my application was received?

No, the Pardon and Parole Board does not send notice that an application was received. Sending a packet certified mail is the only method to ensure that it was delivered. Case managers notify inmates of a Stage II hearing date.

22. What if I receive notification that my application is incomplete?

The application will not be processed until it is complete. If the application is not complete, the applicant will be notified about the missing information, along with a deadline to provide the missing information.

PARDON AND PAROLE BOARD HEARING

23. What is the process for commutation consideration?

The Pardon and Parole Board utilizes a two-stage process for commutations which are the initial review and a Stage Two hearing. The inmate will not receive a personal appearance during the initial review. The initial review and study of the application will determine if the application should be passed to Stage Two hearing. The Stage Two hearing involves an investigation and further consideration, and a personal appearance before the Board.

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If a favorable vote is received at the initial review, the application is passed to a Stage Two hearing. During the Stage Two hearing, the inmate will have a personal appearance before the Pardon and Parole Board via video conferencing. The Stage Two hearing is an open meeting and family and friends may attend the Stage Two hearing; however, only two (2) persons can go before the Pardon and Parole Board and only one (1) is allowed to speak to the Board for two (2) minutes.

24. Will I receive notification when my commutation application has been placed on a docket?

When a commutation has been placed on a docket, an inmate will be notified by the case manager.

25. How often does the Board meet?

The Board meets once per month.

26. What will happen if my commutation is recommended by the Board?

A recommendation for the commutation will be sent to the Governor where an inmate's application, support letters, and protest letters will be reviewed. The Governor will then approve or deny the commutation. The Governor can also accept the recommendation to grant a commutation but change the recommendation by the Board.

27. If the commutation is recommended, how long does it take the Governor to approve or deny the commutation?

There is no time limit on how long the Governor has to respond to a commutation.

28. Can the Pardon and Parole Board commute sentences that I am not currently serving?

Yes, the Pardon and Parole Board looks at all cases for which an inmate is ordered to serve time in the physical custody of the Department of Corrections. Applications should contain a list of all cases for which commutation is being sought. Only cases contained in the application may be considered for commutation.

29. Can I find out why the application was denied?

Neither the Board nor the Governor is required to give reasons for their decisions.

30. If an application is denied, when can a new commutation application be submitted?

A new application may be submitted three (3) years from the last date of denial, once there has been a statutory change in the penalty for the crime, or upon the Governor's recommendation.

31. How can someone find out the results of a commutation review or hearing?

The inmate can find out the results of the commutation review and/or hearing from the case manager. An inmate's family can find out the results of an application by visiting the Pardon and Parole Board's website <https://www.ok.gov/ppb/>, or by calling the Pardon and Parole Board at 405-521-6600 on the Tuesday the week following the Board meeting.