

Pardon and Parole Board

Frequently Asked Questions About Commutations

GENERAL QUESTIONS

1. **What is a commutation?**

A commutation is a change of a sentence to one that is less severe, such as from a sentence of life without the possibility of parole to life with parole. The purpose of a commutation is to correct an unjust or excessive sentence. A commutation is not an early release mechanism from prison.

2. **How frequently are commutations granted?**

It is rare that a commutation is recommended by the Pardon or Parole Board and even rarer for the Governor to approve. During a recent twelve-month period, the Pardon and Parole reviewed 515 commutation applications. Of those, the Board recommended only 15.

3. **Who is eligible to apply for a commutation?**

Anyone can apply for a commutation; however, the applicant should be aware that the purpose of a commutation is to correct an unjust or excessive sentence.

4. **When can I apply for a commutation?**

An offender can apply at any time for a commutation. However, the application of a commutation does not mean a commutation will be granted.

5. **Who grants a commutation?**

At least three (3) members of the Pardon and Parole Board must favorably recommend a commutation before the application is 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 of the Pardon and Parole Board. The Governor can also accept the recommendation to grant a commutation but change the sentence from the sentence recommended by the Board.

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

No, the Pardon and Parole Board only considers cases for which an offender is serving time and is in physical custody in the Department of Corrections.

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/or the District Attorney are allowed to protest the application.

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

An offender's family or friends may write letters of support on an offender'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 offender'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.

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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, an application form needs 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 about the missing information and an opportunity, along with a deadline, will be afforded 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 offenders. 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 offender .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 offender. 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 offender?**
Anyone can fill out an application for an offender.
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.
17. **Can the parole investigator or my case manager assist me in completing the application or providing information necessary to complete the application?**
No. Completion of the application is the applicant's responsibility. Parole investigators and case managers cannot advise an applicant regarding completion of a commutation.

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18. How long does a commutation take?

On average, a commutation application will take six (6) months to process. 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 for further review, or to the Second Stage, a parole investigator will complete a report. A commutation investigation takes approximately 60-90 days. Then, the application is then placed on the next available docket for Board consideration. If an application is incomplete, an offender will be notified and the application will not move forward until the incomplete information is provided to the Pardon and Parole Board.

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 should keep a copy of the application. Denied applications are not returned. If an offender makes an open records request for a copy of the application, a copy 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. A letter is only sent to advise of an incomplete application.

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 REVIEW

23. What is the process for commutation consideration?

The Pardon and Parole Board utilizes a two-stage process for commutation review. The initial review and study of the application will determine if the application should be passed to Stage Two for further investigation and consideration. The offender will not receive a personal appearance during the initial Board review.

If a favorable vote is received at the initial review, the application is passed for a Stage Two review. During Stage Two, the offender will have a personal appearance before the Pardon and Parole Board via video conferencing. For a Stage Two commutation hearing, an offender's family and/or friends, often referred to as delegates, may speak on his/her behalf. Family and friends are allowed to attend the Stage Two Commutation hearing; however, only two (2) persons can go before the Pardon and Parole Board and only one (1) is allowed to speak for two (2) minutes. The Pardon and Parole Board will also review letters submitted in protest of the offender's application.

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 offender will be notified by the case manager.

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25. How often does the Board meet?

The Board meets once per month.

26. What will happen if my commutation is recommended?

A recommendation for the commutation will be sent to the Governor where an offender'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 sentence from the sentence recommended by the Board.

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

Once the Pardon and Parole Board submits the commutation recommendation, the final decision rests with the Governor. There is no time limit on how long the Governor has to respond to a commutation.

28. If a commutation application is denied, how long before I can re-apply?

There is no waiting period to re-apply for commutation at this time.

29. 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 offender 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.

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

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

31. How do I re-apply?

If an offender wants to re-apply for a commutation, a new application must be submitted.

32. How can someone find out the results of a commutation review?

The offender can find out the results of the commutation review from the case manager. An offender'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.