



New York State Executive Clemency Toolkit

The information provided in this toolkit is for general informational purposes only and is not intended to be legal advice. No attorney-client relationship is created by accessing or using this document. Always consult with a licensed attorney or legal expert regarding your situation or any legal concerns.

Updated: December 6, 2024

Dedication

Dedicated to the courageous individuals seeking executive clemency,

To those who have been granted clemency and are now thriving after their release, your resilience and determination inspire us all. Your successful transition is a testament to the transformative power of second chances, and we celebrate your accomplishments.

To those who are still waiting, navigating the uncertain path of clemency, your perseverance in the face of adversity is commendable. We stand alongside you, advocating for transparency, and inclusivity, and we hope your long-awaited opportunity for a fresh start arrives soon.

Lastly, to those who have passed away while waiting for clemency, we honor your memory and recognize the injustices endured. Your aspirations for redemption and a chance at rebuilding a life will never be forgotten, and we continue to fight for a system that promotes mercy and compassion.

May this dedication be a reminder that the pursuit of justice and clemency is ongoing, and our commitment to supporting those affected by incarceration remains steadfast.

Table of Contents

Introduction: Why this toolkit?	6
Help Us Keep This Toolkit Current	6
Accessibility For Incarcerated Individuals	6
Accessing and Downloading Toolkit & Resources	7
Footnote Citation Style	7
Section 1: New York State Official Sources of Executive Clemency Information	8
The New York State - Executive Clemency website	8
The New York State - Apply for Clemency website	8
Section 2: Important Developments in NYS Executive Clemency	10
Developments Under Governor David A. Patterson	10
Developments Under Governor Andrew Cuomo	10
Executive Clemency Bureau	10
Impact on Incarcerated Individuals	10
Pro Bono Clemency Initiative	11
16 - 17 Year Old Pardon Initiative	11
Developments Under Governor Hochul	12
Executive Clemency Bureau	12
Clemency Advisory Panel	13
Section 3: New York State Executive Clemency Explained	14
Executive Clemency Authority	14
Pardon vs. Commutation: What is the difference?	15
Pardon	15
Commutation	15
Eligibility Criteria for Pardons and Commutations	16
Pardon	16
Youth Pardons	16
Commutations	17
Section 4: The Executive Clemency Process	18
Submit a clemency application to the Executive Clemency Bureau	18
Submit supporting documentation/personal packet	19
Application is held until presented before the Governor	20
The Clemency Advisor Panel makes a recommendation and the Governor makes a clemency decision	20
Factors Considered by the Governor's Office	20
How long does this process take?	20
How long does it take to compile and submit a clemency packet?	21
Section 5: Submitting an Application and Personal Packet	22
Submit a Clemency Application to the Executive Clemency Bureau	22

Email Submissions.....	22
Pro Bono Attorney Assistance.....	23
Building a Personal Packet.....	23
Supporting Documents.....	23
Cover Page.....	23
Advocacy (Cover) Letters and Support Letters.....	23
Advocacy (Cover) Letter.....	24
Tips for Writing the Advocacy Letter.....	24
Support Letters.....	28
Contacting Letter Writers.....	29
Tips for Support Letters.....	30
DOCCS Staff and Volunteer Letters.....	32
DOCCS Staff Support Letters.....	32
NYS DOCCS Volunteer Letters of Support.....	33
Sentencing Judge and District Attorney Letters.....	33
Post-Clemency Plan.....	33
Post-Clemency Plan for a pardon to prevent deportation (sample).....	33
Reentry Plan for an individual seeking commutation (sample).....	35
Section 6: Gathering Records.....	38
Document Requests General Outline.....	39
Release Forms for Assisting Applicants.....	39
Criminal History Documents.....	40
For applicants who are incarcerated in DOCCS.....	40
Record of Arrests and Prosecutions/RAP Sheet.....	40
Pre-Sentence Report.....	41
Sentencing Minutes for Crimes of Conviction.....	42
Education Records.....	44
Medical Records.....	45
Mental Health Records.....	45
Domestic Violence Records.....	46
The Department of Corrections and Community Supervision Records.....	47
General Steps for Obtaining DOCCS Records.....	48
Disciplinary Records.....	49
Parole Board Documents and File.....	49
What is a FOIL Request?.....	50
Sample Request Letters.....	53
Additional Items.....	53
What is an Apology Letter Bank?.....	53
What else can be included in the application?.....	54
What if I have an application submitted and want to add new information?.....	54
Appendix 1: Example Clemency Table of Contents.....	55

Appendix 2: Addresses, Forms, and Tools.....	57
NYS Executive Clemency Official Sources.....	57
Applications.....	57
Email and Postal Addresses.....	57
Sample Letters, and Additional Items.....	58
Appendix 3: Executive Clemency Applications.....	59
Appendix 4: New York State Executive Clemency and Department of Corrections and Community Supervision pdf.....	60
Appendix 5: Clemency Document & Support Letter Checklist.....	61

Introduction: Why this toolkit?

Navigating the executive clemency process in New York State can be challenging. Official sources often need more clear and comprehensive guidance on the application process. This toolkit addresses this gap by providing accessible information and resources.

The information compiled here draws from the invaluable experiences of countless individuals, families, friends, organizations, attorneys who have navigated the clemency process, and those granted executive clemency. Their collective wisdom, gained through direct involvement and advocacy, has shaped our understanding of clemency in New York State. They continue to advocate with the Governor's office, highlighting challenges and recommending improvements to the process.

This toolkit includes links to websites, PDFs, sample letters, and other valuable resources. Feel free to download any of these materials for your reference.

Help Us Keep This Toolkit Current

We encourage your feedback to ensure the ongoing accuracy and relevance of this toolkit. Please contact the Release Aging People in Prison (RAPP) Campaign if you have suggestions for additions or corrections or identify any broken links. When reporting errors, please specify the page and section requiring attention.

Release Aging People in Prison Campaign
ATTN: Clemency Campaign Director
135 West 20th Street, Suite 302
New York, NY 10011
clemency@rappcampaign.com

For attorneys, universities, or organizations interested in creating their clemency advocacy clinic please contact: Release Aging People in Prison Campaign, ATTN: Clemency Campaign Director, clemency@rappcampaign.com

Accessibility For Incarcerated Individuals

RAPP has worked diligently to create a printed version of this toolkit specifically for the incarcerated population of New York State. For public access, the toolkit is also available online at: <https://newyorkstateexecutiveclemency.godaddysites.com/>.

This toolkit is designed for both online and print use, catering to individuals in DOCCS and ICE custody. To facilitate sharing with support networks, we have included full URLs for all linked resources. Every effort has been made to ensure these links are up-to-date and comprehensive.

We aim to provide a consistent experience across all versions of the toolkit. Full URLs are included to enable seamless collaboration between applicants and their advocates.

Accessing and Downloading Toolkit & Resources

This toolkit is designed to be a comprehensive resource for navigating the clemency process. It includes easily accessible links to all referenced materials, including sample letters, templates, and official documents. These resources empower individuals and their advocates to effectively compile clemency applications. For added convenience, the entire toolkit and its resources can be downloaded at <https://newyorkstateexecutiveclemency.godaddysites.com/>.

Footnote Citation Style

All footnotes in this toolkit are in the Chicago Style.

Section 1: New York State Official Sources of Executive Clemency Information

Below are links to all the official sources of information that NYS provides the public on executive clemency. This toolkit will cover each of these sources in a more comprehensive order and with additional important information.

[The New York State - Executive Clemency website](#) ¹

Sections:

- Overview
- Pardons
- Pro Bono Clemency Program
- Commutation of Sentences
- Executive Clemency Applications
- What's Related

[The New York State - Apply for Clemency website](#) ²

Sections:

- Overview
- Pardons
- Youth Pardons
- Commutations
- Other Forms of Relief
- How To Apply
- Voting Restoration Pardons
- Resources
- Contact

[Executive Clemency Bureau/Certificate of Review Unit website](#) ³

Sections:

- Overview
- Mission
- Core Services
- Contact

¹ "Executive Clemency," *Community Supervision Handbook*, New York State Department of Corrections and Community Supervision, accessed December 6, 2024.

<https://doccs.ny.gov/community-supervision-handbook/executive-clemency>

² "Apply for Clemency," *New York State Official Website*, accessed December 6, 2024.

<https://www.ny.gov/services/apply-clemency>

³ "Executive Clemency Bureau/Clemency Review Unit," *New York State: Department of Corrections and Community Supervision*, accessed December 6, 2024.

<https://doccs.ny.gov/executive-clemency-bureaucertificate-review-unit>

[New York State Guidelines for Review of Executive Clemency Applications \(GRECA\) pdf](#)⁴

[Department of Corrections and Community Supervision Directive #6901: Information Concerning Executive Clemency pdf](#)⁵

[Department of Corrections and Community Supervision Directive Directory website](#)⁶

Links to applications, forms, etc will be provided throughout this toolkit in relevant sections.

⁴ “*Guidelines for Review of Executive Clemency Applications*, New York State Department of Corrections and Community Supervision,” accessed December 6, 2024.

<https://doccs.ny.gov/system/files/documents/2022/01/greca-12-21.pdf>

⁵ *Directive #6901: Information Concerning Executive Clemency*, New York State Government, accessed December 6, 2024. https://www.ny.gov/sites/default/files/atoms/files/6901_signed_12312014.pdf

⁶ “Laws, Rules, and Directive Listing,” *New York State Department of Corrections and Community Supervision*, accessed December 6, 2024. <https://doccs.ny.gov/laws-rules-directives-listing>

Section 2: Important Developments in NYS Executive Clemency

Developments Under Governor David A. Patterson

In 2010, Governor Paterson initiated an Immigration Pardon Panel to help legal immigrants avoid deportation, especially those facing retroactive consequences or unaware of deportation risks when pleading guilty. This initiative aimed to protect immigrants who built families and contributed positively to society in the U.S.⁷

Developments Under Governor Andrew Cuomo

In 2015 Governor Cuomo announced the formation of the Executive Clemency Bureau and the Pro Bono Clemency Initiative. This initiative created the framework for the way clemency applications work today, although the details have continued to evolve.

Executive Clemency Bureau

The Executive Clemency Bureau⁸ is a unit within the New York State Department of Corrections and Community Supervision that assists the Governor's Office with clemency applications. The Executive Clemency Bureau

- Screen candidates for the satisfaction of the Executive Clemency eligibility requirements as set by the Governor's office,⁹
- gather materials concerning clemency applications, and¹⁰
- responds to letters from applicants and others regarding clemency applications.¹¹

The Bureau then sends completed applications to the Governor's Office for review.¹²

The Executive Clemency Bureau does not engage in any review of petitions. They only confirm the individual's eligibility and then compile a report for the Governor.

Impact on Incarcerated Individuals

Immediately after the 2015 announcement, a memo circulated in correctional facilities inviting incarcerated individuals to submit applications for clemency. Superintendents received emails from DOCCS Albany to select incarcerated individuals within their facilities whom they would recommend for clemency. Usually, an incarcerated individual's Offender Rehabilitation Coordinator would speak with the person and ask if they want to apply for clemency, and if so,

⁷ "Governor Paterson Announces Pardons," *ReadMedia*, December 22, 2009, accessed December 6, 2024, <http://readme.readmedia.com/Governor-Paterson-Announces-Pardons/1791096>

⁸ New York State - Executive Clemency Bureau. Webpage. Accessed December 6, 2024. <https://doccs.ny.gov/executive-clemency-bureau/certificate-review-unit>

⁹ Ibid

¹⁰ Ibid

¹¹ Ibid

¹² "Apply for Clemency," *New York state Official Website*, accessed December 6, 2024. <https://www.ny.gov/services/apply-clemency>

sign a document release form. The Executive Clemency Bureau would be notified and the clemency process would begin.

You can contact the Executive Clemency Bureau for information about the clemency application process.

Contact them by phone (Monday to Friday 8:30 AM - 5:00 PM): (518) 457-7565

Contact them by email (Note: when contacting the Executive Clemency Bureau by email, please include your name and mailing address, the name of the individual you are inquiring about, and their relationship to you. If you know the DIN and/or NYSID of the individual you are emailing about, please include that information too): PardonsAndCommutations@doccs.ny.gov

Contact them by mail:

New York State Department of Corrections and Community Supervision Executive Clemency Bureau
The Harriman State Campus – Building 4
1220 Washington Avenue
Albany, NY 12226-2050

Pro Bono Clemency Initiative

On August 21, 2017, Governor Andrew M. Cuomo announced a first-in-the-nation partnership between a state and a coalition of legal organizations to expand New York's pro bono clemency program. This new partnership was meant to expand the Governor's clemency initiative, founded in 2015. It was intended to provide pro bono clemency petition services to individuals with criminal records or incarcerated in state prison. The Governor's partnership with the [National Association of Criminal Defense Lawyers](#)¹³, supported by the Foundation for Criminal Justice, Families Against Mandatory Minimums, and other organizations was modeled after a federal program that was discontinued during the Trump administration.

Applicants received a letter from the Executive Clemency Bureau stating that if they agree to the assistance of a pro bono lawyer, their application will not be reviewed until they have secured pro bono representation. It further advises that if an individual wishes to proceed with submitting a clemency application, they must fill out a form to withdraw the pro bono request.

The Pro Bono Initiative did not succeed, leading to considerable confusion. Hundreds, if not thousands, of people have been waiting for several years for pro bono counsel. The issue arose due to a shortage of attorneys to assist with the large volume of requests.

16 - 17 Year Old Pardon Initiative

Governor Andrew M. Cuomo also announced his intention to grant pardons to thousands of individuals who were convicted of nonviolent offenses during their teenage years and have since demonstrated a commitment to living law-abiding lives. This decision came two months after the establishment of the "Clemency Project" by Mr. Cuomo, aimed at evaluating and

¹³ "Clemency," *New York State Association of Criminal Defense Lawyers*, accessed December 6, 2024. <https://nysacdl.org/page/Clemency>

assisting potential applicants. The move received acclaim from advocates for raising the age of criminal responsibility in New York.

It is important to note that these pardons will not erase a person's criminal record. Instead, they offer legal relief to individuals who may face legal restrictions in pursuing certain occupations. These restrictions could affect jobs in areas such as education, construction, nursing homes, real estate brokerages, and security companies. In practical terms, individuals applying for such positions will still be required to acknowledge their prior convictions by checking the "Yes" box on relevant forms. However, they will also possess official documentation from the governor's office confirming the pardon for the specific offense, which can potentially mitigate some of the barriers they face in these fields.¹⁴

Developments Under Governor Hochul

Executive Clemency Bureau

Governor Hochul's Office has taken several steps to improve transparency and communication in the clemency process:

- The Governor committed to dedicating additional staff resources to reviewing applications to be able to grant clemency on an ongoing basis throughout the year, rather than granting clemency only once. They say that additional resources will help ensure that this ongoing process can occur in a meaningful way and that every application can receive the thorough and timely attention it deserves.¹⁵
- To improve transparency in the clemency application and review process, the Governor also announced that whenever she acts on clemency, her office will release numbers detailing how many clemency applications have been delivered year-to-date, and how many have been granted or denied. Twice a year, applicants whose cases remain open and under review will receive letters confirming their case status and providing information about how the applicant may submit supplemental information in support of their application.¹⁶
- The Governor's office will also work with the Executive Clemency Bureau within the Department of Corrections and Community Supervision to provide improved guidance to clemency applicants about what information they should include in their applications and how they should make the Governor's office aware of changes in their circumstances that may impact their case.¹⁷
- The Executive Clemency Bureau has implemented a new policy of sending regular letters to people with clemency applications, informing them of their case status, and providing information about how to submit supplemental information in support of their applications.¹⁸

¹⁴ Alan Feuer, "Cuomo Moves to Pardon Former Youthful Offenders," *The New York Times*, December 20, 2015, accessed December 6, 2024.

<https://www.nytimes.com/2015/12/21/nyregion/cuomo-moves-to-pardon-former-youthful-offenders.html>

¹⁵ "Governor Hochul Grants Clemency to 10 Individuals and Announces Formation of New Clemency Advisory Panel," *New York State Governor's Office*, December 24, 2021, accessed December 6, 2024. <https://www.governor.ny.gov/news/governor-hochul-grants-clemency-10-individuals-and-announces-formation-new-clemency-advisory>

¹⁶ Ibid

¹⁷ Ibid

¹⁸ "Governor Hochul Grants Clemency to Thirteen Individuals: Highlights Efforts to Reform Clemency Process, Including Convening an Advisory Panel of Impartial Experts, Dedicating Additional Staff

- The Governor's Office also launched an updated online web hub to assist clemency applicants with the application process; this hub includes newly created template clemency application forms for both pardons and commutations to provide prospective applicants with improved guidance about what information to include when they apply.¹⁹

Clemency Advisory Panel

Governor Hochul has convened a Clemency Advisory Panel to assist in advising the Governor on clemency applications. Governor Hochul has also stated that she is committed to adding a formerly incarcerated individual to the panel.²⁰

It is not recommended to contact these individuals directly. Send all correspondence through the official NYS Executive Clemency Bureau address and/or email.

Resources, and Increasing Communication with Applicants,” *New York State Governor’s Office*, December 21, 2022, accessed December 6, 2024,
<https://www.governor.ny.gov/news/governor-hochul-grants-clemency-thirteen-individuals>

¹⁹ Ibid

²⁰ Ibid

Section 3: New York State Executive Clemency Explained

In this section, we will cover where the Governor receives the authority to grant clemency and the differences between a pardon and commutation, along with their eligibility criteria.

Executive Clemency Authority

Presidents and State Governors have the authority to grant clemency. Presidents grant clemency for federal convictions and Governors for state convictions. This authority originates from Federal and State Constitutions. While the constitutional language that outlines clemency is generally the same from state to state, the clemency process can be different in each state.

To have a clearer understanding of the clemency process in New York State it is important to know the exact language found in the NYS Constitution.

New York State Constitution - Section 4: Reprieves, commutations and pardons; powers and duties of governor relating to grants of

Constitution (CNS) CHAPTER, ARTICLE IV

§ 4. The governor shall have the power to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations, as he or she may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, the governor shall have power to suspend the execution of the sentence, until the case shall be reported to the legislature at its next meeting, when the legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. The governor shall annually communicate to the legislature each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which the convict was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve.²¹

The NYS Constitution does not outline the eligibility criteria nor the application process for executive clemency that we see today provided by the Governor's Office. The eligibility criteria that exist today were put in place decades ago and very little is known about its history.

How applications are received, selected, and processed has changed through the years. The newest, and most significant, developments in the clemency process are the additions of the Executive Clemency Bureau and Clemency Advisory Panel.

²¹ "Section 4: Reprieves, Commutations, and Pardons; Powers and Duties of Governor Relating to Grants of Clemency," *New York State Senate*, accessed December 6, 2024, <https://www.nysenate.gov/legislation/laws/CNS/A4S4>.

Pardon vs. Commutation: What is the difference?

Pardon

Pardons can provide relief for some or all of the consequences of a criminal conviction, including, for example,

- to permit a judgment of conviction to be set aside where there is overwhelming and convincing proof of innocence not available at the time of conviction;²²
- to relieve a disability imposed upon a judgment of conviction for an offense,²³
- challenges related to finding housing,²⁴
- obtaining certain types of employment or licenses, and²⁵
- the threat of deportation or inability to re-enter the country for individuals who are not U.S. citizens.²⁶

A pardon does not expunge a criminal conviction from an individual's New York State record.²⁷

A large majority of pardons granted have been for individuals facing deportation.

Commutation

A commutation of a sentence reduces the length of an incarcerated person's term of imprisonment. The Governor may commute a sentence in any way that he or she considers appropriate.

- A commutation may reduce a sentence to allow an incarcerated person to be released immediately or on a specific date in the future.

OR

- A commutation may also allow an incarcerated person to become eligible for parole at an earlier date.

A commutation does not expunge a criminal conviction from an individual's New York State record.²⁸

²² *Guidelines for Review of Executive Clemency Applications*, New York State: Department of Corrections and Community Supervision, accessed December 6, 2024.

<https://doccs.ny.gov/system/files/documents/2022/01/greca-12-21.pdf>

²³ Ibid

²⁴ "Apply for Clemency," *New York State Government*, accessed December 6, 2024.

<https://www.ny.gov/services/apply-clemency>

²⁵ Ibid

²⁶ Ibid

²⁷ Ibid

²⁸ Ibid

Eligibility Criteria for Pardons and Commutations

It is important to note that these eligibility criteria are not written into law and have been disregarded in some grants of clemency. If you feel you have a compelling case but don't meet all of these criteria you can still apply for a pardon or commutation, and probably also want to include an explanation of why you think these criteria should be overlooked.

Pardon

Anyone who has been convicted of a crime under New York State law can apply for a pardon. However, pardons are typically only considered for applicants who have completed all court-imposed requirements connected to their conviction and sentence, including community supervision, probation, and/or payment of fines and other costs.²⁹

Unless there are exceptional and compelling circumstances, a pardon is generally not considered if the applicant has other administrative remedies available to them, such as a Certificate of Good Conduct or a Certificate of Relief from Disabilities, pursuant to Corrections Law Article 23.³⁰

Application: [Application for Pardon](#)³¹

Youth Pardons

This type of pardon is offered to applicants who were convicted of a non-violent crime at the age of 16 or 17.

If this type of pardon is received, the New York State Office of Court Administration has stated that it will restrict public access to an individual's criminal history, meaning that it will not be available to private employers, landlords, or other companies that seek this information.³²

The seven requirements to be eligible for this pardon are

1. At least 10 years have passed since you were either convicted of the crime or released from a period of incarceration for that crime, if applicable.³³
2. You have been conviction-free since that time.³⁴
3. You have been convicted of a non-violent offense.³⁵
4. You were not convicted of a sex offense.³⁶
5. You are currently a New York State resident.³⁷
6. You have paid taxes on any income.³⁸

²⁹ Ibid

³⁰ Ibid

³¹ *Application for Pardon*, New York State Government, June 2023, accessed December 6, 2024, <https://www.ny.gov/sites/default/files/2023-06/PardonApplicationTemplate6.2023.pdf>.

³² "Apply for Clemency," *New York State Official Website*, accessed December 6, 2024, <https://www.ny.gov/services/apply-clemency>.

³³ Ibid

³⁴ Ibid

³⁵ Ibid

³⁶ Ibid

³⁷ Ibid

³⁸ Ibid

7. You are a productive member of your community, meaning that you are working, looking for work, in school, or legitimately unable to work.³⁹

Application: [Application For Youth Pardon For Applicants Convicted of an Eligible Non-Violent Crime Committed at Age 16 or 17.](#)⁴⁰

Commutations

Except for extraordinary circumstances, a commutation of sentence will typically be considered only if an applicant meets the following eligibility criteria:

- The incarcerated person's minimum term of imprisonment is more than one year;⁴¹
- The incarcerated person has served at least one-half of their minimum sentence and ⁴²
- The incarcerated person is not eligible for release or parole within one year of the date of their application for clemency.⁴³

The above criteria are not written into law, they are a guideline and exceptions have been made. All individuals are eligible to apply for executive clemency.

Application: [Application for Commutation of Sentence](#)⁴⁴

³⁹ Ibid

⁴⁰ *Application for Youth Pardon: For Applicants Convicted of an Eligible Non-Violent Crime Committed at Age 16 or 17*, New York State Government, June 2023, accessed December 6, 2024, <https://www.ny.gov/sites/default/files/2023-06/YouthPardonApp6.2023.pdf>

⁴¹ "Apply for Clemency," *New York State Official Website*, accessed December 6, 2024, <https://www.ny.gov/services/apply-clemency>

⁴² Ibid

⁴³ Ibid

⁴⁴ *Application for Commutation of Sentence*, New York State Government, June 2023, accessed December 6, 2024, <https://www.ny.gov/sites/default/files/2023-06/CommutationApplicationTemplate6.2023.pdf>

Section 4: The Executive Clemency Process

In this section, we will go through the process of applying for clemency including submitting an application, support letters, record requests, and updating the application. We will also explain who else has a say and how, as the application process moves along.

We've written this in steps and sections for ease of understanding and explaining the clemency process. However, the Governor's office does not separate the executive clemency process into steps or stages.

Submit a clemency application to the Executive Clemency Bureau

1. When an application for clemency is submitted to the Executive Clemency Bureau, the Bureau will determine if an applicant is eligible to apply for clemency. If an applicant is eligible they then gather all records from relevant agencies.
 - A. For individuals seeking a pardon.
 - i. During this time the Bureau will contact the necessary state agencies requesting documentation. This can be courts of conviction, U.S. Immigration and Customs Enforcement, schools the applicant attended, and other necessary agencies.
 - B. For individuals who are incarcerated and seeking a commutation.
 - i. The facility Superintendent (or designee) where the incarcerated person is being held will provide a report. This report will include the following:
 - ii. Introduction: Provide the applicant's name and Departmental identification number; present conviction(s); sentence(s) now being served; date eligible for release on parole; and conditional release and maximum expiration dates, if applicable.⁴⁵
 - iii. Institutional History: List the facilities in which the applicant has been incarcerated on the present sentence and the dates at each facility. Describe work and program assignments at each facility and indicate the quality of participation in those assignments. Note any significant work, educational, or other achievements of the applicant. Summarize the applicant's conduct within the facilities; include specific information on disciplinary infractions and the disciplinary action taken, if any; and attach a copy of the records of the incarcerated individual's disciplinary history.⁴⁶
 - iv. Psychological and Psychiatric Evaluations: Photocopies of available psychological and mental health reports are to be submitted. Summarize any problems in this area.⁴⁷
 - v. Visiting, Correspondence, and Telephone Lists: Computerized listings of the applicant's visiting list and, when available, correspondence and telephone lists are to be provided. Any visitors or contacts considered significant should be noted.⁴⁸
 - vi. Instant Offense - Office of Victims Assistance: The Superintendent or Superintendent's designee shall notify the Director of the Office of Victim

⁴⁵ *Guidelines for Review of Executive Clemency Applications*, New York State Department of Corrections and Community Supervision, December 2021, accessed December 6, 2024, <https://doccs.ny.gov/system/files/documents/2022/01/greca-12-21.pdf>

⁴⁶ Ibid

⁴⁷ Ibid

⁴⁸ Ibid

Assistance that the incarcerated individual has applied for executive clemency. The clemency report will include a statement that there is, or is not, a confidential file at the correctional facility.⁴⁹

- vii. Other Considerations: Note any significant factors regarding the applicant that are not discussed in other sections of the report. If known, advise if any current appeals or other actions are pending concerning the applicant's case and, if so, provide available details. Include a statement concerning the applicant's signing of Form #6901C, which is provided by the Executive Clemency Bureau.⁵⁰
 - viii. Recommendation: A recommendation regarding the applicant's request for executive clemency is to be made by the facility Superintendent. Except in rare cases explained by the Superintendent, this statement should include a definite recommendation for or against clemency based on the information available to the Superintendent. The statement may be a part of the larger report or may be made in a separate cover⁵¹
 - ix. It is important to note that Form #6901(B) (12 21) states: "As part of your report [Superintendent, or designee], the Office of the Governor's Counsel requests that you make a recommendation for or against clemency based on the information that you possess regarding the incarcerated individual's entire record while incarcerated, with particular emphasis on disciplinary and programmatic indicia. The seriousness and circumstances of the original crime will be separately evaluated by the Office of the Governor's Counsel and should not be addressed in your recommendation."⁵²
2. The Governor's Office may contact the sentencing judge, district attorney, and attorney who presided over the conviction. This will be for requests for more information, and whether they support or oppose the application.
 3. If the applicant has a pro bono attorney or other representative assisting them, the Governor's Office may contact them for more information.

Submit supporting documentation/personal packet

1. Advocacy Letter
2. Personal Statement.
3. Support Letters, relevant documents, Reasonable Assurance Letters, certificates, etc.
4. Complete a Post-Clemency Plan.

The applicant should submit supporting documentation (personal packet) within 30 days of approval to apply for clemency by the Executive Clemency Bureau. This documentation should include a cover letter, support letters, and any relevant documentation.

For more information see Section [Submitting an Application and Personal Packet](#).

⁴⁹ Ibid

⁵⁰ Ibid

⁵¹ Ibid

⁵² *Directive #6901: Information Concerning Executive Clemency*, New York State Government, December 31, 2014, accessed December 6, 2024, https://www.ny.gov/sites/default/files/atoms/files/6901_signed_12312014.pdf

Application is held until presented before the Governor

1. Once the Executive Clemency Bureau has collected documentation they will forward the file to the Clemency Advisory Panel.
2. The Clemency Advisory Panel reviews the application and makes a recommendation to the Governor. *At this time it is unclear how involved this panel is in advising the Governor on specific petitions. According to the official NYS government website, on December 21, 2022, it stated: "The Governor has convened a Clemency Advisory Panel comprised of impartial experts to assist in advising the Governor on clemency applications."*⁵³
3. During this time the Governor's Office can receive additional support letters, certificates, etc.

The Clemency Advisor Panel makes a recommendation and the Governor makes a clemency decision

1. At this time the application is being actively reviewed by the Governor's Office. Sometimes this is phrased as the application is "on the Governor's desk."
2. The Governor's Office may contact the sentencing judge, district attorney, attorney who presided over the conviction, NYS DOCCS Superintendent, and other relevant agency individuals with requests for more information, and whether they support or oppose clemency.
3. If the applicant has a pro bono attorney or representative assisting them, the Governor's Office may contact them for more information.
4. Applicants will be informed in writing of the Governor's decision.

Factors Considered by the Governor's Office

- Nature and Circumstances of the Offense
- Demonstration of Rehabilitation
- Consistent Employment
- Community Involvement
- Education and Skill Development
- Impact on Family and Community
- Length of Time Since the Offense
- Remorse and Accountability
- Need for Relief (pardon)
- Public Interest

How long does this process take?

No one can say with certainty when the Governor will make a clemency decision on an application once it is received. There is no specific timeframe for the Governor to make a decision on a clemency application. Individuals have experienced varying wait times, ranging from a year to much longer. The exact date when the Governor will make clemency decisions

⁵³ "Governor Hochul Grants Clemency to Thirteen Individuals," *New York State Governor's Office*, December 21, 2022, accessed December 6, 2024, <https://www.governor.ny.gov/news/governor-hochul-grants-clemency-thirteen-individuals>

cannot be predicted with certainty. Historically, NYS Governors have traditionally announced clemency decisions between Thanksgiving and New Years.

Notably, in 2023 Governor Hochul made a total of three clemency announcements.

- April 7, 2023, 7 clemencies granted (2 commutations, 5 pardons)⁵⁴
- September 8, 2023, 13 clemencies granted (3 commutations, 10 pardons)⁵⁵
- December 22, 2023, 16 clemencies granted (4 commutations, 12 pardons)⁵⁶

While the April and September announcements outside the traditional timeframe are promising, it is too early to determine if this will be a consistent trend.

We are gathering data on NYS executive clemency grants. If you are interested in this information and/or assisting with gathering this data, contact the RAPP Clemency Campaign Director, at clemency@rappcampaign.com.

How long does it take to compile and submit a clemency packet?

The process of submitting a complete clemency application, which includes gathering letters of support, legal documents, etc., can take 4 to 6 months, or longer. However, this timeline is contingent on the responsiveness of individuals providing support letters and the efficiency of agencies, such as the Department of Corrections and Community Supervision (DOCCS) and criminal courts, in responding to document requests.

⁵⁴ “Governor Hochul Grants Clemency to Seven Individuals,” *New York State Governor’s Office*, Accessed December 6, 2024,

<https://www.governor.ny.gov/news/governor-hochul-grants-clemency-seven-individuals>

⁵⁵ “Governor Hochul Grants Clemency to Thirteen Individuals,” *New York State Governor’s Office*, December 21, 2023, accessed December 6, 2024,

<https://www.governor.ny.gov/news/governor-hochul-grants-clemency-thirteen-individuals-0>

⁵⁶ “Governor Hochul Grants Clemency to Sixteen Individuals,” *New York State Governor’s Office*, December 21, 2023, accessed December 6, 2024,

<https://www.governor.ny.gov/news/governor-hochul-grants-clemency-sixteen-individuals>

Section 5: Submitting an Application and Personal Packet

Submit a Clemency Application to the Executive Clemency Bureau

A formal application for executive clemency is not required; nor is an applicant required to retain an attorney. A written request for executive clemency consideration will start the clemency process. The Executive Clemency Bureau will determine if the applicant is eligible to apply, and if they are, will begin compiling the necessary information to be submitted to the Clemency Advisory Panel. The full cooperation of the applicant upon such review is required.⁵⁷

Applications for executive clemency should be made only by the subject of the application, those having authority, expressed or implied, either from the subject of the application or from some relative or member of his/her family, or such other person as may be presumed to represent him/her.⁵⁸

The applicant should forward all supporting materials within thirty days of approval to file for clemency by the Executive Clemency Bureau. Papers filed in connection with an application may not be returned; nor may copies be furnished. Thus, individuals should retain copies of materials sent to the Bureau in case they are needed for future reference. The material in the clemency file gathered by the Bureau is considered confidential and will be made available only at the discretion of the Governor.⁵⁹

The name and post-office address of the correspondent should appear on all communications, and all communications should be addressed to either:

- Director, Executive Clemency Bureau
New York State Department of Corrections and Community Supervision
Harriman State Campus
1220 Washington Avenue
Albany, New York 12226

OR

- You also scan and email your application package to the following email address:
PardonsAndCommutations@doccs.ny.gov

Email Submissions

For email submissions of the personal packet or additional documents after submission, attach them to the email as one PDF.

⁵⁷ *Guidelines for Review of Executive Clemency Applications*, New York State Department of Corrections and Community Supervision, December 2021, accessed December 6, 2024, <https://doccs.ny.gov/system/files/documents/2022/01/greca-12-21.pdf>

⁵⁸ Ibid

⁵⁹ Ibid

Pro Bono Attorney Assistance

Once an applicant sends a clemency request letter to the Executive Clemency Bureau, and the Bureau deems the applicant eligible for clemency, the applicant will receive an application for pro bono assistance. If they agree to receive attorney assistance from the Bureau, they will be placed on a waiting list and they will NOT be considered for clemency until AFTER they receive pro bono assistance. As of this writing, it is extremely unlikely that applicants will receive a pro bono lawyer. If an applicant decides to give up pro bono assistance after requesting it they must inform the Executive Clemency Bureau in writing. If an applicant receives pro bono attorney assistance independent of the Bureau, the applicant will receive a written request from the Bureau to sign off on (no longer want) the pro bono assistance they provide.

Note: Attorneys or other individuals/organizations wishing to offer assistance to applicants during their clemency process and would like additional guidance can contact the Release Aging People in Prison Campaign at clemency@rappcampaign.com.

Building a Personal Packet

Supporting Documents

Supporting documents, also known as the personal packet, will contain additional information the applicant would like to submit to the Governor's Office in considering their clemency application. These documents may be an advocacy letter, personal statement, letters of support, court documents, a release plan, and more. Any information that is favorable and helpful in understanding the applicant should be submitted.

Cover Page

The personal clemency packet should have a Cover Page. It should state at the top: the applicant's name, (DIN if applicable), address, and contact information. Then below the applicant's name and contact information, the statement: Supporting Documents for Application of Executive Clemency Request for Pardon/Commutation, then below this the date it was submitted to the Governor's Office. Here is an example:

Jessica Rodriguez
345 Anyside Drive
Jamestown, NY 14701
716-123-4567
jessicarodriguez@gmail.com

Supporting Documents for Application of Executive Clemency Request for Pardon

Submitted: June 2, 2023

Advocacy (Cover) Letters and Support Letters

It is recommended to keep a log of each person you reach out to for a support letter. This [Clemency Document, Support Letter & Contacts Tracker](#)⁶⁰ will help in tracking who was contacted, when, and if they provided a letter.

Advocacy (Cover) Letter⁶¹

An Advocacy Letter serves to highlight the strengths of an individual seeking clemency and provides a comprehensive, formal overview of the contents within the clemency packet. Additionally, the applicant should submit a personal letter to articulate clear reasons why the evidence presented to the Governor supports the conclusion that they are deserving of clemency.

Advocacy or cover letters differ from Support Letters as they offer a broader perspective on the applicant's achievements and summarize the clemency packet persuasively and compellingly.

When writing for a conservative audience, such as the Governor, it is important to use person-first language, avoiding dehumanizing terms like "inmate," "criminal," or "convict." Instead, opt for respectful substitutes such as "people who are incarcerated" and "people convicted of crimes." Additionally, it is recommended to address individuals using honorifics (Mr., Mrs., Mx.).

The length and content of an advocacy letter will vary depending on the applicant and the duration of your collaboration. Generally, an advocacy letter should range from 3 to 4 pages double-spaced. However, if you have worked closely with the applicant for an extended period, it may extend to 4 to 6 pages.

It is crucial to construct a compelling narrative within the advocacy letter that encapsulates the client's story and demonstrates accountability and remorse. This narrative should include acknowledgment of the impact of the individual's actions on others, such as the complainant, their family, friends, and community.

Tips for Writing the Advocacy Letter

Formatting

- If an advocate (individual, attorney, or organization) is submitting the packet on behalf of an applicant, use an official letterhead on the first page *only*.
- Pages should be numbered.
- Use a professional and easy-to-read font in size 12.

1. Contact Information

Name and contact information: address, phone number, email.

⁶⁰ *Clemency Document, Support Letter & Contacts Tracker*, Release Aging People in Prison Campaign, accessed December 6, 2024, <https://docs.google.com/spreadsheets/d/1-pfuFdh76K99j5FO6o8j-Zx4kjlFdqEy/edit?usp=sharing&ouid=101589399784417604333&rtpof=true&sd=true>

⁶¹ "Parole Preparation Project," *Parole Prep NY*, accessed December 6, 2024, <https://www.paroleprepnyc.org/>

2. Purpose of Letter

Place just below the Governor's addresses: **RE: Executive Clemency Support Letter for a [Commutation or (Urgent Request) Pardon] for [applicant name (and DIN)].**

3. Introduction

- a. Formal salutation and introduction.
- b. Statement of purpose: Expressing support for clemency. Indicate if this is a commutation or pardon. Indicate if this is an "Urgent Request" to prevent deportation, medical consideration, etc.

4. Relationship with the Applicant

- a. Briefly introduce yourself and establish your relationship with the applicant.
- b. Describe how long you have known (known of) the individual and in what capacity.
- c. Talk about how often they are in contact. Do they visit them? Speak to them on the phone? Write letters to them?
- d. If you are writing on behalf of an organization
 - i. Explain the organization's relationship with the individual seeking clemency.
 - ii. Highlight any collaborative efforts or programs in which the individual has participated.
 - iii. Express the organization's unwavering support for the individual's clemency application.
 - iv. B. Provide specific examples of how the organization has assisted in the individual's rehabilitation.

5. Acknowledgment of Offense

- a. Tell the applicant's story of the crime. What happened? What was their role?
- b. Discuss responsibility and remorse, with the applicant's permission.
 - i. Talk about how they arrived there—was there a certain life event, a book, a moment in a class, a religious experience, a conversation with a friend, etc., that prompted those feelings?
 - ii. If the person does take responsibility for their crime, are there factors or circumstances that contributed to their participation? Preview that information in the Early Life and Background section.
 - iii. If the applicant has innocence claims that were not addressed on appeal or through a post-conviction application. Adjust their advocacy letter accordingly. All claims of innocence are different, but consider some different issues and suggested strategies with the applicant.

6. Personal History

- a. Early Life and Background
 - i. Family history, their experiences in or out of school, details about the neighborhood they grew up in, etc.
 - ii. Early life factors shouldn't be framed as a justification of a person's actions, but showing insight into how the crime happened and the context in which it occurred can be powerful and persuasive.
- b. Challenges Faced
 - i. Consider what would contextualize the applicant's offense—did they have an upbringing where violence and abuse were prevalent, or live in a

- community where the primary economy was based on buying and selling drugs?
- ii. Any adversities or challenges encountered.
- iii. How these challenges influenced personal growth.
- c. Turning Points
 - i. Significant moments or events that shaped values and perspectives
 - ii. Positive changes made in response to challenges.
- d. References to their character.
- e. Discuss the applicant's qualities such as resilience, determination, and commitment to change.

7. Medical or Mental Health Considerations

- a. If relevant, discuss any medical or mental health considerations supporting the clemency case.
- b. Provide documentation or expert opinions if available.

8. If the applicant is incarcerated

- a. Applicant's time while incarcerated
 - i. What are the applicant's proudest moments and greatest achievements since being incarcerated? How have they spent their time?
 - 1. Have they completed any therapeutic programs?
 - 2. Were they a participant in those programs and also a facilitator?
 - 3. Have they achieved any special awards or certificates?
 - 4. Do they have any educational accomplishments?
 - 5. Has the applicant held any jobs within the institution for more than a year?
 - ii. Not all institutions have substantial programming available for those incarcerated there. If the applicant did not complete many programs or obtain many certificates, you may want to present this as an alternate narrative.
 - 1. Emphasize the time they spent reflecting on the crime and their personal growth.
 - 2. If your client has a record of good behavior, highlight that as a part of their reflection.
- b. Disciplinary Record
 - i. If there are lots of disciplinary infractions, can you identify recent progress—such as a reduction in the number of write-ups for serious infractions—or a recent period with no write-ups (and if so, is there any factor you can point to that accounts for the cessation in write-ups, which reflects a shift in the applicant's experience)?
 - ii. Has the applicant been free of any disciplinary infractions for a long period of time? Are the disciplinary infractions on their record more “administrative” and “non-violent” in nature? Has the applicant appealed the misbehavior report, or are they in the process of appealing?
- c. Positive Changes and Rehabilitation
 - i. Highlight the positive changes observed in the applicant since the incident.
 - ii. Emphasize the individual's commitment to rehabilitation and remorse for past actions.
 - iii. Mention educational achievements and participation in programs during incarceration.

- iv. If applicable, mention any special skills, talents, or vocational training the individual has acquired during their incarceration.
 - 1. Emphasize how these skills can be beneficial to society upon release.

9. Family Ties

- a. Describe the individual's efforts to maintain family ties despite barriers.
- b. Provide examples of emotional and financial support given to the family.
- c. Impact of Deportation on Family
 - i. Discuss the specific ways in which deportation would negatively impact the applicant's family.
 - ii. Include statements from family members expressing their dependence on the individual.

10. Community Support and Involvement

- a. Include evidence of community support through petitions, letters, or statements from community members expressing their belief in the individual's rehabilitation.
- b. Describe the applicant's involvement in community service, volunteer work, or other positive contributions to society.
- c. Highlight any leadership roles or responsibilities taken on within the correctional facility community.
- d. Mention mentorship programs or initiatives the individual has participated in.
- e. Describe how the applicant's release would have a positive impact on the community.
- f. Discuss potential contributions to community improvement, volunteer work, or initiatives.
- g. Support from Religious or Community Leaders
 - i. If applicable, include statements from religious or community leaders expressing support for the individual's rehabilitation and belief in their potential contributions to society.

11. Post-Clemency/Release Plan

- a. Discuss the applicant's aspirations and goals for their future.
- b. Explain how clemency would enable the individual to contribute positively to society, their family, and their own life.
- c. **If the applicant is a non-citizen**, there may be special considerations regarding their post-clemency plans. If they are seeking a pardon, what would it mean to them, and their family, and what would their future look like if they stayed in the country?
- d. Reference the applicant's letters of support here and throughout, and even quote from them, if there is a particularly compelling part that you'd like to highlight.
- e. Describe how you can provide support for the applicant if granted clemency.
- f. **If the applicant is incarcerated**: Include plans regarding any information they have about where the applicant will live, what educational or employment opportunities they will pursue, and/or any other supportive programming in which the applicant intends to participate.
 - i. Include details about any other organizations that the applicant may have reached out to, or any supportive programs that specifically address issues that the Parole Board or sentencing court have raised (e.g., if the applicant has a documented history of substance use, even if it was many years ago, include a relapse-prevention plan).

- ii. The applicant can also detail these plans in a release plan.
- iii. This can and should be supplemented by letters of reasonable assurance that you and the applicant have collected. You can reference the letters of reasonable assurance directly in your advocacy letter.

12. Legal Analysis

- a. If there are legal grounds supporting the clemency application, consider including a brief legal analysis or argument.
- b. Consult with legal professionals to ensure accuracy and relevance.

13. Legislative or Policy Considerations

- a. If applicable, discuss any changes in laws or policies that support the applicant's case for clemency. Such as Raise the Age, Domestic Violence Survivors Justice Act, etc.

14. Closing Statement

- a. Reiterate strong support for the clemency application.
- b. Include contact information for further inquiries.

15. Follow-up

- a. Express willingness to provide additional information if needed.
- b. Thank the reader for their time and consideration.

16. Additional Attachments

- a. Include any supporting documents, such as resumes, certificates, or testimonials.

Remember to personalize the letter, providing specific examples and anecdotes that showcase the individual's positive qualities and transformation. Each section should contribute to building a comprehensive case for why clemency is warranted.

If an applicant chooses not to include this type of letter, they should, at the very least, include a cover page with their name, (DIN if applicable), address where they are located, and any other identifying information they wish to include.

See here for [Sample Advocacy Letters](#)⁶².

We have provided a PDF of the [Advocacy \(Cover\) Letter Guide](#)⁶³ provided here, which you can share with the applicant/advocate for writing the letter.

Support Letters

A letter of support has two goals. First, it should support the applicant for clemency. Second, it should talk about who the applicant is as a person. This letter should be about who they are, who they have become, and how they've grown. This may include talking about things that may

⁶² *Sample Advocacy Letters*, Release Aging People in Prison Campaign, accessed December 6, 2024, accessed December 6, 2024,

<https://drive.google.com/drive/folders/1y-COuFro8Euf8wps0CTqekw3EMP7nOUx?usp=sharing>

⁶³ *Advocacy (Cover) Letter Guide*, Release Aging People in Prison Campaign, accessed December 6, 2024, https://drive.google.com/file/d/1ce1iSKgnlPR8jzieX_27DnQjFWZBPdHh/view?usp=sharing

have been difficult in their life (such as substance addiction, poverty, abuse, etc.). Generally, they are not as extensive as a cover letter.

These letters can be written by family, friends, DOCCS staff, community organizations, religious leaders, reentry support, college instructors, an attorney who represented the applicant, a sentencing judge, a prosecutor, a letter of reassurance for reentry assistance, etc. They are meant to share supporters' thoughts about the applicant with the Governor. They offer the Governor a unique perspective and can serve as a counter-narrative to the file that the Executive Clemency Bureau receives from the facility. These letters are also an important opportunity for people to detail any resources/support that they can offer the applicant. How the letter will look depends on both the author and the applicant.

Whoever is assisting the applicant should collect all the Support Letters and submit them in the clemency packet. For letters that arrive after a packet has been submitted, obtain a copy of the letter and instruct them to send it to the Executive Clemency Bureau.

Although the Support Letter should encompass the outlined information (see below), each Support Letter must maintain its uniqueness. This extends to formatting, style, font choice, and signature, particularly when drafting on behalf of another individual. Aim for the letters to reflect the authentic voice and perspective of the writer, and assess them from the perspective of a discerning reader. Avoid employing identical language or signature fonts across multiple letters.

Avoid seeking Support Letters from individuals who hold an order of protection (OP) against the applicant who might be perceived as having one, or individuals who are listed as victims in their conviction(s). **In NYS there are very specific laws against contacting these individuals directly. Individuals who violate these laws may face legal consequences, including potential arrest and prosecution.** It's important to understand and adhere to these laws to avoid further legal complications. Before soliciting letters, verify this status by directly asking the applicant and cross-referencing with relevant resources. While it is possible to obtain letters from victims, exercise caution when reaching out and composing such letters. For instances involving OPs or similar legal implications, it is advisable to seek guidance from a legal professional.

You can verify Orders of Protection by asking the applicant before soliciting letters and checking [New York State: NY-Alert - Order of Protection Notification System](#)⁶⁴.

Contacting Letter Writers

1. When you speak with the applicant ask

- a. To make contact with individuals in their community who might be willing to write letters in support of the applicant.
- b. If they are incarcerated can you reach out to individuals in the facility?
- c. If the applicant can provide you with contact information so you can reach out to COs, family members, and friends on the applicant's behalf.

2. Ask the applicant what you are allowed to mention to these parties.

- a. Are you allowed to talk about why the applicant is in prison?

⁶⁴ "Order of Protection Notification System," *New York State NY-Alert*, accessed December 6, 2024, <https://oopalert.ny.gov/oopalert/>

- b. Are you allowed to talk about some of the details of the case?
- c. Are you allowed to talk about what the applicant has been doing during their incarceration?
- d. Are you allowed to mention other family/community members?
- e. Are you allowed to mention any health issues the applicant may have?
- f. Is there anything the applicant doesn't want you to mention?

3. Reach out to potential letter writers

- Explain your relationship with the applicant and why you are calling/writing.
- Ask if they are willing to write a letter of support or if you can draft one on their behalf with their input.
- Keep in mind that:
 - Some family members may be hesitant to get involved with the applicant's clemency process because of their relationship or a desire to distance themselves from the applicant's conviction/incarceration.
 - People are busy with their lives and might not get back to you as quickly as you expect them to.
 - Some people don't have access to a computer and/or aren't able to draft a cohesive letter and may need your assistance.
 - Some people may not speak English fluently, or at all. You may need to seek the assistance of an interpreter.

4. Assist letter-writing, if needed.

- If family members/friends/community members are interested in writing a letter but need your help drafting it, set up a few dates to interview them.
- **Try to write the letter in the person's voice.**
- Send the final copy of the letter to the family/friend for approval.

Tips for Support Letters

1. Contact Information

Name and contact information: address, phone number, email. If you are writing professionally, please use your official letterhead.

2. Purpose of Letter

Place just below the Governor's addresses: **RE: Executive Clemency Support Letter for a [Commutation or Pardon] for [applicant name].**

3. Statement of Purpose

- a. Formal salutation.
- b. Statement of purpose: Expressing support for clemency. Indicate if this is a commutation or pardon. If this is a pardon request to prevent deportation, indicate this as well.
- c. If clemency is sought on medical grounds under an "Urgent Request", indicate that as well.

4. Introduction

- a. The author should state their name, age, occupation, and their relationship with the applicant (ex: cousin, sister, partner, etc...)
 - i. Include the length of time they have known the applicant

- ii. If they knew the applicant before they were incarcerated, include details about them before they went to prison
- iii. Talk about how often they are in contact. Do they visit them? Speak to them on the phone? Write letters to them?

5. Relationship with the Applicant

- a. Briefly introduce yourself and establish your relationship with the applicant.
- b. Describe how long you have known (known of) the individual and in what capacity.

6. Acknowledgment of Offense

- a. Recognize the nature of the offense for which the applicant is seeking clemency.
- b. Express understanding of the circumstances surrounding the offense.

7. Personal History

- a. Early Life and Background
 - i. Family background.
 - ii. Early influences and experiences shaping character.
- b. Challenges Faced
 - i. Any adversities or challenges encountered.
 - ii. How these challenges influenced personal growth.
- c. Turning Points
 - i. Significant moments or events that shaped values and perspectives
 - ii. Positive changes made in response to challenges.
- d. References to their character.
- e. Discuss the applicant's qualities such as resilience, determination, and commitment to change.

8. Medical or Mental Health Considerations

- a. If relevant, discuss any medical or mental health considerations supporting the clemency case.
- b. Provide documentation or expert opinions if available.

9. Crime of Conviction

- a. Usually brief, may focus on remorse or rehabilitation or mitigating factors that you wish to highlight

10. Achievements While Incarcerated

- a. Disciplinary record
- b. Educational attainment
- c. Vocational training and skills
- d. Therapeutic programming
- e. Personal development and/or religious beliefs
- f. Work assignments and recommendations
- g. Self-discovery

11. Release Plans

- a. Residence
- b. Employment (or education)
- c. Substance abuse treatment, if applicable.
- d. Describe the support network.

- e. Describe how you can provide support for the applicant.

12. Low Risk of Reoffending

- a. Health and medical information relevant to clemency release.
- b. Age-related concerns

13. Closing Statement

- a. Reiterate strong support for the clemency application.
- b. Include contact information for further inquiries.

14. Follow-up

- a. Express willingness to provide additional information if needed.
- b. Thank the reader for their time and consideration.

See here for [Sample Support Letters](#)⁶⁵.

See the [Support Letter Guide](#)⁶⁶ provided here, which you can share with individuals from whom you are requesting letters.

When an applicant receives support letters after submitting their supporting documents (personal packet) it is advised that the Support Letter be sent directly to the Executive Clemency Bureau and the applicant, or their advocates for their file.

DOCCS Staff and Volunteer Letters

DOCCS Staff Support Letters

Department of Corrections and Community Supervision Staff can write a letter of support, however, they are generally discouraged from doing so. There is a mechanism where an individual can receive a Commendable Behavior Report, but what qualifies as commendable behavior is very subjective and often difficult to receive.

Two alternatives could supplement a letter of support from DOCCS Staff:

1. [Incarcerated Individual Progress Report](#)⁶⁷. Each incarcerated individual who participates in a work detail, such as a porter, Mess Hall Worker, Incarcerated Program Associate (IPA), etc., is given a quarterly evaluation. This evaluation covers such things as work attendance, attitude, and work performance. There is also a section for comments where staff can write their positive view of the incarcerated individual without making any recommendation for release. This is more of a character/work assessment. If it sheds a positive light on the individual, include it in the clemency packet.

⁶⁵ *Sample Support Letters*, Release Aging People in Prison Campaign, accessed December 6, 2024, <https://drive.google.com/drive/folders/17GZHDxJUiffp-IYltqgRMw4C-GDfTshw?usp=sharing>

⁶⁶ *Support Letter Guide*, Release Aging People in Prison Campaign, accessed December 6, 2024, https://docs.google.com/document/d/1-XYp1rE3qpopyU3bPMg4NNVJKWiUiyT205yc5ZCh8U4/edit?usp=drive_link

⁶⁷ *Incarcerated Individual Progress Report*, New York State Department of Corrections and Community Supervision, accessed December 6, 2024, <https://drive.google.com/file/d/1g5Wrw-Dvd3sY6FDakcu6GsptZO1YGnuE/view?usp=sharing>

2. [Letter of Program Participation](#)⁶⁸. Some staff may write a summary of an incarcerated person's participation in a program. Again, if the letter provides a favorable assessment of the clemency applicant, include it in the application.

NYS DOCCS Volunteer Letters of Support

DOCCS has a very specific policy when it comes to volunteers writing letters of support for incarcerated individuals. In short - volunteers are limited to writing “objective observations” about working in a specific program, and letters are not allowed to be “personal in nature,” and can only be given to the Deputy Superintendent of Programs.⁶⁹

Sentencing Judge and District Attorney Letters

The Governor's Office may contact the sentencing judge and District Attorney who presided over the conviction for more information regarding the case and to make a recommendation. It is possible to request a meeting between the judge and DA to discuss the applicant and the possibility of providing a support letter.

If you would like to discuss strategies for obtaining a meeting with the sentencing judge and/or DA please reach out to Release Aging People in Prison Campaign, ATTN: Clemency Campaign Director, 135 West 20th Street, Suite 302, New York, NY 10011, clemency@rappcampaign.com.

Post-Clemency Plan

Having a post-clemency plan demonstrates to the Governor's Office that the applicant has thought carefully about their life after clemency. Whether they are incarcerated or not, a plan will outline what the applicant's life will look like after being granted clemency.

For those seeking a pardon to prevent deportation, this can outline what an applicant's life would continue to be, and become, once granted a pardon. For those incarcerated a reentry plan can demonstrate that the applicant has in place a well-thought-out plan to ensure their reentry is successful.

Provided here are two examples of post-clemency plans:

1. A post-clemency plan for a pardon to prevent deportation.
2. A reentry plan for an individual seeking a commutation (incarcerated individuals).

Post-Clemency Plan for a pardon to prevent deportation (sample)

Mr. Sanchez Post-Clemency Plan

Immediate Actions

⁶⁸ *Letter of Program Participation*, New York State Department of Corrections and Community Supervision, accessed December 6, 2024, <https://drive.google.com/file/d/1FOz2Ph5BwSAB8kOPY4zLMFOF4bR2pgyf/view?usp=sharing>

⁶⁹ *Volunteer Policy on Writing Letters of Recommendation for Incarcerated Individuals*, New York State Department of Corrections and Community Supervision, accessed December 6, 2024, <https://drive.google.com/file/d/1zNAr5xpgMX79o71aKqZGBkmZVxbNozxU/view>

Legal Status Verification: Mr. Sanchez will promptly verify his updated legal status with relevant authorities and ensure compliance with all immigration regulations.

Housing Arrangements: He will continue residing with his spouse, Ms. Sanchez, in Rochester, New York, ensuring stability and support in their family environment.

Legal Compliance: Mr. Sanchez will diligently adhere to any reporting or compliance requirements stipulated by immigration authorities, ensuring full cooperation to maintain his legal status.

First Month

Employment Search: He will actively seek employment opportunities suitable for his skills and qualifications, aiming to secure stable employment to support himself and contribute to his community.

Legal Assistance: Mr. Sanchez will engage legal counsel specializing in immigration law to explore avenues for permanent residency or citizenship, seeking expert guidance on navigating the complexities of immigration processes.

Community Engagement: He will involve himself in community initiatives and volunteer programs, fostering connections and contributing positively to his local community.

First Six Months

Financial Planning: Mr. Sanchez will establish a comprehensive financial plan, including budgeting, savings, and investment strategies, to secure his financial stability and future well-being.

Education and Skill Development: He will pursue opportunities for further education and skill development, enhancing his qualifications and employability in the job market.

Support Networks: Mr. Sanchez will actively engage with support networks, including community organizations and advocacy groups, to access resources, guidance, and assistance in navigating post-clemency life.

First Year

Legal Residency Application: He will initiate the process of applying for legal residency or citizenship, seeking guidance from legal professionals to ensure accurate and timely submission of required documents.

Career Advancement: Mr. Sanchez will pursue avenues for career advancement and professional growth, leveraging his skills and experiences to pursue fulfilling employment opportunities.

Integration and Adjustment: He will continue integrating into society, participating in cultural and social activities to foster a sense of belonging and community inclusion.

Long-Term Goals (five years)

Citizenship Acquisition: Mr. Sanchez aims to achieve permanent residency status or citizenship within five years, demonstrating his commitment to contributing positively to society and upholding the values of his adopted country.

Continued Community Engagement: He will maintain active involvement in community initiatives and advocacy efforts, advocating for immigrant rights and contributing to the well-being of marginalized communities.

Personal Development: Mr. Sanchez will prioritize personal growth and development, pursuing lifelong learning opportunities and embracing new experiences to fulfill his potential and lead a fulfilling life.

Reentry Plan for an individual seeking commutation (sample)

Mr. Davis Reentry Plan

Day of Release

Pick-up: My wife, Heather Davis, will pick me up and drive us to her house in Rochester, New York.

Housing: I will live with my wife in her home. Heather works as a data entry specialist. I have also been offered housing with my aunt, Tina Roberts. She works as a school bus driver and has a home with enough space for me to have my own room.

Parole Check-In: My wife will take me to my Parole Officer to go over the requirements and stipulations of my parole.

First Week of Release

Employment: I will begin applying for jobs and reaching out to those who offered me employment. My sister, Janette Roberts, owns her own tax accounting firm and is willing to hire me for a data entry position. Kimberly Bennett, the owner of Exterior Home Remodeling, offered to hire me.

Health Care: I will apply to Medicaid and find a primary care physician.

Substance Treatment: I have reached out to several treatment programs and will meet with them to select one: Delphi, which is located close to where I will live; and, Huther-Doyal.

Anger Management: The Gandhi Institute, offers an extensive training course in Nonviolent Communication I would like to participate in and explore the option of facilitator training. There is an Alternatives to Violence Project (AVP) Landing Strip located in Rochester, it meets regularly and I would like to continue my involvement in AVP as a participant and facilitator.

Family & Friends: I will spend time with family and begin to form relationships with my two sister's sides of the family. When needed, I will call those who have pledged their support for my reintegration requesting advice and assistance.

Clothing: I will shop for clothing and work attire.

First Month of Release

Employment: I will begin working for my sister at her accounting firm and continue to apply for jobs and reach out to those who offered me support upon my release.

Volunteer: I will get involved in my community as a volunteer. My wife is also a community volunteer and we'd like to work together as this will help deepen our relationship. The Partnership In Restorative Initiative (PIRI), provides training in Peace Circle processes that I would like to participate in.

Health: As a participant in RocCovery Fitness programs I am offered free gym membership that I will utilize to maintain good health. Also, I will activate my Medicaid card, follow up with my primary care provider, and provide a copy of my complete DOCCS medical file for future reference.

Education: I will meet with Ms. Brown, the Reentry Coordinator for the University of Rochester Education Justice Initiative, to explore enrollment in a Bachelor's program and obtain financial aid.

Parole: Continue to build a positive relationship with my Parole Officer, abide by stipulations, and request assistance if needed to ensure successful reentry.

Within Four Months of Release

Family: I will continue to cherish time with my wife and family.

Financial Planning: I will open a bank account and begin saving the money I earn.

Driver's License: I would like to obtain my driver's license with the permission of my Parole Officer.

Employment: I will explore public speaking as an employment option.

Parole: Continue to work with my Parole Officer seeking any help that I may need along the way to ensure successful reintegration.

Treatment Programs: I will have completed substance and anger treatment programs.

Within Six Months of Release

Treatment Programs: I will regularly attend NA meetings at RocCovery Fitness. I will also continue monthly participation in AVP and the PIRI Peace Circle Work.

Savings: Save to buy a car.

Parole: Continue to meet with my Parole Officer. Obey all laws and expectations of parole.

Within One Year of Release

Treatment Programs: Continue involvement in treatment. Obtain a substance treatment sponsor.

Employment: I would like to seek an employment promotion.

Free Time: I would like to continue to paint, write, and work on house projects with my wife.

Volunteer: Establish a regular volunteer schedule where I can contribute to my community in meaningful and positive ways.

Parole: Continue to meet with my Parole Officer, asking for advice or guidance as needed.

Within Five Years of Release

Continue saving by contributing to an IRA or 401K for my retirement account.

Hopefully, be off parole as recommended by my Parole Officer for a successful and positive transition.

Maintain over 25 years of sobriety. Become a sponsor. Live a life I can be proud of.

Section 6: Gathering Records

Every state agency and correctional facility has different rules and procedures for procuring documents. Each document you request requires a very specific form that is sent to the correct agency that holds the documents you are seeking to obtain. Many of these forms are provided throughout this toolkit. Further descriptions of some of these different types of requests are given below.

Before you make any official or formal requests, see if you or the applicant can obtain documents informally, such as through an attorney that represents the applicant, if they are incarcerated, the applicant's Offender Rehabilitation Coordinator (ORC). This information can be obtained by phone, email, or regular mail. Don't be afraid to call different people at the same agency/facility to make the request.

While it is not possible to list all possible documents needed, it is recommended by the Governor's office to submit any documentation that would be beneficial to the applicant.

Some documents from the criminal case may not be necessary to include in the application, but it can be helpful to know what they contain because they may be available and reviewed by the Governor. Here is a link to a [Clemency Document, Support Letter & Contacts Tracker](#)⁷⁰ to assist in tracking document requests.

Gathering documents can often be a daunting task, but here are some helpful tips to navigate the process:

1. **Stay calm:** Remember, you'll work with whatever documents you have. If you can't obtain a specific item despite diligent efforts, there's still plenty to work with. Ask the applicant to provide additional information if needed.
2. **Start early:** Governmental agencies, especially those handling archived court files, can take a while to process requests. Begin the process as soon as possible to avoid delays.
3. **Consult the applicant:** Before conducting any research, ask the parole applicant for copies of all the documents they possess.
4. **Employ various methods:** There are multiple avenues for requesting documents, such as from the prison, previous attorneys, the sentencing court, the Department of Probation, or other sources. Don't hesitate to try different strategies simultaneously.
5. **Determine who should make the request:** Some documents may be easier to obtain if the applicant submits the request themselves, while others may require assistance from advocates.
6. **Narrow your search:** If the applicant has a lengthy record, focus on relevant time periods, such as the current bid or the last five years. This approach will expedite the request process and minimize costs.

⁷⁰ *Clemency Document, Support Letter & Contacts Tracker*, Release Aging People in Prison Campaign, accessed December 6, 2024, https://docs.google.com/spreadsheets/d/1-pfuFdh76K99j5FO6o8j-Zx4kjlFdqEy/edit?usp=drive_link&oid=101589399784417604333&rtpof=true&sd=true

7. **Utilize phone calls:** Reach out and ask questions directly. Sometimes a simple inquiry over the phone can yield results more effectively than email. Follow up weekly to ensure progress, and keep detailed records of your calls.
8. **Be proactive with mail:** Recognize that items may get lost in transit, and follow up with prison staff, court clerks, etc., to ensure prompt re-sending if necessary.

Document Requests General Outline

When requesting documents there is a general approach that applies to most requests. Below is a general outline and considerations, however, see specific sections for additional information.

1. **Determine the Institution:** Identify the educational institution where the records are located.
2. **Contact the Registrar's Office:** Reach out to the registrar's office or equivalent administrative department responsible for managing records.
3. **Obtain Request Form or Procedure:** Inquire about the specific process for requesting records. This may involve filling out a request form or following certain procedures outlined by the institution.
4. **Provide Identification:** Be prepared to provide proof of identity to verify that you are the individual requesting the records.
5. **Specify Records Needed:** Clearly indicate which education records you are requesting, such as transcripts, diplomas, or enrollment verification.
6. **Payment of Fees (if applicable):** Some institutions may charge a fee for processing record requests. Inquire about any applicable fees and payment methods accepted.
7. **Wait for Processing:** Allow time for the institution to process your request. Processing times may vary depending on the volume of requests and administrative procedures.
8. **Receive Records:** Once your request has been processed, you will typically receive your education records by mail, email, or through a secure online portal, depending on the institution's policies.
9. **Authorization for Third-Party Requests (if applicable):** If requesting records on behalf of someone else, be prepared to provide appropriate authorization documentation, such as written consent, power of attorney, or proof of representation.
10. **Follow-up:** If necessary, follow up with the institution to inquire about the status of your request or address any issues that may arise during processing.
11. **Compliance with Privacy Laws:** Ensure that all requests and authorizations comply with relevant privacy laws, such as the Family Educational Rights and Privacy Act (FERPA) in the United States.

Release Forms for Assisting Applicants

If you are assisting an applicant in obtaining documents on their behalf, they will need to authorize you. There are several methods for this depending on the documents requested. Some request forms will provide a space to enter the authorized person's name, while others may require a separate authorization form.

This could include:

- **Written Consent:** A signed and dated letter from the individual authorizing you to request their education records.
- **Power of Attorney:** Legal documentation granting you the authority to act on behalf of the individual regarding their education records.
- **Proof of Representation:** Documentation demonstrating your relationship to the individual or your legal authority to request their records.

See here for [Advocate Release Forms](#)⁷¹.

Criminal History Documents

These documents will be gathered for the governor by the Executive Clemency Bureau. The Bureau will contact all relevant agencies, such as the DOCCS facility where an incarcerated person is held, Immigration and Customs, etc.

Obtaining critical legal documents and records is important because it gives you an understanding of what the Clemency Advisory Panel will have in their file, and what they're using to make determinations about someone's clemency. They are usually not included in the application submitted by an applicant but can be if they are favorable. It is good to review these to know what is in them.

- Record of Arrests and Prosecutions/RAP Sheet.
- Pre-Sentence Report (for all convictions).
- Sentencing Minutes (for all convictions).
- State and Federal Appeals and Court opinions (for all convictions).

See here for [Criminal History Records](#)⁷².

For applicants who are incarcerated in DOCCS

These documents were created from the time of the person's crime through conviction. They are maintained by the court where the person was sentenced and can be difficult to obtain due to the long passage of time since conviction. These documents can be requested from the county clerk's office and correctional facility where the incarcerated individual is located.

Record of Arrests and Prosecutions/RAP Sheet

A rap sheet is a summary of a person's criminal record. It includes the outcomes, or "dispositions," of all of their criminal cases. Rap sheets may be less relevant for some of our applicants because many of them haven't even had the chance to acquire a lengthy record because of having spent so many years in prison. However, some people have criminal

⁷¹ *Release Aging People in Prison Campaign Resources*, Release Aging People in Prison Campaign, accessed December 6, 2024,

https://drive.google.com/drive/folders/1ao2V-0Rz6MbQ5J5fZbrOG_uAK1M2GGk?usp=drive_link

⁷² *Clemency Resources Folder*, Release Aging People in Prison Campaign, accessed December 6, 2024, https://drive.google.com/drive/folders/1MjRh6KmAYgZH_-0d3J4qTaPlk3lqig2r?usp=drive_link

histories before the crime of conviction. Just know that rap sheets are notorious for containing lots of errors, so they aren't always the most reliable documents.

The applicant should request their rap sheet if it's needed. Those incarcerated can request a RAP Sheet Request Form from the facility law library. Send the request to the address below:

Records Correspondence Unit
New York State Division of Criminal Justice Services
80 South Swan St. Albany, New York 12210

Remember, the RAP sheet is a private document and should not be shared with the Governor's Office. They have their records of applicants' criminal histories.

See here for [RAP Sheet Request](#)⁷³.

Pre-Sentence Report

Before someone is sentenced to incarceration on conviction, the Department of Probation produces a Pre-Sentence Report (PSR). The report is required in all felony cases per Criminal Procedure Law 390.20(1). It details the person's criminal history, level of involvement in the crime, expressions of remorse, information from the victim, and also mitigating factors and information about the person's family/educational background. Many PSRs contain inaccurate information and/or information that was never proven at trial or agreed upon when a person plead guilty to their crime. The PSR is generally an unfavorable document.

Requesting a Pre-Sentence Report

1. Confirm that the applicant does not have this document and that none of their previous (or current) attorneys has this document.
2. Request the PSR from the sentencing court and the Department of Probation from the county of conviction
 - a. Draft a sample letter for the applicant to send to the Court. The applicant should ultimately send the request to the sentencing court and the Department of Probation, advocates can draft the request for the person to send. Here are the steps you should follow:
 - i. Use the internet to find the address of the Clerk's Office of that court. Call the court clerk to let them know that you are calling on behalf of a parole applicant who will be submitting a request pursuant to the Criminal Procedure Law. Ask to whom the request should be sent.
 - ii. Draft a letter to that office from the applicant requesting a copy of the PSR.
 - iii. Send the letter to the applicant for the applicant to sign and send to the court. In total, you should be sending 3 copies of the letter to the applicant:
 - iv. One copy of the letter will be signed by the applicant and sent to the Sentencing Court address provided to you by the Clerk's Office;

⁷³ *Clemency Support Resources*, Release Aging People in Prison Campaign, accessed December 6, 2024, https://drive.google.com/drive/folders/1aa3W4FqNFiyCLSieCb8MSYaAbqzTKP8u?usp=drive_link

1. One copy of the letter will be signed by the applicant and sent to the Department of Probation in the county of sentencing (*Technically, the sentencing court orders the release of the PSR, but Probation actually has the report*); and
 2. One copy of the letter should be kept by the applicant for their own records
- b. For applicants who are incarcerated in DOCCS
- i. Request the PSR through the Offender Rehabilitation Coordinator
 - ii. [DOCCS Directive #8370: Incarcerated Individual Requests for Copies of PreSentence Reports](#)⁷⁴ outlines procedures for obtaining copies of presentence reports. An applicant is only eligible to request the documents 6 months before a scheduled ParoleBoard interview or for the purpose of an administrative appeal.
 - iii. State that this request is made in obligation to fulfill executive clemency application procedures.
 - iv. The Directive requires that prison staff work with applicants to fill out a 2-part form ([Form #CS8370](#)⁷⁵) in order to request a copy of their PSR.
 1. According to the Directive, a person's ORC or SORC fills out the form with the applicant and sends it to the Court in which the person was sentenced.
 2. Although our experience shows that this form rarely results in the applicant being provided a copy of the PSR, *applicants should try this route in every case.*
- c. You'll want to talk to the applicant in advance so they know what to expect and what to do with the letter(s) once it's received (i.e. sign it and send copies directly to the court and probation)

See here for [Pre-Sentence Report](#)⁷⁶.

Sentencing Minutes for Crimes of Conviction⁷⁷

Sentencing minutes are a verbatim transcript of what the judge, attorneys, defendant (and, on occasion, victims or members of the victim's family) said at the court proceeding where the defendant was sentenced. These minutes are important because they can contain detailed information—helpful and harmful—about the crime.

⁷⁴ *Executive Clemency Process and Procedures*, New York State Department of Corrections and Community Supervision, November 2024, accessed December 6, 2024, <https://doccs.ny.gov/system/files/documents/2024/11/8370public.pdf>

⁷⁵ *Executive Clemency Process and Procedures (CS)*, New York State Department of Corrections and Community Supervision, December 2019, accessed December 6, 2024, <https://doccs.ny.gov/system/files/documents/2019/12/8370cs.pdf>

⁷⁶ *Clemency Advocacy Resources*, Release Aging People in Prison Campaign, accessed December 6, 2024, accessed December 6, 2024, https://drive.google.com/drive/folders/1U-J0dHZ47vc3Wx-tbsNvipKLWd_tbvs8?usp=drive_link

⁷⁷ "Parole Preparation Project," *Parole Prep NY*, accessed December 6, 2024, <https://www.paroleprepnny.org/>

Requesting Sentencing Minutes

1. For those who are incarcerated, the facility should have a copy of the sentencing minutes. A request for a copy can be sent to the facility FOIL Office. (If the facility does not have these minutes, start at #2 below.)
 - a. You can call the applicant's ORC, the Records Office, or Guidance, to obtain the name (if needed) of the person to whom the FOIL request is to be sent. Some facilities may provide an email for records requests.
2. Call the Applicant's previous attorney(s)
 - a. If the applicant doesn't have the sentencing minutes, try contacting their original defense attorney, the attorney who represented the applicant in their criminal appeal, or even the agency that represented the applicant. The Legal Aid Society, for example, keeps records for decades.
 - b. You need to get the attorney's name (you need at least a first initial + last name or vice versa), either from whatever court papers you have or from the applicant. You can find attorney contact info here:
<https://iapps.courts.state.ny.us/attorney/AttorneySearch>.
2. Contact the Judge/Sentencing Court
 - a. If you can't get the minutes from previous attorneys, try contacting the court where the person was sentenced and ask how to obtain minutes.
 - b. You'll need some key information before you call:
 - i. Indictment number of the case
 - ii. Date of sentence
 - iii. Name of Judge and/or court part
 - iv. (Project Coordinators and other attorneys can help with finding this information if you don't have it)
3. Contact the Court Reporter
 - a. As a last resort, you can try to obtain the transcript from the court reporter/stenographer who took the minutes at the actual sentencing. Strangely, in New York State, court reporters are the technical owners of their minutes, so this means you have to get them from that person directly.
 - b. First, find out who the court reporter was at sentencing, and find out what to do to make a request (this can vary a bit by jurisdiction). You can do this by calling the office of the court reporters where the person you are working with was sentenced. Those numbers are available online.
 - c. Ideally, you will end up calling the court reporter directly (even if they're retired!) and requesting by phone/fax/email. Make sure that you make payment arrangements when you make the request.
 - d. If the court reporter who transcribed the proceeding is deceased, retired, or no longer working with the court, you will need to contact the supervisor in the court reporter's office. The supervisor will order the other reporters' notes from an upstate archive and send them to a typist for transcription. It may be impossible to reconstruct the transcript.

See here for [Sentencing Minutes](#)⁷⁸.

Education Records

The outline below is for education requests made in New York State. For records outside of NYS, contact the state education agency for the correct forms and process.

Requesting Records

1. Send the applicant the DOE Transcript Form. Have them fill in the name of the last school they attended.
2. Special education records need to be requested separately. First, have the applicant execute a release for special education documents (see model Special Education Release) and have them inform you of the school they attended. Once you receive the form back, search the aforementioned site to confirm which district the client's school falls in. Then cross-check the CSE list (CSE District, in this folder), to see where to direct your request. At that point, direct the Special Education Services Records Request to that CSE.

When a school has closed, or been broken down into other schools, still touch base with the conglomerate school; they should be able to assist you in your records request.

A student's records follow them to the next school that they attend. So if you want your client's middle school records, their high school should have the records. Just specify in your request that you are also requesting middle school records. If the student did not attend high school, then address your records request to the middle school.

See here for request and authorization forms: [Education Records](#)⁷⁹.

See here for more information on requesting education records:

- [New York City Public Schools: Requesting Student Records and Transcripts](#)⁸⁰.
- [New York State Education Department FOIL Requests](#)⁸¹.

⁷⁸ *Clemency Document and Support Letter Resources*, Release Aging People in Prison Campaign, accessed December 6, 2024,

https://drive.google.com/drive/folders/1iGZxQaQREKUX6GVFKKvBzlZkPn93zWfB?usp=drive_link

⁷⁹ *Clemency Support Materials*, Release Aging People in Prison Campaign, accessed December 6, 2024,

https://drive.google.com/drive/folders/11XKy5Y4ORk4ynvcSBkyw8qce-TplxQMD?usp=drive_link

⁸⁰ "Requesting Student Records and Transcripts," *New York City Department of Education*, accessed December 6, 2024,

<https://www.schools.nyc.gov/learning/student-journey/student-records-and-transcripts/requesting-student-records-and-transcripts>

⁸¹ "FOIL Requests," *New York State Education Department*, accessed December 6, 2024,

<https://www.nysed.gov/new-york-state-education-department-foil-requests>

Medical Records⁸²

The Health Insurance Portability & Accountability Act (HIPAA) is the federal law that establishes strict requirements for maintaining the privacy of medical and health-related information.

A HIPAA request, also known as a HIPAA authorization or HIPAA release form is a document that allows individuals to authorize the disclosure of their protected health information (PHI) to specific individuals or organizations. PHI includes any individually identifiable information related to a person's health, medical history, or healthcare services received.

Requesting Records

1. If you are an advocate assisting an applicant you will need an authorization form.
2. Send the record request to the hospital(s) where the records are held.
 - a. If an individual is incarcerated, send the request to the facility's medical department.

See here for [Medical \(HIPAA\) Records](#)⁸³.

For more information on HIPAA see: [New York State: Office of Mental Health - Health Insurance Portability and Accountability Act](#)⁸⁴

Mental Health Records

To request mental health records in New York State, whether for yourself or on behalf of another person, follow the steps and procedures below.

For incarcerated applicants, the New York State Office of Mental Health (NYS OMH) is the NYS agency that provides mental health treatment within prisons. The applicant must sign an OMH release authorizing you to obtain records on their mental health treatment.

Requesting Records

Scenario 1: Choose this method if you want the entire mental health record, not just current; mental health records don't follow applicants from facility to facility.

1. The applicant should fill out two *OMH-11C* forms.
2. Do not fill out the "entity to release the information" box on one of the forms. On the other, it should read: **Central New York Psychiatric Center (CNYPC)**
3. Mail the form to the Central New York Psychiatric Center (CNYPC).
 - a. If you are assisting an applicant as an advocate send the OMH form with the following *OMH Applicant Authorization Letter*.

⁸² "Parole Preparation Project," *Parole Prep NY*, accessed December 6, 2024, <https://www.paroleprepnny.org/>

⁸³ *Clemency Resources and Materials*, Release Aging People in Prison Campaign, accessed December 6, 2024, https://drive.google.com/drive/folders/1Vv7gWF1uyA2m8KxRrmeVZzfRtXqouuz_?usp=drive_link

⁸⁴ "HIPAA Privacy Information," *New York State Office of Mental Health*, accessed December 6, 2024, <https://omh.ny.gov/omhweb/hipaa/>

- b. If the applicant is incarcerated call the facility where they are being held and ask who you should direct the request to. Often it will be sent to the attention of OMH but every facility is different.
4. Mail the form (and Authorization Letter) to the following address.

Central New York Psychiatric Center (CNYPC)
9005 Old River Road
P.O. Box 300
Marcy, New York 13403
5. The facility should contact the applicant/advocate
 - a. and tell them the facility/ies where the applicant received services OR
 - b. they will forward the request directly to the facility where the applicant received treatment.
4. Continually follow up.
5. The entity will send you a payment request.

Scenario 2: The facility/ies is known where the applicant received/ is receiving treatment.

1. Send the OMH 11C form(s) to the client. Fill in the facility's name and address where the documents are being requested from.
2. Send an Authorization Form if necessary.

See below for an Authorization for [Release of Health Information \(Including Alcohol/Drug Treatment and Mental Health Information\) and Confidential HIV/AIDS-related Information: OMH 11C Form](#)⁸⁵.

See here for the [OMH Applicant Authorization Letter](#)⁸⁶.

See here for a directory for the [Office of Mental Health Facilities in New York State](#)⁸⁷

Domestic Violence Records

- Police Reports.
 - *FOIL Request the police station where the report was filed.*
- Medical Records.
 - *Submit a HIPAA request to the hospital where the medical examination occurred.*

⁸⁵ *Clemency Support and Document Resources*, Release Aging People in Prison Campaign, accessed December 6, 2024,

https://drive.google.com/drive/folders/1iJ_9gB75hzVNyoTtd8nqcYk-63p90g_L?usp=drive_link

⁸⁶ Ibid

⁸⁷ "OMH Facilities," *New York State Office of Mental Health*, accessed December 6, 2024, https://omh.ny.gov/omhweb/aboutomh/omh_facility.html

The Department of Corrections and Community Supervision Records

Every person has a physical file that is created when they enter the custody of the Department of Corrections and Community Supervision (DOCCS), and that file is supposed to follow the applicant from correctional facility to correctional facility. The file contains a wide range of documents including program completion certificates, evaluations from DOCCS supervisors, progress reports, etc. However, you can be certain that things are lost in this process and that some files are incomplete. In addition to the correctional facility file, DOCCS keeps an ongoing, computerized record that contains additional information on the applicant, such as who visits them, their phone call records, and more.

They may be held in the Guidance Office, a Disciplinary File, etc. These documents may be provided to the Clemency Bureau by the Superintendent where an incarcerated individual is located when an application is submitted in preparation for review.

Here are some example documents (this list is not exhaustive):

- Program Assignment History. *Facility FOIL request.*
- Training Achievement and Potential Employability Report. *Facility FOIL request.*
- Work Summary. *Facility FOIL request.*
- Certificates and diplomas. *Facility FOIL request.*
- Program Evaluations. *Facility FOIL request.*
- Incarcerated Individual Progress Reports. *Facility FOIL request.*
- Commendable Behavior Report. *Facility FOIL request.*
- Incarcerated Individual Misbehavior Reports (and accompanying incident reports, if necessary). *Facility FOIL request.*
- Medical Records (if relevant). *Facility HIPPA request.*
- Mental health records (if relevant). *Facility HIPPA request.*
- Alcohol and Substance Abuse Treatment/ASAT. *ASAT Record Request.*

See here for examples of the above-mentioned records: [DOCCS PDFs](#)⁸⁸.

See here for DOCCS-specific request forms: [DOCCS Records](#)⁸⁹.

For more information on DOCC, access to records, behavior report protocol, and programs offered see:

- [New York State Department of Corrections and Community Supervision Directive #4006: Reporting Incarcerated Individual Attitude and Behavior](#)⁹⁰

⁸⁸ *Clemency Resources and Letter Templates*, Release Aging People in Prison Campaign, accessed December 6, 2024, https://drive.google.com/drive/folders/1xz3XYv7I4VB3puzec5hPiSi0IHn0Jp2_?usp=drive_link

⁸⁹ *Clemency Support Materials and Resources*, Release Aging People in Prison Campaign, accessed December 6, 2024, https://drive.google.com/drive/folders/1MJJeAN0IZQCTYIYwu2M4R1bwhoXkW1LOJ?usp=drive_link

⁹⁰ *Executive Clemency Application Form*, New York State Department of Corrections and Community Supervision, November 2024, accessed December 6, 2024, <https://doccs.ny.gov/system/files/documents/2024/11/4006.pdf>

- [New York State: Department of Corrections and Community Supervision - Program Services website](#)⁹¹
- Facility Directives. Each correctional facility will also have Directives outlining programs specific to that facility. Please note that not all correctional facilities provide the same programs in each facility.

General Steps for Obtaining DOCCS Records

1. If you are an advocate assisting an applicant:
 - a. Discuss with the applicant what records you should request.
 - b. Call the facility and ask where requests for files should be sent.
 - c. Send them the appropriate release forms. These must be included in record requests.
2. Identify to where and to whom the request should be sent. Every facility has a different procedure and point person for facility records requests.
3. Most facilities have a Records Office. The specific person is sometimes called the "Records Access Officer."
4. Draft the Request: Be as detailed and specific as possible.
 - a. Because the facility file can contain a significant amount of information, particularly if the person has been incarcerated for a long period, narrow your request based on the information you need.
 - i. For example, if the applicant is concerned about a disciplinary incident that took place in 2018, limit your request to those records.
 - b. If the person you are working with already has program certificates, exclude that from your request.
 - c. In the request, make sure to ask for an estimate of costs before copies are made.
5. Send the request: Make sure to keep records of all the requests you send. *Use the Clemency Document, Support Letter & Contact Tracker.*
6. Follow-Up:
 - a. DOCCS has 5 business days to respond to FOIL requests for records with a written acknowledgment of the request and a statement of the approximate date when the request will be granted or denied.
 - b. DOCCS then has 20 days to produce the materials. If they cannot, they must state, in writing, both the reason for the inability to grant the request within 20 business days and a date certain within a reasonable period when the request will be granted. Just be aware of these deadlines, as you can invoke them if/when you follow up.
 - c. If you are an advocate, after a week has passed, we suggest calling weekly to follow up on the status of your records request.

NOTE: Denials of prison records requests are appealable. Whether a request is denied or if you get materials that have been redacted, there is a way to appeal. If this comes up, contact your coordinator.

⁹¹ "Program Services," *New York State Department of Corrections and Community Supervision*, accessed December 6, 2024, <https://doccs.ny.gov/program-services>

Disciplinary Records

If there is a disciplinary infraction that the applicant is particularly concerned about, you may want to gather more detailed information than what is provided in the summary. In such cases, you will need to request the general disciplinary printout along with the accompanying "Incarcerated Individual Misbehavior Report" for the specific incident of interest. These Misbehavior Reports are written by Correctional Officers (COs), and if there were witnesses, there may be witness statements on file as well. When submitting a records request, ensure that you use the following language: "I am requesting the disciplinary history printout along with all corresponding tickets and misbehavior reports." Be sure to specify the time period or the specific infraction for which you require these documents.

Parole Board Documents and File

This file and these documents are maintained by the Board of Parole and compiled when the applicant first becomes eligible for parole. Submit FOIL requests to the facility where the incarcerated individual is currently held or to Albany if the individual is not incarcerated.

These documents only need to be requested if an individual has appeared before the Parole Board for a prior New York State conviction.

You can and should request all of these documents using the process outlined below. Here are the key documents:

- Prior Parole Board Reports (formerly the Inmate Status Report)
- Prior transcripts of Parole Board interviews
- Prior written decisions from the Parole Board denying parole
- Commissioner's worksheets
- Prior parole packet submissions
- Letters from trial-level defense attorney
- Letters from the district attorney
- Letters from the sentencing court/judge
- Letters/statements from victims and their families
- Letters of "Community Opposition"
- Past administrative parole appeal decisions

For more information on DOCCS parole board records requests see:

- [New York State Department of Corrections and Community Supervision Directive #2014: Access to Records for Parole Interviews, Hearings, or Appeals](https://doccs.ny.gov/system/files/documents/2024/11/2014_1.pdf)⁹²

⁹² *Correctional Facility Handbook*, New York State Department of Corrections and Community Supervision, November 2024, accessed December 6, 2024, https://doccs.ny.gov/system/files/documents/2024/11/2014_1.pdf

- See here for sample requests: [Parole Board Records](#)⁹³

What is a FOIL Request?

In New York State, a FOIL request refers to a request made under the Freedom of Information Law (FOIL). The Freedom of Information Law is a state law that provides the public with the right to access government records. FOIL applies to all government agencies in New York, including state, local, and municipal agencies.

A *FOIL request* is a formal written request made by an individual or organization seeking access to specific records held by a government agency. These records can include documents, reports, emails, memos, or any other type of information that the agency maintains.

To make a FOIL request in New York State, individuals typically need to submit a written request to the agency that holds the records they seek. The request should clearly describe the records they are looking for and include the requester's contact information. Each agency has its procedures for handling FOIL requests, and may also require specific forms.

New York State law also specifies how agencies have to respond to FOIL requests. Agencies generally have five business days to acknowledge receipt of the request and provide an estimate of when the records will be available. In some cases, the agency may need additional time to review the records and determine if any exemptions apply, in which case they will provide a written explanation for the delay.

Certain types of records may be exempt from disclosure under FOIL. These exemptions include but are not limited to records that are classified as confidential, personal, or law enforcement sensitive. However, even in cases where exemptions apply, agencies are required to disclose as much information as possible without violating the exemptions.

If a FOIL request is denied or if an individual encounters any issues in the process, there are mechanisms available to challenge the denial or seek further clarification. This may involve filing an appeal with the agency, seeking assistance from the New York State Committee on Open Government, or pursuing legal action if necessary.

It's important to consult the specific guidelines and procedures of each agency one is requesting information from, as they may have additional requirements or instructions for making a FOIL request.

The FOIL Process

If you aren't able to obtain the documents from an informal request, then you or the applicant can FOIL for these documents. To FOIL something, a highly specific request must be written that describes the documents you are hoping to obtain, and where it may be located. See attached for a sample FOIL Request and release.

1. Identify Who to Send it to and How

- Every state agency has a different procedure and point person for FOIL requests. Call the agency and ask where such requests are sent. Most have a "FOIL

⁹³ *Clemency Support Documents and Templates*, Release Aging People in Prison Campaign, accessed December 6, 2024, https://drive.google.com/drive/folders/1WoNHh0S_Z6HB0HON3M7DP3kSfku9f6JJ?usp=drive_link

Records” coordinator/office. The specific person is sometimes called the “Records Access Officer” or the “FOIL Officer.”

- For those who are not incarcerated, locate the address of the specific agency you are requesting documents from to send your request. FOIL forms are available online, see the link: New York State: Freedom of Information Law - The public's right to gain access to government records.
- For those incarcerated, send FOIL requests to the facility FOIL Officer, or Albany, depending on who holds the records being requested. The DOCCS facility law library provides FOIL template letters to assist in writing the request.

Records Access Officer

Department of Corrections and Community Supervision

Harriman State Campus

1220 Washington Avenue

Albany, New York 12226-2050

2. Draft the Request

- Be as specific as possible in describing the requested records. Include relevant dates, names, descriptions, etc.
- Specify whether you would like to inspect the records or have copies of the records sent to you.
- If records are available, specify how you want them sent, i.e., via US mail, e-mail or fax. We may choose to send the records by U.S. mail, if you have requested a large volume of records, for security or other important reasons. We will notify you of any charge for reproducing such records before they are sent to you.
- Include your e-mail, mailing address, and fax number, as well as a telephone number where you can be reached during business hours if it is necessary to clarify your request.
- Please note that the agency is not required to create a new record in response to FOIL requests.

3. Get a Signed Release

- When making a FOIL request, advocates must include a signed release from the applicant.

4. Send it!

- If you can avoid it do not use agency online forms. Send everything by email (if permitted) or regular mail.
- Send all requests by Certified Mail and Return Receipt.
- Make sure to keep records of all the requests you send.

5. Cost

- Try to convince the records officer to send the documents electronically. Facilities cannot charge for documents sent electronically.
- If they are unable to send the documents electronically FOIL requests cost \$0.25 per page copied, whether the request comes from an advocate or the applicant.

6. Timing requirements

- Agencies have 5 business days to respond to your request for records with a written acknowledgment of the request and a statement of the approximate date when the request will be granted or denied.

- They have 20 days to produce the materials. If they cannot, they must state, in writing, both the reason for the inability to grant the request within 20 business days and a date certain within a reasonable period when the request will be granted.

7. Denials of FOIL requests are appealable

- Under provisions of the Public Officers Law, you may appeal a FOIL determination. If you desire to submit such an appeal, you must do so within 30 days of the written response to your FOIL request. Please include a copy of the original request for records and a copy of the FOIL response letter you received along with your appeal letter to:
 - For those NOT incarcerated:

Committee on Open Government
Department of State
One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, NY 12231
 - For those who ARE incarcerated:

Records Appeal Officer
Department of Corrections and Community Supervision
Harriman State Campus
1220 Washington Avenue
Albany, NY 12226
- You will be informed in writing of the decision within 10 business days of receipt of such an appeal. Please indicate the FOIL Request Number when corresponding on this subject.

For more information on FOIL see:

1. [New York State: Freedom of Information Law - The public's right to gain access to government records](https://opengovernment.ny.gov/freedom-information-law)⁹⁴
2. [New York State: Department of Corrections and Community Supervision - Freedom of Information Law](https://doccs.ny.gov/freedom-information-law-foil)⁹⁵
3. [NYS Department of Corrections and Community Supervision - Directive #2010: FOIL/Access to Departmental Records](https://doccs.ny.gov/system/files/documents/2024/11/2010_0.pdf)⁹⁶

⁹⁴ "Freedom of Information Law (FOIL)," *Open Government*, New York State, accessed December 6, 2024, <https://opengovernment.ny.gov/freedom-information-law>

⁹⁵ "Freedom of Information Law (FOIL)," *New York State Department of Corrections and Community Supervision*, accessed December 6, 2024, <https://doccs.ny.gov/freedom-information-law-foil>

⁹⁶ *Correctional Facility Regulations*, New York State Department of Corrections and Community Supervision, November 2024, accessed December 6, 2024, https://doccs.ny.gov/system/files/documents/2024/11/2010_0.pdf

Sample Request Letters

- [New York State Department of Corrections and Community Supervision FOIL Request Letters](#)⁹⁷
- [Release of Privileged or Confidential Information Authorization Form](#)⁹⁸
- [Sample HIPAA Release Form](#)⁹⁹
- [Request for Sex Offender Treatment Files](#)¹⁰⁰

Additional Items

What is an Apology Letter Bank?

Incarcerated individuals sometimes want to write letters of apology to the victim(s) of their crimes(s), or to their next of kin. By writing an apology letter, an incarcerated individual can acknowledge fault and the injury and pain caused to the victim(s) and take responsibility for the crime(s) and the harm caused by the crime(s).¹⁰¹

Apology letters written by incarcerated individuals to victims and/or their family members may be submitted to the Office of Victim Assistance. Upon receipt, the letter will be "deposited" in the confidential Apology Letter Bank.¹⁰² Victims or victims' family members who are registered with OVA will be contacted to inform them that an Apology Letter is on file. An offer will be made to read or mail the letter at that time, which intended recipients can decline. The incarcerated individual who wrote the letter will not be provided with information concerning whether the intended recipients have requested information or have accessed the letter.¹⁰³

Note: Do not reach out to victims or their families with apology letters or requests for support letters. This is a violation of the Victim's Rights and can cause a serious problem for the person requesting clemency.

Apology letters should be submitted to
NYS DOCCS Office of Victim Assistance
1220 Washington Avenue, Bldg 4

⁹⁷ *Clemency Advocacy Resources and Documents*, Release Aging People in Prison Campaign, accessed December 6, 2024,

https://drive.google.com/drive/folders/1_Fg95HDVbw2RpnizfnqvYzkJwoSv2qYC?usp=drive_link

⁹⁸ *Sample Advocacy Letter Template*, Release Aging People in Prison Campaign, accessed December 6, 2024, https://drive.google.com/file/d/1xsaYeEgrfxvdUxQCbx9qca8lWN0_XeDs/view?usp=drive_link

⁹⁹ *Clemency Resources and Document Templates*, Release Aging People in Prison Campaign, accessed December 6, 2024,

https://drive.google.com/drive/folders/1Vv7gWF1uyA2m8KxRrmeVZzfRtXqouuz_?usp=drive_link

¹⁰⁰ *Clemency Support Materials and Documents*, Release Aging People in Prison Campaign, accessed December 6, 2024,

https://drive.google.com/drive/folders/1TyvfAEwZMMFqZVjTcFzHV-ro0ssroD6U?usp=drive_link

¹⁰¹ *Department of Corrections and Community Supervision Policy Manual*, New York State Department of Corrections and Community Supervision, November 2024, accessed December 6, 2024, https://doccs.ny.gov/system/files/documents/2024/11/0510_0.pdf

¹⁰² Ibid

¹⁰³ "Office of Victim Assistance," *New York State Department of Corrections and Community Supervision*, accessed December 6, 2024, <https://doccs.ny.gov/office-victim-assistance>

What else can be included in the application?

- **Petition:** A petition in support of a person seeking clemency in New York State is a formal written request, typically signed by individuals or groups, urging the governor or relevant authorities to grant clemency to the individual. It presents compelling arguments, evidence, and reasons why the person deserves clemency, such as demonstrating rehabilitation, remorse, or disproportionate sentencing. The petition aims to advocate for mercy, forgiveness, and a second chance for the individual, highlighting their potential for positive contribution to society if granted clemency.
- **Quote Page.** A quote page lists short quotes from letters, reports, etc. that you may not include in the clemency application but you want to highlight. Here is an example of a [Quote Page](#).¹⁰⁵

What if I have an application submitted and want to add new information?

You are allowed to add new information to your application at any time. It generally is a good idea to add updates, especially if a significant amount of time has passed and the applicant has completed additional programs, received a college degree, support letters, etc. It is recommended that applicants:

- Supplement only when there is information of extreme importance or when there are several new developments that need to be addressed or raised.
- Don't supplement every time something comes up. Let things accumulate.
- When an applicant receives support letters it is advised to have the letter writer send them directly to the Executive Clemency Bureau and the applicant, or their advocates for their file.

¹⁰⁴ *Department of Corrections and Community Supervision Policy Manual*, New York State Department of Corrections and Community Supervision, November 2024, accessed December 6, 2024, https://doccs.ny.gov/system/files/documents/2024/11/0510_0.pdf

¹⁰⁵ *Clemency Documents and Resources*, Release Aging People in Prison Campaign, accessed December 6, 2024, https://drive.google.com/drive/folders/1TiWsF3BnReWA_43WfLAe6Fwheb6J8Gdm?usp=drive_link

Appendix 1: Example Clemency Table of Contents

Request for clemency on behalf of Mr. Thomas Jackson Table of Contents

Cover/Advocacy Letter

Mr. Jackson's Personal Statement, October 31, 2020

Photos

Personal Documents

1. Mr. Jackson's Resume
2. Mr. Jackson's Reentry Plan

Letter of Apology

1. Letter of Apology to the Adams Family, January 28, 2020

Letters of Support from Family and Friends

1. Donna Banks, Mr. Jackson's Mother, Letter of Support, January 2020
2. Traci Jackson, Mr. Jackson's Sister, Letter of Support, January 2020
3. Craig Middlebrooks, Mr. Jackson's Friend, Letter of Support, March 2020
4. Jackson Holmes, Mr. Jackson's Friend, Letter of Support, May 2020
5. Joseph DiMarca, Mr. Jackson's Friend, Letter Support,
6. Josianne Spalding, Mr. Jackson's Friend, Letter of Support, January 2020

Letters of Support from Colleagues

1. James Burgos, Director of Community Planning, Letter of Support, October 2020
2. Danielle GiAmarco, Associate Director of Community Planning, Letter of Support, October 2020
3. Michelle Lawrence, Executive Director, City Employment Project, Letter of Support, October 2020
4. Sean Padilla, Executive Director for CUNY, Letter of Support, March 2020
5. Eldridge Baywater, Development Manager for Hudson Planning, Letter of Support

Letters of Support from Professors & Facility Chaplain

1. Rebekah Holtz, Ph.D., Professor, Letter of Support, December 2019
2. John Cooper, Professor, Letter of Support, October 2020
3. Liza Cortez, Professor, Letter of Support, October 2020
4. Barbara Young, Professor, Letter of Support, September 2020
5. Father Stephen Williams, Chaplain, Letter of Support, February 2020

Letters of Reasonable Assurance

1. Keith Haft, Owner, Letter of Reasonable Assurance (Immediate Employment), March 2020
2. Craig Haft, Letter of Reasonable Assurance (Housing), March 2020
3. Tanisha Collins, Supportive Services Coordinator for Economic Opportunity Council of Suffolk, Inc., Letter of Reasonable Assurance (Programs and Services), October 2020

Letters of Gratitude and Letters of Recommendation

1. Ms. Mary Donnolly, Academic Coordinator for Hudson Link, Letter of Gratitude for Teaching Pre-College Math, June 2017
2. Mr. Jose Fitzgerald, Mr. Jackson's Friend, Letter of Gratitude for Tutoring, October 2020
3. Mr. Nelson Rivera, Mr. Jackson's Friend, Letter of Gratitude for Tutoring, October 2020
4. Ms. Ana Johnsen, Vocational Instructor, Letter of Recommendation to pursue Master of Professional Studies at New York Theological Seminary at Sing Sing Correctional Facility, May 2019

Educational Degree, Selected College Papers, and Hudson Link Involvement

1. Bachelor of Science Degree from St. Thomas Aquinas College, May 2019
 - a. St. Thomas Aquinas College Transcript
2. Associate in Degree from Sullivan County Community College, August 2017
 - a. Sullivan County Community College Transcript
3. Hudson Link 16-week Pre-College Math Course Lesson Plan taught by Mr. Johnson
4. Mr. Jackson's School Paper, Introduction to Art (June 2018): Niagara and Travelers amid Mountains and Streams Analysis, A Critical Interpretation

Legal Documents

1. Mr Jackson's Sentencing Minutes
2. Mr. Jackson's Record of Arrests and Prosecutions (RAP) Sheet

Institutional Record

1. Mr. Jackson's Inmate Disciplinary Record
2. Training Achievement and Potential Employability Report (TAPER)
3. Inmate Program Assignment History
4. Inmate Progress Reports
5. Inmate Test Results and Evaluation

Certificates and Program Involvement

1. Certificates
 - a. Alcoholics Anonymous Annual Workshop
 - b. 12-week Substance Abuse Program
 - c. 24-week A.S.A.T. Program
 - d. 8-week Self-Help Drug Program
 - e. Certificate of Appreciation from St. Jude Children's Hospital Certificate of Achievement - Quality Impact's Program Design & Development Training Course to become a Program Development Facilitator
 - f. Certificate of Competition in Occupational & Vocational Training Programs
2. The Academic Scholarship Organization Proposal by Mr. Ehrenberg
3. Letter of Appreciation from Rocky's Refuge, Inc.
4. County Re-entry Task Force Program Brochure

Medical Records

NOTE: The above Table of Contents is just one example of how you can format an application table of contents.

Appendix 2: Addresses, Forms, and Tools

NYS Executive Clemency Official Sources

- [The New York State - Executive Clemency](#) webpage
- [The New York State - Apply for Clemency](#) webpage
- [Executive Clemency Bureau/Certificate of Review Unit](#) webpage
- [Guidelines for Review of Executive Clemency Applications](#) pdf
- [Department of Corrections and Community Supervision. Directive #6901: Information Concerning Executive Clemency](#) pdf
 - [Form #6901B](#) pdf
 - [Form #6901C](#) pdf

Applications

- [Application for Pardon](#)
- [For Applicant For Youth Pardon For Applicants Convicted of an Eligible Non-Violent Crime Committed at Age 16 or 17](#)
- [Application for Commutation of Sentence](#)

Email and Postal Addresses

Executive Clemency Bureau

New York State Department of Corrections and Community Supervision
Executive Clemency Bureau
Harriman State Campus – Building 4
1220 Washington Avenue
Albany, NY 12226-2050
PardonsAndCommutations@doccs.ny.gov

DOCCS FOIL Requests

FOIL Unit, Office of Counsel
NYS Department of Corrections and Community Supervision
Building 2
1220 Washington Ave
Albany, New York 12226
FOIL@doccs.ny.gov

RAP Sheet Request

Records Correspondence Unit
New York State Division of Criminal Justice Services
80 South Swan St. Albany, New York 12210

Apology Letter Bank

NYS DOCCS Office of Victim Assistance
1220 Washington Avenue, Bldg 4
Albany, New York 12226

Release Aging People in Prison Campaign Office

Release Aging People in Prison Campaign

ATTN: Clemency Campaign Director

135 West 20th Street, Suite 302

New York, NY 10011

clemency@rappcampaign.com

Sample Letters, and Additional Items

- [Sample Letters](#)
- [Document Release & Requests](#)
- [Post-Clemency Plan](#)
- [Clemency Document, Support Letter & Contacts Tracker](#)

Appendix 3: Executive Clemency Applications

- Application for Pardon
- Applicant for Youth Pardon for Applicants Convicted of an Eligible Non-Violent Crime Committed at Age 16 or 17
- Application for Commutation of Sentence

(Reserved for the print version.)

Appendix 4: New York State Executive Clemency and Department of Corrections and Community Supervision pdf

- State of New York Executive Chamber. Guidelines for Review of Executive Clemency Applications
- Department of Corrections and Community Supervision. Directive #6901: Information Concerning Executive Clemency

(Reserved for the print version.)

Appendix 5: Clemency Document & Support Letter Checklist

(Reserved for the print version.)