



**DEPARTMENT OF CORRECTIONS
PROBATION AND PAROLE DIVISION
OPERATIONAL PROCEDURE**

Procedure No.: PPD 1.5.505	Subject: EXECUTIVE CLEMENCY
Reference: 46-23-301, MCA; 20.25.901 ARM; Section 12, Article VI, Montana Constitution	Page 1 of 1
Effective Date: 12/19/16	Revised:
Signature / Title: /s/ Kevin Olson, Probation and Parole Division Administrator	

I. PURPOSE:

Probation and Parole Division employees will follow procedures established for investigating and reporting requests for executive clemency.

II. DEFINITIONS:

Executive Clemency – Refers to the powers of the governor as provided by section 12 of Article VI or the constitution of Montana.

III. GENERAL PROCEDURES AND RESPONSIBILITIES:

- A. Applications for executive clemency may be investigated for the Board of Pardons and Parole (BOPP) and/or the Governor's Office.
- B. When the BOPP has considered an application for clemency and favors a hearing, or if the governor favors a hearing, the hearing panel may forward an investigation request to the Probation & Parole (P&P) Office nearest the applicant's current residence.
- C. Once assigned by the Deputy Chief, a P&P Officer will conduct the investigation within 45 days using *BOPP Executive Clemency Investigation*.
- D. Investigation report will include:
 - 1. all circumstances surrounding the crime for which the applicant was convicted;
 - 2. applicant's criminal history; and
 - 3. the individual circumstances relating to social conditions of the applicant prior to commission of the crime, at the time the offense was committed, and at the time of the clemency application.
- E. P&P Officer returns *BOPP Executive Clemency Investigation* to the hearing panel upon completion.

IV. CLOSING:

Questions concerning this procedure should be directed to the Deputy Chief.

V. FORMS:

BOPP Executive Clemency Investigation