



## Filing for Clemency: A Toolkit

Please see **Clemency Explained** and ensure you understand what clemency is before filing. All clemency paperwork can be found in the Kansas Department of Corrections' IMPP 23-101A.<sup>1</sup> Below is a toolkit for applying for clemency when you are not incarcerated. Please be sure to refer to our included Example Clemency Application as you complete the below steps. If you are currently incarcerated and wish to apply for clemency, please see our clemency toolkit for incarcerated individuals.

- 1) Complete **Attachment A – Application for Executive Clemency** (page 6 of IMPP 23-101A), including the highest court decision on any appeals or other motions filed.
- 2) Complete a narrative of **Exhibit A - Reasons for Seeking Clemency** as shown in the EXAMPLE. Be sure to discuss:
  - a. Achievements while incarcerated, including programs completed, jobs worked, and other hobbies;
  - b. Release plans, including housing, family or friend support, treatment plans, and any prospective employment opportunities.
- 3) Complete **Attachment B – Notice of Clemency Application Sentencing Form** (page 7 of IMPP 23-101A). You must fill out 4 copies of this form per county in which the applicant has active charges. A copy must be sent to the following individuals in each county where you were sentenced: 1) Judge of the District Court; 2) County District Attorney; 3) Chief of Police; and 4) County Sherrif. Repeat for every county there are active charges. **Send each completed form** directly to the respective judge and prosecutor and **include a copy of the Exhibit A – Reasons for Seeking Clemency**. We suggest keeping additional copies of these forms for your final submitted clemency packet.

The form should be addressed to the original sentencing judge with the court division number on it. If the sentencing judge is no longer on the bench, the mailing should still be addressed to that Judge, in the same division where the original sentencing took place. When mailing to the Chief of Police, ensure that it is mailed to the city/town where the offenses(s) was/were committed. To find the judge and courthouse address for your county, visit the Kansas District Courts website.<sup>2</sup> To find the prosecutor, visit the county's website and search for the "District Attorney" or the "County Attorney."

You are responsible for obtaining expunged conviction records from the District Court in the county/counties of conviction/convictions. The Kansas Prisoner Review Boards reviews the Pre-Sentence Investigation (PSI) and the Journal of Entry of Judgement (JE).

<sup>1</sup> See <https://www.doc.ks.gov/prb/impp-23-101a-prisoner-review-board-applying-for-clemency/view>

<sup>2</sup> See <https://www.kscourts.org/District-Courts>





If possible, we encourage mailing these notices with a USPS tracking number so you can demonstrate notice has been provided in your cover letter.

- 4) Complete **Attachment C – Request for Publication for Clemency** (page 8 of IMPP 23-101A) for each county with active charges. Contact the county newspaper(s) in which there are active charges and request a Legal Notice. In your request include the exact language of the notice that you would like the publication to publish. Suggested email request language is below (you can also do this by phone):

I would like to place a legal notice in The Topeka Capital-Journal. Please advise the cost of doing so and the earliest publication date. Also attached is the affidavit of publication that I request you fill out and return to me via email or mail. Please contact me with any questions or for payment at 913-444-2020. Thank you.

*NOTICE OF REQUEST FOR CLEMENCY. George Washington (KDOC #12345), sentenced 7/23/04; 12/23/01 for burglary; arson; distribution/possession with intent to distribute drugs (sch1-4) in Shawnee County, Kansas, has applied for executive clemency. Persons wishing to comment should send information in writing to the following address within fifteen days from the date of this publication: Kansas Department of Corrections Prisoner Review Board, Jayhawk Walk, 714 SW Jackson, Suite 300 Topeka, KS 66603-3722.*

You may send them a copy of the Attachment C with the applicant’s completed information, but many newspapers also have their own. These are valid substitutions for the Attachment C form provided in the IMPP. These costs vary widely depending on the size of the newspaper and the length of your notice. On average, a notice with the above language will cost \$20 to \$40, but some larger newspapers may charge as high as \$90.

After your notice has been published, be sure the newspaper provides you the completed Attachment C or other publication affidavit to include in the final clemency application packet. The publication affidavit must be completed and notarized by the newspaper that publishes your notice – it is a legal document in which they are declaring that the public has been notified of the application for clemency as required under the statute.

- 5) If an attorney has been retained for the clemency application, they must complete and include in the final submitted packet **Attachment E – Affidavit – Executive Clemency and Parole Matters** (page 10 of IMPP 23-101A).
- 6) We suggest including a **Cover Letter** showing the contents of the application packet and the tracking numbers of the notices provided to the county judges, prosecutors, and law enforcement officers. An example of a cover letter is included in the complete example we provide.





- 7) Submit the completed clemency application packet with the following documents (we suggest including a cover letter as shown in the EXAMPLE):
  - a. Cover Letter
  - b. Attachment A - Application for Executive Clemency
  - c. Exhibit A – Reasons for Seeking Clemency
  - d. Attachment B – Notice of Clemency Application (blank copies)
  - e. Attachment C – Request for Publication for Clemency (completed by newspaper)
  - f. If applicable: Attachment E – Affidavit – Executive Clemency and Parole Matters

You may submit the application via mail to: Kansas Department of Corrections; ATTN: Prisoner Review Board; 714 SW Jackson, Suite 300; Topeka, Kansas 66603.

- 8) If friends, family, or other supporters would like to submit letters in support of your application, they can mail them to the above address or email them to: [KDOC\\_PRB\\_Public\\_Comment@ks.gov](mailto:KDOC_PRB_Public_Comment@ks.gov).
- 9) If you have questions about the application process, you may contact the Clemency Clerk of the Kansas Prisoner Review Board at 785-296-4524.

