Petitions for Executive Clemency
Pardons from the Governor

What is a Petition for Executive Clemency?

A Petition for Executive Clemency is how a person requests a pardon from the Governor. It is a type-written, detailed petition about a person’s criminal record and life history outside of the criminal record.

Why do I need a pardon from the Governor?

Only certain convictions can be sealed through the Court, removing criminal records from public view so employers and landlords conducting background checks have no access. The only way to clear all other convictions is to have a pardon from the Governor authorizing expungement.

What does a pardon do?

If a pardon is granted, with authorization to expunge, you can expunge a conviction. The expungement portion happens through the court and removes records from public view. Only law enforcement will have access to the record after.

Do I have to wait a certain period of time to file?

There are no time frames for filing a Petition for Executive Clemency. However, it is best to wait a minimum of five years from the conviction with no criminal history to have the greatest chance of success. The vast majority of pardons are given to those whose convictions are greater than 10 years.

What’s the process?

A petition is filed with the Prisoner Review Board (PRB), an agency in Illinois with members appointed by the Governor. The PRB holds hearings four times per year (January & July in Springfield and April & October in Chicago). A person is put on a hearing docket by filing before the deadline for each (which is approximately two and a half months before the hearings). Deadlines are available on the PRB website at www.state.il.us/prb.

How long does it take to receive an answer?

The Governor is under no time frame to make a decision. As of the summer of 2012, there was approximately a 4 year wait to receive a decision. The current administration has close to a 40% grant rate on the petitions they have decided.

Is there anything else I can do to remove my record from public view?

The General Assembly recently passed SB 3458, a bill that will allow individuals to petition the PRB for a Certificate that allows one to seal a felony conviction record that is otherwise ineligible. That bill is currently awaiting the Governor’s signature. The process will be similar, but an answer will be received much quicker (within one month of the hearing). Only those with single, qualifying felony convictions are eligible to apply. These include Class 3 and 4, non-violent, non-sexual felony convictions. A person must have a minimum of five years with no arrests. This bill, if signed by the Governor, will take effect no later than January 13, 2013. Check the Illinois General Assembly Website (www.ilga.gov) to see when the bill gets signed and after, the PRB website for further information on the process (www.state.il.us/prb).
Notes for Clemency Petitions Sections

There are several sections that you must type to complete the clemency petition. They are detailed below, along with suggestions about what to write and what documents to gather. Always remember, all the Prisoner Review Board and Governor know about you is your criminal record. It is the written petition and supporting documents that let them know about the person you are.

Section 1. Required Information

The first section is general, required information. This includes your name, address, phone number, date of birth, place of birth, social security number, any aliases you may have used, a state prisoner number if you went to state prison, whether you have served in the military, and whether you have petitioned for clemency before. If you have served in the military, you must state your discharge date and discharge status, as well as attach a copy of your DD214. If you have petitioned for clemency before, include the dates and when it was previously denied. A person can apply for a clemency more than once, but must wait one year from the denial of a petition to file another one. That means if your petition is pending, you cannot file a new one.

Section 2. Explanation of Conviction(s)

This should be an account of the offense(s), in your own words, describing the facts and circumstances. These can include where you were when you were arrested, who you were with, why the offense happened/motivating factors (i.e. drug addiction, bad environment) and lessons learned. When possible, accept responsibility for the conviction and explain why it would not happen again. If any violations of the sentence occurred, explain why.

Section 3. Complete Criminal History

Your complete criminal history includes each time you were ever arrested, taken into custody by a law enforcement agency, or charged in criminal court. You must provide the case number, charge, county of arrest; disposition and termination date if you received supervision or 710-1410 probation, as both of those sentences are considered “non-convictions.” Keep in mind, if your supervision or 710-1410 probation was terminated unsatisfactory, that is considered a conviction, and must be included in section 2. You do not have to include traffic violations, although more serious offenses such as driving under the influence cases should be noted. If you have ever had a court order sealing a part of your criminal record, you must disclose that information to the Board. If you were taken into a police station and questioned, but released without charging, you must include that information. You must obtain a criminal history report, either from the Chicago Police Department if your cases occurred in Chicago or the Illinois State Police if your cases occurred in other places in Illinois. Make sure to do a thorough accounting of your criminal history, as you do not want to exclude any information or make any impressions that you are hiding information. Also, if you have been convicted or arrested in other states, include that information in this section. Although the Governor of Illinois can only pardon Illinois offenses, you must disclose any convictions or arrests in other states.
Section 4. Personal Life History

This should be a detailed accounting of your life, a personal biography. Be detailed! Talk about your educational and employment history, military record, your family (marital status, names and ages of children), your struggles (substance abuse or mental health information) and your accomplishments. When applicable, focus on things that overcome the past criminal record (i.e. drug addiction and subsequent recovery). Attach documents to prove things you are saying (i.e. diplomas, certificates, letters). Include information on how you are trying to improve your life and job prospects by further education or volunteer opportunities.

Section 5. Reasons for Seeking Clemency

Why do you need a clean record? What opportunities have been denied? How are you uniquely qualified for the positions sought that cannot be obtained? Be specific on these opportunities.

Section 6. Type of Clemency Desired

The sixth section is the “type of clemency desired.” There are four options: commutation, reprieve, pardon and expungement. If you have been convicted and completed your sentence and are just looking to clear that record, you want a pardon and expungement. The Governor can grant a pardon without authority to expunge the record, so make sure you request that the authorization is granted. You also state whether you are requesting a public hearing. It is always a good idea to request a public hearing, so the Board members have more than just your written petition and can connect a face and person with the writing.

Conclusion

All of these sections must be typed. You should label each section with the section title, such as “personal life history.” At the end of the petition, you must type the following line: “I declare under penalty of perjury that all assertions made within this petition are complete, truthful and accurate.” Leave room for you to sign and have the petition notarized.

**See attached sample petition form for reference. A fillable version of this form is available at

http://www2.illinois.gov/prb/Documents/clempetition2.pdf**
Guidelines for Letters of Support

It is very beneficial for people to include letters of support with their requests for relief through the court or administrative agencies. The letter should be written in paragraph form and have three basic parts:

Section 1:

Introduce yourself – who you are, what you do for a living, etc.

Section 2:

How do you know this person? Are you a family member, friend, co-worker, church member? How long have you known this person? How often do you interact with him/her? In what types of activities do you participate together?

If you have known this person for a long time, how have you seen him/her grow and change?

Section 3:

How has this person made a positive impact on your life and the lives of others? Be specific! Don’t just say he or she is a good person; give examples of how he or she is a good person. What can you say about his or her character? Give specific examples of how they have exhibited these traits. Include any relevant information of which you have first-hand knowledge about his or her strengths as a parent, other family member, friend, co-worker, or community member.

Examples:

- “Mr. Smith has been a dedicated coach of his son’s park district basketball team for the last five years.”
- “Ms. Johnson and I teach Sunday School together at our church, St. John’s.”
- “Ms. Grant has been a loyal friend to me for the past ten years, always offering to babysit my children when necessary and opening up her home to welcome me and my family.”
- “Ms. Richards suffered for many years from addiction and wasn’t part of our lives, but she is now.”

**Always sign the letter & include a phone number or e-mail address.**

**Please type the letter if possible. If you work at a particular organization or church that has letterhead, it is helpful to print the letter on that letterhead.**
To File the Clemency Petition

1. Type the sections for which notes were taken above, titling each section with the appropriate header (i.e. "Personal Life History"). Combine those typed sections with Sections 1, 2 and 3 (that were provided to you today).

2. Sign and date the last page of the petition before a notary (can usually be obtained at a bank or currency exchange for $1 or $2).

3. Attach all supporting documentation, such as certificates, letters of support, resume, diplomas or other proof of rehabilitation.

   *The above makes your complete clemency petition.*

4. Make the appropriate number of copies:
   a. One copy for sentencing judge(s).
      *If the sentencing judge is no longer on the bench, mail to the presiding judge of the district.*
   b. One copy for State's Attorney(s).
   c. One copy for your files.

5. Mail the packet to (1) the sentencing judge and (2) the State's Attorney by certified mail.
   a. In Cook County, if the sentencing judge is no longer on the bench, mail to:
      
      Honorable LeRoy K. Martin, Jr.
      Presiding Judge – Criminal Division
      2600 S. California Ave. – Room 101
      Chicago, Illinois 60608

   b. The State's Attorney's address in Cook County is:
      
      Cook County State’s Attorney’s Office
      2650 S. California Ave. – Room 11D38
      Chicago, Illinois 60608

6. Mail the original signed petition, with the certified mail receipts to:

   Illinois Prisoner Review Board
   Attn: Clemency Unit
   319 E. Madison Street – Suite A
   Springfield, Illinois 62701

   *It is important to include those certified mail receipts to prove you mailed the petitions. If you don’t, the petition will be rejected by the PRB!!!*

7. The Prisoner Review Board must receive the petition by the deadline to be on the next available hearing docket. These dates are: July 27th (for the October hearings in Chicago) and a date to be announced (for the January hearings in Springfield). Future dates will be available at www.state.il.us/prb.
What Happens After Filing the Clemency Petition
& Hearings Before the PRB

1. Approximately four to six weeks later, the PRB will mail you confirmation that the petition was received and complete. If anything was missing, you will receive information on what is still needed. If the petition was complete, you will receive a Docket Number and hearing date. You will also receive instructions on how to get fingerprinted for the PRB.

2. For the cheapest and most convenient place, take the fingerprint card to “A Fingerprinting US Photo,” located at 210 S Clark St, Chicago, IL 60604. The cost is $9, they are open 8:00 a.m. to 5:00 p.m. and costs $9. Mail the fingerprint card back to the PRB.

3. You are also given a deadline in the PRB letter to submit additional material. A copy of any additional documents must be sent to the State’s Attorney as well.

4. At the hearing, you are allowed to bring supporters. Up to three other individuals can testify with you before the PRB. As many supporters as you want can sit in the room and watch the hearing.

5. The hearings are public, so there are other people in the room. Everyone is scheduled for 9:00 a.m., so arrive early. The PRB calls cases based on the order of check in.

6. When your case is called, you and the other witnesses will be sworn in and sit at a table before 3-5 members of the PRB. You will present your case. Do not read your petition, but summarize and highlight the important parts. Your witnesses can make short statements as to how they know you, for how long and speak to your character. The PRB members will then ask questions. Be honest.

7. The State’s Attorney will be allowed to present an objection. You will most likely receive a copy of the objection that morning. These objections are based on any of the following: (1) the nature of the offense; (2) not long enough since the offense; (3) no need for a pardon or (4) not deserving of a pardon. Do not be offended! The State’s Attorneys object to the majority of petitions for clemency.

8. You are allowed to present a rebuttal, so be direct to remind the PRB members of all the positive things you have done in your life and why they should be assured no further convictions will occur.

9. The PRB, within the next 60 days, makes a confidential, non-binding recommendation to the Governor as to whether a pardon should be granted.

10. And then the wait begins. See Page 1 for further details.

11. When a decision is made, correspondence will be sent to the address listed on the petition. Notify the PRB of any change in address, to guarantee you will receive this letter.

12. If a pardon is granted, authorizing expungement, you must then petition to expunge the record through the circuit court.
NOTE # 1. No petition will be accepted for review within one year of the date of the denial of a prior petition on behalf of the same individual. The Chairman of the Board may permit an exception to this limitation for compelling reasons.

NOTE # 2. A clemency petition may be withheld from the soonest available docket if any essential relevant information from other sources has not been received by the Board, even if a complete petition has been filed according to the directions herein.

A) The petition. Executive Clemency is requested by means of a typewritten petition. It must be a narrative or essay that is, written in complete sentences. Fill-in-the-blanks formats are not acceptable. The petition must contain all of the following or it will be rejected and returned:

1) Regarding the convictions for which clemency is being sought: State the offenses, counties of conviction, case numbers, sentences imposed, and dates sentenced, time served and dates of discharge. State whether convictions were the result of jury verdicts, bench trials or guilty pleas. Give the status of any pending court appeals.

2) State the name under which petitioner was convicted, any aliases, the social security number, and the state prisoner number, if applicable. Declare whether the petitioner previously asked for executive clemency for any conviction and, if so, the month and year in which it was considered.

3) A detailed statement of the facts of the offenses, including dates, places and all surrounding circumstances. This should include petitioner’s version of the offenses.
4) Provide complete criminal history. This is to include every instance in which the petitioner was arrested for or charged with any offense in any jurisdiction, except for minor traffic violations, and the disposition of each criminal charge (whether it resulted in a conviction and sentence or some other determination). Provide a statement of the facts surrounding any conviction.

5) Criminal Background History. Prior to the hearing you will receive a confirmation letter with your docket number and date of hearing along with a Criminal Justice Applicant Card (CJE) and you must go to one of the Law Enforcement Agencies on the attached list in order to obtain a livescan fingerprint. When going to the Law Enforcement Agency you must tell them this is for the Prisoner Review Board. The Prisoner Review Board’s Lead’s Identification number is ORI #IL084045G and you must tell them that the purpose is for Criminal Justice Enforcement CJE. You will need to use a Criminal Justice Applicant Card that is provided. If the Law Enforcement Agency is not able to run the agency ORI number, then request to have your fingerprints inked and rolled onto the Criminal Justice Applicant Card provided. You will need to mail the Criminal Justice Applicant Card back to our agency once you have your fingerprints completed and all necessary information filled out on the card prior to your scheduled hearing date.

6) Provide a personal life history, a narrative biography. It must include date and place of birth, educational history, employment history, marital status and whether the petitioner did or did not serve in the military.

7) Give the reasons for seeking clemency and the type desired (commutation of sentence, pardon, expungement or reprieve).

8) Supporting materials. Claims made within the petition should be supported by documentation, for example, a DD 214 or similar form for proof of military service.

9) The petition must include the following: “I declare under penalty of perjury that all of the assertions made in this petition are complete, truthful and accurate.” This statement must be signed and sworn to before a notary public by the petitioner.

Revised 04/03/2013
NOTE: Perjury is a class 3 felony which is punishable by imprisonment for up to 10 years.
THE PETITION MUST CONTAIN THE PETITIONER’S CURRENT MAILING ADDRESS WITHIN THE PETITION ITSELF, NOT MERELY ON THE MAILING ENVELOPE.

B) Filing of petition.

1) Address the petition to the Governor, but mail or deliver the original petition to: Illinois Prisoner Review Board, 319 East Madison, Suite A, Springfield, Illinois 62701. Petitions are to be stapled or clipped together so that they are easily able to be separated. Do not bind them or submit them in plastic sleeve sheets.

2) The completed petition, as described in (A) above, must be received at the Board office at least 75 days prior to the first date of the public hearing in order to be considered on that docket.

3) A copy of the petition must be delivered or mailed to each of the following:
   a) The sentencing judge or the chief judge of the circuit, if the sentencing judge is no longer on the bench.
   b) The current State’s Attorney of the county of conviction.

4) Proof that the parties in paragraph (3) above were sent copies of the petition must be demonstrated to the Board, either by affidavit with a notarized signature or by registered or certified mail receipt. This proof must accompany the completed petition.

C) Public Hearing. Petitioners, their supporters and any opponents may appear in person, unless currently incarcerated, at a public hearing scheduled by the Board, if they have requested to do so in their petition. Representatives of imprisoned petitioners may request to speak to the Board at public hearing, but a personal appearance is not required for the processing of a petition for executive clemency.

Revised 04/03/2013
1) In order to obtain an appointment to appear at the public hearing, a request must be made in writing at the time the petition is filed. The names and addresses of any witnesses who wish to provide testimony must be provided with the request.

2) Personal presentations at the public hearing are limited. No more than four persons may speak during any presentation. Testimony is informal.

3) The recommendation to the Governor by the Board is confidential by law. The Board is not permitted under law to disclose it to anyone other than the Governor or his staff.
EXECUTIVE CLEMENCY RELIEF

Before the Illinois Prisoner Review Board

Advising the Honorable ______________________, Governor:

The undersigned petitioner prays for a pardon and expungement and in support thereof states as follows:

1. Required Information:

   Full Name: __________________________________________
   
   First                    Middle                    Last

   Address: ____________________________________________
   
   Number                    Street                    Apt./Unit #

   City                        State                      Zip Code

   Telephone Number (include area code): ____________________________

   Date of Birth: ________________     Place of Birth: ____________________________

   Social Security Number: ________________

   State Prisoner Number (if applicable): ____________________________

   Name Convicted Under and any Aliases: ____________________________

   Have you ever served in the military?  ☐ Yes  ☐ No

   If yes, please state your discharge status and date of discharge, and attach a copy of your DD-214.

   Have you ever petitioned for clemency before?  ☐ Yes  ☐ No

   If yes, please state the month and year your petition was considered.

   ______________________________________________________

   Would you, the petitioner, like to request a public hearing?  ☐ Yes  ☐ No
2. Conviction(s) for Which Pardon is Sought:

For each conviction please provide the following information:

Offense: __________________________________________

Case Number: _______________________________________

Date of Arrest: ______________________________________

County of Conviction: _______________________________________

☐ Plea ☐ Bench ☐ Trial ☐ Jury Trial

Sentencing Judge: _______________________________________

Date Sentenced: _______________________________________

Sentenced: _______________________________________
(includes probation, any time served, an conditional discharge)

Time Served: _______________________________________

Date of Discharge: _______________________________________

If you appealed your conviction or sentence, provide the status of any pending appeals, including the date of decisions(s) by the Court:

________________________________________________________________________

Provide a complete and detailed account of the offense(s) for which you seek pardon. Provide your own version of the factual circumstances of the offense(s), including the date and location. Add additional pages if necessary.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
3. Non-Conviction(s):

For each incident for which you were arrested, taken into custody, or charged by any law enforcement agency, except for traffic violations, provide the following information:

Case Number: ____________________________________________

Offense Charged: ________________________________________

Date of Arrest: __________________________________________ 

County of Arrest: _________________________________________

Disposition: ____________________________________________
(includes SOL, nolle pros, nonsuit, section 10 or 410 probation, FNPC, supervision)

Date probation or supervision terminated (if applicable): __________

Attach a copy of your police record (rap sheet).

4. Personal Life History:

Write a detailed narrative biography that includes date and place of birth, educational and employment history, marital status, names and ages of children, substance abuse and mental health information, military record, charitable and community activities. You may also include information on degrees or diplomas earned or anticipated, awards of commendations at school or work, counseling or rehabilitation programs you have attended or completed, military awards, civil or occupational licenses or certifications, and life changing events. You may attach any documents that demonstrate or reflect your achievements.

5. Reason(s) for Seeking Clemency:

State your reasons for seeking a pardon, including opportunities that have been denied because of your criminal record.

6. Type of Clemency Desired:

☐ Commutation of Sentence
☐ Pardon
☐ Expungement (authorization to file in circuit court)
☐ Pardon and Expungement (authorization to file in circuit court)
☐ Pardon and Expungement (authorization to file in circuit court) with restoration of potential firearm privileges and the authority to apply for a Firearm Owners Identification Card (FOID) – (Within the petition, the petitioner must provide the reason(s) that he or she wishes to have firearm privileges.)
7. **Supporting Documentation:**

   Attach materials that support the claims made in this petition. These may include DD-214, rap sheet, resume, letters of recommendation, diplomas, certifications, etc...

8. **Certification and Personal Oath:**

   The following statement must be signed and sworn before a Notary Public:

   I declare under penalty of perjury that all of the assertions made in this petition are complete, truthful and accurate.

   Respectfully submitted this _________ day of __________, _________.

   (Month) (Year)

   ____________________________

   (Signature of Petitioner)

   Signed and sworn before me this _________ day of __________, _________.

   (Month) (Year)

   ____________________________

   (Notary Public)
9. Hearing Information:

Petitioners may request a public hearing before the Prisoner Review Board. Personal presentations at the hearing are limited. Petitioner may appear with their supporters, but no more than four people may speak during a presentation.

Representatives of incarcerated petitioners may request to speak to the Board at a public hearing, but a personal appearance is not required for the processing of a petition for executive clemency. The Board will make a confidential recommendation for the Governor. Board recommendations to the Governor are confidential.

10. Filing and Mailing the Petition:

1. Deliver or mail the original petition:

   Illinois Prisoner Review Board  
   319 East Madison, Suite A  
   Springfield, IL 62701

   Within the completed petition to the Prisoner Review Board, include proof that the current presiding judge and state's attorney's office were sent a copy of the petition. You may do this by affidavit with a notarized signature or by including a registered or certified mail receipt.

This form must be typewritten. The Prisoner Review Board needs original signatures and they need to be notarized. No faxes will be accepted.