
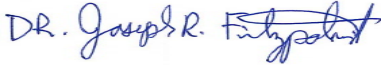


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CHAPTER 10: INVESTIGATIONS		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Adult Community Corrections Approved by Commissioner: 	PROFESSIONAL STANDARDS See Section VII
EFFECTIVE DATE: September 5, 2006	LATEST REVISION: August 27, 2014	CHECK ONLY IF APA [<input type="checkbox"/>]

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Sections 1403 and 5210.

II. APPLICABILITY

Adult Community Corrections
Adult Facilities

III. POLICY

It is the policy of the Department of Corrections to conduct clemency (pardon and commutation) investigations as requested by the Office of the Governor.

IV. CONTENTS

- Procedure A: Pardon Requests and Investigations
- Procedure B: Limited Version Pardon Investigations
- Procedure C: Second and Subsequent Pardon Petitions
- Procedure D: Commutation Requests and Investigations

V. ATTACHMENTS

Attachment A: Pardon Investigation Format

VI. PROCEDURES

Procedure A: Pardon Requests and Investigations

1. Petitions for a pardon (official forgiveness for a crime) and instructions for completing a petition may be obtained from the State of Maine website at maine.gov by entering "pardon request" in the search field (and then clicking on the first or second search result) or by contacting the Department of Corrections'

Central Office in Augusta (Pardons and Commutations Clerk). Completed petitions are to be forwarded to the Pardons and Commutations Clerk at the Department of Corrections' Central Office.

2. Petitions are screened by the Governor's Board on Executive Clemency and the petitions selected for hearings are referred to the Division of Adult Community Corrections for investigation. A public hearing is then held by the Board, with each member of the Board having a copy of the investigation report. The investigation report and the information obtained for the investigation are confidential and may not be released to anyone, including the person applying for the pardon or commutation, other than members of the Board and the Governor. The Board, after the public hearing, discusses the merits of each case and makes recommendations to the Governor, who may grant or deny the petition.

3. The first page of the investigation report shall be an index for the convenience of the Board members in locating specific information and shall serve as a format to discuss preparation of the various sections. The sections are outlined below and the pardon investigation shall be prepared in the format shown in Attachment A.
 - a. **PETITIONER'S REQUEST** is reproduced, followed by the investigator's comments regarding the petitioner's reasons for requesting the pardon or commutation. Every statement made in the request shall be checked by the investigator and verified or commented on as to its validity.
 - b. **FACE SHEET** records pertinent factual data on the petitioner, the convictions for which he or she seeks clemency, and the identity of the investigator. Copies of the Charging Instrument, Order of Judgment and Commitment, and of the criminal docket in the court clerk's records shall be attached in that order (these must be provided for each crime for which clemency is being sought).
 - c. **ELEMENTS OF CRIME** includes the official version of the offense (a brief narrative of his or her participation, as determined from court, prosecutor and police records) and the petitioner's version of the offense. In addition, a copy of the court's comments at the time of sentencing shall be provided. If not available, a statement to this effect shall be made.
 - d. **KNOWN CRIMINAL RECORD** is a listing of all known convictions and sentences obtained from SBI, Bureau of Motor Vehicles, and Department of Corrections records. Juvenile adjudications and dispositions are to be included. Offenses for which clemency is sought shall be identified with an asterisk and comments. Separate sub-sections shall be prepared for traffic and juvenile offenses.
 - e. **HEALTH AND BACKGROUND INFORMATION** provides a synopsis of pertinent information about the petitioner's physical and mental health and a general history of his or her situation and environment from birth to present.

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- f. **FAMILY, MARITAL AND MILITARY INFORMATION** identifies spouses, children and other family/household members, with dates of birth, marriage and current situations. Dates of entry and exit from military service with rank attained, specialty, area of service, and type of discharge are noted.
 - g. **EDUCATION HISTORY** Self-explanatory
 - h. **WORK HISTORY** Self-explanatory
 - i. **COMMUNITY SENTIMENT** is an important consideration and Maine Governors have traditionally given careful consideration to community sentiment before rendering a final decision. The investigation shall include interviews of a broad cross-section of the community. For misdemeanors, a total of twelve (12) such interviews are required. For felonies, twenty-five (25) interviews shall be required. As a general rule, where practicable, all pardon or commutation investigations shall include interviews with the arresting officer, the prosecutor in the case, and the victim.
 - j. **LETTERS** is a final section which is self-explanatory. All letters received shall be forwarded to Central Office for reproduction.
4. Once completed, the investigation report shall be forwarded to the Department of Corrections Central Office to the Pardons and Commutations Clerk.

Procedure B: Limited Version Pardon Investigations

- 1. A limited version pardon investigation condenses health, background, family, marital, military, work and education histories into a brief statement of current living and working situation entitled Current Situation. This version shall require only twelve (12) expressions of community sentiment and may be done for all misdemeanors, unless:
 - a. The crime involved personal injury;
 - b. The crime involved alcohol or drugs;
 - c. The crime was a sex offense or was reduced from that status;
 - d. The petitioner has a significant criminal record;
 - e. There is apparent extensive community opposition; or
 - f. The petitioner has a history of alcohol or drug abuse.
- 2. If any of the above criteria develop while doing a limited version investigation, the investigator shall upgrade the investigation and notify the Regional Correctional Administrator or Regional Correctional Manager.

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Procedure C: Second and Subsequent Pardon Petitions

1. If a pardon petition has been investigated within the preceding five (5) years, the investigator shall only prepare a new index page showing dates of prior requests and appropriately numbered new sections for:
 - a. Petitioner's current petition;
 - b. Comment on reasons for pardon (identify the investigating officer);
 - c. Petitioner's current circumstances (a narrative update on employment, residence, education, lifestyle, etc.);
 - d. Current community sentiment; and
 - e. Current letters.
2. Once completed, the investigation report shall be forwarded to the Department of Corrections Central Office to the Pardons and Commutation Clerk.

Procedure D: Commutation Requests and Investigations

1. Petitions for a commutation and instructions for completing the petition may be obtained in the same way as for a pardon. They are handled the same way as petitions for pardon, except as set out below.
2. The difference from a pardon is that the petitioner is incarcerated and is seeking a reduction of sentence.
3. The index page for a commutation investigation report shall be modified to add sections for:
 - a. Facility work and programs, including programs taking place in the community, e.g., work, education, and public service release;
 - b. Facility treatment services and disciplinary reports;
 - c. Chief Administrative Officer's comments; and
 - d. Projected release date information (including "half time" information).
4. These four (4) additional sections shall be provided to Central Office and the investigating officer by the correctional facility concerned.
5. Once completed, the investigation report shall be forwarded to the Department of Corrections Central Office to the Pardons and Commutations Clerk.

VII. PROFESSIONAL STANDARDS

None

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