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Clemency Review Commission

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<https://mn.gov/crc/>

AT A GLANCE

- The Clemency Review Commission is a nine member board appointed by the three members of the Board of Pardons: the Governor, the Attorney General, and the Chief Justice of the Supreme Court
- Clemency Review Commission staff process all clemency applications on behalf of the Board of Pardons for the state of Minnesota
- The Clemency Review Commission became an independent agency on July 1, 2024

PURPOSE

Clemency is any act of mercy or compassion shown toward someone who has committed a crime. The most common types of clemency in Minnesota are pardons and commutations. A pardon is for people whose sentences are complete and no longer active. A commutation is for people that are still serving part of their sentence.

The Minnesota Clemency Review Commission (CRC) carries out the administrative functions of the Board of Pardons. The CRC reviews each clemency application received and provides a recommendation of whether the Board should grant or deny the application. The CRC also provides assistance to applicants and victim support services.

The CRC contributes to safe and thriving communities by enhancing equity and access to the clemency system. Access to clemency encourages rehabilitation and restoration for individuals that have been convicted of crimes. Applicant and victim support services are provided through a lens of restorative justice which can promote healing for communities.

BUDGET

As a newly established office, the CRC does not have historical spending. The CRC was created during the 2023 legislative session of the Minnesota State Legislature and began operations in fiscal year 2024 with a \$986,000 per year appropriation from the state's general fund. During the 2024 legislative session, the legislature moved funding and operations out of the Department of Corrections, and the CRC became an independent agency on July 1, 2024.

The CRC is financed entirely through the general fund. Its payroll budget consists of one Executive Director, three legal analysts, and one administrative specialist. Operating expenses include leased space, technology costs, staff and commission development, and office expenses. The CRC also receives appropriations for grants to support education and victim outreach grants.

STRATEGIES

- CRC staff screen applications for clemency and prepare written investigative summaries for the Commissioners and Board of Pardons members.
- The Clemency Review Commission will meet eight times per year to hear and provide recommendations on all clemency applications. The expected number of applications to be heard in the first year is approximately 180.
- To increase access to the clemency process, the CRC will hold hybrid meetings that are accessible to the public.

- Applications are in the process of being translated into Hmong, Somali, and Spanish. The CRC also ensures that applicants have access to interpreters and are given additional time to present during hearings to allow for translation.
- The CRC is committed to providing documents in plain language and providing prompt responses to applicants, victims, and the public.
- The CRC partners with victim advocacy organizations to ensure that victims are provided with the services they need. Victim advocates are available to answer questions, help write testimony, and provide support during hearings. The CRC allows multiple ways for victims to participate in the clemency process.
- The CRC will be partnering with community organizations to provide education, outreach, and application assistance.
- Data will be collected and analyzed at least annually to continuously improve processes and increase the capacity of the commission.

RESULTS

Measure name	Measure type	Measure data source	Historical trend	Most recent data
Hire staff	Result	Employment data	Historical data is unavailable because CRC is a new agency that became fully operational as of July 1, 2024	The CRC hired three staff as of August 9, 2024. Two additional positions are in the process of being filled.
Updated clemency forms	Quality	Application data	Historical data is unavailable because CRC is a new agency that became fully operational as of July 1, 2024.	Clemency applications, waivers, and requests to reapply updated to align with new statutory requirements. Additionally, applications have been translated into three additional languages and will be posted to the website in August 2024.
Clemency applications processed	Quantity	Application data	Board of Pardons data, applications processed: 2023 – 159 2022 – 167 2021 – 185 2020 – 97 2019 – 88	Clemency applications processed since December 1, 2023: Received – 181 Screened – 109

Measure name	Measure type	Measure data source	Historical trend	Most recent data
Clemency hearings held and scheduled	Quantity	Application data and voting records	Board of Pardons hearings held: 2023 – 64 2022 – 79 2021 – 68 2020 – 42 2019 – 35	Hearings held as of August 9, 2024: 13 Hearings scheduled between July 1, 2024 and October 4, 2024: 60
Victim support services	Quantity/Quality	Victim notification records and contract data	Historical data is unavailable because CRC is a new agency that became fully operational as of July 1, 2024	Capacity created for a dedicated post-conviction advocate to work with the CRC Victim notices sent as of August 9, 2024

M.S. 638.09 (<https://www.revisor.mn.gov/statutes/cite/638.09>) provides the legal authority for CRC.

(Dollars in Thousands)

	Actual FY22	Actual FY23	Actual FY24	Estimate FY25	Forecast Base		Governor's Recommendation	
					FY26	FY27	FY26	FY27

Expenditures by Fund

1000 - General				1,762	986	986	995	1,005
Total				1,762	986	986	995	1,005
Biennial Change				1,762		210		238
Biennial % Change								
Governor's Change from Base								28
Governor's % Change from Base								1

Expenditures by Program

Clemency Review Commission				1,762	986	986	995	1,005
Total				1,762	986	986	995	1,005

Expenditures by Category

Compensation				586	375	335	384	354
Operating Expenses				776	411	451	411	451
Grants, Aids and Subsidies				400	200	200	200	200
Total				1,762	986	986	995	1,005

Full-Time Equivalent

				5.00	2.85	2.50	2.85	2.50
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(Dollars in Thousands)

	Actual FY22	Actual FY23	Actual FY24	Estimate FY25	Forecast Base		Governor's Recommendation	
					FY26	FY27	FY26	FY27
1000 - General								
Direct Appropriation				986	986	986	995	1,005
Transfers In				776				
Expenditures				1,762	986	986	995	1,005
Biennial Change in Expenditures				1,762		210		238
Biennial % Change in Expenditures								
Governor's Change from Base								28
Governor's % Change from Base								1
Full-Time Equivalents				5.00	2.85	2.50	2.85	2.50

(Dollars in Thousands)

	FY25	FY26	FY27	Biennium 2026-27
Direct				
Fund: 1000 - General				
FY2025 Appropriations	986	986	986	1,972
Forecast Base	986	986	986	1,972
Change Items				
Operating Adjustment		9	19	28
Total Governor's Recommendations	986	995	1,005	2,000

Clemency Review Commission

FY 2026-27 Biennial Budget Change Item

Change Item Title: Operating Adjustment

Fiscal Impact (\$000s)	FY 2026	FY 2027	FY 2028	FY 2029
General Fund				
Expenditures	9	19	19	19
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	9	19	19	19
FTEs	0	0	0	0

Recommendation:

The Governor recommends additional funding of \$9 thousand in FY 2026 and \$19 thousand in each subsequent year from the general fund to help address operating cost increases at the Clemency Review Commission.

Rationale/Background:

The cost of operations rises each year due to increases in employer-paid health care contributions, FICA and Medicare, along with other salary and compensation-related costs. Other operating costs, like rent and lease, fuel and utilities, and IT and legal services also grow. This cost growth puts pressure on agency operating budgets that remain flat year to year. This recommendation provides additional resources to help address these cost pressures and pay for agency operations.

Agencies face challenging decisions to manage these rising costs within existing budgets, while maintaining the services Minnesotans expect. From year to year, agencies find ways to become more efficient with existing resources. For FY 2026-27, agencies will need to continue to find additional efficiencies and leverage management tools to help address budget pressures. Holding open vacancies in certain programs or delaying hiring in other programs are examples of ways agencies manage through constrained operating budgets. Such decisions are difficult and must be weighed against a program’s ability to conduct business with less staffing and its impact to service delivery.

Proposal:

The Governor recommends increasing agency operating budgets to support current services. For the Clemency Review Commission, this funding will help cover expected growth in employee compensation and insurance, and other operating costs.

Dollars in Thousands

Net Impact by Fund	FY 26	FY 27	FY 26-27	FY 28	FY 29	FY 28-29
General Fund	9	19	28	19	19	38

Results:

This recommendation is intended to help the Clemency Review Commission address rising cost pressures and mitigate impacts to current levels of service and information to the public.