



# OFFICE OF THE INSPECTOR GENERAL

## U.S. Department of Justice

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FOR IMMEDIATE RELEASE

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### **DOJ OIG Releases Report on the Justice Department's Clemency Initiative**

Department of Justice (DOJ) Inspector General Michael E. Horowitz announced today the release of a report assessing the DOJ's clemency process and handling of pardons since fiscal year 2014, with a focus on the implementation and management of the Clemency Initiative (Initiative). The Initiative, which operated from April 2014 to January 20, 2017, encouraged federal inmates who would not pose a threat to public safety to petition to have their sentences commuted, or reduced, by the President.

Today's report from the DOJ Office of the Inspector General (OIG) concludes that although the DOJ did not effectively plan, implement, or manage the Initiative at the outset, subsequent actions by DOJ leadership enabled the DOJ to substantially fulfill the mandate of the Initiative in making over 13,000 recommendations on commutation petitions by the end of President Obama's Administration.

As described in today's report, the shortcomings we identified in the initial planning and early implementation of the Initiative hindered the processing of clemency petitions. These shortcomings included:

- DOJ leadership did not sufficiently involve the DOJ Office of the Pardon Attorney (OPA), which was responsible for the day-to-day management of the Initiative, in planning the Initiative, and it did not provide the necessary resources to that office once the Initiative began.
- DOJ did not effectively implement a survey of federal inmates that was intended to help identify potentially meritorious clemency petitioners. As a result, attorneys working on the Initiative received numerous survey responses and petitions from inmates who clearly did not meet the Initiative's criteria, which delayed the consideration of potentially meritorious petitions.
- DOJ experienced challenges working with external stakeholders, particularly volunteer attorneys who were to provide assistance in identifying appropriate clemency petitions for the Initiative. For example, these attorneys were unable to obtain pre-sentence investigation reports from the U.S. Courts for almost a year, which hampered their work.

- OPA failed to prioritize petitions as DOJ leadership had directed, and instead insisted on providing a response to every petition as it was received.

By the end of 2015, there was a substantial backlog of petitions pending consideration. However, significant changes by DOJ leadership in the final year of the Initiative enabled the Justice Department to meet its goal of making recommendations to the White House on all drug petitions received by the August 31, 2016, deadline, and to make recommendations on over 1,300 petitions received by OPA after that deadline. For example, in 2016 DOJ temporarily increased OPA's staffing to meet the demands of the Initiative, OPA prioritized the review of petitions from inmates who were strong candidates for clemency, and the DOJ streamlined the review process by allowing OPA to submit all non-favorable commutation recommendations directly to the White House.

On January 20, 2017, DOJ discontinued the Initiative. As a result, today's report does not make recommendations to address the issues we found throughout the course of our review.

**Report:** Today's report is available under "Recent Reports" on the OIG's website and at the following link: <https://oig.justice.gov/reports/2018/e1804.pdf>

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