

United States Department of Justice

General Legal Activities



Office of the Pardon Attorney

FY 2025 President's Budget Submission

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I. Overview for the Office of the Pardon Attorney

For FY 2025, the Office of the Pardon Attorney (PARDON) requests a total of \$12,568,000, 40 positions and 40 FTE, including 26 attorneys, to achieve its mission of advising and assisting the President in the exercise of the executive clemency power conferred on him by Article II, Section 2 of the Constitution. This request supports current services needs to include personnel costs of attorneys and support staff and working capital fund costs; with the remaining budget supporting minimal costs for basic office supplies, equipment, travel, and contracts.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <https://www.justice.gov/doj/budget-and-performance>.

Introduction

For over 125 years, the President has requested and received the assistance of the Attorney General and his/her designees in the Department of Justice in exercising the executive clemency function. Within the Department, PARDON is the component assigned to carry out this function under the direction of the Deputy Attorney General. The long-standing role of Department officials in advising the President on clemency matters is reflected in various public record documents dating to the late 19th century. Moreover, since at least 1898, presidents have adopted advisory rules to describe their programs for processing clemency applications and their directions to the Attorney General in carrying out the Department's clemency advisory functions. The rules, which govern PARDON's work but do not bind the President, are approved by the President, and published by the Attorney General. The current version of the administrative rules was promulgated in October 1993 and amended in August and September 2000. They are published in 28 C.F.R. §§ 1.1 to 1.11 and available on PARDON's web site at <https://www.justice.gov/pardon/legal-authority-governing-executive-clemency>.

The two principal forms of clemency sought by applicants are (1) pardon after completion of sentence and (2) commutation (reduction) of a sentence being served. The traditional standards by which clemency applications are evaluated in connection with the preparation of the Department's letters of advice (recommendations) to the President have been utilized for decades and are publicly available on PARDON's web site at <https://www.justice.gov/pardon/about-office-0>.

Program Description

The primary function of PARDON is to receive, evaluate, and investigate clemency applications and prepare the recommendation of the Department of Justice as to the appropriate disposition of each application for consideration by the President. In addition, PARDON responds to inquiries concerning executive clemency petitions and the clemency process from applicants, their legal representatives, members of the public, Members of Congress, and various Federal, State, and local officials and agencies; prepares all necessary documents to affect the President's decision to grant clemency; and notifies each clemency applicant of the President's decision concerning his or her clemency request. PARDON also provides general advice to the White House concerning executive clemency procedures and the historical background of clemency matters. In addition, PARDON oversees special clemency initiatives that arise outside of the ordinary

clemency process, such as the October 2022 and December 2023 Presidential Proclamations on granting pardons for Federal offenses involving simple possession of marijuana, and has taken on an expanded consultation role in capital cases pursuant to the U.S. Attorney General's January 2023 update to the Justice Manual.

In support of its clemency mission, PARDON continues to take proactive measures to improve the clemency process, share information publicly and increase outreach to potential clemency applicants and stakeholders. Examples include:

- Increasing transparency and information sharing through the PARDON public-facing website, including revising instructions on how to apply for clemency to conform with plain language principles and maintaining statistics of clemency recipients and publishing the status of all cases received or closed since 1989.
- Improving the clemency application process by simplifying/updating the pardon and commutation applications and instructions to make them more user-friendly, streamlined and accessible to diverse populations, including translating the commutation application into Spanish.
- Engaging with the Federal Bureau of Prisons (BOP) to coordinate information sharing sessions about the clemency process directly with those who might qualify to submit commutation applications. In 2023, PARDON leadership met with over 1,800 people in BOP facilities to provide information about applying for clemency.
- Hosting public engagement events, including the annual Second Chances Month event with clemency experts and clemency recipients to share stories about the impacts on the lives of those who have benefitted from executive clemency.

Additionally, PARDON continues to utilize its new Chief Information Officer hired in FY 2023 to pursue opportunities to improve the use of technology, as well as continue to partner with the Bureau of Prisons and other government entities with the goal of increasing efficiencies and access to technological systems.

PARDON's clemency work supports DOJ's FY 2022-2026 Strategic Plan Goal 3: Protecting Civil Rights, Objective 3.3: Reform and Strengthen the Criminal and Juvenile Justice Systems to Ensure Fair and Just Treatment by providing second chance opportunities for those in the criminal justice system.

Challenges

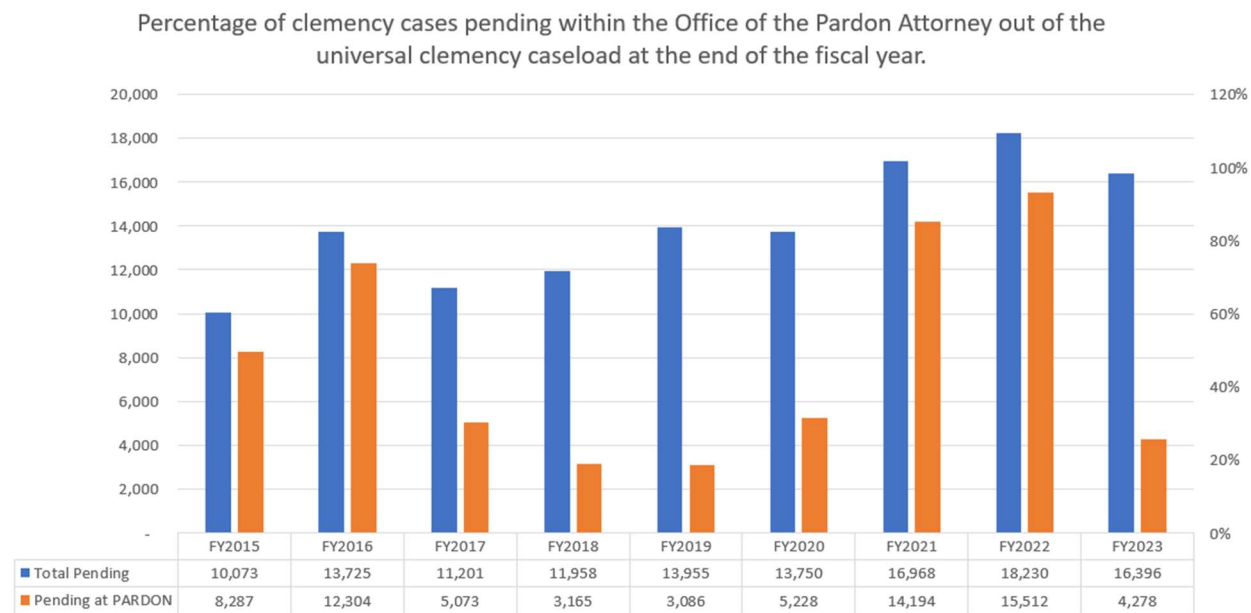
PARDON continues to process a large volume of clemency applications. Until FY 2014, PARDON's authorized staffing level was 11 positions – a level that was established for the office in the mid-1990s when PARDON received approximately 600 new clemency requests each fiscal year. Between FY 2012 and FY 2023, PARDON received approximately 52,065 new clemency petitions for processing.

In FY 2023, PARDON was authorized a staffing level increase to 43 positions and was able to fill vacancies to reach a total of 40 personnel on board by the beginning of FY 2024. These new personnel resources have been essential in assisting the office to address its large caseload, reduce clemency application processing times, provide reliable responses to the public, and make high-quality clemency recommendations to the White House. For example, PARDON ended FY

2023 with an overall caseload of approximately 16,000 petitioners. However, the internal PARDON caseload was approximately 4,000 petitioners, which is roughly 11,000 less than at the end of FY 2022.¹

PARDON expects to continue to receive incoming clemency cases, both pursuant to ordinary case submissions - which historically increase in proximity to presidential elections - and to the President’s October 2022 and December 2023 Proclamations pardoning individuals convicted of simple possession of marijuana. As of February 2024, 171 certificates of pardon have been issued. Each certificate is granted to the recipient only after PARDON conducts an investigation to verify that the recipient was pardoned pursuant to the presidential proclamations. In addition, PARDON is seeing a significant increase in capital case filings and an expansion of PARDON’s consultation role in capital cases due to the Attorney General’s January 2023 update to the Justice Manual. As of February 2023, fifteen capital cases are pending review, with additional submissions expected. These cases require an extremely detailed and time-consuming review in consultation with other Department stakeholders.

The FY 2025 request will allow PARDON to both continue to review and address pending clemency cases, receive new ones, evaluate capital cases, and process the influx of submissions pursuant to the two Presidential Proclamations on marijuana.



¹The chart entitled, “Percentage of clemency cases pending within the Office of the Pardon Attorney out of the universal clemency caseload at the end of the fiscal year,” shows the total pending caseload in PARDON out of the universal clemency caseload at the end of the fiscal year.

II. Summary of Program Changes

No program changes are requested.

III. Appropriations Language and Analysis of Appropriations Language

General Legal Activities (GLA) language is displayed in the GLA rollup budget submission.

IV. Program Activity Justification

A. Office of the Pardon Attorney

Office of the Pardon Attorney	Direct Positions	Estimated FTE	Amount (\$000)
2023 Enacted	43	28	10,862
2024 Annualized Continuing Resolution	40	35	10,862
Adjustments to Base and Technical Adjustments	0	5	1,706
2025 Current Services	40	40	12,568
2025 Request	40	40	12,568
Total Change 2024-2025	0	5	1,706

Office of the Pardon Attorney Information Technology Breakout (of Decision Unit Total)	Direct Positions	Estimated FTE	Amount (\$000)
2023 Enacted	1	1	184
2024 Annualized Continuing Resolution	1	1	192
Adjustments to Base and Technical Adjustments	0	0	0
2025 Current Services	1	1	196
2025 Request	1	1	196
Total Change 2024-2025	0	0	4

1. Program Description

The primary function of PARDON is to receive, evaluate, and investigate clemency applications and prepare the recommendation of the Department of Justice as to the appropriate disposition of each application for consideration by the President. In addition, PARDON responds to inquiries concerning executive clemency petitions and the clemency process from applicants, their legal representatives, members of the public, Members of Congress, and various Federal, State, and local officials and agencies; prepares all necessary documents to affect the President's decision to grant clemency; and notifies each clemency applicant of the President's decision concerning his or her clemency request. PARDON also provides general advice to the White House concerning executive clemency procedures and the historical background of clemency matters. In addition, PARDON oversees special clemency initiatives that arise outside of the ordinary clemency process, such as the October 2022 and December 2023 Presidential Proclamations on granting pardons for federal offenses involving simple possession of marijuana, and has taken on an expanded consultation role in capital cases pursuant to the U.S. Attorney General's January 2023 update to the Justice Manual.

PARDON's clemency work supports DOJ's FY 2022-2026 Strategic Plan Goal 3: Protecting Civil Rights, Objective 3.3: Reform and Strengthen the Criminal and Juvenile Justice Systems to Ensure Fair and Just Treatment by providing second chance opportunities for those in the criminal justice system.

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Office of the Pardon Attorney												
RESOURCES (\$ in thousands)			Target		Actual		Target		Changes		Requested (Total)	
			FY 2023		FY 2023		FY 2024		Current Services Adjustments and FY 2025 Program Changes		FY 2025 Request	
Total Costs and FTE (Reimbursable: FTE are included, but costs are bracketed and not included in totals)			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			28	\$10,862	24	\$10,862	35	\$10,862	5	\$1,706	40	\$12,568
TYPE	STRATEGIC OBJECTIVE	PERFORMANCE	FY 2023		FY 2023		FY 2024		Current Services Adjustments and FY 2025 Program Changes		FY 2025 Request	
Program Activity	3.3	Reform and Strengthen the Criminal and Juvenile Justice Systems to Ensure Fair and Just Treatment	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			28	\$10,862	24	\$10,862	35	\$10,862	5	\$1,706	40	\$12,568
APG Measure:	N/A	N/A	N/A		N/A		N/A		N/A		N/A	
KPI:	N/A	N/A	N/A		N/A		N/A		N/A		N/A	
Performance Measure 1:	3.3	Average percentage of clemency cases pending within the Office of the Pardon Attorney out of the universal clemency caseload at the end of the fiscal year.	N/A		N/A		45%		N/A		40%	
Performance Measure 2:	3.3	Percentage of clemency cases in which the Office of the Pardon Attorney made a recommendation within one year of case receipt.	N/A		N/A		30%		N/A		35%	

Performance Measure 3:	3.3	Percentage of correspondence records received that were responded to or closed out within 30 days of receipt by the Office of the Pardon Attorney.	N/A	N/A	90%	N/A	92%
Performance Measure 4:	3.3	Percentage of marijuana certificates issued to eligible recipients within 30 days of application receipt.	N/A	N/A	80%	N/A	83%

*Denotes inclusion in the DOJ Quarterly Status Report and DOJ Annual Performance Plan.
 *This table is required.

Note: PARDON updated its performance measures in FY 2024. Therefore, FY 2023 actual data is not available.

		PERFORMANCE MEASURE TABLE					
		Decision Unit: Office of the Pardon Attorney					
Strategic Objective 3.3	Performance Measures: Reform and Strengthen the Criminal and Juvenile Justice Systems to Ensure Fair and Just Treatment	FY 2022	FY 2023	FY 2023	FY 2024	FY 2025	
		Actual	Target	Actual	Target	Target	
3.3	Agency Priority Goals	N/A					
3.3	Key Performance Indicator	N/A					
3.3	Performance Measure 1	Average percentage of clemency cases pending within the Office of the Pardon Attorney out of the universal clemency caseload over the fiscal year.	N/A	N/A	N/A	45%	40%
3.3	Performance Measure 2	Percentage of clemency cases in which the Office of the Pardon Attorney made a recommendation within one year of case receipt.	N/A	N/A	N/A	30%	35%
3.3	Performance Measure 3	Percentage of correspondence records received that were responded to or closed out within 30 days of receipt by the Office of the Pardon Attorney.	N/A	N/A	N/A	90%	92%
3.3	Performance Measure 4	Percentage of marijuana certificates issued to eligible recipients within 30 days of application receipt.	N/A	N/A	N/A	80%	83%
Note: PARDON updated its performance measures in FY 2024. Therefore, FY 2023 actual data is not available.							

[N/A= Data Unavailable]

2. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

PARDON's sole mission is to support the President in the exercise of his constitutional clemency power, and the decision to grant clemency lies entirely with the President. Therefore, PARDON's performance measures focus on PARDON's ability to move cases through the process and resolve public inquiries regarding clemency, and not on the final outcome of any particular case. Primary among these is the measure "Average percentage of clemency cases within the Office of the Pardon Attorney out of the universal clemency caseload over the fiscal year," which assesses PARDON's ability to process a case from receipt through an official recommendation submitted for higher level review by the President through the Deputy Attorney General's Office. Significant achievement in lowering the overall clemency caseload has been made over the past few years and this was accomplished in large part due to the increase in the budget over the past decade that has given the office the personnel resources essential to tackle the cases we received.

In FY 2024, PARDON updated its performance measures from number/quantity goals to percentage goals to reflect PARDON's progress more accurately toward meeting its goals. Updated metrics now capture the portions of the clemency process that are solely within PARDON's control to resolve, and thus provide a more suitable basis of measurement. In FY 2019, PARDON set a goal of processing cases within one year of them being received and opened by the Department. The updated measure "Percentage of clemency cases in which the Office of the Pardon Attorney made a recommendation within one year of case receipt" will better demonstrate PARDON's ability to meet this goal. The "Percentage of correspondence records received that were responded to or closed out within 30 days of receipt by the Office of the Pardon Attorney" will allow us to capture the responses provided in a timely manner to the numerous correspondence submitted by clemency petitioners and their advocates. And finally, the "Percentage of marijuana certificates issued to eligible recipients within 30 days of application receipt" measure will assist the office to accurately account for how effectively PARDON is responding to the marijuana certificate applications as a result of the President's October 2022 and December 2023 Proclamations pardoning federal offenses of marijuana possession.

The degree to which PARDON will be able to meet its performance measures and specifically its overall outcome target of "Percentage of clemency cases within the Office of the Pardon Attorney out of the universal clemency caseload at the end of the fiscal year" will depend significantly on the volume of new petitions filed in upcoming fiscal years, the speed with which other stakeholders in the clemency process complete their reviews, and the staffing levels of attorneys and support staff.

b. Strategies to Accomplish Outcomes

In support of DOJ Strategic Objective 3.3: Reform and strengthen the criminal and juvenile justice system to ensure fair and just treatment for all, PARDON will continue to address the current clemency case load while also processing all new clemency cases submitted to the Department for review. PARDON intends to maintain the necessary balance between attorneys and support staff to continue efficient processing of both new and pending clemency petitions. Given PARDON's current caseload and anticipated increase in cases due to the two Presidential

Proclamations on marijuana, PARDON's expanded consultation role in capital cases and the likelihood of receiving consistently high numbers of cases in future fiscal years, it is critical that the office maintain proportional levels of experienced clemency attorney advisors and support staff to evaluate the merits of incoming petitions, and draft cogent, legally correct letters of advice to assist the President's decision-making. PARDON's support staff continue to provide crucial assistance in processing clemency petitions by completing preliminary reviews, requesting additional information and records when necessary, drafting screening letters, and completing other necessary correspondence like responding to Freedom of Information Act and Privacy Act requests, responding to miscellaneous correspondence, correspondence assigned to the Office by the Department's Executive Secretariat, as well as case assignments from the White House Correspondence Office.

V. Program Increases by Item

Not applicable.

VI. Program Offsets by Item

Not applicable.

VII. EXHIBITS

Attached.