

CLEMENCY AND SECOND CHANCES

Clemency is often the only option for people who have been wrongfully-convicted or given an overly harsh sentence. Everybody makes mistakes, and no person should be permanently judged only by the worst moments of their past.

WHAT IS CLEMENCY?

Clemency is a tool to grant a person relief – by pardon or commutation – from a court-ordered sentence or punishment.

Kentucky’s Constitution allows the governor to grant clemency. Limitations in the courts frequently make this the only option to correct a sentencing mistake.

“The fail safe of the judicial system.”

United States Supreme Court in *Herrera v. Collins*, 1992.

WHY IS CLEMENCY IMPORTANT?

Kentucky over-criminalizes substance use disorder and crimes of poverty. This has ballooned our prison populations, broken families and communities, and weakened our economy.

Thousands of Kentuckians are in need of mental healthcare, but are instead torn from their families and incarcerated.

Over-policing in communities of color has compounded this issue to disproportionately incarcerate people color, especially Black Kentuckians.

Kentucky must preserve the governor’s constitutional authority to grant clemency. Clemency is one of very few tools available to correct judicial system failures or give people a second chance.

#3

KY has the 3rd-highest women’s incarceration rate.

#2

KY has 2nd-highest rate of children with an incarcerated parent.

2X

Black women are incarcerated at 2x the rate of white women nationally.

300,000

Kentuckians have past felony convictions and cannot vote.

243,000

Kentuckians have completed their entire sentence, probation, and parole.

1 IN 4

African-Americans in Kentucky are denied the right to vote. The highest rate in the country.



Only 8% of Kentuckians are Black, yet Black people make up 22% of Kentucky’s incarcerated population.



ACLU Kentucky