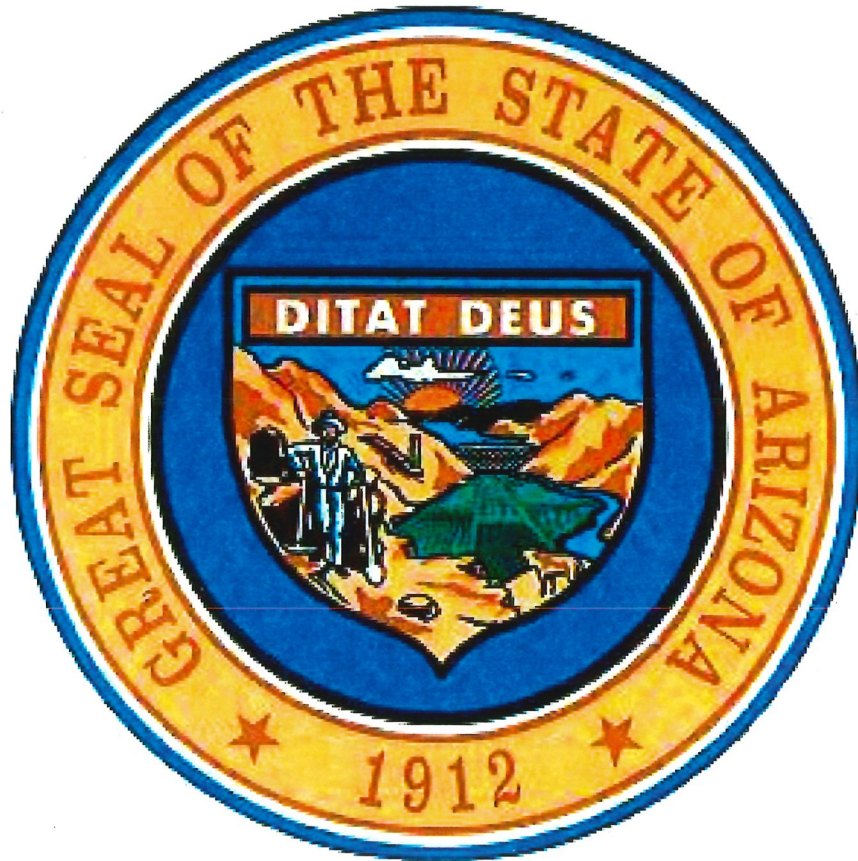


ARIZONA



BOARD OF EXECUTIVE CLEMENCY

Annual Report
Fiscal Year 2018

Arizona Board of Executive Clemency

CHAIRMAN OF THE BOARD DR. C.T. WRIGHT

BOARD MEMBER MICHAEL JOHNSON

BOARD MEMBER DAVID NEAL

BOARD MEMBER LOUIS QUINONEZ

BOARD MEMBER GAIL RITTENHOUSE



Mission: to protect public safety and contribute to a fair and effective justice system

FY2018:

3,052 hearings

Absolute discharge:

14 heard

1 granted (7%)

13 not granted

General Parole/Absolute Discharge/Home Arrest

287 heard

66 granted (23%)

221 not granted

Parole to consecutive/Absolute Discharge

161 heard

29 granted (18%)

132 not granted

Revocations (outcomes not documented)

TIS: 2267

Parole: 20

Pardons

17 heard

2 recommended to governor

Commutations

215 hearings held

6 recommended to governor (5 IDD)

High Profile Cases

Wideman: There is currently pending litigation, we cannot comment at this time.

Charles Lovin (IDD pending at the Governor's Office): An inmate may only be considered for an imminent danger of death commutation if the independent medical specialist referred by ADC's contracted medical provider completes a written prognosis statement that there is reasonable medical certainty that the inmate's medical condition will result in death within four (4) months from the point

of application.

Because this was voted not unanimous, there is not time from by which the Governor must act.



C.T. Wright <ctwright@boec.az.gov>

Confirmation Hearing

1 message

Rachel Caldwell <RCaldwell@azleg.gov>

Mon, Jan 28, 2019 at 8:25 AM

To: "ctwright@boec.az.gov" <ctwright@boec.az.gov>, "ctwright31@cox.net" <ctwright31@cox.net>

Dear Dr. Wright:

Your confirmation hearing for the Board of Executive Clemency is scheduled at 9:00 A.M. on Thursday, January 31st. Please arrive a few minutes early as hearings are usually heard prior to bills.

Sincerely,

Rachel Caldwell


FYI


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LETTER FROM THE CHAIRMAN

Dear Governor Ducey:

In accordance with A.R.S. §36-1944, it is with profound gratitude I present the Arizona Board of Executive Clemency's FY18 Annual Report. In this document, information is being provided regarding some of the activities executed during the 2017 and 2018 calendar year. Despite the size of this agency, we have adhered to and valued the best practices delineated by you. Succinctly stated, this has been a productive year, as we have overcome some challenges and turned them into opportunities. I would be remiss if I did not express my sincere appreciation for your allowing me to serve you and the citizens of this great State of Arizona in the capacity of chairman of this illustrious board.

It should be noted for the first time in several years, the board membership has stabilized with five members. The Governor must be commended for appointing such a well-qualified group of professionals who are committed to protecting the citizens in an objective and unbiased manner. Likewise, the Executive Director Ellen Kirschbaum, a former Board Chairman, and her outstanding administrative staff worked tirelessly to move the board forward. In addition, the success of the board was made possible by the support of the Governor's Office and members of the legislature, as well as stakeholders such as the Department of Corrections, Attorney General's Office, and the National Institute of Corrections.

On March 21, 2018, the Board was informed that the 42-month follow up performance Auditor General's report no. 14-105 had been completed. It concluded, "unless otherwise directed by the Joint Legislature Audit Committee, this concludes the recommendation from the September 2014 performance audit report." However, the board remains committed to planning and implementing the Structured Decision-Making format, placing Arizona on the cutting edge of the clemency process in reforming the criminal justice system. In keeping with your strategic plan, this board will continue to strive to be a model of efficiency and effectiveness in serving the citizens of Arizona.

Sincerely,
Dr. C.T. Wright, Chairman

BOARD HIGHLIGHTS

FISCAL YEAR 18

Board Operations:

- Board member offices were provided new office furniture.
- The Board conducted more than 3,052 hearings in FY18.
- Two new board members that started on July 1, 2017.

Administrative Operations:

- A reorganization of the administrative office area resulted in a neat, orderly professional environment with a significant number of outdated files and equipment sent to surplus.
- Due to significant vacancy savings and fiscal mindedness, the Board has returned to the State's General Fund nearly 9.75% of the Board's FY18 appropriation of \$963,500.
- Board administrative staff were provided new office furniture.

OUR MISSION, VALUES, AND ETHICS

The Arizona Board of Executive Clemency is a five-member board appointed with each member by the Governor and is statutorily empowered to make decisions regarding:

- *Discretionary release of those inmates who are parole and/or home arrest eligible; (inmates whose crimes were committed on or before December 31, 1993);*
- *Revocation of parole (or community supervision for crimes committed on or after January 01, 1994) for offenders found to be in violation of the terms and conditions of their release;*
- *Absolute discharge from parole; and*
- *Modification of release conditions and release rescissions.*

The Board also makes clemency recommendations to the Governor on requests for:

- *Commutation of sentence, including death penalty sentences;*
- *Reprieves in matters related to death penalty cases; and*
- *Pardons.*

MISSION STATEMENT

To protect public safety and contribute to a fair and effective justice system by ensuring that persons who remain a threat to society remain incarcerated and those who no longer present a risk are released to become productive citizens.

VISION

To make parole and related decisions in a timely manner consistent with public safety, victim concerns, inmate rights, and the wise use of state resources. We envision the Parole Board as a vital part of the Arizona Criminal Justice System because it:

- *Makes fair, consistent, and impartial parole decisions and clemency recommendations in a timely manner;*
- *Considers public protection, victim concerns, and offender circumstances; and*
- *Makes wise use of state resources.*

VALUES

- Public Safety:** *Our decisions focus on safety for Arizona citizens.*
- Integrity:** *We are truthful and trustworthy conducting ourselves honorably and ethically.*
- Service:** *We serve and are responsible to the public.*
- Respect:** *We treat each other and everyone with courtesy, dignity, and consideration.*
- Excellence:** *We strive to do our best and more.*
- Accountability:** *We are responsible to ourselves and others for our decisions and actions.*
- Leadership:** *We are positive role models.*



BOARD ORGANIZATION

Board Members

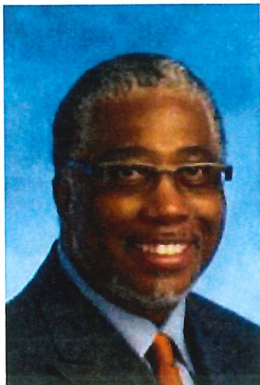
The Board of Executive Clemency is comprised of five members with each member appointed by the Governor and confirmed by the State Senate. The Governor appoints the Chair for a two-year term. Members are recognized as state employees with full benefits. A Board member earns approximately \$65,000 per year. Members conduct hearings throughout the day and prepare later for the following day's hearings.

Chairman Dr. C.T. Wright – Term Expiration: 1/21/2019



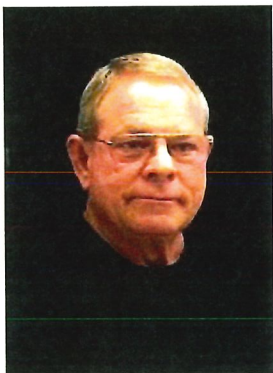
Dr. C. T. Wright accepted a gubernatorial appointment to the Arizona Board of Executive Clemency in May 2014. As a citizen appointee, he brings a unique perspective to the Board. In criminal justice, he has developed and supervised training programs for law enforcement officers in Atlanta, Georgia; Miami Dade County in Florida; and Talladega Federal Prison in Alabama, as well as an education program for inmates in Florida. This change agent has had a diverse background including that of a day laborer in the Georgia cotton fields, elementary school teacher, college professor and administrator, university president, executive director and founder of development programs, faith leader, delegate to three national political conventions, and member of the Arizona Electoral College, among others. Since leaving the cotton fields, Wright has had the opportunity of meeting with five United States presidents, scores of government and private sector leaders from throughout the world, and thousands of grassroots individuals. He holds a BS degree from Fort Valley State University, an MA degree from Clark Atlanta University, a PhD degree from Boston University and an L.H.D. honorary degree from Mary Holmes College. In addition to serving on the Clemency Board, Dr. Wright is a member of the Governor's Advisory Council on Aging; Fountain Hills Unified School District Governing Board; Arizona National Day of Prayer; The Light of Hope Institute; and ASU's Center for Political Thought and Leadership, to cite a few examples.

Board Member Michael Johnson – Term Expiration: January 20, 2020



Michael E. Johnson is a local community leader who believes that the elements of collaborative leadership and hard work are an unbeatable combination. He is a retired public servant who has dedicated his career to his passion of helping others. Johnson retired in 1995 as a homicide investigator after 21 years of service with the Phoenix Police Department. His devotion to his work led the Department to honor him as Detective of the Year in 1992. He used the skills and knowledge he acquired from policing to run for public office, and successfully served three consecutive terms on the Phoenix City Council (District 8) from 2002 to 2013 before terming out. Johnson is a former founding partner at Johnson-Neely Public Strategies, and the former president and chief executive officer of Nkosi, Inc., a security and investigation firm he founded in 1996. He is also a prostate cancer survivor and has served as an advocate for prostate cancer awareness.

Board Member David Neal – Term Expiration: January 17, 2022



Unity Tour Charities.

Mr. Neal was appointed to the Board by Governor D. Ducey and began as a member on July 17, 2017. He is a native Arizonian, raised in the Valley of the Sun and a North High School graduate. He attended Maricopa Community Colleges and later served as Military Police in the US army with overseas duty in South Korea. Prior to joining the Glendale Police Department as a civilian employee, he worked many years in the field of construction. While employed with the Glendale Police Department, he worked in various capacities and retired as a Crime Scene Investigator. Mr. Neal is a community volunteer working with non-profit organizations including Children's Advocacy Center, Parents of Murdered Children, American Diabetes Association and is a co-founder of AZ

Board Member Louis Quinonez – Term Expiration: January 18, 2021



Arizona Executive Board of Clemency in February 2017. He is a native of Phoenix, Arizona and a graduate of Arizona State University (1987, Bachelor of Science, cum laude). He served twenty-seven years in Federal law enforcement, including a one year internship with U.S.D.A.-OIG; three years as a reserve agent with the Air Force Office of Special Investigations; three years as a special agent with the U.S. Drug Enforcement Administration; and twenty-three years as a special agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives. He served his last fourteen years of Federal service as a supervisory special agent, including assignments as a group supervisor, division operations officer, field intelligence supervisor, HQ program manager, HQ training manager, assistant country attaché (Mexico), and HQ branch chief. He is a recipient of the American Legion Police Officer of the Year honors. He had an interesting transition from his law enforcement career, serving as a vice president for a police consulting and training firm; an adjunct instructor for Glendale Community College (administration of justice); and a student success coach for Rio Salado College.

Board Member Gail Rittenhouse – Term Expiration: January 17, 2022



Gail Rittenhouse started her career with the Arizona Department of Corrections in February 1984 and served under four ADC Directors in such diverse roles as Training Specialist; Executive Assistant to the Director; Facilities, Maintenance, and Planning Bureau Business Manager; Legal Assistant; Venture Team (a unit devoted to improving work processes) Analyst; Female Inmate Programs Coordinator; Inmate Substance Abuse Programs Administrator; Training Bureau Administrator; and Executive Administrator - Administrative Services Division. Within this span of time, from January 1990 to January 1991, she also served on a special detail to the Board of Executive Clemency as a Hearing Officer. In July 2007, Ms. Rittenhouse left ADC to join the Department of Economic Security's Division of Benefits and Medical Eligibility as its Training Manager. She later returned to ADC where, in May 2012, she became the Division Director for Support Services, overseeing Human Resources, Staff Development and Training, and Inmate Programs, including education, pastoral services, inmate work programs, and counseling and treatment. A strong advocate for professional development, she is actively involved in the American Correctional Association and the Arizona Probation, Parole & Corrections Association. In addition to completing the Phoenix Citizen Police Academy in August 2000, she also graduated from Valley Leadership with Class XXII in 2001. Ms. Rittenhouse holds a bachelor's degree from Kent State University and a master's degree in Public Administration from Western International University.

Board Staff

Executive Director: Ellen Kirschbaum



Ms. Kirschbaum was originally appointed to the Board by Governor Janice Brewer in December, 2010 and later appointed as Chairman in October, 2014. In January, 2015, Governor Douglas Ducey appointed her to a second term and she was confirmed by the Arizona Senate. In November, 2016, she stepped down from the Board to become its Executive Director. She is focused in bringing about the Board's mission to conduct prompt, fair, and impartial hearings based on public safety. Ms. Kirschbaum's experience spans 38 years in Arizona's criminal justice system including nearly 20 years in the field of corrections. She is involved in a number of community activities and serves on several community boards. She holds a Bachelor of Science in Business Administration from Arizona State University and a Masters of Public Administration from Western International University. Ms. Kirschbaum has been a resident of Arizona since 1968.

Pursuant to Arizona Revised Statutes 31-402, the Executive Director serves at the pleasure of the Board and reports to the Board through the Chairman. She is responsible for meeting the needs of the Board through oversight of all administrative, operational, and financial functions for the Board including implementing and directing all policies and procedures, personnel matters including hiring, training, discipline as well as performance evaluations of all administrative staff members. The Executive Director also leads in budget preparation, forecasts, and expenditures.

Administrative Support Staff

Administrative Services Officer I (1)	Renee Brookshire	AUN 06895
Administrative Assistant III (1)	Hannah Milnes	AUN 1152
Administrative Assistant II (1)	Vacant	AUN 06609
Administrative Secretary II (1)	Daisy Kirkpatrick	AUN 04108

The Administrative Assistants have technical, complex duties and responsibilities that require a specific knowledge and skill set. Each of these staff members is aligned with specific hearing types and gather, and maintains, statistical information as related. Each day, they interact with other agencies, victims, and members of the public and Court documents are processed and compiled along with other information. This process is particularly critical as board members review these comprehensive packets to facilitate their decision-making. Staff also process and fulfill public record requests according to law and Board policy and take on special projects as directed by the Executive Director.

Customer Service Representative II (1)

Vacant

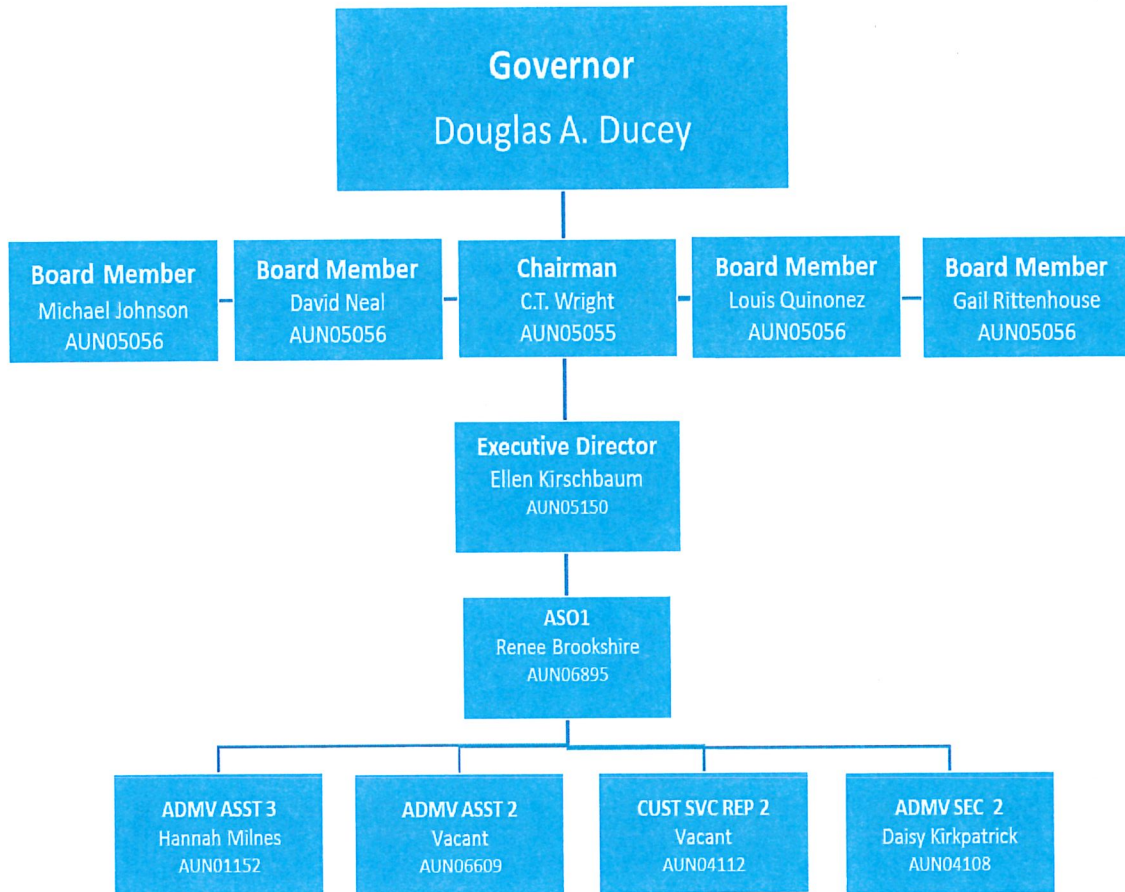
AUN 4112

The Customer Service Representative's job function is to provide statutorily mandated notifications to victims, officials, and other concerned individuals and entities. This individual also provides customer service to incoming phone inquiries specific to hearings for which victims have officially opted in to participate. This is a grant-funded position.



Left to Right: Renee Brookshire; Hannah Milnes; and Daisy Kirkpatrick

Organizational Chart

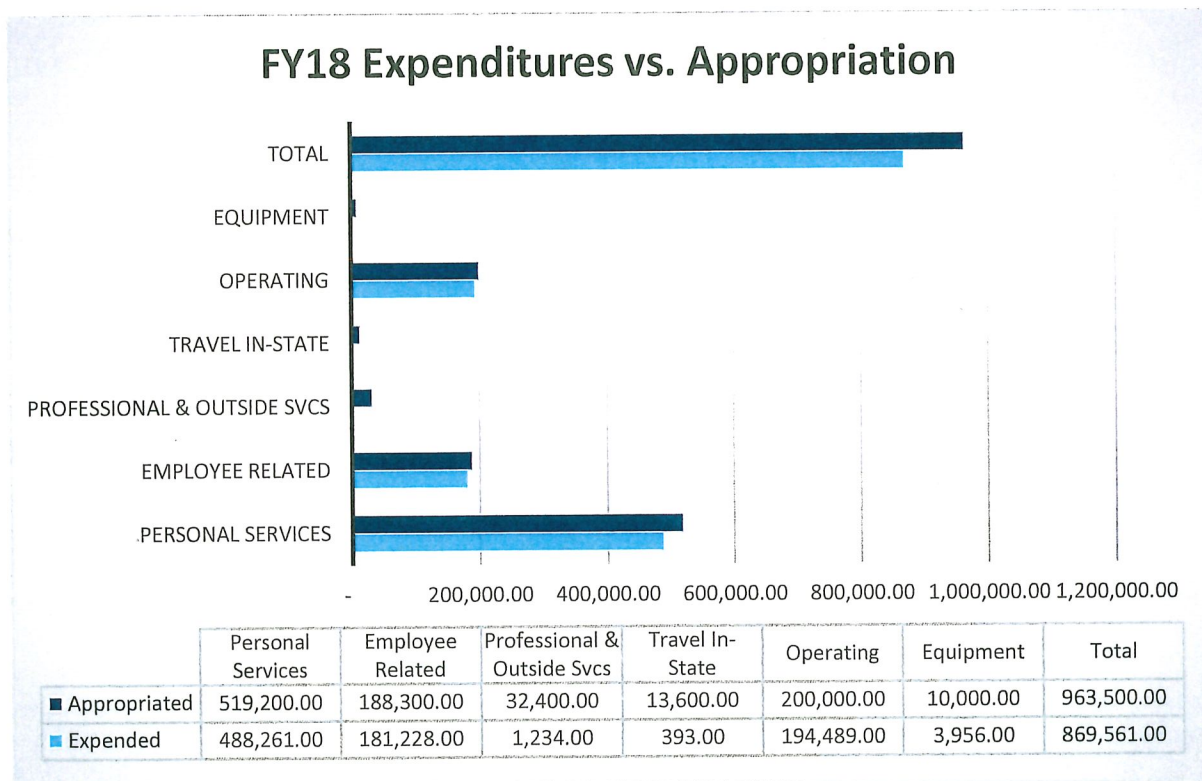


FINANCIAL INFORMATION

BUDGET INFORMATION

The Board's FY17 General Fund appropriation was **\$963,500**. The Board also receives **\$41,000** in grant funds from the Arizona Attorney General's Victims' Rights Program through the Office of Victim Services for funding of the Victim Notification Coordinator position.

This year, the Board experienced significant vacancy savings due to board member vacancies. As a result, the Board was able to return **9.75%** (\$93,939) of its budget back to the State General Fund.



BOARD ACTIVITY AND STATISTICAL SUMMARY

The Board is statutorily authorized to conduct hearings for clemency and non-clemency matters. Non-clemency hearings do not require a recommendation to the Governor but instead the Board makes decisions on its own. These are Parole (412A), Parole (412B), Home Arrest, Absolute Discharge, Work Furlough, Modification, Rescission, and Revocation matters for parole, "TIS" (truth in sentencing), and home arrest revocation hearings.

All types of clemency, under the criminal justice system, is the act by an executive member of government of extending mercy to a convicted individual. In the United States, clemency is granted by a governor for state crimes and by a president for federal crimes. Clemency can take one of three forms: a reprieve, a commutation of sentence, or a pardon. The Board recommends individuals to the Governor seeking pardons, reprieves, and commutations.

Board hearings are the only place in the criminal justice system where the victim, the inmate, and the families can come together since the original law enforcement contact and have a chance to tell their stories. For the very tiny percentage of those cases that may not have received justice, the system offers this mechanism to correct itself.

All hearings conducted by the Board are done in accordance with the Open Meeting Law.

Board Decisions

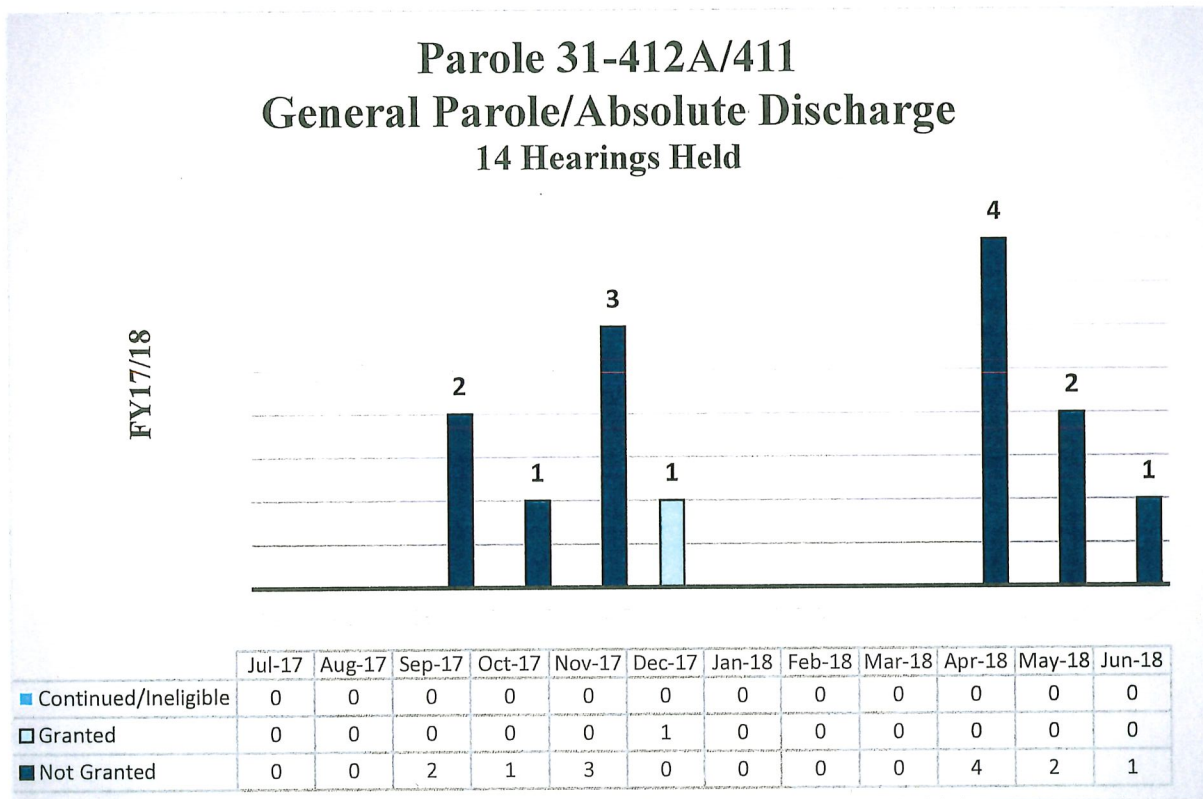
Prior to January 01, 1994, individuals sentenced by the Court were eligible for parole. After completing a certain amount of their sentence, they were certified eligible by the Arizona Department of Corrections and referred to the Arizona Board of Pardons and Paroles to be scheduled for a parole hearing. Parole was abolished by the Legislature in 1993 and the Board became known as the Board of Executive Clemency. Therefore, on and after January 01, 1994, individuals who committed an offense are sentenced under strict sentencing guidelines known as "Truth in Sentencing (TIS)." Unless statutorily mandated otherwise, most inmates serve approximately 85% of their sentence in prison and are then released to the community for supervision of the rest of their sentence.

While the number of classic parole cases has decreased in recent years, the Board still conducts a notable number of these hearings. They may involve the potential release of an inmate or the ability to move forward to a consecutive sentence.

Parole is considered an early release with supervision prior to the expiration of a sentence of incarceration. It is a privilege not a right. Clear conduct and addressing the issues that got inmates sent to prison are just some of the factors considered. The only right an inmate has is to be released upon completion of the sentence that was handed down by the Court. Every inmate sentenced to the Arizona Department of Corrections is given a parole eligibility date if the offense date occurred prior to January 01, 1994.

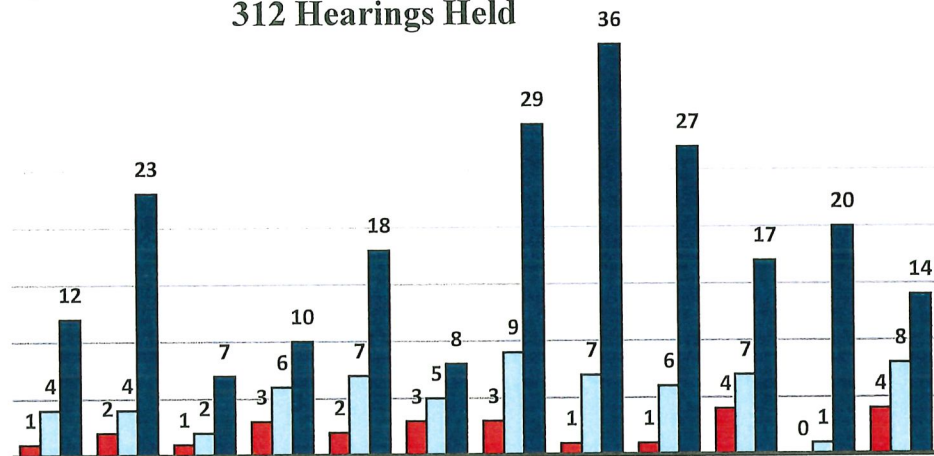
The Board directly interacts with the inmate or offender and these hearings can sometimes last for several hours as many cases reflect high-profile matters that can include testimony from inmate supporters, victims of crimes, the inmate's counsel, and/or prosecutors. Additionally, the Board also conducts absolute discharge hearings where a parolee on supervision is seeking release from all forms of supervision.

However, a significant amount of time encountered by members is a dramatically larger docket of parole and TIS revocation hearings. These consist of technical and new sentence revocations. These hearings can be complex, fact-finding affairs sometimes involving attorneys on both sides of the questions, witness testimony, cross-examinations, and volumes of documentary evidence.



Parole 31-412A/411/HA General Parole/Absolute Discharge/Home Arrest 312 Hearings Held

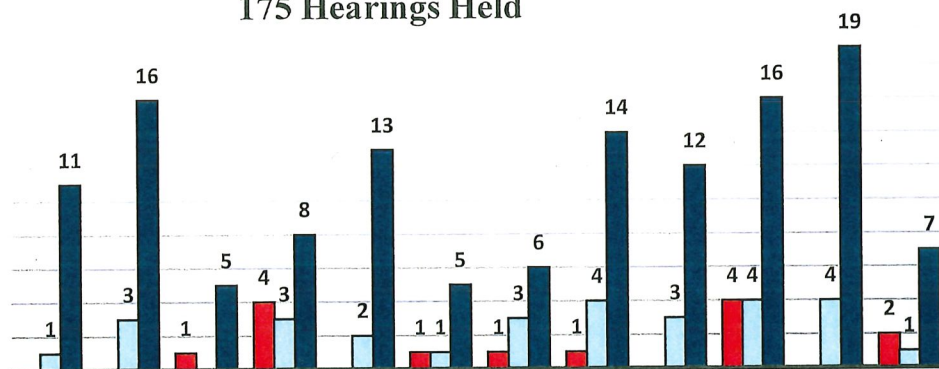
FY17/18



	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18
Continued/Ineligible	1	2	1	3	2	3	3	1	1	4	0	4
Granted	4	4	2	6	7	5	9	7	6	7	1	8
Not Granted	12	23	7	10	18	8	29	36	27	17	20	14

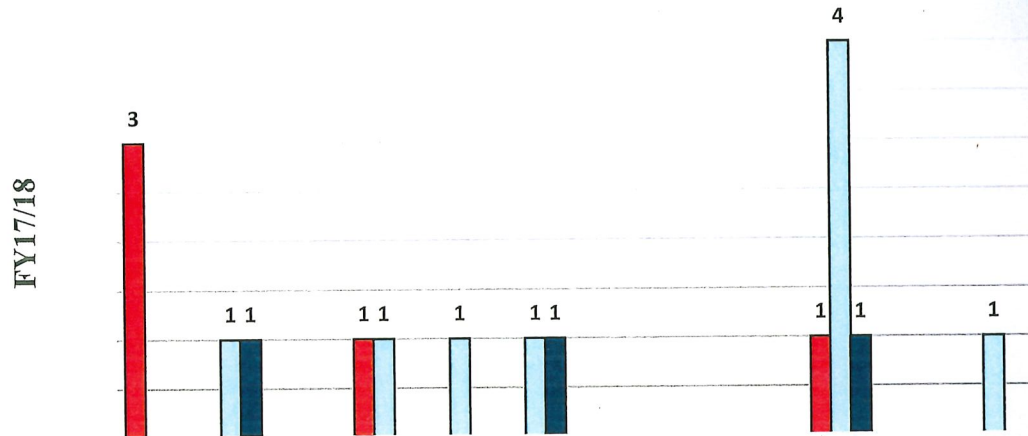
31-412B/411 Parole to Consecutive/Absolute Discharge 175 Hearings Held

FY17/18



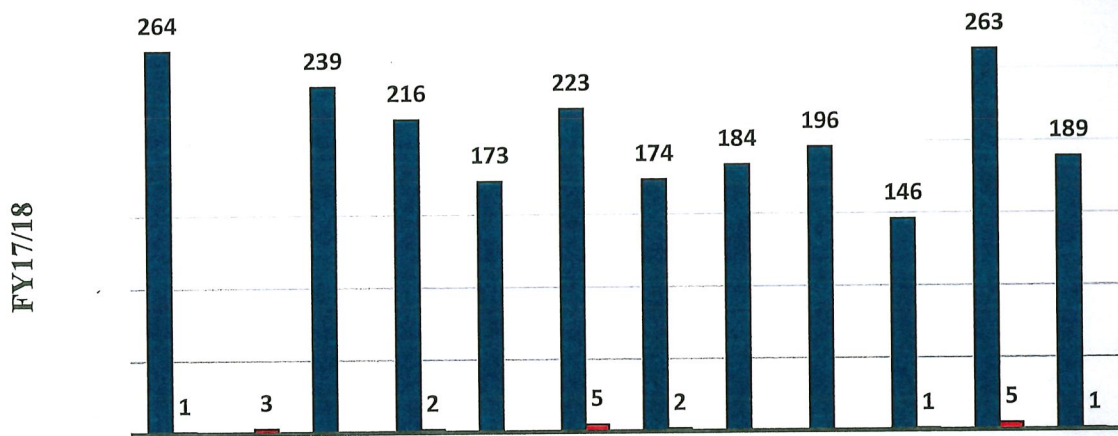
	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18
Continued/Ineligible	0	0	1	4	0	1	1	1	0	4	0	2
Granted	1	3	0	3	2	1	3	4	3	4	4	1
Not Granted	11	16	5	8	13	5	6	14	12	16	19	7

Absolute Discharge 17 Hearings Held



	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18
Hearings Continued	3	0	0	1	0	0	0	0	0	1	0	0
Granted	0	1	0	1	1	1	0	0	0	4	0	1
Not Granted	0	1	0	0	0	1	0	0	0	1	0	0

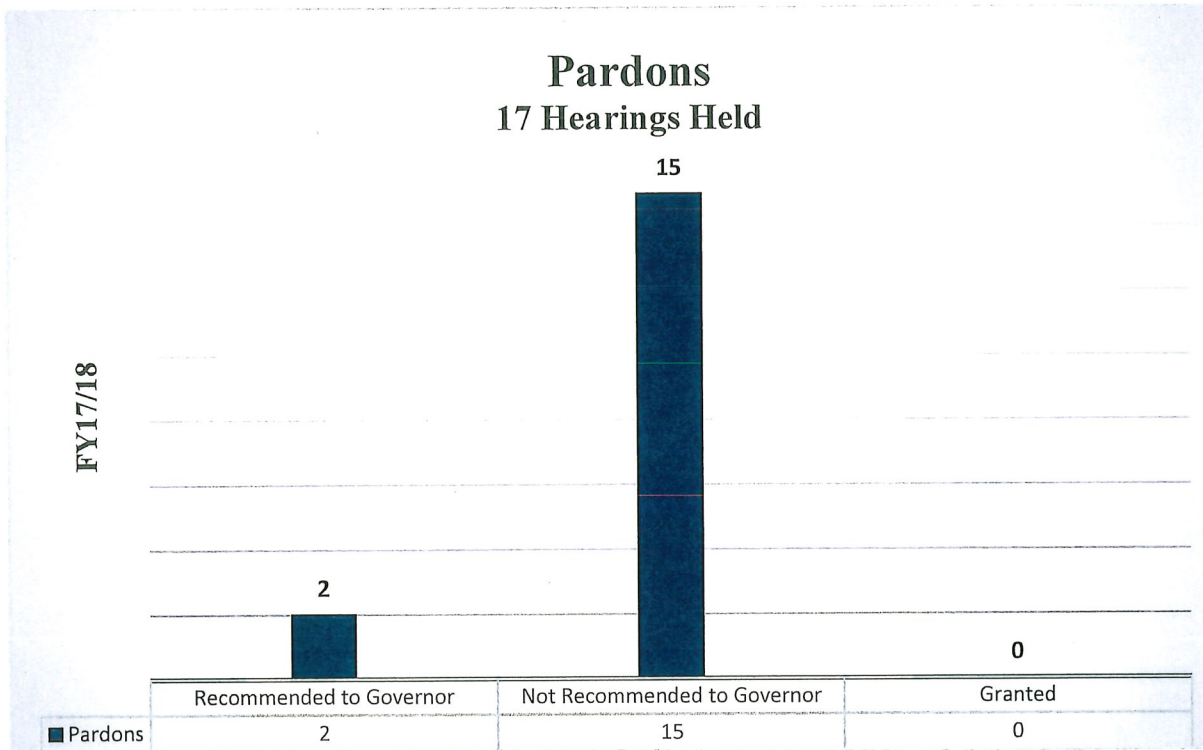
Revocations 2,287 Hearings Held



	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18
TIS Revocation	264	0	239	216	173	223	174	184	196	146	263	189
Parole Revocation	1	3	0	2	0	5	2	0	0	1	5	1

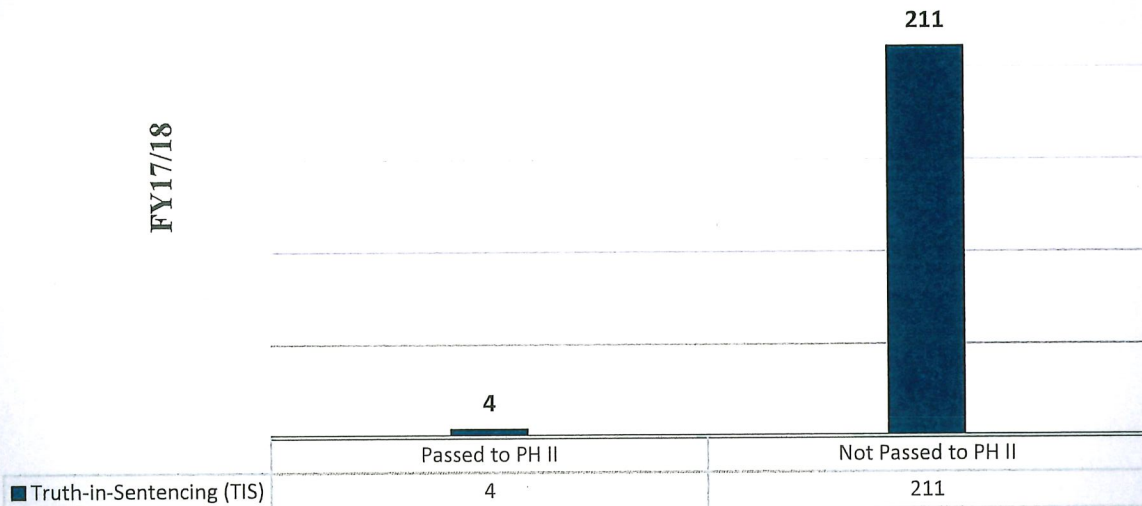
Executive Clemency

Perhaps the most visible work of the Board involves executive clemency proceedings, which are petitions from individuals seeking clemency in the form of a pardon, a commutation of sentence including death penalty matters, and reprieve. These matters require a majority vote in order to be recommended to the Governor for that action. After these hearings are held, the Board's staff prepares the submittal and it is hand-delivered to the Executive Office for a final determination.



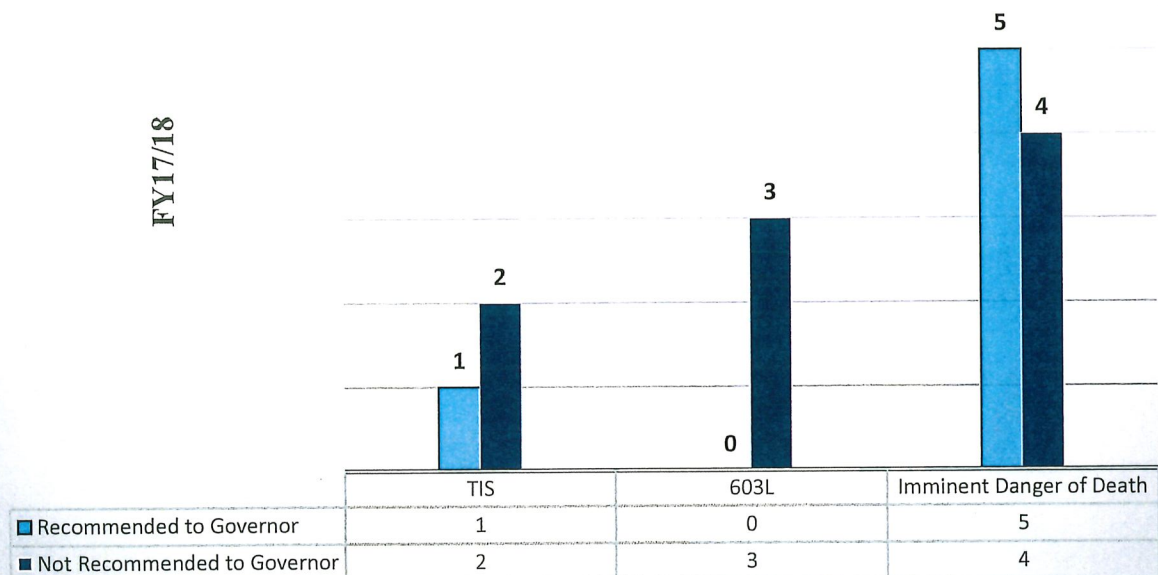
Commutation Phase I 215 Hearings Held

FY17/18



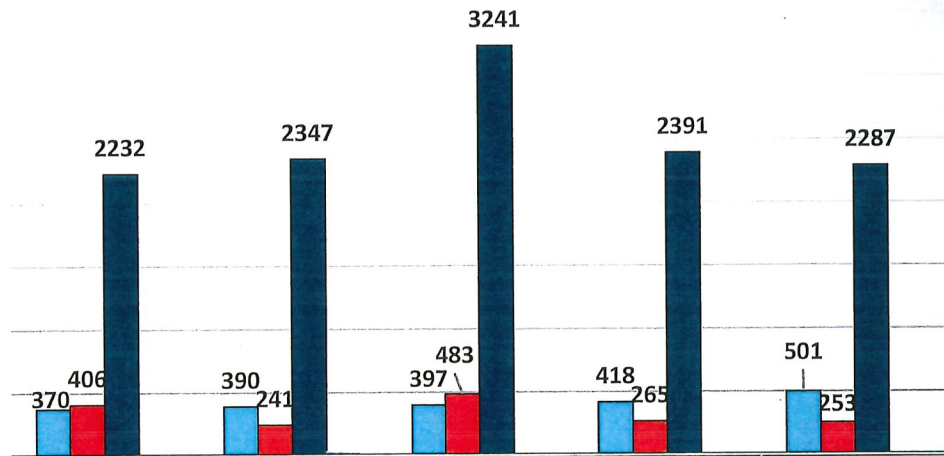
Commutation Phase II 15 Hearings Held

FY17/18



Yearly Comparison FY14 - FY18 Hearings Held

FY14 - FY18



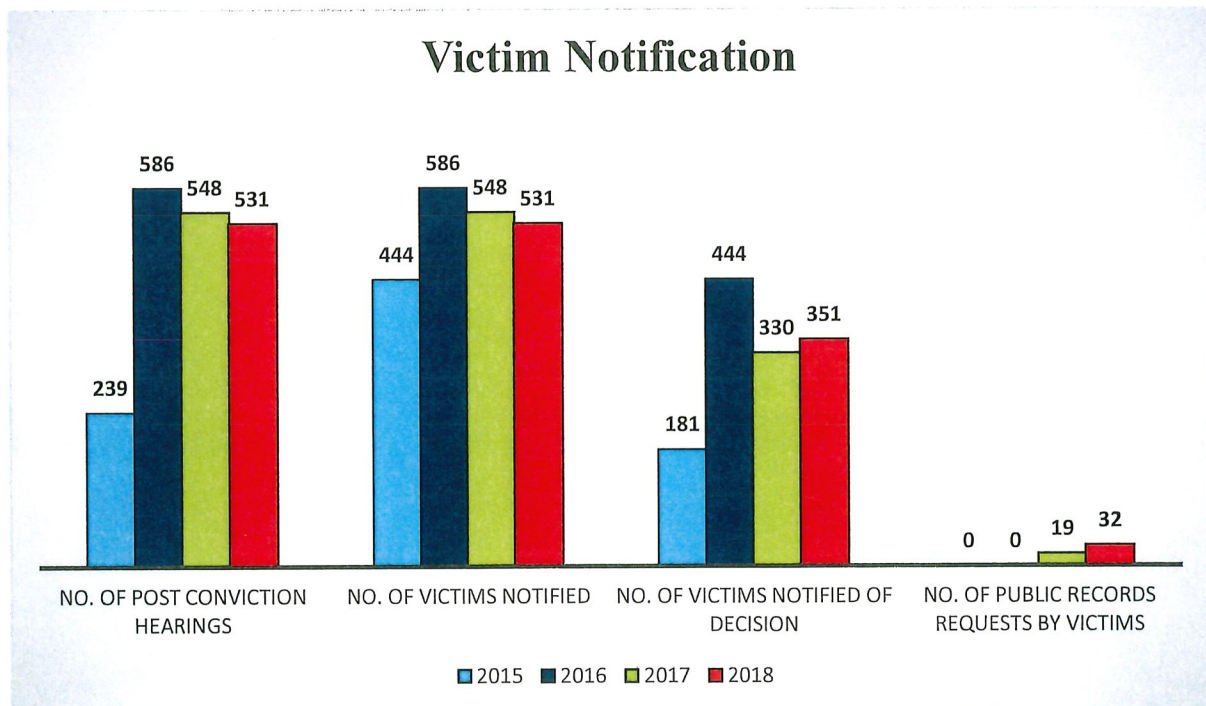
	2014	2015	2016	2017	2018
Parole Hearings	370	390	397	418	501
Clemency Hearings	406	241	483	265	253
Revocation Hearings	2232	2347	3241	2391	2287
Probable Cause	0	31	4	0	0

VICTIM NOTIFICATION

The Board is mandated to provide hearing notification within specific timeframes and is dedicated in its efforts to provide notification and information to victims. This is set forth in **A.R.S. §13-4417(A)** Request for notice; forms; notice system.

With these notifications, the Board members are provided notices of victims' intent to participate at a hearing and receive the outcome of that hearing. Victims may participate by phone, in person, or via written statements. Most victims who want to know how they can be made aware of and involved in any hearing process are provided information and made aware of the Victim Services Unit located in the Arizona Department of Corrections (ADC). This unit ensures victims' information is located in ADC's victim information database and will provide any requested victim advocacy.

Since 2015, the Board has received grant funding from the Arizona Attorney General's Office of Victim Services under the Victim Rights Program. In FY17, the Board was again granted funding of \$35,000 for the Board's Victim Notification Coordinator. The Board's Victim Notification Coordinator works directly with victims to advise them that they are invited to submit their opinions to the Board at any time, concerning any upcoming hearing. Victims may also request that certain conditions and restrictions be imposed on the offender if released to supervision. The following is the activity data reported for the grant position.



STRUCTURED DECISION MAKING

As reported in the FY16 Annual Report, the Board was granted technical assistance through the National Institute of Corrections (NIC) to implement a Structured Decision-Making model (SDM). (SDM) is based on a validated model developed in Canada as a tool to assist board members in decision-making. It was piloted in several states a few years ago and is a validated framework for boards. Technical assistance is now offered through the National Institute of Corrections to help guide other states with implementation.

(SDM) acts a road map or guideline for decision makers to reach consistent, transparent and defensible, high-quality release decisions. It acknowledges the professional expertise and extensive experience of parole decision makers by using a structured approach through the process of the hearing by considering offender information demonstrated to be closely linked to post release success. Through the technical assistance program, the National Institute of Corrections will assist the Board in understanding how (SDM) has been implemented in other states.

The Board continues to hold the implementation of (SDM) as one of its priorities in FY18. The Board was delayed from its original start date in 2016 due to member changes on the Board and the need for those new members to complete Board training as well as an orientation training provided by National Institute of Corrections. This has been accomplished and this year, the Board will embark upon Phase I of the project. Phase I will provide an opportunity to observe and study (SDM's) implementation in another state and bring back information to begin the Phase II process with the assistance provided by (NIC).