

ARIZONA



BOARD OF EXECUTIVE CLEMENCY

Annual Report
Fiscal Year 2021

Arizona Board of Executive Clemency

**CHAIR OF THE BOARD MINA MÉNDEZ
BOARD MEMBER MICHAEL JOHNSON
BOARD MEMBER LOUIS QUINONEZ
BOARD MEMBER SAL FRENI
BOARD MEMBER FRANK RIGGS**



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LETTER FROM THE CHAIRMAN

Dear Governor Ducey:

In accordance with A.R.S. §36-1944, it is with profound gratitude that I present the Arizona Board of Executive Clemency's Fiscal Year 2021 Annual Report. In this document, I provide updates regarding some of the activities executed during the 2020 and 2021 calendar years. Despite the COVID-19 pandemic, the agency continued operations without interruption and continued to serve incarcerated people, victims of crime, and the general public during this time.

I commend the Governor for appointing such a well-qualified group of professionals who carry out their work in an objective and unbiased manner. In December, Sal Freni and Frank Riggs joined the Board as its fourth and fifth members. Their experience and background contributed greatly to the success of the Board. The Board also appreciates the support of the Governor's Office and members of the legislature, as well as stakeholders such as the Department of Corrections, Rehabilitation and Re-Entry (ADCRR), and the Attorney General's Office.

This fiscal year, Board staff updated the Board's strategic plan, setting aggressive goals and process improvement plans to ensure the agency is complying with the law and providing excellent service to the public. As outlined in this report, those goals include improvements in the scheduling process, improving board member training, and ensuring crime victim's rights are protected during the clemency process.

The Board looks forward to another successful year in Fiscal Year 2022.

Sincerely,



Mina Méndez

BOARD HIGHLIGHTS

FISCAL YEAR 2020

Board Operations:

- The Board conducted 2,185 hearings in FY2021.
- The Board's Hearing Officer held 447 probable cause hearings.
- The Board maintained operations and did not experience a backlog despite the COVID-19 pandemic.
- Through strategic planning, the Board eliminated and has maintain elimination of its backlog of commutation cases.

Administrative Operations:

- A staff reorganization was completed to better align job roles with Board needs.
- The Board hired a boardroom clerk to assist with the Board's day-to-day management and ensure ease of public participation in all hearings.
- All administrative staff was trained in the Arizona Management system.
- Visual management regarding scheduling of hearings, Board packet completeness and timeliness of processes was implemented.
- All administrative staff was cross trained in Board member packet procedures.
- Victim Services staff and the Executive Director attended training by the Attorney General's Office on compliance with Victim's Rights laws.
- Due to fiscal mindedness, the Board plans to return to the State's General Fund \$112,200, or 9.5% of the Board's FY20 appropriation of \$1,184,500.

OUR MISSION, VISION, AND VALUES

The Arizona Board of Executive Clemency is a five-member board with each member appointed 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, or other eligible categories of inmates);*
- *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.

VISION

A Board of Executive Clemency that makes decisions in a timely manner consistent with public safety, victim concerns, inmate rights, and 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. Members conduct hearings throughout the day and prepare later for the upcoming hearings.

***Chair Mina Méndez**– Term Expiration: January 17, 2022*



Ms. Mendez was born in Phoenix and grew up in Phoenix and Mexico City. Ms. Mendez graduated from the University of Arizona College of Law in 1995, after receiving her undergraduate degree in Religious Studies from the University of Arizona. Ms. Mendez is the first law school graduate from her family. Ms. Mendez currently serves as a member of the Arizona Board of Executive Clemency. She served as a Superior Court Commissioner from 2004 to 2013 and as a Judge pro tem for the Superior Court and as a private mediator from 2013-2017. Before her appointment to the bench, Ms. Mendez worked in the private sector and served as an Assistant Attorney General for six years. Ms. Mendez is one of the coordinators for the Latina Mentoring Project, which started as a book club hosted by Ninth Circuit Court of Appeals Judge Mary Murguia. She is currently working to expand the Latina Mentoring Project throughout the United States and working with Latina judges and attorneys in other states to develop and expand the program. Ms. Mendez is a member of Los Abogados and the Arizona Women Lawyers Association and has served on committees for both organizations.

***Board Member Michael Johnson** – Term Expiration: January 20, 2025*



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 Louis Quinonez – Term Expiration: January 18, 2021



Louis Quinonez was appointed to the 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 Sal Freni- Term Expiration: January 17, 2022



Sal Freni is a retired 30 year veteran of the Phoenix Police Department. During his career he served as an officer, detective and supervisor in numerous assignments: Patrol, Drug Enforcement Bureau, Property Crimes Bureau, Tactical Support Bureau, Airport Bureau, Major Offender Bureau, Public Affairs Bureau, and the Violent Crimes Bureau. Mr. Freni was raised in Phoenix and holds degrees from Phoenix College (AA), Northern Arizona University (BS), and has completed the Arizona Post Leadership Program (Class #7).

Board Member Frank Riggs – Term Expiration: January 18, 2021



Frank Riggs is a former CEO in both the private and nonprofit sectors who had a 20-year business career. A lifelong advocate for the improvement of K-12 education and expanding educational opportunities for disadvantaged and underserved youth, he’s served as an elected public school district board member, founding president of an accredited Arizona statewide online school, and as an Arizona-certified substitute teacher. Mr. Riggs was a three-term U.S. Congressman who represented California’s 1st Congressional District in the 102nd, 104th and 105th Congresses. His many committee assignments included serving as Chairman of the House of Representatives’ Subcommittee on Early Childhood, Youth and Families. Mr. Riggs, a 20-year resident of Arizona, began his professional career as a police officer and deputy sheriff for two law enforcement agencies. Prior to his civilian law enforcement service, he served honorably in the U.S. Army as a military policeman and military police investigator. Mr. Riggs graduated summa cum laude from Golden Gate University in San Francisco with a B.A. degree in Administration of Justice and was recipient of the University’s “Associates Award” as the outstanding graduate of the baccalaureate program in the College of Business and Public Administration.

Board Staff

Executive Director: Kathryn Blades Ptak

Kathryn was hired by the Board in December 2018. Prior to that, she was the Deputy General Counsel and Legislative Liaison for the Arizona Department of Child Safety, and an Assistant Attorney General at the Arizona Attorney General’s Office, where she represented the Departments of Child Safety and Economic Security. She holds a Bachelor’s Degree from the University of Dayton and a Juris Doctorate from DePaul University College of Law. Kathryn was also a member of the 2015 Flinn Brown Cohort.

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.

Hearing Officer: Richard VanGalder

Richard began with the Board in January 2019. Prior to that Richard graduated first in his academy class and went on to be promoted to up to the rank of Lieutenant with the Mesa Police Department where he served for 23 years. His assignments included patrol, support services, gang unit, street crimes, training unit/academy, and the homicide unit. He received numerous awards and citations, including the 2013 Mesa Police Department Leader of the Year award. Richard also worked for the Los Angeles County Sheriff’s Department, and is a US Army Veteran. There he graduated as an Honor Recruit from Basic/Advanced training and received the Expert Infantryman’s Badge.

Administrative Support Staff

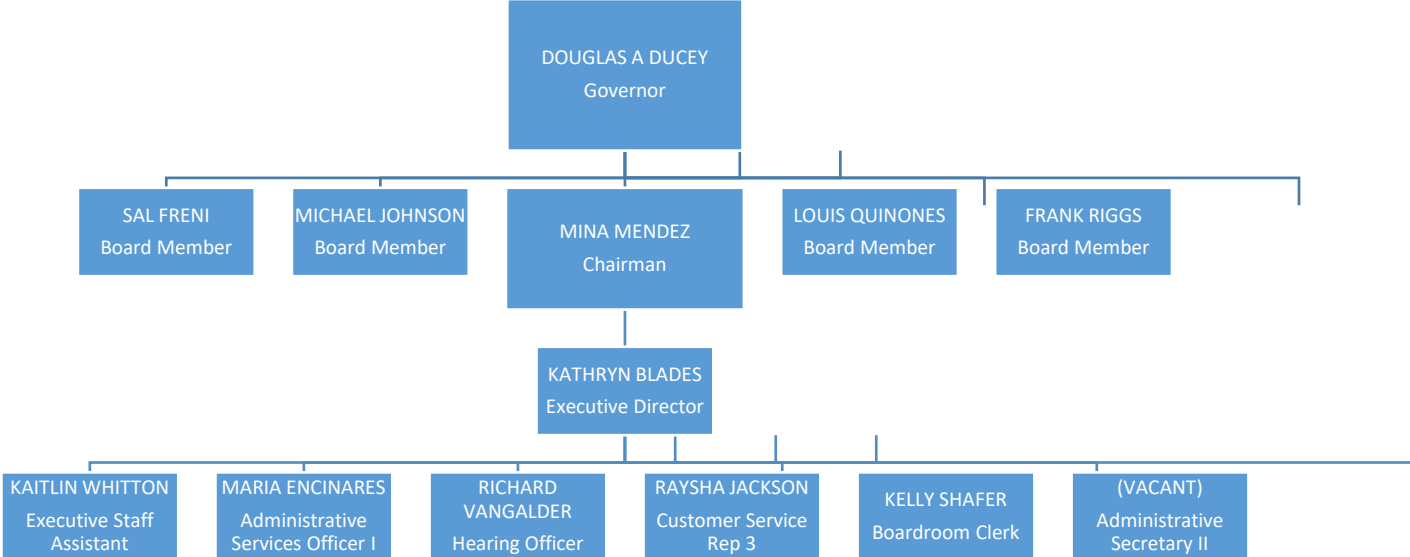
Administrative Services Officer I	Maria Encinares	AUN 06895
Executive Staff Assistant	Kaitlin Whitton	AUN 06609
Boardroom Clerk	Kelly Shafer	AUN02542

The Administrative Support Staff have technical, complex duties and responsibilities that require a specific knowledge and skill set. Each of these staff members gathers, and maintains, statistical information as related. Each day, they interact with other agencies, victims, and members of the public. Staff prepare packets of information for each hearing that include documents from ADCRR, the courts, victims, prosecutors’ offices, and inmate supporters. 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 III	Raysha Jackson	AUN 4112
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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 partially grant-funded position.

Organizational Chart



FINANCIAL INFORMATION

The Board's FY21 General Fund appropriation was **\$1,184,500**. The Board also received **\$30,100** 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 some savings due to vacancies and process improvements. As a result, the Board plans to return **9.5%** (\$112,200) 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, and Modification, and Rescission and Revocation hearings for parole, "TIS" (truth in sentencing), and home arrest.

The Board can only hear clemency cases for state of Arizona felony convictions. Clemency can take one of three forms: a reprieve, a commutation of sentence, or a pardon.

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

Board Decisions

The Legislature abolished parole in 1993. Individuals whose crimes were committed prior to January 1, 1994 are eligible for parole. After completing a certain amount of their sentence, they are certified as eligible by the ADCRR and referred to the Board for a parole hearing.

In general, individuals who committed an offense on or after January 1, 1994 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.

Current litigation and legislation has increased eligibility for parole for crimes committed after 1993. Although parole was no longer a legal sentence beginning in 1994, judges continued to sentence defendants to parole. Recent litigation now requires the Board to hear parole cases for anyone sentenced to a life sentence after 1994 while a juvenile, and for anyone whose sentence specifically uses the word parole. Litigation is pending to require the Board to hear parole cases for anyone sentenced after 1994 to life with the possibility of "release."

Additionally, recent legislation requires anyone who took a plea that specifically uses the word parole, even when sentenced after 1994, to be eligible for parole. These four new classes of

inmates now eligible, or potentially eligible, for parole make up 784 inmates. Given that the board's parole hearing caseload is around 400 hearings a year, these changes will significantly increase the Board's caseload over the coming years.

During a parole hearing, the Board directly interacts with the inmate and these hearings can sometimes last for several hours. Many cases reflect high-profile matters and 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.

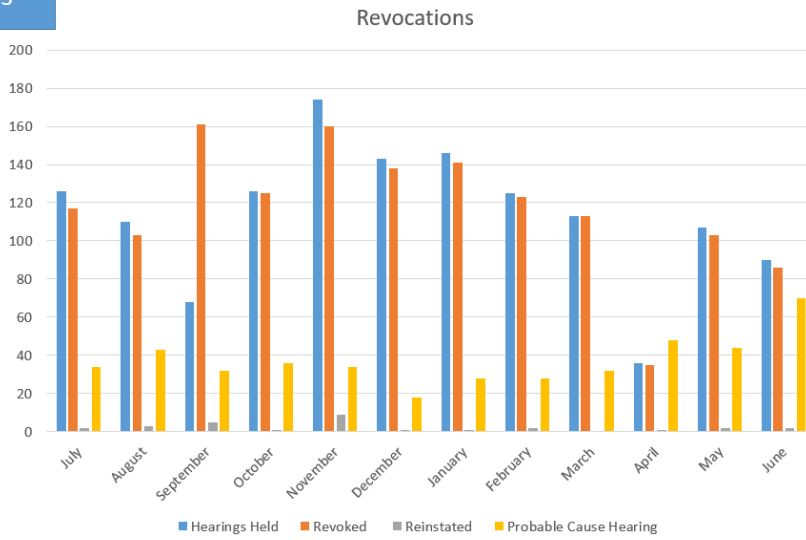
However, a significant amount of Board time is spent on a dramatically larger docket of parole and TIS revocation hearings. These hearings arise when an inmate on release status violates the conditions of release and ADCRR issues a warrant of arrest. The issues at the hearing can consist of technical violations, or may be new criminal charges. These hearings can be complex, fact-finding affairs sometimes involving attorneys on both sides, witness testimony, cross-examinations, and volumes of documentary evidence.

Executive Clemency

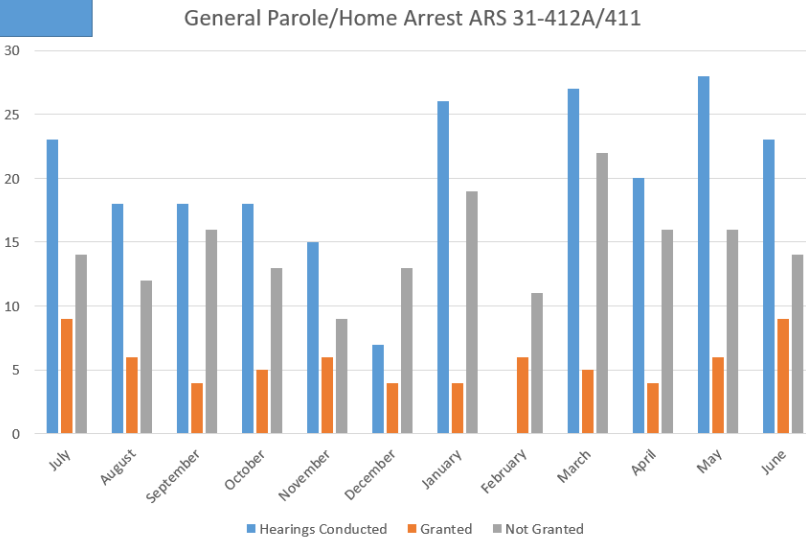
Perhaps the most visible work of the Board involves executive clemency proceedings, which are petitions from individuals seeking clemency in the form of a pardon, a commutation of sentence including in death penalty matters, and reprieve. These matters require a majority vote in order to be recommended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

Statistics

Total revocation hearings: 1573

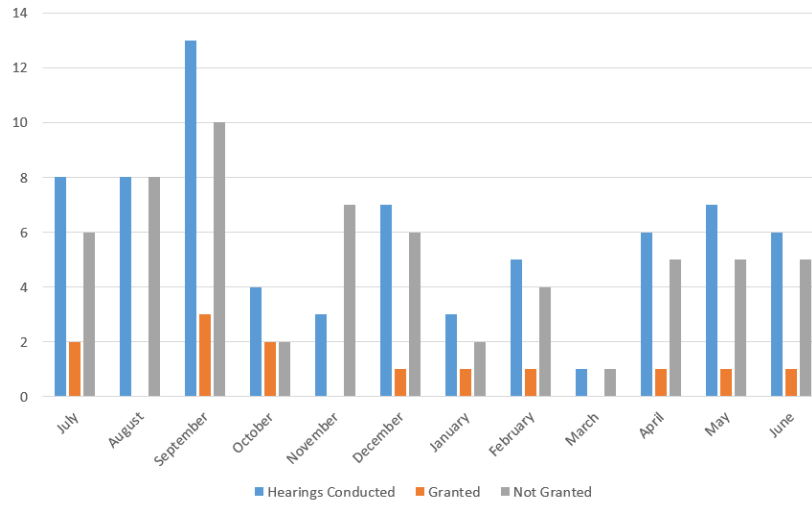


Total parole hearings: 253



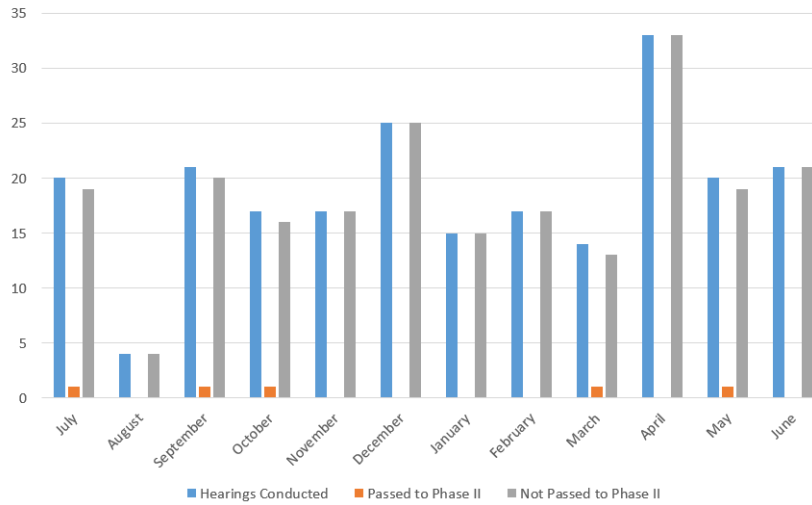
Total parole hearings:
97

Parole to the Next Count/Home Arrest ARS 31-412B/411



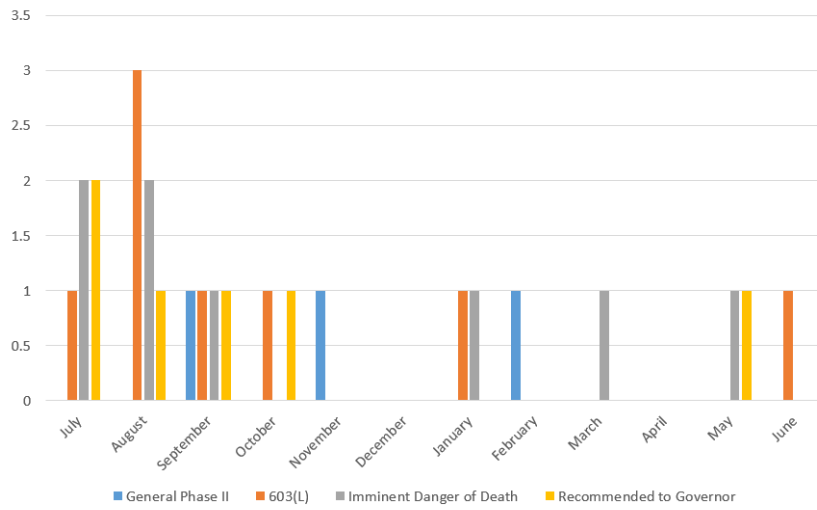
Total phase I hearings:
247

Commutation Phase I Hearings



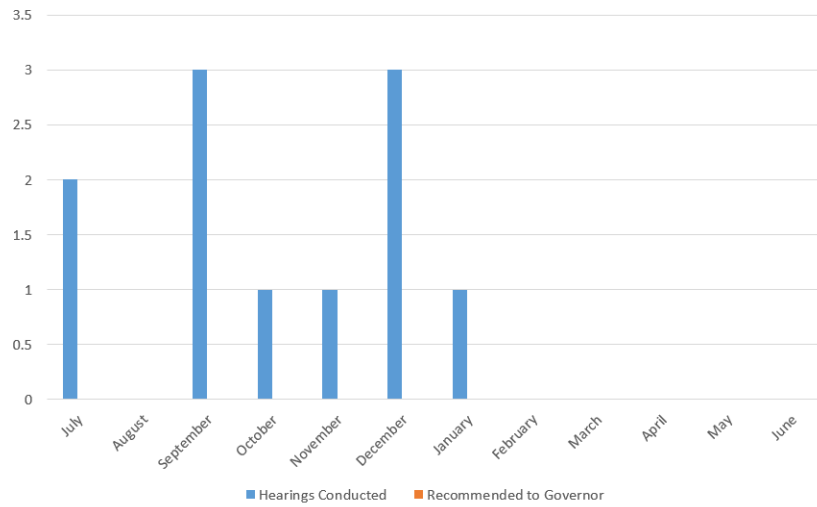
Total phase II hearings:
18

Commutation Phase II Hearings



Total pardon hearings:
11

Pardon Hearings



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.

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 also received services from the Victim Services Unit located in the Arizona Department of Corrections, Rehabilitation and Re-Entry. This unit 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 FY21, the Board was again granted funding of \$30,100 for the Board's Victim Notification Coordinator (customer service representative III). 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. Improving the process is a key part of the Board's strategic plan.

BOARD'S STRATEGIC PLAN HIGHLIGHTS

Commutation Burndown Plan

Problem: Inmates were not receiving a phase I hearing in a timely manner as there was a backlog of commutation cases (non-IDD).

Scope: There were 120 outstanding commutation hearings with received dates as early as May 2018.

Goal: Reduce the number of outstanding commutations so that incoming requests can be scheduled within 60 days of receipt by the agency by the end of calendar year 2019.

Status: The Board has eliminated the backlog and can schedule incoming commutation cases within 30-60 days.

Commutation Burndown Statistics

FY20/ 21	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
Rec'd	0	0	0	29	11	20	0	15	3	4	7	30
Goal	0	0	0	29	11	20	0	15	3	4	7	30
Actual	20	4	21	17	17	25	15	17	14	33	20	21

Revocation Hearing Scheduling Process Improvement

Problem: The Supreme Court suggested that parole (and presumably TIS) revocation hearings should be scheduled within approximately 60 days.

Goal: Schedule 95% of revocation hearings within 60 days in cases where an inmate has not been charged with a new crime, and 100% of revocation hearings within 90 days where an inmate has not been charged with a new crime.

Status: In FY21 99.2% of revocation hearings were scheduled within 60 days and 99.94 (all but 1) revocation hearings were scheduled within 90 days.

Board Member Training

Problem: Board members should receive ongoing training throughout the year.

Goal: Conduct at least 8 hours of ongoing training each fiscal year.

Status: The Board received 8 hours of ongoing training from entities including the Arizona Justice Project, the Maricopa County Attorney's Office, and the Department of Corrections.

Implement Victim Satisfaction Survey Process

Problem: The Board is required as part of its Victim's Services grant to conduct a victim satisfaction survey to all victims. The Board did not send out this survey, so it was not complying with the statute.

Scope: The Board was not complying with this statute in all cases with victims.

Goal: To provide the victim satisfaction survey to all victims and monitor return rate to set goal.

Status: The Board began sending a victim satisfaction survey out to victims in August 2019 and was able to comply with its grant obligations.