

ARIZONA



BOARD OF EXECUTIVE CLEMENCY

Annual Report
Fiscal Year 2022

ARIZONA BOARD OF EXECUTIVE CLEMENCY

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



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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 2022 Annual Report. In this document, I provide updates regarding some of the activities executed during the 2021 and 2022 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. 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 Reentry (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 2023.

Sincerely,



Mina Méndez
Chair

BOARD HIGHLIGHTS

FISCAL YEAR 2022

Board Operations

- ❖ The Board conducted 1,817 hearings in FY2022.
- ❖ The Board's Hearing Officer held 347 probable cause hearings.
- ❖ The Board conducted two capital case commutation hearings.
- ❖ Through strategic planning, the Board has maintained the elimination of its backlog of commutation cases.

Administrative Operations

- ❖ Staff members continue to crosstrain on all functional areas to ensure the needs of the Board are met.
- ❖ The prior addition of the boardroom clerk has been extremely beneficial in streamlining the Board's day-to-day management and ensuring ease of public participation in all hearings.
- ❖ Visual management regarding scheduling of hearings, Board packet completeness and timeliness of processes was implemented.
- ❖ All administrative staff updated processes for capital clemency hearing cases, two of which were conducted in FY2022 for the first time in more than 7 years.
- ❖ Victim Services staff and the Executive Director attended training by the Attorney General's Office on compliance with Victim's Rights laws.
- ❖ The need for a Chief Operating Officer to assist with Board financial and budget matters was identified and partial funding was included in the general appropriation budget.
- ❖ The agency spent a large portion of the fiscal year planning and preparing for the office move occurring in early FY2023.

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

The Board of Executive Clemency is composed 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.

Chair Mina Méndez ~ Term Expiration: January 18, 2027



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. 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 19, 2026



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 18, 2027



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 ~ Vacant

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. Kathryn served the Board as the Executive Director through April 2022.

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 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

Operations Manager	Marcellina Valverde	AUN 06532
Administrative Services Officer I	Maria Encinares	AUN 06895
Executive Staff Assistant	Kaitlin Whitton	AUN 02542
Boardroom Clerk	Kelly Shafer	AUN 02542

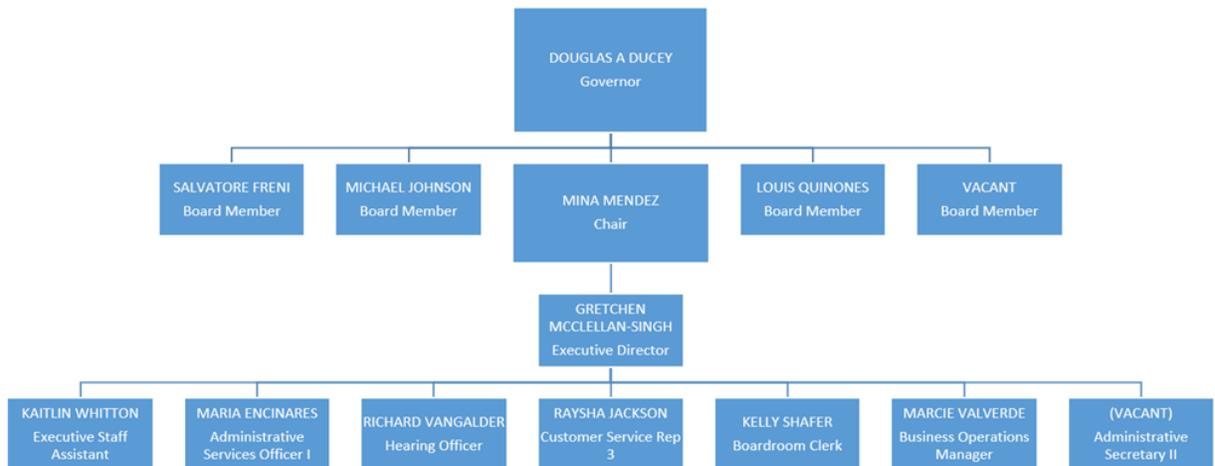
The Administrative Support Staff have technical, complex duties and responsibilities that require a specific knowledge and skill set. Each of these staff members gathers, and maintains, statistical

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 08330

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 FY2022 General Fund appropriation was \$1,153,300. The Board also received \$23,422 in grant funds from the Arizona Attorney General's Victims' Rights Program through the Office of Victim Services for partial funding of the Victim Notification Coordinator position. This year, the Board experienced some savings due to vacancies that were utilized for expenses related to the office move occurring in early FY2023.

BOARD ACTIVITY

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, continue to significantly increase the Board's caseload currently and 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.

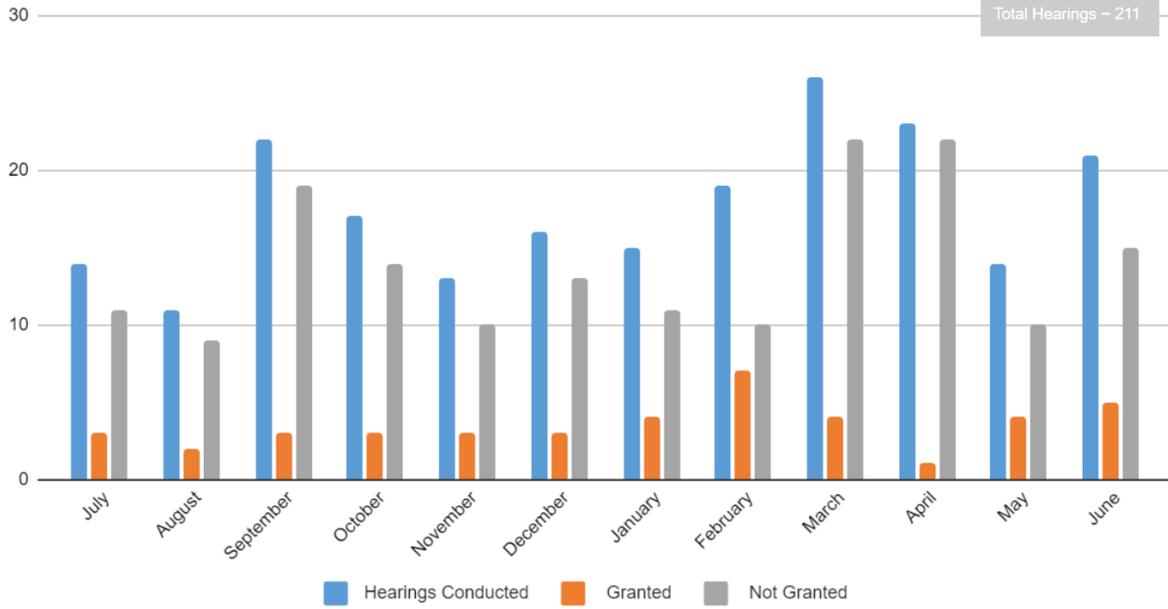
However, a significant amount of Board time is spent on a dramatically larger docket of parole and TIS revocation hearings. These hearings arise when an inmate on release status violates the conditions of release and ADCRR issues a warrant of arrest. The issues at the hearing can consist of technical 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

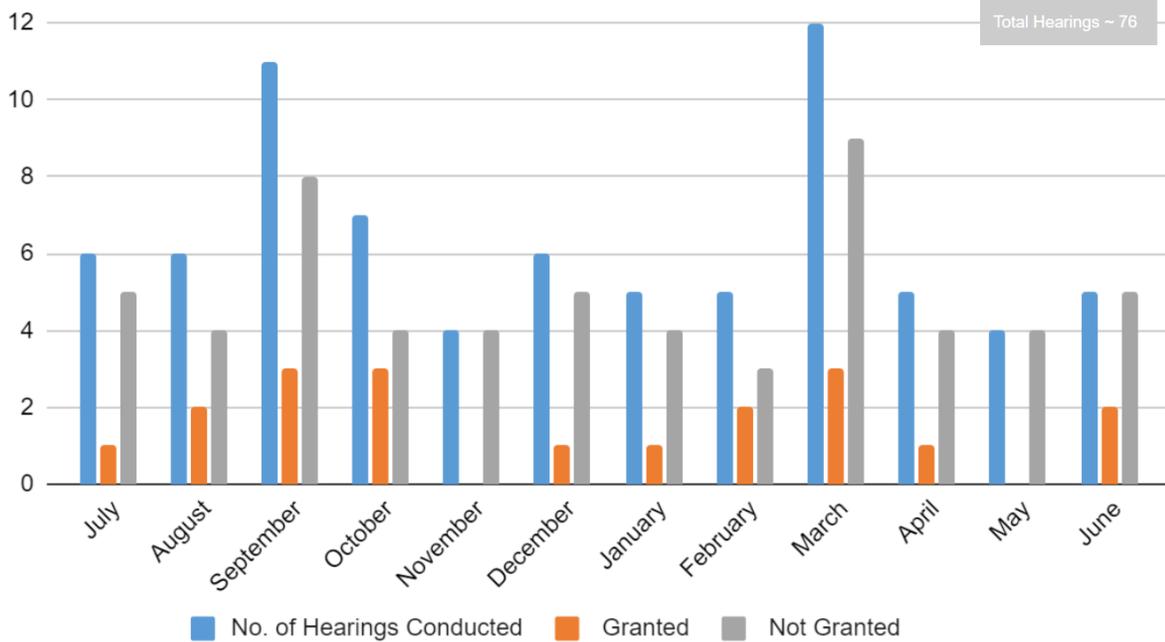
Perhaps the most visible work of the Board involves executive clemency proceedings, which are petitions from individuals seeking clemency in the form of a pardon, a commutation of sentence including in death penalty matters, and reprieve. These matters require a majority vote in order to be recommended 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

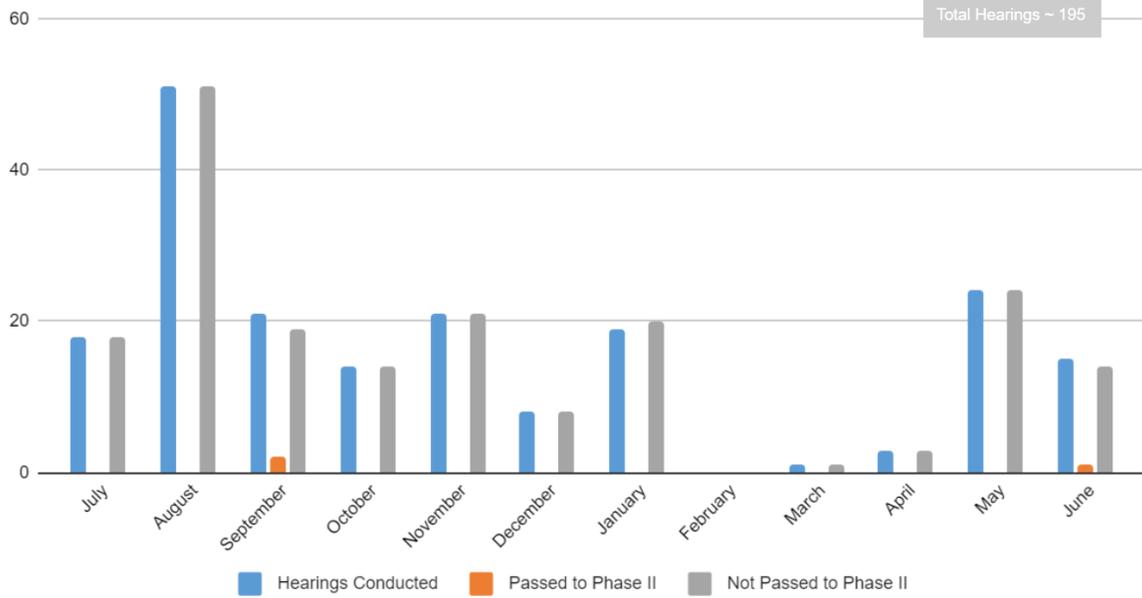
General Parole ~ Home Arrest ~ ARS § 31-412A/411



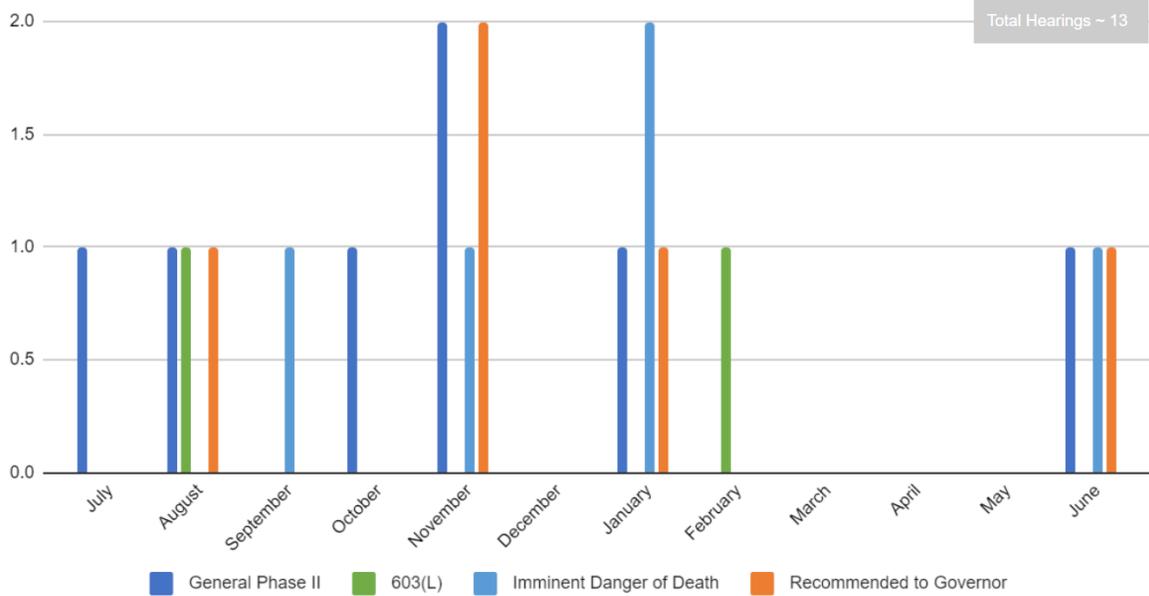
Parole to Next Sentence ~ ARS § 31-412B/411



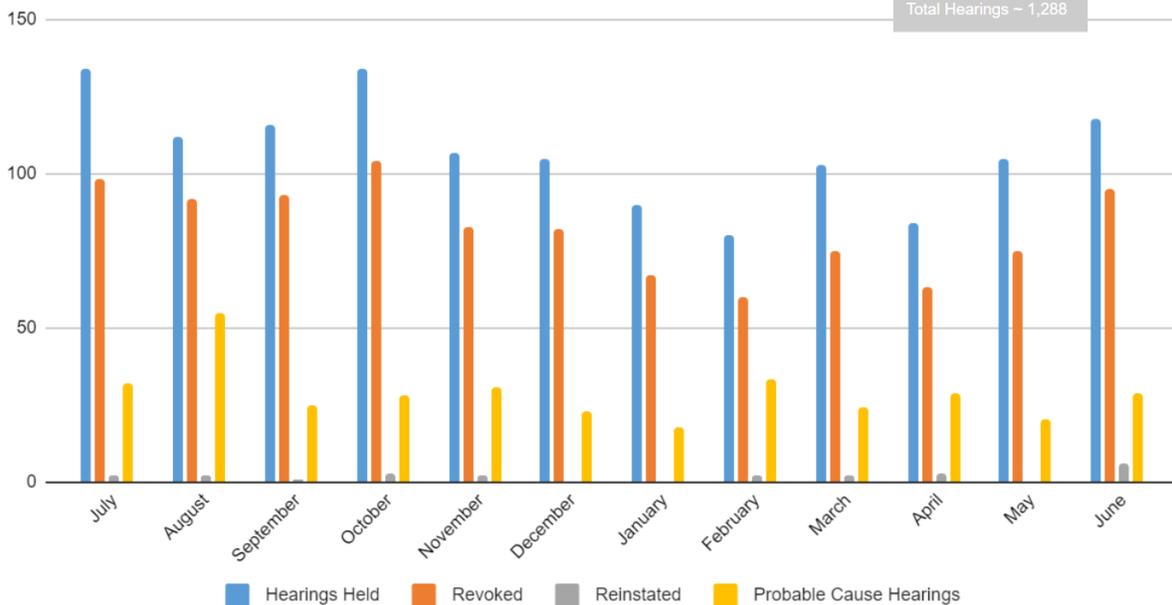
Commutation Phase I Hearings



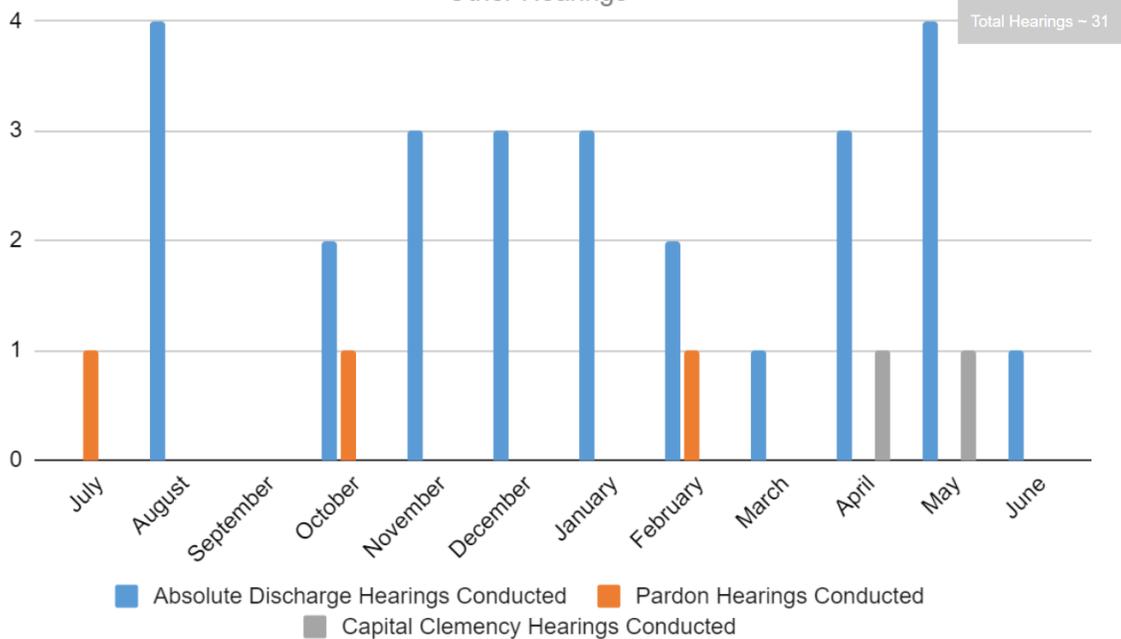
Commutation Phase II Hearings



Revocation Hearings



Other 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 crime victims. This is set forth in A.R.S. §13-4417(A) Request for notice; forms; notice system.

Board Members are informed of victims' intent to participate at a hearing and receive the outcome of that hearing. Victims may exercise their right to participate virtually, by phone, in person, or via written statements. Most victims also receive advocacy services from the Office of Victim Services with the Arizona Department of Corrections Rehabilitation and Reentry.

Since 2015, the Board has received grant funding from the Arizona Attorney General's Office of Victim Services under the Victims' Rights Program. In FY2022, the Board was again granted funding of \$23,422 for the Board's Victim Notification Coordinator (Customer Service Representative III). The Board's Victim Notification Coordinator provides statutory notice to opted in victims of upcoming hearings, their right to provide input and the outcome of any proceeding. Victims may also request that certain conditions and restrictions be imposed on the offender if released to supervision. Victims are surveyed to solicit important feedback to continue to improve the process. Improving the process is a key part of the Board's strategic plan.

STRATEGIC PLAN HIGHLIGHTS

On-going Staff Training and Development

Problem: Staff should be cross trained in all functional areas and standard work should be created for all staff positions.

Goal: To complete cross training for all staff on the packet preparation process for all hearing types.

Status: In FY2022 staff members were trained in packet preparation for all hearing types. Checklists for each hearing type were updated or created and their use was implemented.

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 more than 8 hours of ongoing training from entities including the Arizona Attorney General's Office, the Maricopa County Attorney's Office, the Arizona Department of Corrections Rehabilitation and Reentry, and the Association of Paroling Authorities International.

Maintain Elimination of Commutation Backlog

Problem: The Board previously eliminated a backlog of 120 cases. The goal is to maintain that progress.

Goal: To eliminate the backlog of pardon cases.

Status: The Board is implementing a process for pardon cases to ensure that there is no new backlog of commutations. The Board has maintained the progress by not having a backlog of commutation cases.