

# **Board of Pardons and Paroles**



## **ANNUAL REPORT**

**January 1, 1983 - December 31, 1983**

A N N U A L   R E P O R T

January 1, 1983 - December 31, 1983

TO:

The Honorable Bruce Babbitt  
Governor of the State of Arizona

and

The Thirty-Sixth Legislature of the State of Arizona

*SUBMITTED BY:*

John J. Sloss, Chairman

Richard M. Ortiz, Vice Chairman

Robert L. Araza, Member

Patricia V. Gilbert, Member

Arter L. Johnson, Member

BRUCE BABBITT  
GOVERNOR



ARIZONA  
BOARD OF PARDONS AND PAROLES  
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PHOENIX, ARIZONA 85013  
(602) 255-5656

JOHN J. SLOSS  
CHAIRMAN  
RICHARD M. ORTIZ  
VICE-CHAIRMAN  
MEMBERS  
ROBERT L. ARAZA  
PATRICIA V. GILBERT  
ARTER L. JOHNSON  
NANCY J. HARRIS  
EXECUTIVE DIRECTOR

TO: THE HONORABLE BRUCE BABBITT, GOVERNOR OF THE STATE OF ARIZONA

and

MEMBERS OF THE THIRTY-SIXTH LEGISLATURE OF THE STATE OF ARIZONA

\* \* \*

Legislation enacted during the past two sessions coupled with the ever-expanding prison population have tremendously impacted the Arizona Board of Pardons and Paroles during the last year.

With additional changes enacted during the special session, the Board looks forward to continued growth and expansion in its scope of responsibility.

On behalf of the Board of Pardons and Paroles, I have the honor of herewith submitting the Annual Report of the Arizona Board of Pardons and Paroles for the period of January 1, 1983 through December 31, 1983.

Respectfully,

A handwritten signature in cursive script, appearing to read "John J. Sloss".

John J. Sloss,  
Chairman

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## Chapter I

### ... GENERAL INFORMATION ...

The Arizona Board of Pardons and Paroles consists of five (5) members appointed by the Governor and confirmed by the Senate for staggered five (5) year terms. According to A.R.S. 31-402, Board members shall be appointed on the basis of broad professional or educational qualifications and experience and shall have demonstrated interest in the State's correctional program. No more than two (2) members shall be from the same professional discipline. A.R.S. 31-402 states:

*"The Board of Pardons and Paroles shall have exclusive power to pass upon and recommend reprieves, commutations, paroles and pardons. No reprieve, commutation or pardon may be granted by the Governor unless it has first been recommended by the Board."*

The statute also requires the Board to prepare and deliver to the inmate and the Director of the Department of Corrections a written statement specifying individualized reasons for denial of parole or absolute discharge.

When an executive clemency or parole is being considered, the Board must notify at least thirty (30) days prior to the hearing, the Presiding Judge of the Superior Court, the County Attorney of the county in which the inmate was sentenced, the Attorney General, and the victim(s) of the offense or the family of the victim(s) if the victim(s) died as a result of the prisoner's conduct.

During each month of the year, members of the Board travel to all state adult correctional institutions to conduct hearings. The Board traveled to the following institutions: Arizona State Prison, Florence; Arizona Correctional Training Center, Tucson; Safford Conservation Center, Safford; Fort Grant Training Center, Fort Grant; Alhambra Reception and Treatment Center, Phoenix; Arizona Center for Women, Phoenix; Arizona Correctional Training Center, Perryville. Hearings were also held at the Board office in Phoenix.

A.R.S. 31-411(E) empowers the Board to impose special conditions of parole in order that the best interests of society and the prisoner are served. These conditions include participation in a rehabilitation program or counseling, performance of community service work, voluntary commitment to the state hospital for part or all of the parole period, and reimbursement to the state for the costs of parole supervision.

The Board may make rules and regulations not inconsistent with law, as it deems proper for conducting of its business as provided for in the Administrative Procedures Act. Board rules filed with the Secretary of State clarify the procedures for all actions taken by the Board and its staff.

## CHAPTER II

### ... HISTORY ...

Since Arizona became a state, the Board of Pardons and Paroles has undergone a number of significant changes. In 1914, the Legislature established a three-member Board with the Chairman appointed by the Governor, and the Superintendent of Public Instruction and the Attorney General serving as the other two members. In 1966, the Board was expanded to include five part-time members, each appointed by the Governor and serving five-year terms. This was amended in 1968 by the creation of the three-person, full-time Board, with members appointed by the Governor and confirmed by the State Senate. Each of these members served a three-year term. In 1978, the Legislature increased the size of the Board to five full-time members, each serving a five-year staggered term, appointed by the Governor and confirmed by the State Senate. This action by the Legislature was done in conjunction with the passage of the New Criminal Code and was following the trends across the country of increasing the size of the Boards to a minimum of five members.

### ... MEMBERS - BOARD RESUMES ...

*JOHN J. SLOSS*, appointed in October 1978, and re-appointed in January 1982, received his B.S. degree in Public Administration and an M.S. degree in Addiction Studies. He has been involved with the criminal justice system in Arizona since 1967. His experience includes working for the Arizona Department of Corrections in both institutional and community programs and serving as the Community Coordinator for Pima County Juvenile Justice collaboration. He is also a graduate of a Special Institute for Criminal Justice Executives, sponsored by the National Institute for Corrections. In November 1980, he received an award from the University of Arizona Corrections Society for his contributions to Corrections. He served as Vice Chairman of the Board from January 1981 to January 1983, and has served as Chairman from January 1983 to the present.

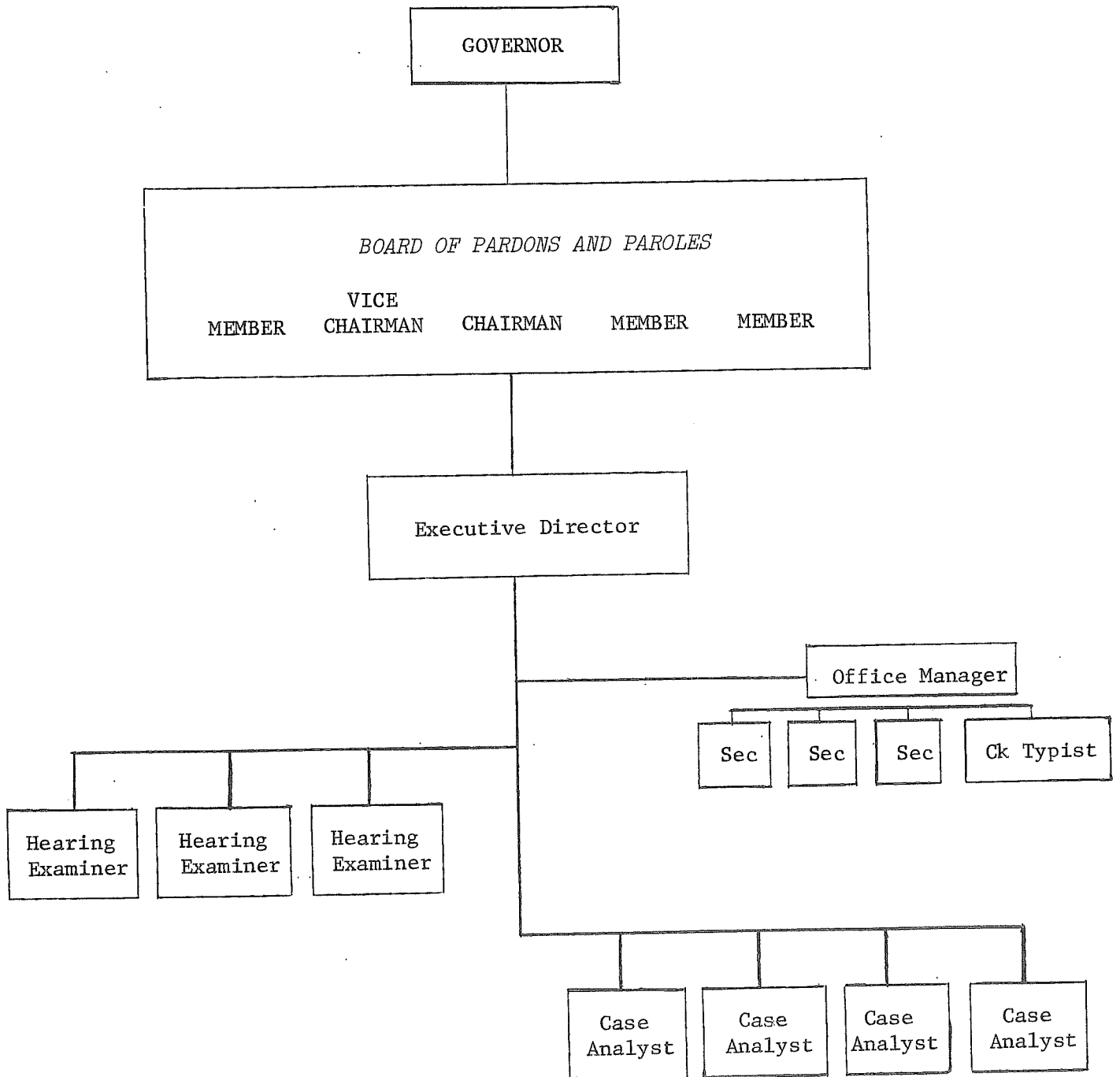
*ROBERT L. ARAZA*, was appointed January 1975, re-appointed January 1978 and re-appointed January 1981. He was elected Chairman of the Board for fiscal year 1975-76, Vice-Chairman for 1977-78, and Chairman from 1978-81. Mr. Araza has a total of twenty-one (21) years experience in the criminal justice field, which includes Chief Juvenile Probation Officer and Administrator of the Yuma County Juvenile Court Center. He was a member of the Arizona Justice Planning Supervisory Board from 1976-1982. Mr. Araza was National delegate to the United States Parole Symposium, Washington, D.C. in 1980. He was also the selected delegate for the International Citizen Ambassador Program to the People's Republic of China in 1981. In addition, he was chosen as the delegate to Australia in 1983 for the exchange of criminal justice information and programs which parallel counterparts. Mr. Araza holds a B.A. degree in Public Management.

*PATRICIA VELIZ GILBERT*, appointed by Governor Babbitt in April 1983, received a B.A. degree in Secondary Education from the University of Arizona and is continuing post-graduate studies on a Masters in Criminal Justice from Arizona State University. Ms. Gilbert has been a member of the Arizona Commission on Crime and most recently, has graduated from the Parole Decision-Making Seminar sponsored by the National Institute of Corrections. In 1979, she served as the Coordinator of the Policy and Procedures Rule Book for the Arizona Board of Pardons and Paroles. Ms. Gilbert has served as Chairman of the State Public Affairs Committee of the Junior Leagues of Arizona, representing them at the Association of Junior League Public Affairs Conference in Washington, D.C. She has been Chairman of the Criminal Justice Task Force Public Affairs Committee, and serves as Community Vice-President for the Junior League of Phoenix. Ms. Gilbert is a member of Valley Leadership, Arizona Academy and Phoenix Town Hall.

*ARTER L. JOHNSON*, appointed in 1978, was the first Operational Manager of a statewide offender rehabilitation program under the auspices of the Department of Economic Security. During his ten (10) years with the Model Ex-Offender Program he also served on the Board of Directors of 7th Step, O.K. Community, B.L.K. (pilot project for older ex-offenders) and Women in Transition. He was selected Chairman July 1981 to a term ending January 1983.

*RICHARD M. ORTIZ*, was appointed by Governor Babbitt in October of 1981, and re-appointed in January, 1984. Prior to assuming this position, he was serving as Justice of the Peace for the Flagstaff Precinct in Coconino County. Mr. Ortiz has also served as Chief Juvenile Probation Officer of Coconino County, Chief Adult Probation Officer, and was also a police officer for the City of Flagstaff during his undergraduate studies at Northern Arizona University. Mr. Ortiz holds a B.S. degree in Police Science and Administration from Northern Arizona University.

*CAROL MCGREW PAVILACK*, received a B.A. degree from Wellesley College and an M.S. from Arizona State University in Criminal Justice. Ms. Pavilack has been involved in various volunteer endeavors; some are in the criminal justice area. Since her appointment in October 1978; and a re-appointment in January 1980, she coordinated the America Paroling Authority mid-winter conference in Phoenix, Arizona in 1980. She served as Vice-Chairman from October 1978 to March 1980. During fiscal year 1982, she served on the Alternatives to Incarceration Committee, an appointment by the Chairman of the Board of Supervisors, and on the Arizona Crime Commission, an appointment by the Governor. Mrs. Pavilack resigned her position with the Board of Pardons and Paroles to accept an appointment by President Reagan as a United States Parole Commissioner to the United States Parole Commission, early in 1983.





... HEARING EXAMINER PROGRAM ...

A.R.S. 31-402(D) allows the Board to employ Hearing Examiners as deemed necessary to conduct parole and absolute discharge hearings and to make recommendations to the Board; however, according to the statute, no prisoner eligible for parole or absolute discharge will be denied parole without an opportunity to appear before the Board. It should be noted that by statute, the Hearing Examiners shall not conduct hearings for Commutations of Sentence, Pardons, Reprieves or Parole Revocations.

It is the responsibility of the Hearing Examiners to conduct interviews on behalf of the Board with those inmates certified eligible for parole consideration. Interviews are conducted monthly on a one-on-one basis at the various Arizona Department of Corrections' adult institutions and facilities throughout the State of Arizona. The Hearing Examiners then make recommendations and present their assigned cases to the Board for review.

In November, 1982, two (2) Hearing Examiners were employed by the Board. Due to the ever-increasing inmate population, the number of inmates certified by the Arizona Department of Corrections for consideration before the Board, and the expansion of Department of Corrections' facilities, it was necessary to hire a third Hearing Examiner in August, 1983. During calendar year 1983, Hearing Examiners conducted 2,467 hearings.

... CASE ANALYST PROGRAM ...

During fiscal year 1982-1983, the Board through training increased the professionalism and expanded the Case Analyst program. A tremendous increase in the number of inmates certified to the Board by the Arizona Department of Corrections for parole consideration, has created a commensurate growth in the workload of the analysts. As a result, it was necessary in September, 1983, to expand this segment of the Board's professional staff from three (3) to four (4) analysts.

Analysts aid the Board in making investigations, securing and researching information and in performing necessary administrative functions to assist the Board in passing upon applications for parole and executive clemency matters.

In addition to preparing comprehensive reports for all applications the Hearing Examiners will review and the Board will consider, the analysts are also responsible for conducting preliminary hearings to determine if there is probable cause to believe that a violation of parole has occurred.

During the year, the analysts compiled 4,269 reports. Of those, the analysts averaged 324 monthly parole reports, and the remaining were executive clemency reports, parole revocation reports and preliminary hearing reports..

... VICTIM NOTIFICATION ...

Pursuant to A.R.S. 31-411(F), the Board is required to notify the victim(s) of the offense for which the prisoner is incarcerated or the family of the victim(s) if the victim died as a result of the prisoner's conduct. As mandated by statute, notice to the victim(s) or victim's family shall be mailed to the last known address, shall state the name of the prisoner requesting the parole or commutation, shall set the date of the hearing on the application, and shall inform victim(s) or families of their right to submit written information to the Board concerning the release of the prisoner.

Parole Board staff members research files in Maricopa County to obtain the names and addresses of all victims or families of victims in order that the Board can meet this mandated notice. It requires approximately 40 hours per month of staff time to complete this research. The other Arizona counties research and provide this data to the Board office on appropriate forms provided to them for this purpose.

... VICTIM NOTIFICATION ...

NOTIFICATION RESPONSES/WRITTEN AND TELEPHONE

MONTH	LETTERS SENT	LETTERS RETURNED UNDELIVERED	FOR PAROLE	AGAINST PAROLE	NO OPINION OTHER	TOTAL
January	241	41			3	3
February	273	40		7	1	8
March	282	35		8	2	10
April	251	40		6		6
May	201	48		2	5	7
June	209	67		5	2	7
July	268	41	3	10	2	15
August	219	37	1	6	2	9
September	303	38		8	1	9
October	237	46		5	2	7
November	234	50		19	3	22
December	259	54		15		15
TOTALS:	2,977	537	4	91	23	118

## Chapter III

### ... GUIDELINES FOR BOARD DECISIONS ...

Certain factors have been designated important when a person's case is being considered by the Board; however, the Board is not limited to these factors if there is substantial reason to believe the person will engage in further criminal conduct or will not conform to specified conditions of parole. In its thorough and impartial investigations, the Board may consider any or all of the following factors:

#### 1. Prior History

- a) The inmate's employment history, education, occupational skills and training (including military training).
- b) The inmate's illegal use of controlled substances or past habitual and excessive use of alcohol or drugs.
- c) Any recommendations made by the sentencing court.
- d) The inmate's behavior and attitude during any previous experience of probation or parole, and the recency of such experience.
- e) Circumstances of the offense for which the inmate is serving a sentence.
- f) Any protests or recommendations filed with the Board regarding the inmate's suitability for parole.
- g) Any record which the inmate may have of past offenses.

#### 2. Prison Record

- a) The inmate's ability and readiness to assume obligations and undertake responsibilities.
- b) The inmate's vocational, educational, and other training since incarceration.
- c) The inmate's conduct during his term of imprisonment.
- d) Any noticeable attitudinal change since the offense for which the inmate was incarcerated.
- e) The physical and emotional status of the inmate.
- f) The inmate's positive efforts on behalf of himself or on behalf of others.

#### 3. Forward View

- a) The inmate's family status, including whether his relatives display an interest in him or whether he has other close and constructive associations in the community.
- b) The inmate's immediate and long-range residential plans.
- c) The adequacy of the inmate's plans or prospects upon release.
- d) The availability of community resources to assist the inmate.

CHAPTER IV

... BOARD ACTION STATISTICS ...

Calendar Year

	1980	1981	1982	1983
<i>PAROLES:</i>				
Refused to appear	305	345	505	349
Number of hearings	1,151	1,605	1,913	2,196
Number of paroles approved	701	805	1,051	1,253
Number of paroles denied	450	800	862	943
% approved	61%	50%	55%	57%
<i>PAROLES TO CONSECUTIVE SENTENCES:</i>				
Number of hearings	76	103	157	240
Number of paroles approved	55	49	97	167
Number of paroles denied	21	54	60	73
% approved	72%	48%	62%	70%
<i>PAROLES TO DETAINERS:</i>				
Number of hearings	67	51	101	118
Number of paroles approved	67	48	98	116
Number of paroles denied	-0-	3	3	2
% approved	100%	94%	97%	98%
<i>PRELIMINARY HEARINGS:</i>				
Number of hearings	74	78	42	54
Probable cause found	73	74	42	54
Probable cause not found	1	4	-0-	0
% of probable cause found	99%	95%	100%	100%
<i>PAROLE REVOCATION HEARINGS:</i>				
Number of hearings	85	171	177	254
Number of paroles revoked	83	167	176	252
Number of paroles not revoked	2	4	1	2
% of hearings resulting in paroles revoked	98%	98%	99%	99%
No. & (%) of revocation for technical violation	36(43%)	59(35%)	91(52%)	153(60%)
No. & (%) of revocation for new offense	49(59%)	112(67%)	86(49%)	99(39%)
<i>COURTESY HEARINGS:</i>	7	8	10	13

	1980	1981	1982	1983
<i>ABSOLUTE DISCHARGE FROM PAROLE:</i>				
Number of Hearings	90	99	48	50
Number of discharges granted	42	23	12	16
Number of discharges not granted	48	76	36	34
% granted	47%	23%	25%	32%
<i>TIME FORFEITURES:</i>				
Number of Hearings	-0-	-0-	-0-	-0-
Number with time forfeited	-0-	-0-	-0-	-0-
<i>TIME RESTORATIONS:</i>				
Number of Hearings	1	2	-0-	8
Number with time restored	-0-	-0-	-0-	-0-
<i>RESCISSIONS, REHEARINGS &amp; AMENDMENTS TO BOARD ACTIONS</i>				
	20	34	70	123
<i>COMMUTATIONS OF SENTENCES:</i>				
Number of applications/hearings	262	80	94	119
Number granted personal hearing	31	8	24	24
Number recommended to Governor	11	4	5	3*
No. not recommended to Governor	251	76	89	116
% recommended to Governor	4%	5%	5%	2.5%
Number granted by Governor	4	2	3	0
Number denied by Governor	7	2	2	2
<i>PARDONS</i>				
Number of hearings	8	5	12	3
Number recommended to Governor	6	2	4	3
Number not recommended to Gov.	2	3	8	-0-
% recommended to Governor	75%	4%	33%	100%
Number granted by Governor	6	1	4	2
Number denied by Governor	-0-	1	-0-	1
<i>REPRIEVES:</i>				
Number of hearings	1	2	-0-	13
Number recommended to Governor	-0-	-0-	-0-	2**
No. not recommended to Governor	1	2	-0-	11
% recommended to Governor	0%	0%	0%	15%
Number granted by Governor	-0-	-0-	-0-	-0-
Number denied by Governor	-0-	-0-	-0-	-0-
<i>TOTAL NUMBER OF HEARINGS:</i>	1,873	2,246	2,648	3,215
<i>AVERAGE NO. OF HEARINGS PER MO.</i>	156	187	220	267

\* 1 individual died prior to delivery of package to the Governor

\*\* Both of the reprieves recommended were withdrawn due to Stays of Execution being issued by the Court.

... OVERVIEW OF NEW STATUTORY MANDATES ...

The Board of Pardons and Paroles granted 302 hearings pursuant to A.R.S. 31-233(G) during 1983. This statute provides that when there is a shortage of beds available within the Department of Corrections, the Director may suspend eligibility requirements for class 4, 5 and 6 felons whose offense did not involve the use of a deadly weapon or instrument and who have not previously been convicted of a felony. Of the 302 inmates heard by the Board, parole was granted to 188. During December 1982, 123 inmates were paroled under this statute to relieve overcrowded prison conditions. Of the 311 individuals who have been granted parole pursuant to this special release mechanism, only 20 or 6.4% have had their paroles revoked.

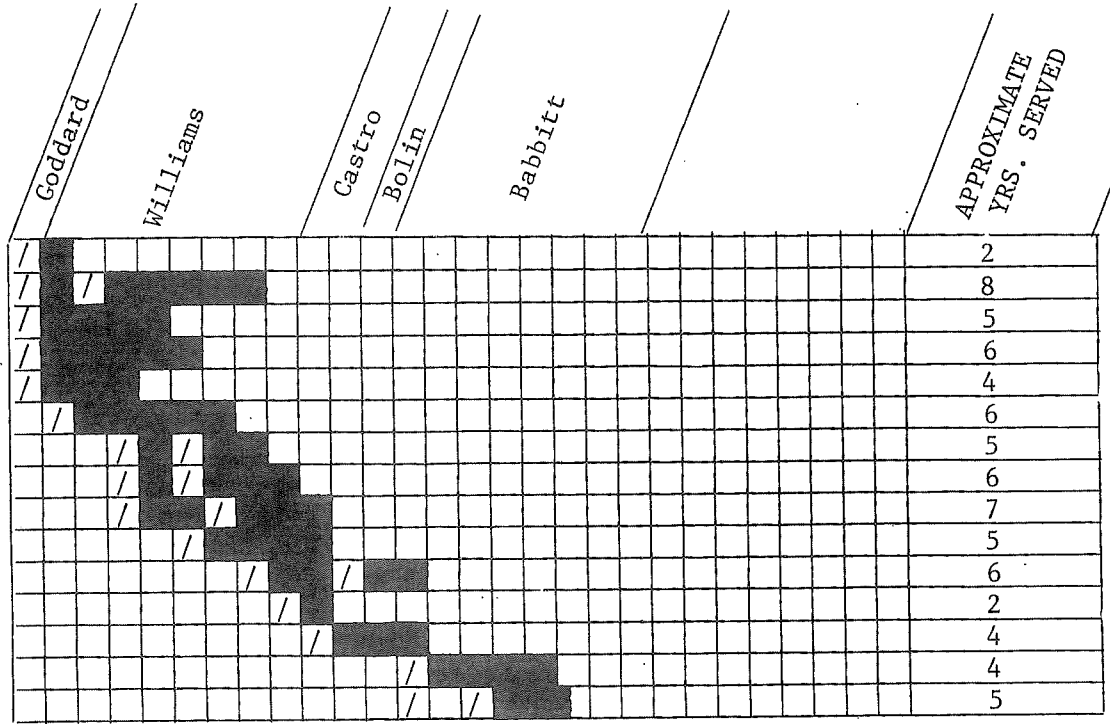
During the 1983 Legislative Session, A.R.S. 31-411 was amended, empowering the Board to impose any condition(s) of parole that it deemed appropriate. One of the conditions the Board was empowered to apply to paroles was that of community service work for parolees. Since this act became law in July, 1983, the Board has conditioned community service work for 19 parolees. The Board is also empowered to set as a condition of parole voluntary commitment to the State Hospital, which it did in 2 cases during the past year. Finally, this act empowers the Board to set as a condition reimbursement to the State for part of the cost of parole supervision. Since July of 1983, the Board has set \$15 per month as the fee to be paid. This amount has been set in 386 cases of those individuals paroled within the state of Arizona.

Also during the past Legislative Session, A.R.S. 31-412 was amended to mandate that the Board set as a condition of parole any court-ordered restitution. During the last half of 1983, the Board paroled 5 inmates with court-ordered restitution and has ordered this restitution to be paid in all of these cases.

/GOVERNORS/

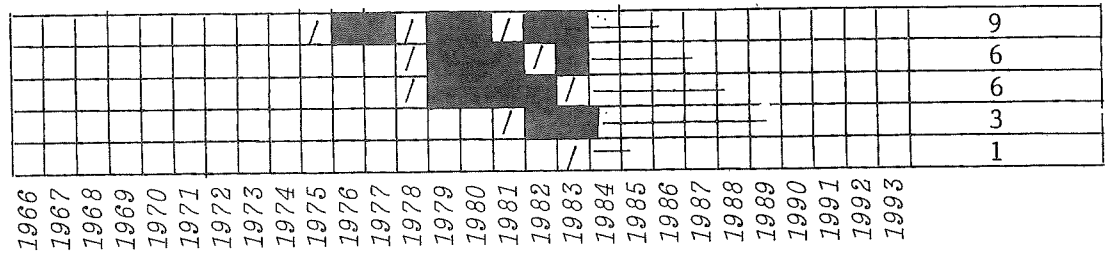
PAST MEMBERS

W. W. Witt  
 Donald Welker  
 William P. Reilly  
 A. Alan Hanshaw  
 Peter Byrne  
 Art Van Haren  
 Walter Michaels  
 Abraham Cruz  
 Keith Edwards  
 Walter Jacobs  
 Daniel Simmons  
 Olive O'Kier  
 Barnetta Anderson  
 Jerry Thompson  
 Carol Pavilack



PRESENT MEMBERS

Robert L. Araza  
 John J. Sloss  
 Arter L. Johnson  
 Richard M. Ortiz  
 Patricia V. Gilbert



KEY:      /      = Appointed/Re-appointed  
                  ■      = Years Served  
                  □      = Years to Serve

