

1987 ANNUAL REPORT



“MASTERING THE POSSIBILITIES”

Understanding The Process

STATE OF ARIZONA BOARD OF PARDONS & PAROLES



Patricia V. Gilbert

MASTERING THE POSSIBILITIES is the departure from the type of annual report previously provided by the Board of Pardons and Paroles. This departure from tradition stems from the public need to better understand the role of the Board in its relationship with the rest of the criminal justice system.

The relationship between the board and the public is "indirect." There are few opportunities for contact, and then, little evidence that the public has any clear sense of the function or operation of the board. This situation is unfortunate under any circumstances, but even more critical today.

Budget deficits in state government, media coverage of criminal incidents, and fear of victimization have politicized the criminal justice system's handling of offenders. Because parole boards operate at the end of the criminal justice process, they are often held responsible for the decisions of the entire system.

MASTERING THE POSSIBILITIES; UNDERSTANDING THE PROCESS initiates a renewed effort to inform the public about the role this board plays, its functions, and operations.

Patricia V. Gilbert
Board Chairperson

PARDONING THE PROCESS . . .

Additionally included the authority to:

order offenders prior to expiration of their full prison sentence.

That an independent body set conditions to be met by those offenders after

offenders to complete their prison terms if conditions of release are not met.

Clemency had its origin in ancient religious and governmental systems, parole in the English penal system of the 19th century. Our word "clemency" is derived from the Latin word "clemons," meaning merciful. The pardoning power is the most important form of executive clemency. The idea that justice should be tempered with mercy is as recorded history, and many early peoples recognized gods of mercy.

Not to be confused with probation or mandatory release...

Parole is a conditional release from incarceration which entitles the parolee to serve the remainder of his term outside the confines of a penal institution if he satisfactorily complies with the terms and conditions provided in the parole order.

Probation is a sentence to supervision in lieu of imprisonment. It is a judicial function; the sentencing agency is the sentencing court. The court sets the conditions and duration of probation; and, in the event of violation of a condition of probation, it is the sentencing court who determines whether revocation is warranted.

Mandatory release is different from mandatory release. The latter refers to the automatic release of an offender at expiration of the term as mandatory by statute. Mandatory release occurs when an offender has been denied parole, has refused parole, or is ineligible for parole. If, after release, the ex-prisoner may or may not be required to serve a period under supervision is required, it is the same as that provided to paroled prisoners.

POINTS OF CLARIFICATION

Myth: All people released from prison in Arizona are released on parole.

Fact: There are a number of releases other than parole;

Temporary release (TR)	Court
Expiration of sentence	Death
Mandatory release (MR)	Interstate Compact
Probation	Other discretionary releases
Work Furlough	

Myth: The Parole board decides who is released from prison.

Fact: No prisoner who is eligible for parole will be considered by the board unless that prisoner has been certified to the board as eligible by the Director, Department of Corrections.

Myth: The board supervises inmates granted parole from prison sentence.

Fact: Inmates granted parole by the board remain under the jurisdiction of the department of Corrections, parole division during the period of their parole.

WORK FURLOUGH...

Work furlough... is the supervised release of a prisoner pursuant to Arizona state law. A person in such status has not completed his sentence, but continues to serve his sentence under supervision outside a state penal institution. A person in such status is not on parole. Not all persons who serve their sentence outside an institution are on work furlough.

VICTIM NOTIFICATION...

A victim of the offense for which a prisoner is incarcerated, or the family of the victim of the offense if the victim died as a result of a prisoner's conduct, must be notified at least thirty (30) days prior to the board conducting a hearing on executive clemency, parole, work furlough or absolute discharge.

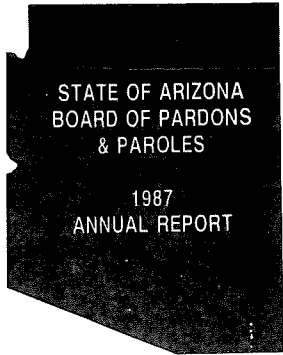
The notice shall state the name of the prisoner and the date of the scheduled hearing. The notice to the victim or the victim's immediate family shall inform them of their right to submit a written report expressing their opinion concerning the release of the prisoner. Such a report is reviewed by board members prior to deciding the issue under consideration.

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HISTORICAL PERSPECTIVE OF ARIZONA BOARD...

Originally established by legislative action in 1914, the board has evolved from an original three-member panel with the chairman appointed by the Governor, and other posts filled by the Superintendent of Public Instruction and the Attorney General, to the present day seven-member board, appointed by the Governor and confirmed by the state Senate, to serve five-year staggered terms. Operating authority and duties of the board are found in the Arizona Revised Statutes, 31-401, and subsequent sections. Board members are supported by a full-time staff of 33.

BOARD MEMBERS AND SCHEDULING

Six of seven board members serve on two separate 3-member panels that work to fulfill the monthly operating schedule. The seventh member, the chairman, handles the administrative functions of the board and its staff.



Ray Flores



Arter Johnson



Ron Johnson



Robert Kennerly



Dick Ortiz



Frank Startzell

ARIZONA BOARD OF PARDONS AND PAROLES

Hearings Held and Actions Approved, 1987

<u>Type of Hearing</u>	<u>Hearings Held</u>	<u>Per Month</u>
Board Review (Parole)	4,168	347.3
Personal Hearing (Parole)	3,049	254.1
In-Absentia Hearing (Parole)	96	8.0
Work Furlough	145	12.1
Absolute Discharge	36	3.0
Revocation	527	43.9
Rescission	93	7.8
Pardon	19	1.6
Reprieve	6	0.5
Commutation	51	4.2
Preliminary (Revocation/Rescission)	81	6.8
Courtesy	4	0.3
Modification	173	14.4
Other Special Hearings	3	0.2
Hearing Officer	4,619	384.9
TOTAL HEARINGS	13,070	1,089.2

<u>Type of Hearing</u>	<u>Actions Approved</u>	<u>Per Month</u>
Street Parole	1,808	150.7
Parole to Other Sentence	431	35.9
Work Furlough	30	2.5
Absolute Discharge	15	1.2
Revocation	454	37.8
Rescission	78	6.5
Probable Cause (Revocation/Rescission)	74	6.2
TOTAL ACTIONS APPROVED	2,890	240.8

<u>Executive Clemency Hearings</u>	<u>Recommendations to Governor</u>
Pardon	1
Reprieve	0
Commutation of Sentence	1
TOTAL RECOMMENDATIONS FOR EXECUTIVE CLEMENCY ..	2

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