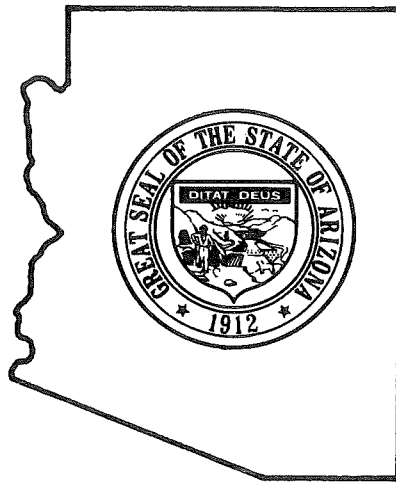


Board of Pardons and Paroles



ANNUAL REPORT

January 1, 1988 - December 31, 1988

and

July 1, 1988 - June 30, 1989

ARIZONA BOARD OF PARDONS AND PAROLES

ANNUAL REPORT
JANUARY 1, 1988 through DECEMBER 31, 1988
and
JULY 1, 1988 through JUNE 30, 1989

HONORABLE ROSE MOFFORD
Governor

ARTER L. JOHNSON
Chairman

ROBERT L. ARAZA
Member

ROBERT L. TUCKER
Member

RAY R. FLORES
Member

STAN F. TURLEY
Member

FRANK R. STARTZELL
Member

LUIS M. VEGA
Member

ROSE MOFFORD
GOVERNOR

MICHAEL D. GARVEY
EXECUTIVE DIRECTOR



ARIZONA
BOARD OF PARDONS AND PAROLES

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PHOENIX, ARIZONA 85007
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ARTER L. JOHNSON
CHAIRMAN

MEMBERS
ROBERT L. ARAZA
RAY R. FLORES
FRANK R. STARTZELL
ROBERT L. TUCKER
STAN F. TURLEY
LUIS M. VEGA

THE HONORABLE ROSE MOFFORD
Governor of the State of Arizona

AND


MEMBERS OF THE THIRTY-NINTH LEGISLATURE, SECOND REGULAR SESSION

The Arizona Board of Pardons and Paroles has experienced an active, progressive and challenging year. The expanding prison population coupled with the fiscal constraints of the current State deficit have added to the challenges we face; however, we have continued to strive for professional excellence and to meet all statutory requirements set forth for this Board.

Please note that this annual report covers an overlapping two year period. Due to the fact that all of our statistical reports are based on a fiscal year, the Board has converted its annual report from a calendar year reporting period to a fiscal year reporting period.

On behalf of the Arizona Board of Pardons and Paroles, I have the honor of submitting this annual report for the periods covering January 1, 1988 through December 31, 1988 and July 1, 1988 through June 30, 1989.

Respectfully Submitted,


ARTER L. JOHNSON
Chairman

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HISTORY OF THE ARIZONA BOARD OF PARDONS AND PAROLES

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-member, 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.

In 1984, the Board was increased to its present size of seven members, each appointed by the Governor and confirmed by the State Senate, to serve full-time staggered five-year terms.

The operating authority and duties of the Board are contained in A.R.S. § 31-401 and subsequent sections. Board Members are supported by an Executive Director who is responsible for the administrative functions of the Board and its staff, an Assistant Executive Director and a full-time staff of 30.

BOARD MEMBERS AND RESUMES

ARTER L. JOHNSON, the present Chairman of the Board of Pardons and Paroles, was appointed to the Board in 1978, was selected Chairman in July of 1981 to a term ending in January of 1983 and again selected as Chairman in January of 1989 to serve a term ending in January of 1991. Mr. Johnson was the Operational Manager of a statewide offender rehabilitation program under the auspices of the Department of Economic Security. During his ten years with the Model Ex-Offender Program he also served on the Board of Directors of the 7th Step, O.K. Community, B.L.K. (pilot project for older ex-offenders), and Women in Transition.

ROBERT L. ARAZA, was appointed to the Board in January, 1975, and re-appointed in January, 1978 and January, 1981. Mr. Araza left the Board in 1986 to accept a position with the Department of Corrections and was subsequently re-appointed to the Board in 1989. 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-eight 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 1976-82. 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.

RAY R. FLORES, was appointed to the Board by Governor Babbitt on May 8, 1986. He had served the State of Arizona for eight years on Control Boards which set compliance standards and which dealt with the many complex issues involving the State's health, welfare and enforcement in the areas of Pesticide and Liquor Control. He has also served as an Affirmative Action Officer with the Department of Health Services. He possesses a degree in Business Administration from Arizona Western College and is a native of Arizona with strong business and family ties in Yuma. During his professional career he has been actively involved in community projects which primarily focus on programs for youth, the disadvantaged and other social and human service programs.

FRANK R. STARTZELL, was appointed to the Board by Governor Mechem in March, 1987. He had served the city of Phoenix for twenty-one years as an officer and police sergeant with the Phoenix Police Department. His most recent assignment involved the direction of the Reserve Bureau, a 100 member volunteer

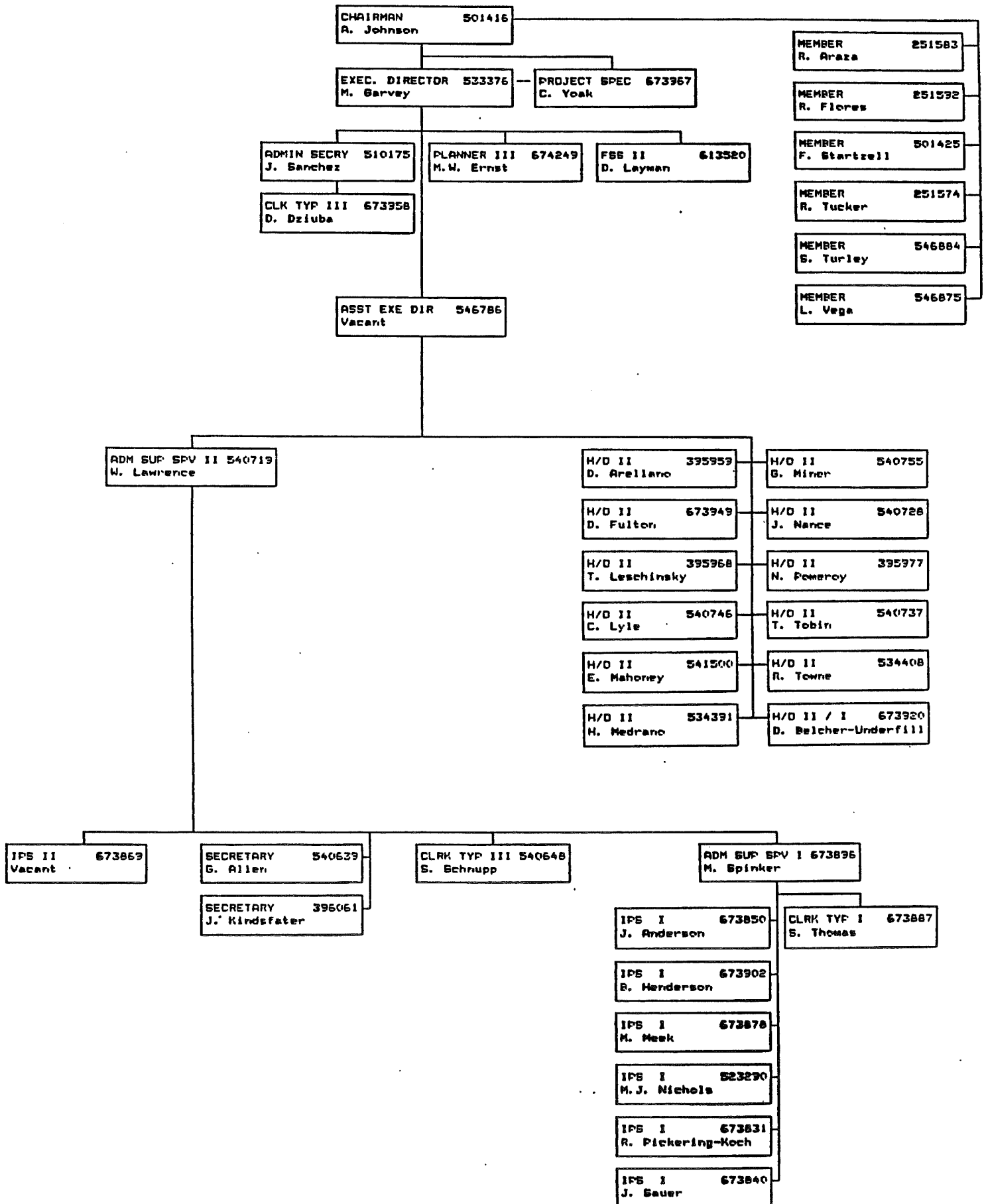
organization of reserve police officers and civilian support personnel. He has supervised such critical elements within the Department as Planning and Research, Regional Police Training Academy, Employment Services Bureau, Communications Bureau, Crime Resistance Unit and the Crime Prevention Unit. He prepared a feasibility study on the Predictability of Crime in Northeast Phoenix; A Plan for More Effective Deployment of the Phoenix Police Patrol Forces; and a management information report on the Phoenix Police Daily Dispatch Report. As an officer he served as Federal Aid Coordinator, Property and Narcotics Detective and Patrol. Mr. Startzell possesses a Bachelor of Arts Degree in Public Management. During his professional career he has been actively involved in such community interest projects as Foster Care Review and the Boys' and Girls' Clubs, with an interest in the Literacy Program.

ROBERT L. TUCKER, JR., the present Vice-Chairman of the Board of Pardons and Paroles, was appointed to the Board on April 24, 1989 by Governor Mofford. He has been active in the field of Corrections for over 20 years and has previously worked as a consultant for the Pima County Correctional Volunteer Center, as a Juvenile Probation Officer and Deputy Director for the Pima County Juvenile Court and as an Adult Probation Officer and Probation Officer Supervisor for the Pima County Adult Probation Department. He has been actively involved in local, State and National corrections during his entire criminal justice career. He has a B. S. degree in Correctional Administration with Distinction from the University of Arizona and is a graduate of the National College of Juvenile Justice Management Institute and the National Institute of Corrections National Corrections Academy. His civic involvement has included service as a volunteer basketball coach and board member for the Boys Clubs of Tucson and as a board member for Amity, Inc., a Tucson based non-profit drug prevention and treatment program.

STAN F. TURLEY, was appointed to the Board by Governor Mofford in March, 1989. He had served the citizens of Arizona for 14 years as a member of the State Senate, four of those years as Senate President and also served eight years as a member of the House of Representatives, two of those years as Speaker of the House. Mr. Turley was employed by 1st Interstate Bank in the Livestock and Agriculture Department for 19 years. He also was a self-employed farmer and rancher for 20 years. Mr. Turley served two years in the U. S. Air Corps during World War II and also served a two year mission for the Church of Jesus Christ of Latter Day Saints. He is a native of Arizona, born in Snowflake and raised on Sundown Ranch. He attended Aripine Elementary School, Snowflake High School and Brigham Young University.

LUIS M. VEGA, was appointed to the Board by Governor Mofford in May, 1989. Mr. Vega possesses a vast amount of work experience in administration, planning, correctional institutional work, parole, treatment services, contract administration, social work and judicial hearing procedures. He had previously worked as a Parole Officer with the Department of Corrections for four years; as a counselor at the Phoenix Residential Manpower Center; as Director of the Substance Program for Valle del Sol, Inc; as the Administrator with the Human Service Center for the City of Scottsdale; as a Resource Planner, Rehabilitative Program Development Specialist and Contract Administrator for the Department of Economic Security and most recently as a Hearing Officer for the Board of Pardons and Paroles. Mr. Vega possesses an Associate of Arts Degree in Liberal Arts, a Bachelor of Science Degree in Sociology and a Master of Social Work Degree.

ARIZONA BOARD OF PARDONS AND PAROLES
ORGANIZATIONAL CHART



TYPES OF HEARINGS CONDUCTED BY THE BOARD

GENERAL PAROLE 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 all the terms and conditions provided in the parole order.

PAROLE TO CONSECUTIVE SENTENCE A mechanism to parole an inmate to a consecutive sentence to be served in an institution. When an inmate is paroled to a consecutive sentence, the time remaining on the sentence from which he was paroled is held in abeyance to be later served under community supervision.

PAROLE TO DETAINER A mechanism to release an inmate to serve a sentence in the custody of another jurisdiction.

HOME ARREST PROGRAM A program for those inmates who are eligible to complete their prison sentence in the community. The Home Arrest program is a restrictive program designed to confine an inmate to his residence using active electronic monitoring surveillance and the supervision of a Home Arrest officer. A person in the Home Arrest Program is under inmate status and subject to all of the rules and regulations of the Department of Corrections. Except for authorized movements out of the residence, such as employment and mandated treatment programming, the inmate is confined to his residence.

WORK FURLOUGH A release from prison which allows the inmate to maintain gainful employment and pay restitution to the victim of his offense.

ABSOLUTE DISCHARGE There are two types of absolute discharge actions the Board may take. One is discharge from an institution pursuant to A.R.S. § 31-411. Also, the Board may discharge a person from parole supervision prior to the expiration date of the parole. Generally, the Parole Division of the Department of Corrections recommends the discharge to the Board because of exceptional performance while on supervision.

PARDON An act of grace or a remission of guilt, which absolves the convicted felon of the legal consequences of his crime and conviction. A full pardon restores those civil rights (except the right to bear arms) which may have been lost as a result of the conviction for which the pardon is granted. A pardon cannot be granted by the Governor unless it has first been recommended by the Board (A.R.S. § 31-402).

REPRIEVE A delay or temporary suspension of the carrying out of a punishment. The Governor may grant a reprieve upon written recommendation of the Board (A.R.S. § 31-402).

COMMUTATION OF SENTENCE A change or modification of a sentence imposed by the court. The Board assumes that sentences imposed by the court are fair and correct; however, sometimes circumstance occur during incarceration which indicate that justice would be better served if a commutation were recommended to the Governor.

COURTESY HEARINGS Upon request from another state, the Board conducts courtesy hearings for inmates from other states incarcerated in Arizona and submits reports and findings to the requesting jurisdiction.

RESCISSION A withdrawal of an action previously granted by the Board before the inmate actually enters the action status.

REVOCATION A withdrawal of an action previously granted by the Board after the inmate has entered the action status.

MODIFICATION A hearing held to determine if conditions of release should be modified or changed. A modification hearing is usually held at the request of a parole officer.

PAROLE ELIGIBILITY AND DECISION GUIDELINES

Each inmate sentenced to the Department of Corrections who has not completed his/her sentence, who has been certified to the Board by the Director pursuant to A.R.S. § 41-1604.06, A.R.S. § 31-233(I), or A.R.S. § 31-411 as eligible for parole either under the provisions of A.R.S. § 31-412(A) or § 31-412(B), and who is not on parole and has not been selected for parole, is eligible to be considered for parole by the Board. No inmate who is otherwise eligible for parole will be considered by the Board unless that inmate has been certified to the Board as eligible by the Director.

The Board will consider for parole each inmate who meets the eligibility requirements as set out above. Parole under the provisions of A.R.S. § 31-412(A) will be granted in every case unless the Board is satisfied that there is a substantial probability that the inmate will not remain at liberty without committing a new offense. Parole under the provisions of A.R.S. § 31-412(B) may be granted whenever the Board is satisfied that such parole is in the best interests of the State of Arizona. In reaching the decision whether to grant parole, the Board will be guided by its knowledge of human nature and of the ways of the world and will exercise its best judgment to determine the likelihood that the inmate will remain at liberty without committing a new offense or to determine the best interests of the State of Arizona as appropriate. In reaching that decision, the Board will consider the following factors:

1. Prior History

- a) The nature of the offense for which the inmate was committed;
- b) The inmate's past history of convictions and arrests;
- c) Whether any previous supervised releases have been granted to the inmate, and if so, the result of such supervision;
- d) The inmate's history of violent acts, including those in which a weapon was used;
- e) Whether the prisoner has been diagnosed as having any mental or emotional disorder which indicates a higher than normal risk of violent or recidivistic conduct; and
- f) Whether and the extent to which the inmate has been involved in substance abuse.

2. Prison Record

- a) The inmate's pattern of conduct while incarcerated, including any changes in that pattern;
- b) The inmate's custody level at the time of consideration;
- c) Whether the inmate has held a job or jobs while imprisoned, and if so, the degree of trust associated with those jobs together with the length of time that the job or jobs were held, and the inmate's performance record;
- d) Whether the inmate has participated in any educational or training programs while imprisoned, and if so, the prisoner's performance record in the program and whether it was successfully completed;
- e) The inmate's record of discipline while imprisoned, including the extent to which earned time credits have been forfeited;
- f) The presentation, conduct and demeanor of the inmate during any appearance before the Board; and
- g) Whether the inmate has participated in any appropriate counseling programs while imprisoned, and if so, whether they were successfully completed.

3. Forward View

- a) The willingness of the inmate to participate in rehabilitative programs if parole is granted;
- b) The inmate's possibility of securing and maintaining employment and job opportunities if granted parole; and
- c) Whether the inmate has any medical problem which would benefit from long term treatment away from a correctional institution.

In each particular case, the Board may also consider any other factor which it believes reflects on the likelihood that the inmate will remain at liberty without committing a new offense or on the best interests of the State of Arizona as appropriate. Parole will be granted by the Board only as a matter of grace and never as a matter of right. The Board retains complete discretion as to when to grant parole in each individual case and as to the weight to be given each factor in reaching its decision.

RISK ASSESSMENT: THE ARIZONA MODEL
BETTER PUBLIC PROTECTION FOR LESS COST

The Arizona Model of Inmate Risk Assessment was developed in 1986 to provide a tool to assist criminal justice decision makers in determining the degree of risk to the public posed by the potential release of a given criminal offender. The model was originally designed and implemented to assist the Board of Pardons and Paroles in making parole, work furlough and executive clemency decisions.

The Arizona Model provides a structure of measurement that most closely resembles the process of growth and abatement of criminal careers and that recognizes true and significant differences among offenders and offenses often neglected by other models. The resulting structure thus provides a more logical, intuitive and technically precise approach to classification, and one that exhibits a degree of validity that draws more from its link with reality than with the often artificial statistical correlations between classification criteria and outcome measures.

This is accomplished through a technique of "Reverse Chronological Scoring", whereby present and past offenses, including convictions, escape-like incidents, release revocations, and current major institutional violations, are scored in reverse time order and in a systematic fashion taking into account the number, severity, and age of individual events. Each such event is scored by subtracting the "Street Time Age" from the "Severity Score" for the event to arrive at a final score that is sensitive to the seriousness and age of the event and to the number of charges or counts associated with it.

The sum of all resulting scores across the complete reverse chronological history yields a composite "Criminal Career Score" which reflects both the accumulated culpability for present and past offenses, and the associated momentum of criminal activity dictating the likelihood of potential future crimes. The model thus serves the purpose of summarizing the past history, but with a very definite eye to the future. A companion "Career Violence Score" reflects the accumulated culpability for past violence and the potential for future violent activity.

The model demonstrates a decided affinity to the release decision-making process as the information on which the model is based includes those factors which experience has shown carry the most weight with decision-makers. Research has indicated that common classification factors not included in the model, such as substance abuse and employment history, age and other demographic variables, and mental health history, add but little to the overall predictive validity or utility of the model. However, to the extent that such factors may be useful in classifying offenders in certain contexts, decision-making guidelines incorporating these and other factors may be developed that maintain the basic integrity of the Arizona model. The Risk Assessment is but one component of information the Board has at its disposal for effective decision making.

BOARD ACTION STATISTICS
 JANUARY 1, 1988 through DECEMBER 31, 1988

TYPE OF HEARING	HEARINGS HELD	AVERAGE PER MONTH
Board Review (Parole)	692	57.7
Personal Hearing (Parole)	4,865	405.4
In-Absentia Hearing (Parole)	93	7.8
Work Furlough	246	20.5
Home Arrest	226	113.0 *
Absolute Discharge	24	2.0
Revocation	459	38.3
Rescission	82	6.8
Pardon	33	2.8
Reprieve	4	0.3
Commutation of Sentence	79	6.6
Preliminary (Revocation/Rescission)	18	1.5
Courtesy	0	0.0
Modification	30	2.5
Other Special Hearings	32	2.6
Hearing Officer	3,438	286.5
TOTAL:	10,321	860.1

TYPE OF HEARING	TOTAL NUMBER OF DECISIONS	ACTIONS APPROVED	PERCENTAGE
Parole	4,994	1,864	37.3%
Work Furlough	262	75	28.6%
Absolute Discharge	24	8	33.3%
Revocation	459	386	84.1%
Rescission	82	64	78.0%
Probable Cause	18	18	100.0%
Home Arrest	226	63	27.9%
TOTAL:	6,065	2,478	40.9%

EXECUTIVE CLEMENCY RECOMMENDATIONS	RECOMMENDED TO THE GOVERNOR
Pardon	2
Reprieve	2
Commutation of Sentence	2
TOTAL:	6

* Home Arrest was a new program that began in November, 1988.

BOARD ACTION STATISTICS
 JULY 1, 1988 through JUNE 30, 1989

TYPE OF HEARING	HEARINGS HELD	AVERAGE PER MONTH
Board Review (Parole)	0	0.0
Personal Hearing (Parole)	5,674	472.8
In-Absentia Hearing (Parole)	73	6.1
Work Furlough	440	36.7
Home Arrest	354	44.3 *
Absolute Discharge	30	2.5
Revocation	474	39.5
Rescission	65	5.4
Pardon	29	2.4
Reprieve	5	0.4
Commutation of Sentence	99	8.3
Preliminary (Revocation/Rescission)	30	2.5
Courtesy	0	0.0
Modification	11	0.9
Other Special Hearings	6	0.5
Hearing Officer	677	56.4
TOTAL:	7,967	663.9

TYPE OF HEARING	TOTAL NUMBER OF DECISIONS	ACTIONS APPROVED	PERCENTAGE
Parole	5,593	2,065	36.9%
Work Furlough	456	135	29.6%
Absolute Discharge	25	12	48.0%
Revocation	474	394	83.2%
Rescission	65	42	64.6%
Probable Cause	10	5	50.0%
Home Arrest	354	95	26.8%
TOTAL:	6,977	2,748	39.4%

EXECUTIVE CLEMENCY RECOMMENDATIONS	RECOMMENDED TO THE GOVERNOR
Pardon	3
Reprieve	2
Commutation of Sentence	4
TOTAL:	9

* Home Arrest was a new program that began in November, 1988.

