

**ARIZONA BOARD OF
PARDONS AND PAROLES**



**ANNUAL REPORT
FISCAL YEAR 1991-1992**

FIFE SYMINGTON
GOVERNOR



ROBERT L. TUCKER
CHAIRMAN

MICHAEL D. GARVEY
EXECUTIVE DIRECTOR

ARIZONA
BOARD OF PARDONS AND PAROLES

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MEMBERS
DUANE BELCHER SR.
KATHRYN D. BROWN
EDWARD M. LEYVA
ANNA MAY RIDDELL
CRAIG RUNBECK
STAN F. TURLEY

THE HONORABLE FIFE SYMINGTON
Governor of the State of Arizona

and

MEMBERS OF THE FORTIETH LEGISLATURE

* * * * *

The Arizona Board of Pardons and Paroles has experienced an active and challenging year. Fiscal Year 1991-1992 reflects a 24.2% increase in the number of hearings conducted over Fiscal Year 1990-1991. Additionally, the expanding prison population coupled with the fiscal constraints of the current State budget 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 without additional resources.

Our ability to successfully manage these challenges can be attributed to the loyalty, dedication and commitment of Board members and staff but equally as well, to your support, without which we could not operate as effectively.

On behalf of the Arizona Board of Pardons and Paroles, I have the honor of submitting this annual report for Fiscal Year 1991-1992.

Respectfully Submitted,

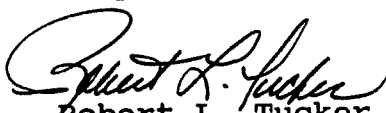

Robert L. Tucker
Chairman

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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 being appointed by the Governor, and the Superintendent of Public Instruction and the Attorney General serving as the other two members.

The Board was expanded in 1966 to include five part-time members. Each member was appointed by the Governor and served a five-year term. This was amended in 1968 by the creation of a three-member, full-time Board, with members appointed by the Governor and confirmed by the State Senate. Each of the 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 statutory duties of the Board are contained in Arizona Revised Statute §31-401 and subsequent sections.

MISSION STATEMENT

The mission of the Arizona Board of Pardons and Paroles is to assure public safety by releasing only those eligible inmates who appear not to pose a threat to society and send to the Governor only those Executive Clemency recommendations which are in the best interest of the citizens of Arizona.

BOARD MEMBERS AND RÉSUMÉS

ROBERT L. TUCKER, JR., the present 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.

KATHRYN D. BROWN, the first Afro-American female appointed to the Board, was appointed on April 8, 1991 by Governor Symington. Ms. Brown comes to the Board with 13 years of experience with the Department of Corrections starting as a Corrections Service Officer in 1978. Ms. Brown previously worked as a Correctional Program Officer I and II and Correctional Program Supervisor in which she supervised the Adult Parole Office in eastern Maricopa County. She is a native of Arizona, born in Phoenix and raised in Phoenix, Los Angeles and Long Beach California. She attended Arizona State University and has a B.A. degree in Sociology. She is a member of the Metro Tech VIP, Law Enforcement Advisory Committee. She has given presentations at the Law Enforcement Academy to students with an interest in this field. She is also a member of National Association of Blacks in Criminal Justice, Phoenix Chapter and worked as Chair of NABCJ 1989 training conference. Additional organizational memberships are Alpha Kappa Alpha Sorority, Inc., Delta Beta Omega Chapter and SGI International, USA, Rocky Mountain Territory, Arizona Headquarters.

EDWARD M. LEYVA, was appointed to the Board in June 1992 by Governor Symington. Mr. Leyva served Maricopa County as a Deputy Sheriff for 22 years, retiring with the rank of Major on May 31, 1992. During his career he worked all facets of law enforcement. His most recent assignment was that of Commander of the Community Services Division, which is responsible for all training of personnel, search and rescue functions, community relations programs and liaison to the Sheriff's posse and reserve personnel. He has been actively involved with local and national law enforcement associations during his career and has held a Board position. Mr. Leyva is a former U.S. Army Paratrooper

having served with the 173rd Airborne Brigade and the 101st Airborne Division between January 1963 and January 1966. He has an A.A. Degree in Police Science Administration from Glendale Community College, a B.A. Degree in Administration of Justice from Golden Gate University, San Francisco, California and a M.S. Degree in Police Science Administration from Northern Arizona University. He is a certified Community College instructor and substitute teacher. Mr. Leyva has been married to Donna Ruiz for 29 years. They have three adult children and four grandchildren.

JONES OSBORN, was appointed to the Board by Governor Symington in April of 1991. He previously served 20 years in the Arizona Legislature, 17 of them in the State Senate. During his tenure in the Senate, he was continuously a member of the Judiciary Committee which handles all legislation dealing with the criminal justice system. For four of those years, he served as committee chairman. He also served as Minority Leader four years, majority whip two years, assistant minority leader two years and was vice chairman of the Committee on Education four years. Special committee assignments included the Joint Select Committee on Corrections, the Criminal Justice Planning Supervisory Committee, and the Executive Review Committee for Adult Intensive Probation Services. He is the principal author of Arizona's Sunset Law, which brings all state agencies under the scrutiny of a periodic performance audit; legislation creating RUCO (Residential Utility Consumer Office) which gave residential consumers a voice in the rate-setting process; and the Intensive Probation Services law. Prior to his legislative service, he was editor of the Yuma Daily Sun. He left the University of Arizona shortly after the attack on Pearl Harbor and served four years with the Army, two of them overseas. Mr. Osborn completed his term on the Board on June 5, 1992.

ANNA MAY RIDDELL, was appointed to the Board by Governor Mofford in March, 1990. She has been involved in the field of corrections for over twelve years, beginning her career as a volunteer probation officer for the Maricopa County Juvenile Detention Center. Prior to her appointment, Mrs. Riddell was employed by the Maricopa County Sheriff's Office as the Administrator of Inmate Services where her responsibilities were that of a Division Commander overseeing all inmate educational and self-help programs, Chaplain and legal services as well as library and canteen services. She also developed and supervised the Volunteer Program which consisted of 200+ volunteers. Additionally, she worked for the Arizona Department of Corrections as a Sergeant and Correctional Services Officer and as an Adult Probation Officer with the Coconino County Adult Probation on a paid internship. She has been actively involved with local and national corrections associations during her career, holding numerous elected Board positions. Mrs. Riddell possesses a Masters Degree in Corrections and a Bachelor of Science degree in Sociology from Northern Arizona University and graduated Phi Kappa Phi. She also holds an Associates Degree in

the Administration of Justice from Yavapai Community College. She has published several articles pertaining to correctional issues, as well as receiving five National Association of Counties, Program Development Awards in the last four years. Her most recent volunteer activities include serving on the Christian Education Board at her church as well as serving on the Board of the Valley of the Sun Literacy Coalition for Maricopa County. She is also the state chairperson for the Women's Task Force.

FRANK R. STARTZELL, was appointed to the Board by Governor Mecham 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 the Foster Care Review Board and the Boys' and Girls' Clubs, with an interest in the Literacy Program. Additionally, he has served on the Board of Directors for Tumbleweed.

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. Mr. Turley has been married to Cleo Olson for forty-six years. They have seven children and twenty-six grandchildren.

ORGANIZATION OF THE ARIZONA BOARD OF PARDONS AND PAROLES

The seven Board Members are supported by a full-time staff of thirty-six. The staff is comprised of:

Executive Director (1 Position) - The Executive Director is responsible for the administrative, operational and financial functions for the Board.

Assistant Executive Director (1 Position) - The Assistant Executive Director is the direct supervisor of the hearing officers, case analysts and support staff.

Planner III (1 Position) - The Planner III was previously responsible for the risk assessment program for the Board, but is now responsible for implementation of structured decision making.

Program and Project Specialist II (1 Position) - The Program and Project Specialist II completes statistical reports, drafts policies and procedures, is the Board's legislative and Attorney General liaison, and provides research on law suits involving the Board for the Attorney General's Office.

Fiscal Services Specialist II (1 Position) - The Fiscal Services Specialist II is responsible for all personnel actions, writing and monitoring the Agencies budget, and control of expenditures of the Agency.

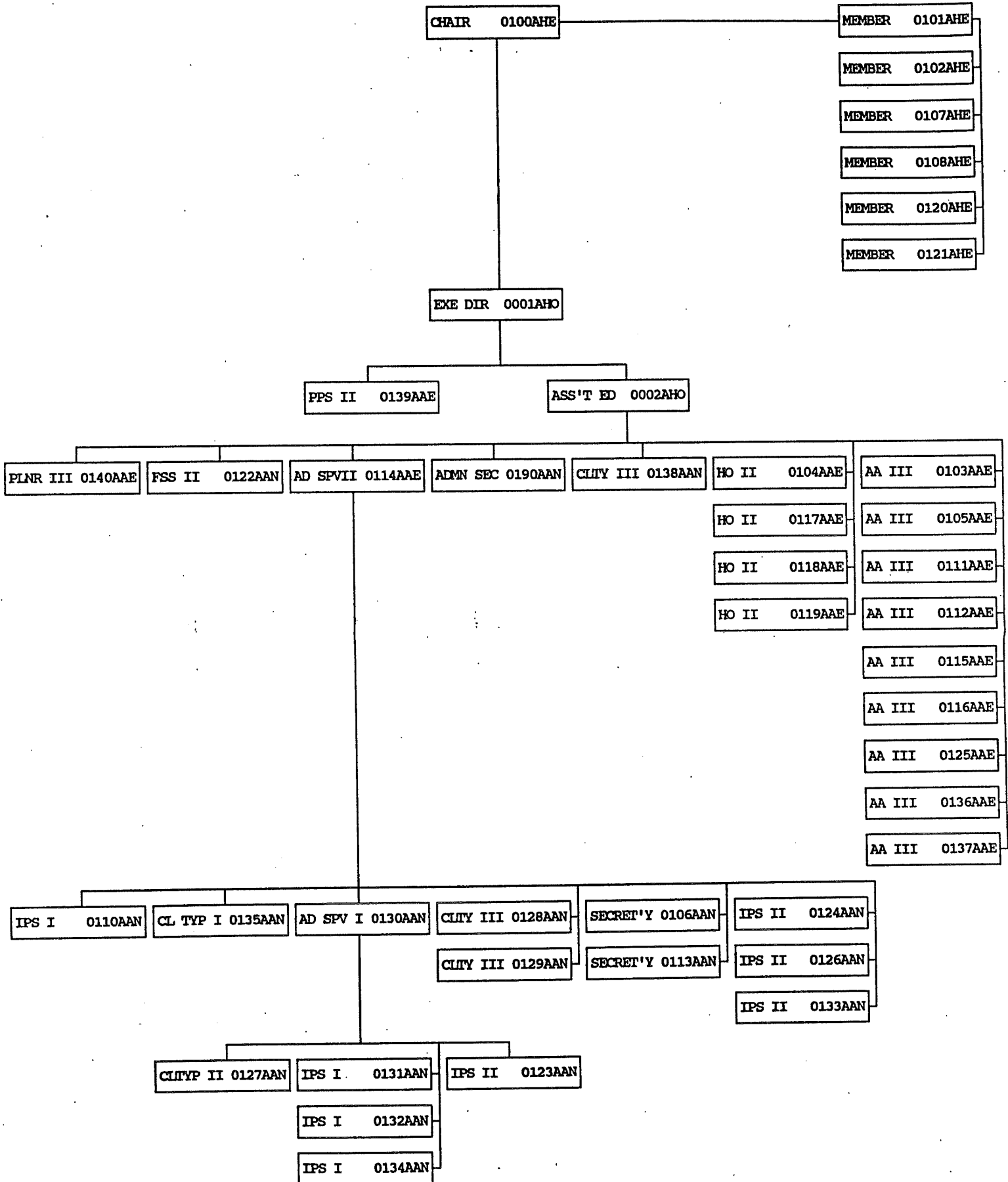
Hearing Officer II (4 Positions) - The Hearing Officer II positions conduct probable cause hearings for rescission and revocation actions to determine if probable cause exists for a hearing by the Board, conduct courtesy hearings for inmates sentenced from other jurisdictions who are serving time in Arizona institutions, provide information to the Board for all Executive Clemency actions and prepare reports for inmates certified eligible for work furlough consideration.

Case Analyst (9 Positions) - The Case Analyst positions gather information and prepare reports for the Board for inmates certified eligible for parole and home arrest consideration.

Administrative Support Supervisor II (1 Position) and Administrative Support Supervisor I (1 Position) - The Administrative Support Supervisor II and Administrative Support Supervisor I are responsible for the supervision of the clerical staff. Additionally, the Administrative Support Supervisor II is the problem solving liaison for the Board in matters involving time computation and inmate eligibility.

Clerical Support Positions (16 Positions) - The Clerical Support staff provide clerical support to the Hearing Officer II positions, prepare packets the Board uses in making release decisions, complete dispositions and proclamations for decisions made by the Board and provide statutory mandated notifications prior to Board hearings.

ARIZONA BOARD OF PARDONS AND PAROLES
ORGANIZATIONAL CHART



NOTE: All position numbers begin with APP
EFFECTIVE DATE: December 10, 1991

PAROLE ELIGIBILITY AND DECISION CONSIDERATIONS

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(J), 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 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. 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.

STRUCTURED DECISION MAKING

Structured decision making is a set of guidelines that reflect the release policies of the Board. It is a tool to enhance the quality of decisions, but does not eliminate the discretionary powers of the Board. The establishment of guidelines will lead to consistency in release decisions so that every inmate considered for release will be assured of an equitable and fair hearing. Decisions that fall outside of the guidelines will be explained in writing. This process improves the Board's accountability and makes its decisions more understandable and defensible.

The guidelines are developed by using a consensus method of identifying group opinion. Policy issues involved include, but are not limited to, clarifying the mission of the agency, defining the Board's role in offender sanctioning, specifying the criteria used to review cases, assigning a relative weight to the decision factors, and establishing procedures to monitor the effects of this system.

The specific criteria utilized in the guidelines are determined by past experience, validated criminal justice/social science research, and the Board's judgement of what components directly impact the potential for success on parole. The technical aspect of weighting each factor by its relative importance is also developed and modified based on the previously listed factors. Through effective and frequent monitoring of release decision outcomes and recidivism rates, the guidelines evolve to meet the needs of current Board Members and reflect current criminal justice principles.

The Board anticipates implementation of this project during Fiscal Year 1992 - 1993.

TYPES OF HEARINGS CONDUCTED BY THE BOARD

GENERAL PAROLE (A.R.S. §31-412.A) 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 A CONSECUTIVE SENTENCE OR ANOTHER JURISDICTION (A.R.S. §31-412.B) A mechanism to parole an inmate to a consecutive sentence to be served in an institution or parole to another jurisdiction.

PAROLE DUE TO A LACK OF PRISON BED SPACE (A.R.S. §31-233.J) A conditional release from incarceration before the inmate has reached his general parole eligibility date. This type of release consideration is used when there is a lack of bed space within the Department of Corrections institutions. An inmate eligible for release under this statute may be considered for parole, home arrest or work furlough.

HOME ARREST PROGRAM (A.R.S. §31-236) 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.R.S. §31-233.C) A release from prison which allows the inmate to maintain gainful employment and pay restitution to the victim of his offense.

ABSOLUTE DISCHARGE (A.R.S. §31-414) The Board may discharge a person from parole supervision prior to the expiration date of the parole pursuant to A.R.S. §31-414. Generally, the Parole Division of the Department of Corrections recommends the discharge to the Board because of exceptional performance while on supervision.

PARDON (A.R.S. §31-441, §31-442, §31-443, §31-444, §31-445, §31-446) 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 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.R.S. §31-443, §31-444, §31-445, §31-446) A delay or temporary suspension of the carrying out of a punishment. The Governor may only grant a reprieve upon recommendation of the Board (A.R.S. §31-402).

COMMUTATION OF SENTENCE (A.R.S. §31-411, §31-443, §31-445, §31-446) 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. The Governor may only grant a commutation of sentence upon recommendation of the Board (A.R.S. §31-402).

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

REVOCAION (A.R.S. §31-415, §31-416, §31-417) 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.

FISCAL YEAR 1991-1992 BOARD HEARING STATISTICS

TYPE OF HEARING	# GRANTED	%	# DENIED	%	TOTAL
PAROLE FROM DETAINER	13	100.0%	N/A	N/A	13
31-411,31-414	26	68.4%	12	31.6%	38
31-412.A/31-236	1,705	33.5%	3,384	66.5%	5,089
31-412.B	296	36.4%	518	63.6%	814
31-233.C/31-236 *	449	40.5%	659	59.5%	1,108
31-233.J	373	28.0%	959	72.0%	1,332
SUBTOTAL	2,862	34.1%	5,532	65.9%	8,394
WORK FURLOUGH REVIEW *	48	25.9%	137	74.1%	185
TOTAL	2,910	33.9%	5,669	66.1%	8,579
	ACTION TAKEN		ACTION NOT TAKEN		TOTAL
RESCISSION	67	91.8%	6	8.2%	73
REVOCATION	550	92.7%	43	7.3%	593
TOTAL	617	92.6%	49	7.4%	666
	CLEMENCY RECOMMENDED		CLEMENCY NOT RECOMMENDED		TOTAL
PARDON	8	72.7%	3	27.3%	11
REPRIEVE	0	0 %	1	100.0%	1
COMMUTATION OF SENTENCE	26	36.6%	45	63.4%	71
TOTAL	34	41.0%	49	59.0%	83
	CONDITIONS AMENDED		CONDITIONS NOT AMENDED		TOTAL
AMENDMENT OF CONDITIONS	42	95.5%	2	4.5%	44

* Work Furlough Review was discontinued effective September 1, 1991. Work Furlough hearings are now recorded under the category 31-233.C/31-236.

**SUMMARY OF DECISIONS MADE BY THE BOARD BY INSTITUTIONAL FACILITY
FISCAL YEAR 1991-1992**

FACILITY	#	GRANTED	%	#	DENIED	%	TOTAL
PAROLE FROM A DETAINER	13	100.0%		N/A	N/A		13
ABSOLUTE DISCHARGE	26	68.4%		12	31.6%		38
IN-ABSENTIA	34	30.4%		78	69.6%		112
DOUGLAS	341	37.9%		883	72.1%		1,224
FLORENCE	485	25.9%		1,390	74.1%		1,875
FORT GRANT	203	38.2%		328	61.8%		531
GLOBE	40	44.4%		50	55.6%		90
PERRYVILLE	333	31.6%		721	68.4%		1,054
PHOENIX	566	55.0%		464	45.0%		1,030
SAFFORD	190	38.9%		298	61.1%		488
TUCSON	342	34.4%		652	65.6%		994
WINSLOW	199	28.2%		506	71.8%		705
YUMA	90	37.5%		150	62.5%		240
TOTAL	2,862	34.1%		5,532	65.9%		8,394

PAST MEMBERS OF THE ARIZONA BOARD OF PARDONS AND PAROLES

<u>MEMBER'S NAME</u>	<u>APPOINTED</u>	<u>RE-APPOINTED</u>	<u>TERM</u>
W.W. Witt	1966	--	1966-67
Donald Welker	1966	1968	1966-73
William P. Reilly	1966	--	1966-70
A. Alan Hanshaw	1966	--	1966-71
Peter Byrne	1966	--	1966-69
Art Van Haren	1967	--	1967-72
Walter Michaels	1969	1971	1969-73
Abraham Cruz	1969	1971	1969-74
Keith Edwards	1969	1972	1969-75
Walter Jacobs	1971	--	1971-75
Daniel Simmons	1973	1976	1973-78
Olive O'Kier	1974	--	1974-75
Barnetta Anderson	1975	--	1975-78
Robert L. Araza	1975	1978, 1981	1975-85
Arter L. Johnson	1978	1984, 1989	1989-91
Jerry Thompson	1978	1979	1978-80
Carol Pavilack	1978	1980	1978-81
John J. Sloss	1978	1982	1978-87
Richard M. Ortiz	1981	1985	1981-89
Patricia V. Gilbert	1983	1985	1983-89
Robert W. Kennerly	1984	--	1984-88
Ron Johnson	1984	1987	1984-89
Ray R. Flores	1986	--	1986-90
Robert L. Araza	1989	--	1989-90
Luis M. Vega	1989	--	1989-91
Ruben Coronado	1991	--	1991-92
Jones Osborn	1991	--	1991-92

PRESENT MEMBERS OF THE ARIZONA BOARD OF PARDONS AND PAROLES

<u>MEMBER'S NAME</u>	<u>APPOINTED</u>	<u>RE-APPOINTED</u>	<u>TERM</u>
Frank R. Startzell	1987		1987-92
Stan F. Turley	1989		1989-93
Robert L. Tucker	1989		1989-94
Anna May Riddell	1990		1990-95
Kathryn D. Brown	1991		1991-96
Edward M. Leyva	1992		1992-97

