



ARIZONA BOARD OF EXECUTIVE CLEMENCY
4000 North Central Avenue, Suite 2300 ~ Phoenix, Arizona 85012
PHONE (602) 542-5656 ~ FAX (602) 542-5680

NOTICE OF PUBLIC MEETING OF THE ARIZONA BOARD OF EXECUTIVE CLEMENCY

AGENDA

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Arizona Board of Executive Clemency and to the general public that the Arizona Board of Executive Clemency will hold an Annual Business Meeting on Wednesday, August 23, 2023 beginning at 11:30 a.m. at the Arizona Board of Executive Clemency Office, 4000 N Central Ave, Suite 2300; Phoenix, AZ, 85012.

The Board may go into executive session for any of the purposes set for in A.R.S. 38-431.03(A)(1) through (7), as applicable to the agenda items listed, including for the purposes of receiving legal advice or the consideration of employment related issues.

- I. Call to Order and Roll Call
- II. Budget
 - A. Fiscal Year 2023
 - B. Fiscal Year 2024
 - C. Fiscal Year 2025
- III. Annual Report Fiscal Year 2023
- IV. Policy Revisions - Require Vote
 - A. Board Policy #109 Pardon Hearings
 - Modify pardon hearing to a 2 phase process
 - B. Board Policy #204 Duties of Executive Director
 - Modify required level of approval for actions to align with statutes
 - Add designated public lobbyist
 - C. Public Comment
 - D. Discussion and Vote
- V. Sunset Review Audit
- VI. Paperless Packet Project
- VII. Training for Fiscal Year 2024
- VIII. Adjournment

Pursuant to the Americans with Disabilities Act (ADA) the Arizona Board of Executive Clemency endeavors to ensure the accessibility of its meetings to all persons with disabilities. Persons with a disability may request reasonable accommodations, such as a sign language interpreter, by contacting the Board Office at (602) 542-5656. Requests should be made as early as possible to allow time to arrange the accommodation.

A handwritten signature in cursive script, appearing to read "Mina Mendez", is written over a horizontal line.

FY23 Summary

| Budget Category | FY23 Actuals | % of FY23 Budget |
|------------------------|-----------------------|-----------------------|
| Payroll & ERE | \$963,053.00 | 72.04% |
| Travel | \$5,041.21 | 0.38% |
| Rent (Prorated) | \$112,574.97 | 8.42% |
| Operating | \$188,811.78 | 14.12% |
| Operating_Move | \$29,558.40 | 2.21% |
| Operating_CapitalCases | \$1,236.70 | 0.09% |
| VRP Grant Offset | \$9,760.13 | 0.73% |
| Totals | \$1,310,036.19 | 98.00% |
| FY23 Budget | \$26,763.81 | \$1,336,800.00 |

FY24 Forecast

| Budget Category | FY24 Projections | % of FY24 Budget |
|----------------------------|-----------------------|-----------------------|
| Payroll & ERE - Full Staff | \$991,666.11 | 69.80% |
| Travel | \$5,041.21 | 0.35% |
| Rent | \$150,099.96 | 10.56% |
| Operating | \$169,152.72 | 11.91% |
| Lobby Security Door | \$14,670.30 | 1.03% |
| X-Ray Inspection System | \$26,600.00 | 1.87% |
| VRP Grant Offset | \$10,112.01 | 0.71% |
| Totals | \$1,367,342.31 | 96.24% |
| FY24 Budget | \$53,457.69 | \$1,420,800.00 |

**ARIZONA BOARD OF EXECUTIVE CLEMENCY
BOARD POLICY #204**

| | | |
|---|----------------------------------|--------------------|
| Policy Title: ADMINISTRATIVE DUTIES, RESPONSIBILITIES, and AUTHORITY OF THE EXECUTIVE DIRECTOR | Effective Date: TBD | Policy #204 |
| | Supersedes: July 06, 2017 | Pages: 4 |

PURPOSE:

The Board shall employ an Executive Director who shall serve at the pleasure of the Board and reports to the Board through the Chairman.

AUTHORITY:

A.R.S. §31-401; 31-402

PROCEDURE:

204.01 Executive Director Duties, Responsibilities, and Authority

- 1.1 The Executive Director shall perform all administrative, operational and financial functions for the Board. The duties and authority granted to the executive director under this policy may be delegated to other staff members at the Executive Director's discretion.
 - 1.1.1 The Executive Director shall recruit, hire and evaluate the Board staff members to perform the duties and responsibilities as assigned.
 - a. The Executive Director is responsible for overall training and management of Board staff to enable the members to accomplish their duties and meet their performance objectives.
 - b. The Executive Director shall ensure that each staff position shall receive training and tools necessary to accomplish that position's duties and responsibilities.
- 1.2 In carrying out the executive management duties and responsibilities, the Executive Director shall:

- a. Oversee the development and management of the Board's budget, direct and supervise staff, and at the direction of the Chairman, present information to the Governor's Office and/or legislature when necessary.
 - b. Collect, maintain and ensure the accuracy of the Board's statistical data.
 - c. Serve as contact between the Board and other agencies, governmental bodies and entities to accomplish the Board's mission.
 - d. Oversee policy development and implementation as directed by the Board.
 - e. Manage staff, including supervision, training, personnel evaluations, personnel actions, hiring and terminations in accordance with personnel rules.
 - f. Oversee the design and management of the Board's website.
 - g. Provides monthly reports to members as designated by the chairman.
 - h. Perform other tasks as set forth in the Board Policy and Procedure Manual.
 - i. Act as the Designated Public Lobbyist (DPL) for the Board and submit all required reports as DPL.
- 1.3 In consultation with the Chairman, the Executive Director shall prepare the Board's annual report and other necessary reports required.
- 1.4 Authorize semi-weekly payroll submitted by Board Chairman and staff.
- 1.5 Perform other tasks as directed by the chairman; or as directed by other Board members with approval of the chairman; or as directed by a quorum of the Board.
- 1.6 Make administrative purchases necessary for the operation of the Board offices and staff functioning, within the Board's funding source as authorized below:
- a. Independently, up to but not exceeding two thousand dollars (\$2000.00) per purchase/expenditure and
 - b. with advice and consent of the chairman, exceeding two thousand dollars (\$2000.00) per purchase/expenditure.
 - c. The above purchase/expenditure restrictions do not apply to on-going, ordinary operating expenses such as salary and any Board travel costs.

2.1 Executive Actions Requiring Board Approval

- 2.1 The following administrative actions by the Executive Director must be approved by a quorum of the Board:

- a. Additions or revisions to the Board's Administrative Policies and Procedures Manual; and
- b. initiation of non-budgetary legislative actions, i.e. statutory changes.

3.1 Executive Actions Requiring Chairman Approval

3.1 The following administrative actions by the Executive Director must be approved by the Chairman of the Board:

- a. final budget and annual report;
- b. grant applications;
- c. scheduling of business meetings;
- d. setting of the Board calendar and meeting agendas;
- e. press releases or other public notices;
- f. entry into Memorandums of Understanding or contracts with other governmental entities;
- g. website revisions;
- h. Executive Director's work hour schedule; and
- i. strategic plan submittal and any special reports submitted to the Governor's Office.

4.1 Executive Actions Not Requiring Board Approval

4.1 The Executive Director may take the following actions without Board approval. This list is nonexclusive, and does not limit the Executive Director's authority to take any other action necessary, within the bounds of Board policy and the law, in order to carry out duties and responsibilities.

- 4.1.1 Read and respond to correspondence mailed to the Board and former members at the administrative office address, including correspondence marked "confidential." Letters addressed to individual Board members shall be forwarded to that Board member for review and appropriate action.
- 4.1.2 Respond to public requests for information or records in accordance with governing law.
- 4.1.3 Act on behalf of the Board in response to official inquiries, surveys, investigations or other fact-finding initiatives, including requests for interviews.

- 4.1.4 Authorize semi-weekly payroll submissions by staff and any staff overtime as necessary.
- 4.1.5 Modify or create forms as needed consistent with Board policy.
- 4.1.6 Bring special hearing matters to the Chairman's attention prior to the individual's regular hearing, including commutations, modifications, etc.
- 4.1.7 Procure, schedule and pay for fees, travel and lodging expenses associated with professional staff training seminars, conferences and workshops which contribute to the operation of the Board.
- 4.1.8 In conjunction with the chairman, initiate communications and meetings with other agencies and officials as necessary to carry out and promote the Board's business.
- 4.1.9 Implement and process discretionary staff salary increases and staff reclassifications.
- 4.1.10 Determine salary for new hires where it exceeds the midrange salary of the pay grade.

5.1 Annual Business Meeting

- 5.1 The Board will hold an annual business meeting.
- 5.1.2 The Executive Director shall review and provide an analysis of the Boards' business matters.
- 5.1.3 The Executive Director shall present to the Board members:
 - a. summary and analysis of the board's fiscal activities;
 - b. review and overview of the Board's statistical data;
 - c. overview of the board's strategic plan and status;
 - d. summary of new legislation as related to the Board and the Department of Corrections;
 - e. any topics related to the next legislative session;
 - f. projected needs and concerns for the Board's forthcoming budget;

- g. annual report and budget timeline and review schedule; and,
- h. any audit reports.

5.4 The Executive Director shall ensure there is an audio recording of the meetings and shall make it available to the public if requested except for any portion designated as executive session.

IMPLEMENTATION:

This policy was adopted by the Arizona Board of Executive Clemency in accordance with law.

DRAFT

**ARIZONA BOARD OF EXECUTIVE CLEMENCY
BOARD POLICY #204**

| | | |
|---|---|------------------------|
| Policy Title: ADMINISTRATIVE DUTIES, RESPONSIBILITIES, and AUTHORITY OF THE EXECUTIVE DIRECTOR | Effective Date: July 06, 2017 <u>TBD</u> | Policy #204 |
| | Supersedes: August 01, 2016 #101b <u>July 06, 2017</u> | <u>Pages: 4</u> |
| | | <u>Pages: 4</u> |

PURPOSE:

The Board shall employ an Executive Director who shall serve at the pleasure of the Board and reports to the Board through the Chairman.

AUTHORITY:

A.R.S. §31-401; 31-402;

PROCEDURE:

204.01 204.01 Executive Director Duties, Responsibilities, and Authority

- 1.1 1.1 The Executive Director shall perform all administrative, operational and financial functions for the Board. The duties and authority granted to the executive director under this policy may be delegated to other staff members at the Executive Director’s discretion.
 - 1.1.1 1.1.1 The Executive Director shall recruit, hire and evaluate the Board staff members to perform the duties and responsibilities as assigned.
 - 1.1.1.1 a. a. The Executive Director is responsible for overall training and management of Board staff to enable the members to accomplish their duties and meet their performance objectives.
 - 1.1.1.2 b. b. The Executive Director shall ensure that each staff position ~~shall have an operating manual that describes the requirements of how receive~~ training and tools necessary to accomplish that position’s duties and responsibilities.

~~1.2~~ 1.2 In carrying out the executive management duties and responsibilities, the Executive Director shall:

~~1.2.1a.~~ 1.2.1a. Oversee the development and management of the Board's budget, direct and supervise staff, and at the direction of the Chairman, present information to the Governor's Office and/or legislature when necessary.

- 1.2.2b. ___ Collect, maintain and ensure the accuracy of the Board's statistical data.
- 1.2.3c. ___ Serve as contact between the Board and other agencies, governmental bodies and entities to accomplish the Board's mission.
- 1.2.4d. ___ Oversee policy development and implementation as directed by the Board.
- 1.2.5e. ___ Manage staff, including supervision, training, personnel evaluations, personnel actions, hiring and terminations in accordance with personnel rules.
- 1.2.6f. ___ Oversee the design and management of the Board's website.
- 1.2.7g. ___ Provides monthly reports to members as designated by the chairman.
- 1.2.8h. ___ Perform other tasks as set forth in the Board Policy and Procedure Manual.
- i. Act as the Designated Public Lobbyist (DPL) for the Board and submit all required reports as DPL.

1.2.9 1.3 ___ In consultation with the Chairman, the Executive Director shall prepare the Board's annual report and other necessary reports required ~~and present to the Board for approval.~~

1.2.10 1.4 ___ Authorize semi-weekly payroll submitted by Board Chairman and staff.

1.2.11 1.5 ___ Perform other tasks as directed by the chairman; or as directed by other Board members with approval of the chairman; or as directed by a quorum of the Board.

1.3 1.6 ___ Make administrative purchases necessary for the operation of the Board offices and staff functioning, within the Board's funding source as authorized below:

- a. ~~independently~~Independently, up to but not exceeding two thousand dollars (\$2000.00) per purchase/expenditure; ~~and~~
- b. with advice and consent of the chairman, exceeding two thousand dollars ~~up to five thousand dollars (\$5000(\$2000.00))~~ per purchase/-expenditure, ~~and~~
- e. ~~with notice and consent of a quorum of the Board for all expenses in excess of five thousand dollars (\$5000.00) per purchase/expenditure; and,~~

1.3.1c. ___ The above purchase/expenditure restrictions do not apply to on-going, ordinary operating expenses such as salary and any Board travel costs.

204.02 2.1 Executive Actions Requiring Board Approval

2.1 2.1 The following administrative actions by the Executive Director must be approved by a quorum of the Board:

- a. Additions or revisions, ~~additions or deletions~~ to the Board's Parole Policy & Procedure Administrative Policies and Procedures Manual; and initiation of non-budgetary legislative actions, i.e. statutory changes

b. .

3.1 Executive Actions Requiring Chairman Approval

3.1 The following administrative actions by the Executive Director must be approved by the Chairman of the Board:

~~b.a. final budget and annual report;~~

~~e. discretionary salary increases and staff reclassifications~~

~~d. initiation of non-budgetary legislative actions, i.e. statutory changes;~~

b. grant applications;

c. scheduling of business meetings;

d. setting of the Board calendar and meeting agendas;

e. press releases or other public notices;

e.f. entry into Memorandums of Understanding or contracts with other governmental entities;

~~f.a. grant applications;~~

g. website revisions;

h. Executive Director's work hour schedule; and

g.i. strategic plan submittal and any special reports submitted to the Governor's Office; and,

~~204.3 Executive Actions Requiring Chairman Approval~~

~~3.1 scheduling of business meetings.~~

~~3.2 setting of the Board calendar and meeting agendas.~~

~~3.3. press releases or other public notices.~~

~~3.4 additions or revisions to the Board's Administrative Policies and Procedures Manual.~~

~~3.5 website revisions.~~

~~3.6 Salary for new hires where it exceeds the midrange salary of the pay grade~~

~~3.7 Executive Director's work hour schedule.~~

204.4 4.1 Executive Actions Not Requiring Board Approval

4.1 4.1 The Executive Director may take the following actions without Board approval. This list is nonexclusive, and does not limit the Executive Director's authority to take any other action necessary, within the bounds of Board policy and the law, in order to carry out duties and responsibilities.

~~4.1.1~~ 4.1.1 Read and respond to correspondence mailed to the Board and former members at the administrative office address, including correspondence marked "confidential." Letters addressed to individual Board members shall be forwarded to that Board member for review and appropriate action.

~~4.1.2~~ 4.1.2 Respond to public requests for information or records in accordance with

governing law.

~~4.1.3~~ 4.1.3 Act on behalf of the Board in response to official inquiries, surveys, investigations or other fact-finding initiatives, including ~~request~~requests for interviews.

~~4.1.4~~ 4.1.4 Authorize semi-weekly payroll ~~submittals~~submissions by staff and any staff overtime as necessary.

~~4.1.5~~ 4.1.5 Modify or create forms as needed consistent with Board policy.

~~4.1.6~~ 4.1.6 Bring special hearing matters to the Chairman's attention prior to the individual's regular hearing, including commutations, modifications, etc.

~~4.1.7~~ 4.1.7 Procure, schedule and pay for fees, travel and lodging expenses associated with professional staff training seminars, conferences and workshops which contribute to the operation of the Board.

~~4.1.8~~ In conjunction with the chairman, initiate communications and meetings with other agencies and officials as necessary to carry out and promote the Board's business.
~~the Board's business.~~

~~4.1.9~~ 4.1.9 Implement and process discretionary staff salary increases and staff reclassifications.

~~4.1.10~~ 4.1.10 Determine salary for new hires where it exceeds the midrange salary of the pay grade.

204.5 5.1 Annual Business Meeting

~~5.1~~ 5.1 The Board will hold an annual business meeting.

~~5.1.2~~ 5.1.2 The Executive Director shall review and provide an analysis of the Boards' business matters.

~~5.1~~ 5.1.3 The Executive Director shall present to the Board members:

- a. summary and analysis of the board's fiscal activities;
- b. review and ~~analysis~~ overview of the Board's statistical data, ~~decision-making and research data~~;
- c. overview of the board's strategic plan and status;
- d. summary of new legislation as related to the Board and the Department of Corrections;
- e. any topics related to the next legislative session;
- f. projected needs and concerns for the Board's forthcoming budget;
- g. annual report and budget timeline and review schedule; and,
- h. any audit reports.

~~5.2~~ 5.4 The Executive Director shall ensure there is an audio recording of the meetings and shall make it available to the public if requested except for any portion designated as executive session.

~~5.3.~~ The Executive Director shall provide a written record of the minutes of the annual business meeting to board members and staff.

Implementation:

IMPLEMENTATION:

This policy was adopted by the Arizona Board of Executive Clemency in accordance with law.

ARIZONA BOARD OF EXECUTIVE CLEMENCY
BOARD POLICY #109

| | | |
|--|----------------------------------|--------------------|
| Policy Title: PARDON HEARINGS | Effective Date: TBD | Policy #109 |
| | Supersedes: July 06, 2017 | Pages: 3 |

PURPOSE:

The purpose of this policy and procedure is to establish guidelines for conducting Pardon hearings.

AUTHORITY:

31-401; 31-402; 31-441; 31-442; 31-443; 31-444; 31-445; 31-446

RULE: R5-4-201

PROCEDURE:

109.01 Application and Instructions

- 1.1 Any individual who was convicted of an Arizona felony offense may apply for a pardon unless otherwise exempted by law. To apply for a pardon, an applicant must supply the following documents:
 - a. original pardon application, with signature page notarized and one (1) copy of the notarized application;
 - b. two (2) sets of recent fingerprints;
 - c. one copy of the presentence report and court sentencing documents (minute entries, plea agreement etc.) for cause number (s) of which the pardon is sought;
 - d. documentation that all court fees and/or restitution has been paid related to pardon matter;
 - e. if obtained, a copy of the Absolute Discharge, Restoration of Civil Rights, and/or Conviction Set Aside Court Orders related to the matter; and
 - f. minimum of three (3) letters of support with only one (1) reference from a family member who is related by blood or marriage to the applicant.

- 1.2 If the applicant is applying for a pardon while imprisoned, they must comply with A.R.S. 31-442 which states: "At least ten days before the Board of Executive Clemency acts upon an application for a pardon, written notice of intention to apply therefore, signed by the person applying, shall be served on the county attorney of the county where the applicant was convicted." Proof of the service

must be presented to the Board by affidavit. Green card return receipts shall be included in the Pardon application package from the certified mailing to the Prosecutor in the county of the conviction. Unless dispensed with by the Governor, a copy of the notice shall also be published for thirty days from the first publication, in a paper in the county in which the conviction was had. The provisions of the above section shall not apply:

- a. when there is imminent danger of the death of the person convicted or imprisoned, or.
 - b. when the term of imprisonment of the applicant is within ten days of expiration.”
- 1.3 Upon receiving a fully completed application and required documentation, the staff person shall review for eligibility and process for necessary information. Applications will NOT be processed if ANY required documentation is missing.
- 1.4 Once all the necessary documents have been obtained, it shall be compiled in the designated format for the members review. A date shall be scheduled for a pardon hearing.
- a. The applicant will be notified in writing of the hearing date.

109.02 Pardon Hearing

- 2.1 Pardon hearings will be held in two phases.
- a. At least one week prior to a pardon hearing, the Board members will be provided the application, inmate’s files, letters and all relevant information for review. Family, friends, victims, witnesses and/or legal counsel should submit written information concerning the matter prior to the hearing.
- 2.2 A Phase I hearing shall be a review of the application packet and conducted in quorum by Board members. The applicant is not required to be present and the applicant will not have the opportunity to address the Board during a Phase I hearing. No call to the public will be made. All materials provided to the Board shall be considered in the review. The Board shall determine by vote whether to pass to Phase II.
- a. At the conclusion of a Phase I hearing, the Board by a *majority vote* may vote to pass the application to a Phase II hearing or vote to deny the pardon application and not pass the application to Phase II.

- b. If the application is not passed to a Phase II the applicant will be notified in writing.
- 2.3 If passed to a Phase II hearing, the hearing shall include the participation of the applicant, the victims and any members of the public wishing to address the Board.
 - a. After a Phase II hearing, the Board by a *majority vote* of the Board may vote to recommend a pardon to the Governor or vote not to recommend a pardon to the Governor.
- 2.4 If the Board decides not to recommend a pardon, the applicant shall receive the Board's written decision within ten business days and advised that they are eligible to reapply in three years from the date of the last hearing.

109.03 Recommendation

- 3.1 When the Board votes to recommend a pardon to the Governor, a letter of recommendation will be prepared by a Board member. The Board Chairman or, if not present, the Panel Chairman will assign someone who voted in the majority to prepare the recommendation letter to the Governor.
 - a. The letter shall include:
 - i. the details of the offense relating to the pardon;
 - ii. a description of the applicant's life before and after the conviction; any other convictions; and
 - iii. the basis for the pardon recommendation.
 - b. A letter of dissent may also be prepared by any board member who voted contrary to the majority decision and shall be included in the packet forwarded to the Governor.
- 3.2 Once the letter has been finalized, the Board's Executive Director shall ensure that all the necessary documents and proper formatting of the Governor's packet is accurate and complete.
 - a. The Board's file shall contain all the documents provided to the Governor.
- 3.3 If the Board does recommend a pardon to the Governor but the Governor denies the application for pardon the applicant may reapply three years from the date of the last Board hearing.

IMPLEMENTATION:

This policy applies to applications received on or after the effective date noted above.

This policy was adopted by the Arizona Board of Executive Clemency in accordance with law.

DRAFT

ARIZONA BOARD OF EXECUTIVE CLEMENCY

BOARD POLICY #109

| | | |
|--|---|--------------------|
| Policy Title: PARDON HEARINGS | Effective Date: <u>TBD July 06, 2017</u> | Policy #109 |
| | Supersedes: <u>November 26, 2014</u> <u>July 06, 2017</u> | |

PURPOSE:

The purpose of this policy and procedure is to establish guidelines for conducting Pardon hearings.

AUTHORITY:

A.R.S. §§31-233; 31-402; 31-401; 31-441; 31-442; 31-443; 31-444; 31-445; 31-446
RULE: R5-4-201

PROCEDURE:

109.01 Application and Instructions

1.1 Any individual who was convicted of an Arizona felony offense may apply for a pardon unless otherwise exempted by law. To apply for a pardon, an applicant must supply the following documents:

- a. original pardon application, with signature page notarized and one (1) copy of the notarized application;
- b. two (2) sets of recent fingerprints;
- c. one copy of the presentence report and court sentencing documents (minute entries, plea agreement etc.) for cause number (s) of which the pardon is sought;
- d. documentation that all court fees and/or restitution has been paid related to pardon matter;
- e. if obtained, a copy of the Absolute Discharge, Restoration of Civil Rights, and/or Conviction Set Aside Court Orders related to the matter; and
- f. minimum of three (3) letters of support with only one (1) reference from a family member who is related by blood or marriage to the applicant.

1.2 If the applicant is applying for a pardon while imprisoned, they must comply with A.R.S. 31-442 which states: "At least ten days before the Board of Executive

Clemency acts upon an application for a pardon, written notice of intention to apply therefore, signed by the person applying, shall be served on the county attorney of the county where the applicant was convicted.” Proof of the service must be presented to the Board by affidavit. Green card return receipts shall be included in the Pardon application package from the certified mailing to the Prosecutor in the county of the conviction. Unless dispensed with by the Governor, a copy of the notice shall also be published for thirty days from the first publication, in a paper in the county in which the conviction was had. The provisions of the above section shall not apply:

- ~~1.~~ a. when there is imminent danger of the death of the person convicted or imprisoned, or.
- ~~2.~~ b. when the term of imprisonment of the applicant is within ten days of expiration.”

1.3 Upon receiving a fully completed application and required documentation, the staff person shall review for eligibility and process for necessary information. Applications will NOT be processed if ANY required documentation is missing.

1.4 Once all the necessary documents have been obtained, it shall be compiled in the designated format for the members review. A date shall be scheduled for a hearing.

1.4.1 The applicant will be notified in writing of the hearing date.

109.02 Pardon Hearing

2.1 Pardon hearings will be held in two phases.

a. At least one week prior to a pardon hearing, the Board members will be provided the application, inmate’s files, letters and all relevant information for review. Family, friends, victims, witnesses and/or legal counsel should submit written information concerning the matter prior to the hearing.

2.2 A Phase I hearing shall be a review of the application packet and conducted in quorum by Board members. The applicant is not required to be present and the applicant will not have the opportunity to address the Board during a Phase I hearing. No call to the public will be made. All materials provided to the Board shall be considered in the review. The Board shall determine by vote whether to pass to Phase II.

a. At the conclusion of a Phase I hearing, the Board by a majority vote may vote to pass the application to a Phase II hearing or vote to deny the pardon application and not pass the application to Phase II.

b. If the application is not passed to a Phase II the applicant will be notified in writing.

2.3 If passed to a Phase II hearing, the hearing shall include the participation of the applicant, the victims and any members of the public wishing to address the Board.

- a. After a Phase II hearing, the Board by a majority vote of the Board may vote to recommend a pardon to the Governor or vote not to recommend a pardon to the Governor.

~~2.1 A pardon hearing is conducted in a similar mode to other hearings. See Board Policy 101 Board Member Decorum. At the conclusion of the hearing, the Board shall take one of the following actions:~~

- ~~a. recommend a pardon to the Governor; or~~
- ~~b. not recommend a pardon to the Governor.~~

~~2.2~~ 2.4 If the Board decides not to recommend a pardon, the applicant shall receive the Board's written decision within ten business days and advised that they are eligible to reapply in three years from the date of the last hearing.

109.03 Recommendation

3.1 When the Board votes to recommend a pardon to the Governor, a letter of recommendation will be prepared by a Board member. The Board Chairman or, if not present, the Panel Chairman will assign someone who voted in the majority to prepare the recommendation letter to the Governor.

3.1.1 The letter shall include:

- a. the details of the offense relating to pardon;
- b. a description of the applicant's life before and after the conviction; including any other convictions; and

c. the basis for the pardon recommendation.

3.1.2 A letter of dissent may also be prepared by any board member who voted contrary to the majority decision and shall be included in the packet forwarded to the Governor.

3.2 Once the letter has been finalized, the Board's Executive Director shall ensure that all the necessary documents and proper formatting of the Governor's packet is accurate and complete.

3.2.1 The Board's file shall contain all the documents provided to the Governor.

4 3.3 If the Board does recommend a pardon to the Governor but the Governor denies the application for pardon the applicant may reapply three years from the date of the last Board hearing.

IMPLEMENTATION:

This policy applies to applications received on or after the effective date noted above.

This policy was adopted by the Arizona Board of Executive Clemency in accordance with law.