

**ARIZONA BOARD OF EXECUTIVE
CLEMENCY BOARD POLICY #100**

Policy Title: TERMS and DEFINITIONS	Effective Date: July 06, 2017	Policy #100
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PURPOSE:

The purpose of this policy is to assist in understanding the common terms used within the Board’s daily practices and procedures by identifying those terms and providing general definitions.

AUTHORITY:

A.R.S. § 31-402 Powers of Board; powers and duties of governor; powers and duties of executive director

PROCEDURE:

100.01 Terms and Definitions

1. ***Absolute Discharge from Imprisonment:*** A grant by the Board which is effective to discharge a parole-eligible inmate from the remainder of time left to be served on the sentence.
2. ***Absolute Discharge from Parole:*** A grant by the Board which is effective to discharge the parolee from the remainder of time left to be served on parole.
3. ***Administrative Segregation:*** The separation of an inmate from the general population for protective custody or management reasons.
4. ***Agenda:*** A daily or monthly listing of inmates who are scheduled for Board hearings.
5. ***AIMS (Adult Inmate Management System):*** A computerized record of an inmate’s institutional history.
6. ***Alford Plea:*** A defendant has in essence pled “No Contest” to a criminal charge. Further, he has not admitted guilt, but realizes the state has enough evidence to convict.

7. **Application/Notification:** A DOC form signed by the inmate indicating his preference to be heard by the Board.
8. **ARS:** Arizona Revised Statutes
9. **Baker Ward:** A special unit of the Alhambra prison in Phoenix, for the intensive psychiatric treatment of men.
10. **Board:** The Arizona Board of Executive Clemency
11. **Board Hearing:** A public meeting during which Board members render decisions on eligible inmates and executive clemency applicants.
12. **Board Hearing Calendar or Calendar:** The public notice provided by the Board prior to conducting hearings, stating the time, place and purposes of the hearings.
13. **Certification:** The process by which the Department of Corrections certifies the eligibility of inmates to the Parole Board for any one or more authorized conditional releases. These releases are as follows:
 - a. **31-412.A: General Parole.** Inmate has served 1/2 (old code) or 2/3 (new code) of the sentence.
 - b. **31-412.B: Parole to Consecutive Sentence.** Inmate has served 1/2 (old code) or 2/3 (new code) of sentence and consideration is given for parole to a consecutive/subsequent sentence which has been ordered by the court or another state.
 - c. **31-233.J: Early Parole.** Inmate is considered for early conditional release either on parole, home arrest, or work furlough, once he has served at least six months provided he meets other specified conditions of eligibility. Another form of general parole. This form of early release is only available during periods of bed shortage, as declared by the director of DOC.
 - d. **31-236: Home Arrest.** Parole to “residence” with electronic monitoring system.
 - e. **31-233.C: Work Furlough.** Based on applicable statute, a conditional, discretionary release granted by the Arizona Board of Executive Clemency from incarceration of an inmate who is supervised by the Department of Corrections.
14. **Chairman (Chairperson):** The presiding officer of the Arizona Board of Executive Clemency.
15. **Class III:** Administered discipline which puts inmate in an ineligible status for parole consideration. DOES NOT apply to 31-233.J—early parole eligible.

16. **Commutation of Sentence:** (ARS 31-411, 31-443, 31-446) A change or modification of a sentence imposed by the court when circumstances occur during incarceration which indicate that justice would better be served if commutation were recommended to the governor.
17. **Concurrent Sentence:** A sentence imposed to be served jointly or at the same time as another sentence.
18. **Consecutive Sentence:** A sentence imposed which begins at the expiration of another sentence.
19. **Custodian of Records:** The executive director of the Arizona Board of Executive Clemency, is responsible for the release of public records upon request.
20. **Detainer:** As it is used in the Interstate Agreement on Detainers, it is a notification filed with the institution in which a prisoner is serving a sentence, advising that he is wanted to face pending criminal charges in another jurisdiction. Is also used by the INS (U.S. Immigration and Naturalization Service) to notify the state that INS wants to be notified before an inmate is released.
21. **Disciplinaries:** Violations of rules or regulations by an inmate for which he receives a “write-up” and is disciplined in some manner.
22. **Early Parole:** (ARS 31-233.J) Inmate is paroled, once approved by the Board—provided he is a first-time felon; the felony committed is either a class 4, 5, or 6 Felony; he has served at least six months of his sentence; and the offense was not a sexual offense or involved the use or the exhibition of a deadly weapon or dangerous instrument or the infliction of serious physical injury. This release is available only during periods of a bed shortage, as declared by the Director of the Department of Corrections.
23. **Earned Release Credit Date or ERCD:** The release date resulting from earned release credits established by statute and monitored by the Department of Corrections.
24. **Eligibility Date:** The date an inmate can be released to an approved release program.
25. **Executive Director:** The executive director of the Arizona Board of Executive Clemency who is responsible for the administrative, operational and financial operations of the Board.
26. **Executive Session:** A meeting of a quorum of the Board to discuss items which are exempt from public disclosure pursuant to ARS 38-431.03.

27. **Flamenco Unit:** A special unit of the Alhambra prison in Phoenix, for intensive psychiatric treatment of women.
28. **General Parole:** (ARS 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.
29. **Hannah Priors:** When several offenses stem from the same, singular incident, the conviction on all offenses can serve as “priors” for purposes of repetitive offender status.
30. **Hearing Officer:** A person employed by the Board to conduct interviews and probable cause hearings on behalf of the Board.
31. **Home Arrest Program:** (ARS 31-236) A program for those inmates who are eligible to complete their prison sentence in the community. It is a program designed to confine an inmate to his residence using electronic monitoring, surveillance and the supervision of a Home Arrest Officer. Except for authorized movements out of the residence, such as employment and mandated treatment programming, the inmate is confined to his home.
32. **In-Absentia:** A hearing conducted by the Board where the inmate is not present.
33. **Ineligible:** The absence of parole eligibility as determined by DOC.
34. **Inmate:** A person who is under the jurisdiction of the Department of Corrections.
35. **Mandatory Release:** A Department of Corrections release which occurs six months prior to an inmate’s actual expiration of sentence. The Board of Executive Clemency is not involved in such releases.
36. **Max:** This date is figured as if the inmate served his whole sentence “inside”, earning release credits. This date is recomputed when inmate is paroled and serves day-for-day time.
37. **Minute Entry:** Brief court order, director of court informational document.
38. **Modification:** A hearing held to determine if conditions of release should be modified or changed. A modification hearing is usually at the request of a parole officer.
39. **Notification:** The statutory requirement of the Board to notify victims and officials (presiding judge, attorney general, county attorney, arresting police agency and area law enforcement where inmate intends to reside) prior to scheduling an inmate to appear before the Board for the parole consideration.

40. **Out Time:** Time while on escape, or “bond time”, meaning the inmate was out on bond after sentencing but before admission to DOC.
41. **Panel Chair:** The member designated to preside over the day’s proceedings.
42. **Pardon:** (ARS 31-402, 31-441, 31-442, 31-443, 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 (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 first has been recommended by the Board.
43. **Parole to Consecutive Sentence:** (ARS 31-412.B) A mechanism to parole an inmate to a future consecutive sentence.
44. **Parole to Detainer:** An act to release an inmate to serve a sentence in the custody of another jurisdiction.
45. **Parole Violation:** When an inmate has been released on parole and violates a condition of his release.
46. **PR:** Probation revocation or provisional release.
47. **Provisional Release:** A discretionary release made by the Department of Corrections, provided the inmate meets certain DOC criteria.
48. **Probable Cause Hearing:** A hearing conducted to determine if sufficient information exists to warrant a revocation hearing by the Board.
49. **Progress Report:** An inmate’s institutional performance record in synopsis format which records his adaption or his failure to adapt to incarceration as well as any post-incarceration plans upon release.
50. **Protective Custody:** Inmate is isolated from the general population for his own welfare and safety. An inmate may be placed in protective custody involuntarily if the institution believes he is in danger.
51. **Pre-Sentence Investigation Report or PSI:** An investigative report conducted by a probation officer following conviction but pending sentencing, which assists the judge in making an appropriate sentencing decision. It contains a synopsis of the crime, any plea bargaining recommendations and a biographical history of the convicted felon.
52. **Rap Sheet:** An inmate’s documented arrest and criminal history.

53. **Refusal to Appear or RTA:** The inmate refuses his right to a hearing in regard to a specific type of release consideration. Inmate signs a waiver to this effect.
54. **Recidivism:** A tendency to return to criminal behavior.
55. **Reprieve:** (ARS 31-402, 31-443, 31-444, 31-445, 31-446) A delay or a temporary suspension of the carrying out of a punishment. The governor may only grant a reprieve upon written recommendation of the Board. The most common use of this action applies to the death sentence.
56. **Rescission:** An act by the Board to take away a previously granted parole, work furlough or home arrest status before the inmate enters into the status.
57. **Revocation:** An act by the Board to take away a previously granted parole, work furlough or home arrest status after the inmate has entered into the status.
58. **Rule 11:** This refers to a court hearing to determine whether a person is mentally competent to stand trial.
59. **Rule 26.5:** This refers to a hearing within the prison system to determine if an inmate is mentally competent to be tried for an offense while in custody.
60. **Set-Off:** The application by the Board to extend the subsequent consideration (eligibility) time as allowed by statute in commutation and parole hearings.
61. **Street Time:** Time spent on parole which is subject to forfeiture in the event of parole revocation.
62. **Temporary Release or TR:** Early release to an approved release date. The determination for TR release is made by DOC. The Board of Executive Clemency has nothing to do with this decision-making process.
63. **Time Sheet:** A computerized document which certifies an inmate eligible for parole consideration.
64. **Trusty:** A prisoner who is deemed worthy of trust, and who is granted special privileges. (Frequently misspelled as “trustee”.)
65. **Two-for-One:** One day is subtracted from an inmate’s sentence for every two days that he serves satisfactorily. This applies only to inmates who have committed offenses prior to January 01, 1994 and the statute applicable to their offense. The inmate’s time can be

forfeited based on management problems and be placed in a status where the inmate cannot earn two-for-one during a specified period.

66. **Work Furlough:** (ARS 31-233.C) A conditional, discretionary release granted by the Board of Executive Clemency from incarceration of an inmate who is supervised by the Department of Corrections. Applies only to certain inmates based on applicable statute.

67. **Truth-in-Sentencing (TIS):** Change in sentencing whereby any individual committing an offense on or after January 01, 1994 must be sentenced under specific sentencing guidelines.