

**ARIZONA BOARD OF EXECUTIVE CLEMENCY**

**BOARD POLICY #207**

<b>Policy Title:</b>  <b>BOARD BUSINESS RECORDS</b>	<b>Effective Date: September 1, 2024</b>	<b>Policy #207</b>
	<b>Supersedes: July 06, 2017</b>	<b>Pages: 4</b>

**PURPOSE**

The purpose of this policy and procedure is to establish guidelines pertaining to the record of the Board’s business and hearings.

**AUTHORITY**

- A.R.S. § 38-424
- A.R.S. § 38-431
- A.R.S. § 39-121.01

**PROCEDURE**

**207.1 Board Business**

- 1.1 The Board of Executive Clemency shall maintain minutes through electronic recording of all meetings; executive sessions; and Board hearings. The recording shall be the official record and serves as the minutes of all Board proceedings.
  - 1.1.1 The Board’s official record of its mandated hearings relating to parole, commutation, pardon, revocation and/or reprieve shall be the audio recording of each hearing.
- 1.2 The Executive Director shall ensure that a copy of the recording of any hearing or meeting be made available for public review within three business days, excluding holidays when possible.
- 1.3 The records of the Board’s business shall be maintained at the Board’s office in a location designated by the Executive Director in accordance with established retention schedules and shall be subject to public inspection in accordance with A.R.S. § 39-121.01.

**207.2 Meeting Record Equipment**

- 2.1 The Board Clerk, or acting Board Clerk, shall ensure the boardroom and recording system is operational prior to the start of the calendar.

### **207.3 Business Meeting Record**

- 3.1 A complete audio recording must be maintained for the Board's business meetings.
- 3.2 The record shall be complete of all discussions, motions, and votes occurring during the meeting.
- 3.3 The audio recording shall be the official record and minutes of the proceedings.
  - 3.3.1 Contents of the business meeting must contain the following information:
    - a. date, time and place of the meeting;
    - b. the members of the public body recorded as either present or absent;
    - c. a general description of the matters discussed or considered (minutes must contain information regarding the matter even though no formal action or vote was taken with respect to the matter);
    - d. an accurate description of all legal actions proposed, discussed or taken and the names of persons who proposed each motion;
    - e. the name of each person "making statements or presenting material to the public body and a specific reference to the legal action," to which the statement or presentation relates;
    - f. if the discussion in the public session did not adequately disclose the subject matter and specifics of the action taken, the minutes of the public meeting at which such action was taken should contain sufficient information to permit the public to investigate further the background or specific facts of the decision;
    - g. if matters not on the agenda were discussed or decided at a meeting because of an actual emergency, the minutes must contain a full description of the nature of the emergency; and
    - h. if a prior act was ratified, the minutes must contain a copy of the disclosure statement required for ratification.

### **207.4 Executive Sessions Record**

- 4.1 The recorded minutes of an executive session shall be a complete recording of all matter discussed. The Chair shall note on the record when the Board has entered and exited the session.
  - 4.1.1 The audio recording shall serve as the official record of the hearing.
- 4.2 At the conclusion of an executive session, the Executive Director or designee shall download the recording to the Board's designated drive for storage.
  - 4.2.1 Records of the Executive Session shall be maintained in a secure location

accessible only by the Executive Director, Business Operations Manager, or Board Chairman.

- 4.3 Recordings of all executive sessions are exempt from public access and shall not be released unless authorized under A.R.S. § 38-431.03.

### **207.5 Board Hearing Record**

- 5.1 All Board hearings shall be recorded. The audio record will be the official record of the proceedings. Hearings will not be transcribed by the Board.
- 5.1.1. The hearing lead shall be responsible for fully completing the designated voting record for cases to which they are assigned.
- 5.1.2. The Board Chair shall review all completed voting records at the end of the day's calendar.
- 5.1.2 The Board shall maintain all voting records.
- 5.2 Designated staff will download the recordings to the Board's designated drive for storage. This action shall be completed within two business days of the hearing, when possible.

### **207.6 Retention**

- 6.1 Audio recordings shall be stored in the agency shared drive for the time-frame specified in the Arizona State Library, Archives and Public Records Retention Schedule outlined for the Board of Executive Clemency.
- 6.2 Audio recordings in capital clemency hearings will remain permanent records with the Arizona State Library, Archives and Public Records and not be subject to destruction.
- 6.3 The Executive Director or designee, known as the Custodian of Records, shall be responsible for following the retention schedule and for the proper destruction of the recordings.
- 6.4 Recorded minutes of all board hearings shall be available for public inspection three working days after the hearing when possible. Executive sessions conducted during the course of a hearing are excluded from public access.
- 6.5 The Executive Director shall ensure that the Board's files are reviewed in accordance with retention guidelines and scheduled for destruction on an on-going basis.

### **IMPLEMENTATION**

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