



**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 21, 2024 beginning at 11:00 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 Overview (FY2024-FY2026)
- III. Annual Report Fiscal Year 2024
- IV. Proposed Policy Revisions - Require Vote

A. Overview of Revisions

#103 Conflict of Interest	Update to comply with performance audit and statutory requirements
#104 Hearing Recusal	Update to comply with performance audit and add documentation of recusal section
#114 Commutation of Sentence	Clarify future sentence eligibility, 603(L) process and reapplication timeline
#206 Board Staff and Member Work Schedule	Update to current information
#207 Board Business Records	Update to current process and equipment
#210 Board Policy and Procedure	Update to current information

B. Public Comment on Proposed Policy Revisions

C. Discussion and Vote

- V. Sunset Review and Performance Audit Status
- VI. Paperless Packet Project Status
- VII. Training for Fiscal Year 2025
- 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.*

**Mina Mendez, Chair**

**POSTED: This 12 day of August, 2024**

**ARIZONA BOARD OF EXECUTIVE CLEMENCY**

**BOARD POLICY #103**

<b>Policy Title:</b>  <b>CONFLICT OF INTEREST</b>	<b>Effective Date:</b> TBD	<b>Policy #103</b>
	<b>Supersedes:</b> July 06, 2017	

**PURPOSE:**

This policy provides guidelines for identifying conflicts, disclosing conflicts and the procedures to be followed to assist the Arizona Board of Executive Clemency to manage conflicts of interest and situations that may result in the appearance of a conflict. It governs the activities of the members and staff of the Arizona Board of Executive Clemency ('Board').

**AUTHORITY:**

- A.R.S. §31-402
- A.R.S. §38-502
- A.R.S. §38-503

**PROCEDURE:**

**103.1 Conflict of Interest**

- 1.1 In accordance with A.R.S. §38-503, any Board member who has, or whose relative has, a substantial interest in matters relating to Board business shall refrain from voting or participating in any decision.
  - a. Substantial interest is defined according to A.R.S. §38-502 as '*...any nonspeculative pecuniary or proprietary interest, either direct or indirect, other than a remote interest*'.
- 1.2 It is the duty of all Board members and staff to be aware of and to identify conflicts of interest and situations that may result in the appearance of a conflict and to disclose those situations/conflicts/or potential conflicts to the:
  - a. Board Chair;
  - b. Board Executive Director; and/or
  - c. Board Counsel.

1.3 The board has adopted several policies that directly or indirectly address potential conflict of interest concerns. These policies are:

**Board Member Decorum Policy #101**

**Ethical Standards Policy #102**

**Hearing Recusal Policy #104**

## **103.2 Training**

2.1 All new Board members and Board staff shall be trained by the Board's legal counsel and the Board Chair or designee on how to avoid placing themselves in a conflict of interest situation.

2.1.1 Training shall cover the definition of a conflict of interest, including what constitutes a 'substantial interest'.

**103.3 Procedures to manage conflicts.** For each interest disclosed, the Executive Director in consultation with the Board Chair, will determine based on the nature of the conflict whether the organization should: (a) take no action or (b) disclose the situation more broadly and invite discussion/resolution by the full Board, or (c) refrain from taking action and otherwise avoid the conflict. In most cases the broadest disclosure possible is advisable so that decision-makers can make informed decisions that are in the best interests of the organization. However, care should always be taken in deciding whether to disclose a conflict to the full Board to prevent undue influence or any appearance of impropriety created with respect to the other Board members.

- a. When the conflict involves a decision-maker, the person with the conflict ("interested party"): (i) must fully disclose the conflict to the Board Chair and the Executive Director; and (ii) may not be involved in the decision of what action to take (e.g., may not participate in a vote)
- b. The person with the conflict will be asked to recuse him/herself from sensitive discussions so as not to unduly influence the discussion of the conflict.
- c. In all cases, decisions involving a conflict will be made only by disinterested persons.
- d. The Executive Director will monitor proposed or ongoing transactions of the organization (e.g., contracts with vendors and collaborations with third parties) for conflicts of interest and disclose them to the Board Chair, whether discovered before or after the transaction has occurred.

## **103.3 Disclosure of Conflicts**

3.1 Board members and Board staff shall annually disclose and promptly update any

disclosures previously made on the Conflict Disclosure Questionnaire form using the current ADOA approved form. They shall identify their interests that could give rise to conflicts of interest, including: substantial business or investment holdings, other transactions or affiliations with businesses, government agencies or any other organizations, and/or those of family members.

3.2 Board members and staff are urged to disclose conflicts as they arise and to disclose those situations that are evolving that may result in a conflict of interest.

3.2.1 Board members shall disclose to the Board Chair as soon as they are aware of the conflict/potential conflict or if the appearance of a conflict exists. Staff shall disclose to the Executive Director.

3.2.2 Advance disclosure must occur so that a determination may be made as to the appropriate plan of action to manage the conflict.

3.3 Disclosure of a conflict by the Executive Director shall be made to the Board Chair.

3.4 Disclosure of a conflict by the Board Chair shall be made to the Executive Director and Board Counsel.

#### **103.4 Acknowledgement**

3.1 Within the first week of employment, all new Board members shall receive a copy of the Board's Policy and Procedure Manual and shall read Board Policy #101 *Board Member Decorum*, Board Policy #102 *Ethical Standards* and Board Policy #104 *Hearing Recusal*. Upon completion, the Board member will acknowledge that they have fully read and understand each policy by initial and signature on the **Conflict of Interest Statement and Acknowledgement** form. The form shall be placed in the Board member's personnel file.

3.2 This policy as well as the other three designated policies above shall be annually reviewed and acknowledged by each Board member at the beginning of the new fiscal year.

#### **IMPLEMENTATION:**

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

# CONFLICT OF INTEREST STATEMENT

And

## ACKNOWLEDGEMENT

I have received the Board's Policy and Procedures Manual and understand that designated policies are also posted on the Board's website ([www.boec.az.gov](http://www.boec.az.gov)) for review. As a member of the Board, it is my duty to review any policy revisions as updated.

In compliance with Board Policy #103 *Conflict of Interest*, I hereby acknowledge that I have read and fully understand the Board's Policy and Procedures including the following:

Board Member Decorum Policy #101	_____	(initials)
Ethical Standards Policy #102	_____	(initials)
Conflict of Interest Policy #103	_____	(initials)Hearing
Recusal Policy #104	_____	(initials)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

ARIZONA BOARD OF EXECUTIVE CLEMENCY

BOARD POLICY #103

Policy Title:  CONFLICT OF INTEREST	Effective Date: <del>July 06, 2017</del> <u>TBD</u>	Policy #103
	Supersedes: <u>July 06, 2017</u> <del>November 26, 2014</del>	Pages: 4

**PURPOSE:**

This policy provides guidelines for identifying conflicts, disclosing conflicts and the procedures to be followed to assist the Arizona Board of Executive Clemency to manage conflicts of interest and situations that may result in the appearance of a conflict. It governs the activities of the members and staff of the Arizona Board of Executive Clemency ('Board') ~~(AZBOEC)~~.

**AUTHORITY:**

A.R.S. §31-402  
A.R.S. §38-502  
A.R.S. §38-503

**PROCEDURE:**

**103.1 Conflict of Interest**

- 1.1 In accordance with A.R.S. §38-503, any Board member who has, or whose relative has, a substantial interest in matters relating to Board business shall refrain from voting or participating in any decision.
  - a. Substantial interest is defined according to A.R.S. §38-502 as '...any nonspeculative pecuniary or proprietary interest, either direct or indirect, other than a remote interest'.
- 1.2 It is the duty of all Board members and staff to be aware of and to identify conflicts of interest and situations that may result in the appearance of a conflict and to disclose those situations/conflicts/or potential conflicts to the:
  - a. Board Chair; ~~man~~
  - b. Board Executive Director; and/or
  - c. Board Counsel.

1.3 The board has adopted several policies that directly or indirectly address potential conflict of interest concerns. These policies are:

**Board Member Decorum Policy #101**

~~The purpose of this policy is to set the highest standards of honesty, integrity, conduct and impartiality for all Board Members. Board members shall be held accountable for complying with these standards as well as the Board's Policy and Procedures when conducting their official and personal affairs.~~

**Ethical Standards Policy #102**

~~The purpose of this policy is to set the highest standards of honesty, integrity, conduct and impartiality for all Board Members. Board members shall be held accountable for complying with these standards as well as the Board's Policy and Procedures when conducting their official and personal affairs.~~

**Hearing Recusal Policy #104**

~~The purpose of this policy is to outline the general procedures and guidelines associated with the Board's practice of conducting fair and equitable hearings without regard to personal or other biases and interests.~~

**103.2 Training**

2.1 All new Board members and Board staff shall be trained by the Board's legal counsel and the Board Chair~~man~~ or designee on how to avoid placing themselves in a conflict of interest situation.

~~2.1.1. The Board Member Orientation shall include but not limited to:~~

~~2.1.1 Training shall cover the definition of a conflict of interest, including what constitutes a 'substantial interest'. What is a conflict of interest? A conflict of interest arises when a Board member or staff member has a personal interest that conflicts with the interests of AZBOEC or arise in situations where a board/staff member has divided loyalties (also known as a "duality of interest").~~

~~**Who might be affected by this policy?** Typically persons who are affected by a conflict of interest policy are the organization's Board members, officers, and senior staff. AZBOEC takes a broad view of conflicts and board/staff are urged to think of how a situation/transaction would appear to outside parties when identifying conflicts or possible conflicts of interest.~~

~~1. **Disclosure of Conflicts.** Board members and staff shall annually disclose and promptly update any disclosures previously made on the Conflict Disclosure Questionnaire form that requests them to identify their interests that could give rise to conflicts of interest, such as a list of family members, substantial business or investment holdings, and other transactions or affiliations with businesses and other organizations or those of family members as well as~~

~~other nonprofit organizations.~~

### 103.3

**Procedures to manage conflicts.** For each interest disclosed, ~~the full Board or~~ the Executive Director ~~or the in consultation with the~~ Board Chairman, ~~as appropriate~~, will determine based on the nature of the conflict whether the organization should: (a) take no action or (b) disclose the situation more broadly and invite discussion/resolution by the full Board ~~of what action to take~~, or (c) refrain from taking action and otherwise avoid the conflict. In most cases the broadest disclosure possible is advisable so that decision-makers can make informed decisions that are in the best interests of the organization. However, care should always be taken in deciding whether to disclose a conflict to the full Board to prevent undue influence or any appearance of impropriety created with respect to the other Board members.

- a. When the conflict involves a decision-maker, the person with the conflict (“interested party”): (i) must fully disclose the conflict to all other decision-makers the Board Chair and the Executive Director; and (ii) may not be involved in the decision of what action to take (e.g., may not participate in a vote) ~~but may serve as a resource to provide other decision-makers with the needed information.~~
- b. ~~In some cases~~ the person with the conflict may will be asked to recuse him/herself from sensitive discussions so as not to unduly influence the discussion of the conflict.
- c. In all cases, decisions involving a conflict will be made only by disinterested persons.
- ~~d. The existence of a conflict and the Board’s management of that conflict will be documented in the minutes of board meetings if the conflict was related to a Board member.~~
- d. The Executive Director will monitor proposed or ongoing transactions of the organization (e.g., contracts with vendors and collaborations with third parties) for conflicts of interest and disclose them to the Board Chair and staff, as appropriate, whether discovered before or after the transaction has occurred.

### 103.3 Disclosure of Conflicts

3.1 Board members and Board staff shall annually disclose and promptly update any disclosures previously made on the Conflict Disclosure Questionnaire form using the current ADOA approved form. They shall identify their interests that could give rise to conflicts of interest, including: substantial business or investment holdings, other transactions or affiliations with businesses, government agencies or any other organizations, and/or those of family members.



3.2 Board members and staff are urged to disclose conflicts as they arise and to disclose those situations that are evolving that may result in a conflict of interest.

3.2.1 Board members shall disclose to the Board Chair~~man~~ as soon as they are aware of the conflict/potential conflict or if the appearance of a conflict exists. Staff shall disclose to the Executive Director.

3.2.2 Advance disclosure must occur so that a determination may be made as to the appropriate plan of action to manage the conflict.

3.3 Disclosure of a conflict by the Executive Director shall be made to the Board Chair.

3.4 Disclosure of a conflict by the Board Chair shall be made to the Executive Director and Board Counsel.

#### 103.3~~103.3~~ 103.4 Acknowledgement

3.1 Within the first week of employment, all new ~~b~~B~~o~~ard members shall receive a copy of the Board's Policy and Procedure Manual and shall read Board Policy #101- *Board Member Decorum*, Board Policy #102 *Ethical Standards* and Board Policy #104 *Hearing Recusal*. Upon completion, the Board ~~m~~M~~e~~mber will acknowledge that they have fully read and understand each policy by initial and signature on the **Conflict of Interest Statement and Acknowledgement** form. The form shall be placed in the ~~B~~B~~o~~ard ~~M~~M~~e~~mber's personnel file.

3.2 This policy as well as the other three designated policies above shall be annually reviewed and acknowledged by each ~~b~~B~~o~~ard member at the beginning of the new fiscal year.

#### IMPLEMENTATION:

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

# CONFLICT OF INTEREST STATEMENT

And

## ACKNOWLEDGEMENT

I have received the Board's Policy and Procedures Manual and understand that designated policies are also posted on the Board's AZBOEC website ([www.boec.az.gov](http://www.boec.az.gov)) for review. As a member of the Board, it is my duty to review any policy revisions as updated. ~~maintain and update the Policy and Procedure Manual that has been provided.~~

In compliance with Board Policy #103 *-Conflict of Interest*, I hereby acknowledge that I have read and fully understand the Board's Policy and Procedures including the following:

Board Member Decorum Policy #101	_____	(initials)
Ethical Standards Policy #102	_____	(initials)
<u>Conflict of Interest Policy #103</u>	_____	(initials)
Hearing Recusal Policy #104	_____	(initials)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

**ARIZONA BOARD OF EXECUTIVE CLEMENCY  
BOARD POLICY #104**

<b>Policy Title:</b>  <b>HEARING RECUSAL</b>	<b>Effective Date:</b> TBD	<b>Policy #104</b>
	<b>Supersedes:</b> July 06, 2017	

**PURPOSE:**

The purpose of this policy is to outline the general procedures and guidelines associated with the Board's practice of conducting fair and equitable hearings without regard to personal or other biases and interests.

**AUTHORITY:**

A.R.S. §§ 38-501; 502; 503;504;505;506;507;508;509;510;511  
State Personnel Rules  
State Employee Handbook

**PROCEDURE:**

**104.1 Determination of Recusal in Board Matters Requiring Vote**

- 1.1 There are times when a Board member of the Board of Executive Clemency may feel it would be inappropriate to participate in a matter pending before the Board. When this occurs, a Board member may recuse themselves from participating and making a determination in the matter.
  - 1.1.1 Recusal of self from a hearing must be determined by that individual.
- 1.2 A Board member should disqualify themselves in any proceeding in which their impartiality might reasonably be questioned or where they have a personal bias or prejudice concerning a party, or personal knowledge of disputed facts concerning the matter.
- 1.3 A Board member should question their participation in a matter if they have already predetermined their vote concerning the outcome or if the Board member has a personal, professional or financial interest in the outcome. As a general rule, a Board member should recuse himself if participation would violate or conflict with prevailing statutes (ARS §38-501-38-510), state personnel rules and provisions within the State of Arizona Employee Handbook.
- 1.4 Examples illustrating when a Board member may wish to consider recusing themselves are:

***Financial Involvement:*** Recuse yourself when you or a relative have a financial involvement that might reasonably be expected to impair your objectivity. Financial involvement means any personal or business relationship with a participant at the hearing. Relative means the spouse, child, child's child, parent, grandparent, brother or sister of whole or half-blood and their spouses and the parent, brother, sister or child of a spouse. A.R.S. Sec. 38-502. Usually step children and adopted children and their spouses are included under the purview of immediate family.

***Personal Involvement:*** Recuse yourself when you or members of your immediate family have personal involvement with the inmate, the investigating officer, an officer of the court, a victim, or a member of the correctional staff that creates some benefit to you or to an immediate family member. A board member should recuse themselves if they have knowledge, information, or have a relationship that would prevent them from participating in a fair, objective and unbiased hearing. Personal involvement means other than a work related relationship.

***Professional Services*** (lawyer, accountant, etc.): If a Board member is currently receiving professional services or is providing services to an individual or organization that has a vested interest in a board hearing, it is not advisable for the Board member to participate in a hearing. Board members should seek an advisory opinion from the Attorney General's Office regarding the Board member's ability to participate in the hearing.

***Personal Interest:*** If a Board member is related to someone who is directly or indirectly involved in a personal relationship with an inmate, victim or other participant, that Board member should not participate in the matter.

***Political Interest:*** State employees are allowed to participate in campaigns and solicit campaign contributions for political candidates. However, a Board member should recuse themselves if they have knowledge, information, or have a relationship with a candidate or holder of political office who has a matter before the board that would prevent them from participating in a fair, objective and unbiased hearing.

## **104.2 Notice to the Public**

2.1 If present at the start of a hearing, any Board member who intends to recuse himself from a hearing shall declare their intention before testimony begins and leave the board room.

2.1.1 Stating the reason for a Board member's decision to recuse is not required.

## **104.3 Documentation of Recusal**

3.1 If a Board member recuses themselves from a matter, they shall submit a signed memorandum stating the matter which they are recusing themselves to the Board Chair and the Executive Director.

3.1.1 A copy of the signed memorandum shall be placed in the:

- a) inmate's file for inclusion in the Board packet in future proceedings;
- b) Board member's personnel file;

- c) designated shared drive folder; and
- d) hard copy file maintained in the Executive Director's Office.

#### **104.4 Recusal of Board Chairman**

4.1 If the Board Chair recuses themselves from a hearing, they shall designate another member to act as Panel Chair.

#### **Implementation:**

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

**ARIZONA BOARD OF EXECUTIVE CLEMENCY  
BOARD POLICY #104**

<b>Policy Title:</b>  <b>HEARING RECUSAL</b>	<b>Effective Date:</b> <u>TBD July 06, 2017</u>	<b>Policy #104</b>
	<b>Supersedes:</b> <u>July 06, 2017</u> <del>April-23, 2014</del>  <u>#115</u>	

**PURPOSE:**

The purpose of this policy is to outline the general procedures and guidelines associated with the Board's practice of conducting fair and equitable hearings without regard to personal or other biases and interests.

**AUTHORITY:**

A.R.S. §§ 38-501; 502; 503;504;505;506;507;508;509;510;511  
State Personnel Rules  
State Employee Handbook

**PROCEDURE:**

**104.1 Determination of Recusal in Board Matters Requiring Vote**

- 1.1 There are times when a Board Member of the Board of Executive Clemency may feel it would be inappropriate to participate in a matter pending before the Board. When this occurs, a Board member may recuse themselves from participating and making a determination in the matter.
  - 1.1.1 Recusal of self from a hearing must be determined by that individual.
- 1.2 A Board member should disqualify him/herself/themselves in any proceeding in which their impartiality might reasonably be questioned or where they have a personal bias or prejudice concerning a party, or personal knowledge of disputed facts concerning the matter.
- 1.3 A Board member should question their participation in a matter if they have already predetermined their vote concerning the outcome or ~~when-if~~ the Board member has a personal, professional or financial interest in the outcome. As a general rule, a Board member should recuse himself if participation would violate or conflict with prevailing statutes (ARS §38-501-38-510), state personnel rules and provisions within the State of Arizona Employee Handbook.
- 1.4 Examples illustrating when a Board member may wish to consider recusing themselves are:

**Financial Involvement:** Recuse yourself when you or a relative have a financial involvement that might reasonably be expected to impair your objectivity. Financial involvement means any personal or business relationship with a participant at the hearing. Relative means the spouse, child, child's child, parent, grandparent, brother or sister of whole or half-blood and their spouses and the parent, brother, sister or child of a spouse. A.R.S. Sec. 38-502. Usually step children and adopted children and their spouses are included under the purview of immediate family.

**Personal Involvement:** Recuse yourself when you or members of your immediate family have personal involvement with the inmate, the investigating officer, an officer of the court, a victim, or a member of the correctional staff that creates some benefit to you or to an immediate family member. A board member should recuse themselves if they have knowledge, information, or have a relationship that would prevent them from participating in a fair, objective and unbiased hearing. Personal involvement means other than a work-related relationship.

**Professional Services** (lawyer, accountant, etc.): If a Bboard member is currently receiving professional services from a professional person or is providing services to an individual or organization that has a vested interest in a board hearing, it is not advisable from a policy standpoint for the bBoard member to participate in a hearing. Board members should seek an advisory opinion from the Attorney general's eOffice regarding the Board member's ability to participate in the hearing should such a conflict arise.

**Personal Interest:** If a Bboard member is related to someone who is directly or indirectly involved in a personal relationship with an inmate, victim or other hearing participant, - that Board member should not participate in thea hearing matter.

**Political Interest:** State employees are allowed to participate in campaigns and solicit campaign contributions for political candidates. However, a Bboard member should recuse themselves if they have knowledge, information, or have a relationship with a candidate or holder of political office who has a matter before the board that would prevent them from participating in a fair, objective and unbiased hearing.

## 104.2 Notice to the Public

- 2.1 If present at the start of a hearing, Any Board member who intends to recuse himself from a hearing shall declare their intention at the start of a hearing, before testimony begins, and leave the board room.

2.1.1 Stating the reason for a Board member's decision to recuse is permissible but not required.

## 104.3 Documentation of Recusal

3.1 If a Board member recuses themselves from a matter, they shall submit a signed memorandum stating the matter which they are recusing themselves to the Board Chair and the Executive Director.

- 3.1.1 A copy of the signed memorandum shall be placed in the:
- a. inmate's file for inclusion in the Board packet in future proceedings;
  - b. Board member's personnel file;
  - c. designated shared drive folder; and
  - d. hard copy file maintained in the Executive Director's Office.

**104.3104.4 Recusal of Board Chairman**

3.1 If the Board Chairman recuses themselves~~him/herself~~ from a hearing, ~~he or she~~they shall designate another member to act as Panel Chair. ~~person~~

**Implementation:**

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



**ARIZONA BOARD OF EXECUTIVE CLEMENCY**

**BOARD POLICY #114**

<b>Policy Title:</b>  <b>COMMUTATION OF SENTENCE</b>	<b>Effective Date: TBD</b>	<b>Policy #114</b>
	<b>Supersedes: May 07, 2018</b>	<b>Pages: 7</b>

**PURPOSE:**

The purpose of this policy is to outline the general procedures and guidelines associated with the eligibility and processing of Commutation of Sentence applications and subsequent Board determinations. Throughout this process, the Board's determination is final.

**AUTHORITY:**

ARS §13-603(L)  
ARS §31-402  
ARS §31-411 (H) (I) (1)  
ARS §38-431.01  
ARS §31-403

**PROCEDURE**

**114.1 Eligibility & Exceptions**

- 1.1 Inmates who are statutorily eligible or an inmate who has served the required amount of minimum time may apply for commutation. Inmates who are certified for parole, regardless of the date of offense, are not commutation eligible on the same case.
- 1.2 For those inmates who committed their felony offense on or after January 01, 1994, the Board may recommend to the Governor for commutation of sentence after finding by clear and convincing evidence that the sentence imposed is clearly excessive given the nature of the offense and the record of the offender and that there is a substantial probability that when released the inmate will conform his/her conduct to the requirements of the law.
- 1.3 The Board will only consider those inmates who have served two (2) years of their sentence of imprisonment to the Arizona Department of Corrections Rehabilitation and Reentry (ADCRR) (including presentence incarceration if applicable) from their sentence begin date and are not within one (1) year of

their mandatory release date from the ADCRR.

- 1.3.1 A mandatory release does not include non-discretionary releases, i.e. Temporary Release, Transition Program Release and/or Parole Eligibility.
- 1.4 The Board will not consider those with a sentence of less than 3 years of imprisonment in ADCRR.
- 1.5 The Board will not consider future (consecutive) sentences to a term of incarceration for commutation except as follows.
  - 1.5.1 The Board may consider future sentences if the court makes findings pursuant to A.R.S. §13-603(L) that the total of the legally mandated sentence is clearly excessive and the Court's 603(L) order applies to each of the current and future consecutive sentences
  - 1.5.2 The Board may also consider (future) consecutive sentences to a term of incarceration if the matter is under the same criminal case number and the total aggregate of the **future** consecutive sentences is fifty (50) or more years of incarceration (not including terms of probation) unless ineligible by statute.
- 1.6 Inmates who have had a term of community supervision revoked previously by the Board pursuant to A.R.S. §31-402.5(B) are not eligible for commutation of that period of community supervision.
- 1.7 The exceptions to the Board time requirements are:
  - a. inmates seeking commutation under A.R.S. §13-603(L),
  - b. inmates seeking commutation under imminent danger of death, and
  - c. an inmate subject to a warrant of execution issued by the Arizona Supreme Court.

## **114.2 Application Process**

- 2.1 Inmates must complete and sign the current commutation of sentence application form adopted by the Board at the time of application. Applications submitted using an outdated application form will be returned to the applicant. This application will be made available via:
  - a. the Board's website,
  - b. request by mail, and
  - c. ADCRR Correctional Staff.
- 2.2 Inmates shall transmit their completed application to the ADCRRR Time Computation Unit for review and certification. Only those applications first reviewed and certified by the ADCRR Time Computation Unit as statutorily eligible for commutation will be forwarded to the Board for review.
  - 2.2.1. Applications sent directly to the Board will be returned unprocessed.

- 2.2.2. Only applications found to be complete by the Executive Director, or designee, will be scheduled for a Phase I Commutation Hearing. Incomplete applications or ineligible inmate applications will be returned to the inmate. Incomplete applications will be returned with a notice explaining the application deficiencies.

### **114.3 Imminent Danger of Death**

- 3.1 The Board may waive the eligibility criteria and schedule a Phase II hearing if the inmate has filed an imminent danger of death application and ADCRR has certified that the inmate meets the criteria for imminent danger of death commutation.
- 3.2 The inmate may only be considered for an imminent danger of death commutation if the independent medical specialist referred by ADCRR's contracted medical provider completes a written prognosis statement that there is reasonable medical certainty that the inmate's medical condition will result in death within four (4) months from the point of application.
  - 321 ADCRR's contracted medical provider's designated licensed physician shall also provide a statement concurring or non-concurring with the prognosis of the independent medical specialist that the inmate has less than four (4) months to live.
  - 322 The ADCRR Health Services Contract Monitoring Bureau will arrange, upon request, for ADCRR's contracted medical provider (or designee) to provide testimony at the time of the commutation hearing. The party assisting the inmate in the application shall make the request in writing to ADCRR's Health Services Contract Monitoring Bureau. A member of the Board of Executive Clemency staff and ADCRR's Health Services Contract Monitoring Bureau will coordinate the date and time of the hearing for the provider to testify.
  - 323 The Executive Director, or designee, will make every effort to accommodate priority scheduling for imminent danger of death commutation hearings.
  - 324 Inmates will be notified on the commutation of sentence application that their medical records may become public record and discussed in public forum during the commutation hearing. They shall acknowledge this notice by their signature on the application form.

### **114.4 Order of the Court A.R.S. §13-603(L)**

- 4.1 An order of the court pursuant to A.R.S. §13-603(L) provides:
  - a. "If at the time of sentencing the court is of the opinion that a sentence that the law requires the court to impose is clearly excessive, the court may enter a special order allowing the person sentenced to petition the Board of Executive Clemency for a commutation of sentence within ninety days after the person is committed to the custody of the state department of corrections. If the court enters a special order

regarding commutation, the court shall set forth in writing its specific reasons for concluding that the sentence is clearly excessive. The court shall allow both the state and the victim to submit a written statement on the matter. The court's order, and reasons for its order, and the statements of the state and the victim shall be sent to the Board of Executive Clemency.”

- 4.2 When a 603(L) commutation request hearing is held and if the Board’s determination is not to recommend a commutation of sentence to the Governor then no further commutation of sentence application will be considered unless deemed eligible by ADCRR based on statutory authority and/or Board of Executive Clemency Policy and Procedure.
- 4.3 If a 603(L) commutation is not recommended by the Board, the inmate may reapply for commutation pursuant to the provisions of their sentence or a minimum of three years, whichever is later from the date of denial unless:
  - a. The three year waiting period is extended pursuant to A.R.S. §31-403(E) for inmate who committed serious offenses on or after January 01, 2006. Reapplication will be determined on statutory requirements and timeframes set by the Board.
- 4.4 A commutation hearing that is conducted pursuant A.R.S. §13-603(L) where commutation is **not** recommended by the Board, reapplication shall be made pursuant to A.R.S. §31-403, not A.R.S. §13-603(L), and the two Phase hearing process shall apply.
- 4.5 A commutation hearing that is conducted pursuant to A.R.S. §13-603(L) where commutation is recommended by the Board but denied by the Governor, reapplication shall be made pursuant to A.R.S. §31-403, not A.R.S. §13-603(L).
- 4.1 When a 603(L) commutation of sentence has been recommended to the Governor and denied, the applicant may reapply three years from the date of the 603(L) hearing, or in accordance with **A.R.S. §31-403**, whichever is later.
- 4.2 Pursuant to A.R.S. §31-403(D)(3), the Board may allow an inmate to reapply sooner **only** if a request is made at the time of the initial 603(L) hearing and the Board votes by majority decision to allow reapplication sooner than the standard timeframe.

#### **114.5 Notification**

- 5.1 When a commutation from imprisonment is to be considered, the Board, on request and before conducting a commutation hearing, the Board shall notify the attorney general, the Presiding Judge of the Superior Court the County Attorney in the county in which the inmate requesting commutation was convicted and sentenced and the ADCRR Victim Services Unit. Upon request for post-conviction notice, the victim of the offense for which the inmate has applied for commutation of sentence in shall also be notified.
- 5.2 The notice to the victim shall be mailed to the last known address no less than fifteen

(15) calendar days prior to the hearing date. The notice shall inform the victim of the victim's right to be present and/or to submit a written statement to the board.

5.3 A commutation hearing shall not be held until at least fifteen (15) calendar days have passed after the date of sending the hearing notice to the victim. The Board shall retain a copy of the notice to the victim.

5.4 The provision of this subsection requiring notice to the government officials shall not apply where there is an imminent danger of death certified commutation request or when the term of imprisonment is within two hundred ten (210) days of expiration.

### 115.6 Commutation Hearing Process

6.1 Except as provided in exemptions of this policy, commutation hearings will be held in two phases.

6.1.1 At least one week prior to a commutation hearing, the Board members will be provided the application, inmate's files, letters and all relevant information for review. Family, friends, victims, witnesses legal Counsel, and/or members of the public should submit written information concerning the matter at least one week prior to the hearing.

6.2 A Phase I Hearing shall be a review of the application packet and conducted in quorum by Board members. The applicant is not present and no call to the public, including victims, will be made. All materials provided to the Board shall be considered in the review, including any written statements submitted by the victim.

6.2.1 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 commutation application and not pass the application to Phase II.

6.3 A Phase II Hearing shall include the participation of the applicant, victims and any members of the public wishing to address the Board.

6.3.1 At the conclusion of a Phase II hearing, the Board by a *majority vote* of the Board may vote to recommend a commutation to the Governor or vote not to recommend a commutation to the Governor.

6.4 If commutation is not recommended by the Board, the inmate may reapply for commutation three years from the date of denial unless:

6.4.1 The three year waiting period is extended pursuant to A.R.S. §31-403(E) for inmate who committed serious offenses on or after January 01, 2006. Reapplication will be determined on statutory requirements and timeframes set by the Board.

6.4.2 The Board may waive these provisions **only** if one the following applies:

- a. The person meets the conditions as outlined for imminent danger of death, or
- b. the person is the subject of a warrant of execution.

#### **114.7 Recommendation**

7.1 When the Board votes to recommend a commutation of sentence 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 to a Board member who voted in the majority the preparation of the recommendation letter to the Governor.

7.1.1 The letter shall include the details of the offense and the sentence that is being commuted, the inmate's past criminal history, reason for the inmate seeking commutation and the board member's discussion and conclusion or the recommendation.

7.1.2 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.

7.1.3 Letters of dissent may also be prepared and shall be forwarded to the Governor by any board member who voted contrary to the majority decision.

7.2 A letter of recommendation and if applicable, any letter(s) of dissent, along with the related case materials considered by the Board at the Phase I and II Hearings, shall be included in the packet of information sent to the Governor within 30 calendar days from the date that hearing was conducted.

7.3 Recommendation based on imminent danger of death shall be forwarded with accompanying materials to the Governor within seven (7) working days.

7.4 Pursuant to A.R.S. §31-402(D), any recommendation for commutation that is passed *unanimously* by the Board which is not acted on by the Governor within ninety days after receipt, will automatically become effective.

7.5 Any recommendation for commutation that is made by a *majority* of the board members present shall be sent to the Governor for consideration. There is no deadline for the approval or rejection of such a recommendation by the Governor.

7.6 The Board shall advise the inmate of the Governor's decision via written communication. The Executive Director shall ensure the Board's records/files are updated.

7.7 If commutation is not granted by the Governor, the inmate may reapply for commutation three years from the date of the Phase II hearing unless:

- 7.7.1 The three year waiting period is extended pursuant to A.R.S. §31-403(E) for inmate who committed serious offenses on or after January 01, 2006. Reapplication will be determined on statutory requirements and timeframes set by the Board.
- 7.7.2 See section 114.4.1 for information on reapplication if the commutation hearing was conducted pursuant to A.R.S. §13-603(L)
- 7.7.3 The Board may waive these provisions **only** if one of the following applies:
  - a. The person meets the conditions as outlined for imminent danger of death, or
  - b. the person is the subject of a warrant of execution.

**Implementation:**

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

ARIZONA BOARD OF EXECUTIVE CLEMENCY

BOARD POLICY #114

Policy Title:  COMMUTATION OF SENTENCE	Effective Date: <del>TBD</del> <u>May 07, 2018</u>	Policy #114
	Supersedes: <u>May 07, 2018</u> <del>June 01, 2017</del>	Pages: <u>67</u>

**PURPOSE:**

The purpose of this policy is to outline the general procedures and guidelines associated with the eligibility and processing of Commutation of Sentence applications and subsequent Board determinations. Throughout this process, the Board's determination is final.

**AUTHORITY:**

ARS §13-603(L)  
ARS §31-402  
ARS §31-411 (H) (I) (1)  
ARS §38-431.01  
ARS §31-403

**PROCEDURE**

**114.1 Eligibility & Exceptions**

- 1.1 Inmates who are statutorily eligible or an inmate ~~whose sentence does not require a minimum amount of time to be served who has served the required amount of minimum time~~ may apply for commutation. Inmates who are certified for parole, regardless of the date of offense, are not commutation eligible on the same case.
- 1.2 For those inmates ~~convicted of who committed their felony their~~ offense on or after January 01, 1994, the Board may recommend to the Governor for commutation of sentence after finding by clear and convincing evidence that the sentence imposed is clearly excessive given the nature of the offense and the record of the offender and that there is a substantial probability that when released the inmate will conform his/her conduct to the requirements of the law.
- 1.3 The Board will only consider those inmates who have served two (2) years-years of their sentence of imprisonment to the Arizona Department of Corrections



Rehabilitation and Reentry (ADCRR) (including presentence incarceration if applicable) from their sentence begin date and are not within one (1) year of their eligible or -their mandatory release date from the ADCRR. for sentences more than 3 years.

1.3.1 A mandatory release does not include non-discretionary releases, i.e. Temporary Release, Transition Program Release and/or Parole Eligibility.

~~1.3.4~~ The Board will not consider those with a sentence of less than 3 years of imprisonment in ADCRR. inmates with less than three years sentence.

~~1.4.1.5~~ The Board will not consider future (consecutive) sentences to a term of incarceration for commutation except as follows.

~~1.4.1~~—The Board may consider future sentences if the court makes findings pursuant to A.R.S. §13-603(L) that the total of the legally mandated sentence is clearly excessive and the Court's 603(L) order applies to the total of all to each of the current and future consecutive sentences. ~~If the initial application is not recommended or is denied by the Governor, after the waiting period and there is no law to the contrary, the Board may again consider an application for commutation of any or all the current sentences or future consecutive sentences for which there is an A.R.S. 13-603(L) order.~~

1.5.1 The Board may also consider (future) consecutive sentences to a term of incarceration if the matter is under the same criminal case number and the total aggregate of the future consecutive sentences is fifty (50) or more years of incarceration (not including terms of probation) unless ineligible by statute.

~~a.—~~

~~1.5.2~~ The Board will not consider inmates with less than three years sentence.

~~1.5.1.6~~ Inmates who have had a their term of community supervision revoked previously by the Board pursuant to A.R.S. §31-402.5(B) are not eligible for commutation of that period of community supervision.

~~1.6.1.7~~ The exceptions to the Board time requirements are:

- a. inmates seeking commutation under A.R.S. §13-603(L),
- b. inmates seeking commutation under imminent danger of death, and
- c. an inmate subject to a Warrant of Execution received from issued by the Arizona Supreme Court.

## 114.2 Application Process

2.1 Inmates must complete and sign the current ~~C~~ommutation of ~~S~~entence application form adopted by the Board at the time of application. Applications submitted using an outdated application form will be returned to the applicant. This application will be made available via:

- a. the Board's website,

b. request by mail, and  
~~e. ADCRR inmate's~~ Correctional ~~Officer III~~ Staff.

2.2 Inmates shall transmit their completed application to the ADCRRR Time Computation Unit~~the Department of Corrections~~ for review and certification. Only those applications first reviewed and certified by the ADCRR Time Computation Unit ~~AZDOC~~ as statutorily eligible for commutation will be forwarded to the Board for review.

~~2.1.1.2.2.1.~~ Applications sent directly to the Board will be returned unprocessed.

~~2.1.2.2.2.2.~~ Only applications found to be complete by the Executive Director, or designee, will be scheduled for a Phase I Commutation Hearing. Incomplete applications or ineligible inmate applications will be returned to the inmate. Incomplete applications will be returned with a notice explaining the application deficiencies.

### 114.3 Imminent Danger of Death

- 31 The Board may waive the eligibility criteria and schedule a Phase II hearing if the inmate has ~~been certified by the Arizona Department of Corrections ADCRR and~~ has filed an imminent danger of death application and ADCRR has certified that the inmate meets the criteria for imminent danger of death commutation.
- 32 The inmate may only be considered for an imminent danger of death commutation if the independent medical specialist referred by ADCRR's contracted medical provider completes a written prognosis statement that there is reasonable medical certainty that the inmate's medical condition will result in death within four (4) months from the point of application.
- 321 ADCRR's contracted medical provider's designated licensed physician shall also provide a statement concurring or non-concurring with the prognosis of the independent medical specialist that the inmate has less than four (4) months to live.
- 322 The ADCRR Health Services Contract Monitoring Bureau will arrange, upon request, for ADCRR's contracted medical provider (or designee) to provide testimony at the time of the commutation hearing. The party assisting the inmate in the application shall make the request in writing to ADCRR's Health Services Contract Monitoring Bureau. A member of the Board of Executive Clemency staff and ADCRR's Health Services Contract Monitoring Bureau will coordinate the date and time of the hearing for the provider to testify.
- 323 The Executive Director, or designee, will make every effort to accommodate priority scheduling for imminent danger of death commutation hearings.
- 324 Inmates will be notified on the ~~C~~ommutation of ~~S~~sentence ~~A~~pplication that

their medical records may become public record and discussed in public forum during the commutation hearing. They shall acknowledge this notice by their signature on the application form.

#### 114.4 Order of the Court A.R.S. §-13-603(L)

4.1 An order of the court pursuant to A.R.S. §-13-603(L) provides:

- a. "If at the time of sentencing the court is of the opinion that a sentence that the law requires the court to impose is clearly excessive, the court may enter a special order allowing the person sentenced to petition the Board of Executive Clemency for a commutation of sentence within ninety days after the person is committed to the custody of the state department of corrections. If the court enters a special order regarding commutation, the court shall set forth in writing its specific reasons for concluding that the sentence is clearly excessive. The court shall allow both the state and the victim to submit a written statement on the matter. The court's order, and reasons for its order, and the statements of the state and the victim shall be sent to the Board of Executive Clemency."

4.2 When a 603(L) commutation request hearing is held and if the Board's determination is not to recommend a commutation of sentence to the Governor then no further commutation of sentence application will be considered unless deemed eligible by ~~the Department of Corrections-ADCRR~~ based on statutory authority and/or Board of Executive Clemency Policy and Procedure.

4.3 If a 603(L) commutation is not recommended by the Board, the inmate may reapply for commutation pursuant to the provisions of their sentence, or a minimum of three years, whichever is later, from the date of denial unless:

- a. The three year waiting period is extended pursuant to A.R.S. §31-403(E) for inmate who committed serious offenses on or after January 01, 2006. Reapplication will be determined on statutory requirements and timeframes set by the Board.

4.4 A commutation hearing that is conducted pursuant A.R.S. §13-603(L) where commutation is **not** recommended by the Board, reapplication shall be made pursuant to A.R.S. §31-403, not A.R.S. §13-603(L), and the two Phase hearing process shall apply.

4.5 A commutation hearing that is conducted pursuant to A.R.S. §13-603(L) where commutation is recommended by the Board but denied by the Governor, reapplication shall be made pursuant to A.R.S. §31-403, not A.R.S. §13-603(L).

4.1 When a 603(L) commutation of sentence has been recommended to the Governor and denied, the applicant may reapply three years from the date of the 603(L) hearing, or in accordance with A.R.S. §31-403, whichever is later.

4.2 Pursuant to A.R.S. §31-403(D)(3), the Board may allow an inmate to reapply sooner **only** if a request is made at the time of the initial 603(L) hearing and the Board votes by majority decision to allow reapplication sooner than the standard

timeframe.

## 114.5 Notification

- 5.1 When a commutation from imprisonment is to be considered, the Board, on request and before ~~conducting holding~~ a commutation hearing, the Board shall notify the attorney general, the Presiding Judge of the Superior Court, ~~the~~ County Attorney in the county in which the inmate requesting commutation was convicted and sentenced and the ADCRR Victim Services Unit. ~~The~~ Upon request for post-conviction notice, the victim of the offense for which the inmate ~~was incarcerated-~~ has applied for commutation of sentence in shall also be notified.
- 5.2 The notice to the victim shall be mailed to the last known address no less than fifteen (15) calendar days prior to the hearing date. ~~The notice shall state the name of the inmate and shall set the month of the hearing.~~ The notice shall inform the victim of the victim's right to be present and/or to submit a written report statement to the board. ~~expressing the victim's opinion concerning the commutation of sentence.~~
- 5.25.3 A commutation hearing shall not be held until at least fifteen (15) ~~CALENDAR~~ calendar days have passed after the date of sending the hearing notice to the ~~victim.~~ On mailing the notice, the victim. The Board shall file retain a hard copy of the notice to the victim, in the Board's inmate file as evidence that notification was sent.
- 5.35.4 The provision of this subsection requiring notice to the government officials shall not apply where there is an imminent danger of death certified commutation request or when the term of imprisonment is within two hundred ten (210) days of expiration.

## 115.6 Commutation Hearing Process

- 6.1 Except as provided in exemptions of this policy, commutation hearings will be held in two phases.
- 6.1.1 At least one week prior to a commutation 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, and/or members of the public should submit written information concerning the matter at least one week prior to the hearing.
- 6.2 A Phase I Hearing shall be a review of the application packet and conducted in quorum by Board members. The applicant is not present and no call to the public, including victims, will be made. All materials provided to the Board shall be considered in the review, including -any written statements submitted by the victim.
- 6.2.1 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 commutation application and not pass the application to Phase II.

~~The Board shall determine by vote whether to pass to Phase II.~~

6.26.3 A Phase II Hearing shall include the participation of the applicant, victims and any members of the public wishing to address the Board.

6.3.1 At the conclusion of ~~a commutation hearing, the Board may take one of the following actions~~ -a Phase II hearing, the Board by a *majority vote* of the Board may vote to recommend a commutation to the Governor or vote not to recommend a commutation to the Governor.

6.4 If commutation is not recommended by the Board, the inmate may reapply for commutation three years from the date of denial unless:

6.4.1 The three year waiting period is extended pursuant to A.R.S. §31-403(E) for inmate who committed serious offenses on or after January 01, 2006. Reapplication will be determined on statutory requirements and timeframes set by the Board.

6.4.2 The Board may waive these provisions **only** if one the following applies:

a. -The person meets the conditions as outlined for imminent danger of death, or  
a-b. the person is the subject of a warrant of execution.

#### 114.7 Recommendation

7.1 When the Board votes to recommend a ~~c~~Commutation of ~~S~~entence 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 to a Board member~~ who voted in the majority ~~to prepare the preparation of~~ the recommendation letter to the Governor.

7.1.1 The letter shall include the details of the offense and the sentence that is being commuted, the inmate's past criminal history, reason for the inmate seeking commutation and the board member's discussion and conclusion or the recommendation.

7.1.2 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.

7.1.3 Letters of dissent may also be prepared and shall be forwarded to the Governor by any board member who voted contrary to the majority decision.

7.2 A letter of recommendation and if applicable, any letter(s) of dissent -letter/s, along with the related case materials considered by the Board at the Phase I and II Hearings, shall be included in the packet of information sent to the Governor within 30 calendar days from the date that hearing was conducted.

7.3 Recommendation based on imminent danger of death shall be forwarded with accompanying ~~mailed~~ materials to the Governor within seven (7) working days.

7.4 ~~Pursuant to A.R.S. §31-402(D), Any~~ recommendation for commutation that is passed *unanimously* by the Board which is not acted on by the Governor within ninety days after receipt, will automatically become effective.

7.5 Any recommendation for commutation that is made by a *majority* of the board members present shall be sent to the ~~G~~governor for consideration. There is no ~~deadline-time limit~~ for the approval or rejection of such a recommendation by the Governor.

7.6 The Board shall advise the inmate of the Governor's decision via written communication. The Executive Director shall ensure the Board's records/files are updated.

7.7 If commutation is not granted by the Governor, the inmate may reapply for commutation three years from the date of ~~the Phase II hearing-denial~~ unless:

~~7.7.1~~ 7.7.1 The three year waiting period is extended pursuant to A.R.S. §31-403-(E) for inmate who committed serious offenses on or after January 01, 2006. Reapplication will be determined on statutory requirements and timeframes set by the Board.

~~7.7.1~~7.7.2 See section 114.4.1 for information on reapplication if the commutation hearing was conducted pursuant to A.R.S. §13-603(L)

~~7.7.2~~7.7.3 The Board may waive these provisions only if oneany of the following applies:

- a. The person meets the conditions as outlined for imminent danger of death -or
- ~~a.~~b. the person is the subject of a warrant of execution.

**Implementation:**

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

**ARIZONA BOARD OF EXECUTIVE CLEMENCY**

**BOARD POLICY #206**

<b>Policy Title:</b>  <b>BOARD STAFF AND MEMBER WORK SCHEDULE</b>	<b>Effective Date:</b> TBD	<b>Policy #206</b>
	<b>Supersedes:</b> July 06, 2017	

**PURPOSE:**

The purpose of this policy is to establish set office hours and procedures to ensure the continued operations and service to the public during business hours.

**AUTHORITY:**

A.R.S. §1-301 Holidays

A.R.S. §31-402 Duties of Board and duties of Governor, powers and duties of Executive Director

AG OPINION #188-032 – (*summarized*) Legislature required Board members to serve on a full-time basis contemplating that the duties would consume 40 or more hours a week.

The Attorney General Opinion is supported by State and Federal law which also defines a full-time employee as one who works forty (40) or more hours per week.

**PROCEDURE:**

**206.01 : Board Schedule and Meetings**

1.1 The official business hours of the Board shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, except state holidays.

1.2 Board hearings may be conducted from 8:30 a.m. to 5:00 p.m., Monday through Thursday unless otherwise noted on the posted agenda.

1.3 Board members daily work schedule is from 7:30 a.m. to 6:30 p.m. with a one hour lunch break.

1.3.1 Board Members may work from home at the discretion of the Board Chair and based on the needs of the office.

1.4 Board members shall be required to attend all board hearings and meetings as

scheduled and special meetings as called when present in the office.

- 1.5 Administrative staff work schedules are set by the Executive Director to ensure full coverage of the office during business hours. An employee's schedule is based on the operational needs of the Board office. Any permanent or temporary changes to an employee's schedule shall be approved by and at the discretion of the Executive Director.
- 1.6 Staff must comply with their established work schedule. NON EXEMPT employees may only work 40 hours per week and must take a daily lunch break. All administrative staff are expected to be at the work site at the beginning of their schedule and depart at the end time unless otherwise arranged with the Executive Director.
  - 1.6.1 Staff lunch breaks must be taken in accordance with AZ Department of Administration (ADOA) Employee Policies and guidelines.
  - 1.6.2 If a staff member expects to arrive at least 10 minutes or more past their scheduled start time, the Executive Director shall be notified and provided with the estimated arrival time.

#### **206.02 : Absences**

- 2.1 Planned leave for Board Members shall be requested through the Board Chair at least 10 calendar days in advance (approval for annual leave is contingent on the availability of accrued annual leave at the time leave is taken).
  - 2.1.1 Annual leave and/or sick leave for Board members is coordinated with the Board Chair. The process for Board members to make a request for annual leave shall be determined by the Board Chair.
  - 2.1.2 Emergencies or extraordinary circumstances requiring a Board member's absence from hearings or scheduled meetings shall be brought to the attention of the Board Chair as soon as possible.
  - 2.1.3 Sick leave that extends 3 days or more automatically falls under the Family Medical Leave Act (FMLA). Board Members are required to coordinate FMLA leave using the current process determined by ADOA policy.
- 2.2 Planned annual leave for staff members shall be requested at least 10 calendar days in advance of the absence. The process to make a request for annual leave shall be determined by the Executive Director (approval for annual leave is contingent on the availability of accrued annual leave at the time leave is taken).
- 2.3 Staff members who have unscheduled leave due to personal or family illness, shall contact the Executive Director, or designee, as soon as possible or at a minimum at least one hour prior to the start of the staff person's shift.



2.3.1 If the Executive Director is absent that day, then contact will be made with the Board Chair. Sick leave that extends 3 days or more automatically falls under the Family Medical Leave Act (FMLA). Staff are required to coordinate FMLA leave using the current process determined by ADOA policy.

**206.03 : Record Keeping**

3.1 Employees shall record all hours worked and any leave time taken using the automated approved ADOA timekeeping system.

3.1.1 Weekly time recordings should be completed and submitted no later than 11:00 a.m. on the Wednesday morning of the ending payroll week.

**IMPLEMENTATION:**

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

ARIZONA BOARD OF EXECUTIVE CLEMENCY

BOARD POLICY #206

<b>Policy Title:</b>  <b>BOARD STAFF AND MEMBER WORK SCHEDULE</b>	<b>Effective Date:</b> <del>July 06, 2017</del> <u>TBD</u>	<b>Policy #206</b>
	<b>Supersedes:</b> <u>July 06,</u> <u>2017</u> <b>NEW</b>	

**PURPOSE:**

The purpose of this policy is to establish set office hours, ~~lunch periods,~~ and procedures to ensure the continued operations and assistance service to the public during ~~normal~~ business hours.

**AUTHORITY:**

A.R.S. §1-301 Holidays

A.R.S. §31-402 Duties of Board and duties of Governor, powers and duties of Executive Director

AG OPINION #188-032 – (*summarized*) Legislature required Board members to serve on a full-time basis contemplating that the duties would consume 40 or more hours a week.

The Attorney General Opinion is supported by State and Federal law which also defines a full-time employee as one who works forty (40) or more hours per week.

**PROCEDURE:**

**206.01 : Board Schedule and Meetings**

1.1 The official business hours of the Board shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal state holidays.

1.2 Board hearings may be conducted from 8:30 a.m. to 5:00 p.m., Monday through Thursday unless ~~posted differently on the calendar~~ otherwise noted on the posted agenda.

1.3 Board members daily work schedule is from 7:30 a.m. to 6:30 p.m. with a one hour lunch break.

~~1.3.1—Board Members are encouraged to remain in the office preparing for the next day's~~  
~~1.3.2 1.3.1~~ hearings at the conclusion of the current day's hearings. ~~Members~~ may work from

home after 4:00 p.m. for the remainder of the approved ten-hour work day if the day's hearings have been concluded at the discretion of the Board Chair and based on the needs of the office.

~~1.4~~ Board members shall be required to attend all board hearings and meetings as ~~documented on the calendar~~ scheduled and special meetings as called when present in the office. Members with a planned absence from hearings shall advise request leave through the Chairman and other members at least 48 hours ~~10 calendar days in advance to ensure quorum.~~

~~1.5~~1.4 ~~The Board's staff are NON-EXEMPT and the members and Executive Director are EXEMPT classified.~~

~~1.6~~1.5 Administrative staff work schedules are set by the Executive Director to ensure full coverage of the office during Board's business hours. An employee's schedule is based on the operational needs of the Board office. Any permanent or temporary changes to work hours an employee's schedule shall be approved by and at the authorization discretion of the Executive Director.

~~1.6.1~~ ~~The Executive Director may alter an employee's duty hours (daily arrival/departure times) to accommodate specific job duties.~~

~~1.7~~1.6 Staff must comply with their established work schedule. NON EXEMPT employees may only work 40 hours per week and must take a daily ~~one hour~~ lunch break. All administrative staff are expected to be at the work site at the beginning of their schedule and depart at the end time unless otherwise arranged with the Executive Director.

~~1.7.1~~1.6.1 Staff lunch breaks must be taken in accordance with AZ Department of Administration (ADOA) Employee Policies and guidelines. ~~a lunch and may not work at their desk during this time. Lunch schedules will begin at 11:00 and be completed by 1:00 p.m. On fully staffed days, two people may take lunch at the same time. Lunch hour schedules are coordinated between staff. Available times are: 11:00 a.m. to 12:00 p.m., 11:30 a.m. to 12:30 p.m., or 12:00 p.m. to 1:00 p.m.~~

~~1.7.2~~1.6.2 If a staff member expects to arrive ~~person is arriving~~ at least 10 minutes or more past their scheduled start time, the Executive Director shall be notified ~~of the situation~~ and provided with the estimated arrival ~~time to the office~~.

~~1.7.2.1~~ ~~If the late arrival is under 30 minutes, then the Executive Director may coordinate the compensation with the staff person for that day.~~

## 206.02 : Absences

~~2.1~~ ~~Annual leave for staff members shall be requested at least 48 hours in advance of the absence. The process to make a request for annual leave shall be determined by the~~

~~Executive Director. A "Request for Leave" slip is completed and submitted to the Executive Director.~~

~~2.1 Annual leave and/or sick leave for Board members is coordinated with the Board Chairman. Planned leave for Board Members shall be requested through the Board Chair at least 10 calendar days in advance (approval for annual leave is contingent on the availability of accrued annual leave at the time leave is taken).~~

~~2.1.1 Annual leave and/or sick leave for Board members is coordinated with the Board Chair. The process for Board members to make a request for annual leave shall be determined by the Board Chair.~~

~~2.1.2 Emergencies or extraordinary circumstances requiring a Board member's absence from hearings or scheduled meetings shall be brought to the attention of the Board Chair as soon as possible.~~

~~2.1.3 Sick leave that extends 3 days or more automatically falls under the Family Medical Leave Act (FMLA). Board Members are required to coordinate FMLA leave using the current process determined by ADOA policy.~~

~~2.2 Planned annual leave for staff members shall be requested at least 10 calendar days in advance of the absence. The process to make a request for annual leave shall be determined by the Executive Director (approval for annual leave is contingent on the availability of accrued annual leave at the time leave is taken).~~

~~2.2.3 For Staff members who have unscheduled staff sick leave due to personal or family illness, the Executive Director shall be contacted the Executive Director, or designee, as soon as possible or at a minimum at least an one hour before prior to the start of the staff person's shift-work schedule.~~

~~2.3.1 If the Executive Director is absent that day, then contact will be made with the Board Chair-Chairman of the Board. Sick leave that extends 3 days or more automatically falls under the Family Medical Leave Act (FMLA). Staff are required to coordinate FMLA leave using the current process determined by ADOA policy. and will require a Doctor's approval for return.~~

### **206.03 : Record Keeping**

~~3.1 All staff and members of the Board work a 40 hours per week schedule. Employees shall record on a biweekly basis all hours worked and any leave time taken in using the automated Employee Time Entry located in the approved ADOA Arizona Department of Administration's YES timekeeping system.~~

~~3.1.1 Weekly time recordings should be completed and submitted no later than 11:00 a.m. on the Wednesday morning of the ending payroll week.~~

### **IMPLEMENTATION:**

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

**ARIZONA BOARD OF EXECUTIVE CLEMENCY**

**BOARD POLICY #207**

<b>Policy Title:</b>  <b>BOARD BUSINESS RECORDS</b>	<b>Effective Date: TBD</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.

ARIZONA BOARD OF EXECUTIVE CLEMENCY

BOARD POLICY #207

<b>Policy Title:</b>  <b>BOARD BUSINESS RECORDS</b>	<b>Effective Date:</b> <del>July 06, 2017</del> <u>TBD</u>	<b>Policy #207</b>
	<b>Supersedes:</b> <del>July 06, 2017</del> <u>April 15, 2015</u>	<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 recordinged ~~hearings~~ shall be the official record and serve as the minutes of ~~the 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 after a hearing or meeting.~~

~~1.2.1 The Board's official record of its mandated hearings relating to inmates and/or offenders and any executive sessions shall be the audio copies recording of each hearing.~~

~~1.2.2 The Board's office record of its business meeting record shall be written minutes the audio recording of the meeting.~~

~~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 ~~for the~~ length of time required by ~~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 ~~Preparation and Process~~

~~1.4~~ ~~A designated office staff person~~ The Board Clerk, or acting Board Clerk, shall ensure the boardroom ~~is in order~~ and ~~all electronic recording equipment system~~ is operational prior to the start of the ~~business day calendar~~. ~~All equipment will be shut down at the end of the business day.~~ ~~The staff person will:~~

~~1.5~~ ~~turn on/off the master computer controls to ensure the red recorder light is displayed;~~

~~a.~~ ~~turn on/off the back-up recorder located in front of the Board's bench to ensure the green light is on; and~~

~~b.a.~~ ~~turn on/off all microphones at each station on the Board's bench and the microphone located at the visitor's podium.~~

## 207.3 Business Meeting Record

2.1 A complete audio recording must be maintained for the Board's business meetings. The record shall be complete of all discussions, motions, and votes occurring during the meeting.

2.2 The audio recording shall be the official record and minutes of the proceedings.

~~2.1.1~~ ~~The minutes of business meetings shall be transcribed in written form and posted on the Board's website with three working days.~~

~~2.2~~ ~~Minutes of the Board's business meetings may be distributed before they have been officially approved at a subsequent meeting. The minutes shall be marked as "draft" or "unapproved."~~

~~2.3~~ 2.2 Contents of the business meeting ~~minutes~~ 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. (Mminutes 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~~man~~ shall note on the record when the Board has entered and exited the session.

4.1.1 The audio ~~placed on a compact disc recording~~ shall serve as the official record of the hearing.

4.2 At the conclusion of an executive session, the Executive Director ~~or~~<sup>2s</sup> designee shall download the recording to the Board’s designated drive for storage. immediately place the audio on a compact disc and provide to the Executive Director.

4.2.1 Records of the Executive Session shall be maintain~~ed~~ 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~~ ~~recorded minutes~~ will be the official record of the proceedings. Hearings ~~will~~ ~~shall~~ not ~~be~~ transcribed by the Board.

~~5.1.1.~~ The ~~Panel Chair~~ ~~hearing lead~~ shall be responsible for fully completing the designated voting record for cases to which they are assigned. used for each hearing.

~~5.1.1.~~~~5.1.2.~~ The Board Chair shall review all completed voting records at the end of the day’s calendar.

5.1.2 ~~The member designated as the daily Recorder shall document the sequence and results of each hearing on the daily agendas.~~

5.1.3 The Board ~~Office~~ shall maintain all ~~daily~~-voting records, ~~and agendas completed by the Panel Chairman and Recorder.~~

5.2 Designated staff will download the ~~Boardroom~~-recordings to ~~a CD and then upload to~~ the Board's designated drive for storage. This action shall be completed within ~~2448 hours of two business days of the hearing, when possible, hours of the end of each business day.~~

## 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 ~~types particular to Warrants of Execution~~ 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 ~~disposal~~ 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, retention at least once a year.

## IMPLEMENTATION

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

**ARIZONA BOARD OF EXECUTIVE CLEMENCY**

**BOARD POLICY #210**

<b>Policy Title:</b>  <b>BOARD POLICY AND PROCEDURE</b>	<b>Effective Date: TBD</b>	<b>Policy #210</b>
	<b>Supersedes: July 06, 2017</b>	<b>Pages: 2</b>

**PURPOSE:**

The purpose of this policy is to ensure the Board establishes and maintains a detailed system that governs the responsibilities and procedures of the Board's formal and administrative business.

**AUTHORITY:**

A.R.S. § 31-402

**PROCEDURE:**

**210.01 Application**

- 1.1. The Board shall maintain a structure system that outlines the key rules and procedure relating to the governance of Board business and operational functions.
- 1.2. The Executive Director shall ensure that current Board policies are maintained on the Board's public website.
- 1.3. The Executive Director will provide every employee and Board member a current Policy and Procedure Manual during the employee's orientation.
  - 1.3.1. The employee and Board member shall acknowledge in writing their receipt of the manual and their responsibility to read, understand and comply with the policies and procedures.
  - 1.3.2 Each employee and board member shall be responsible for reading, understanding and complying with policy and procedure revisions and additions throughout their employment

**210.02 Format and Organization**

2.1 Written policy and procedure shall be organized within one of three chapters of the Board Manual. The chapters shall be titled as:

- a. Chapter One (Numbered 100 Sequence):“Board Governance”
- b. Chapter Two (Numbered 200 Sequence):“Administration”
- c. Chapter Three (Numbered 300 Sequence): “Restricted”

2.2. The heading of the policy shall contain the:

- a. policy title;
- b. effective date;
- c. supersede date;
- d. policy number; and
- e. number of pages.

2.3. The policy shall also note the purpose of the policy, the designated authority related to the subject area and the procedure listed under related topic areas.

2.4. New and revised policy shall be formatted in draft and presented to the Board members for discussion and vote at a Board business meeting.

2.4.1 Policy revisions shall be provided to Board members in both a redline (or tracked changes) version and a clean draft copy.

2.4.2 The Board must approve new and revised policies by a majority vote.

2.4.3 The Board shall determine the new or revised policy effective date.

2.5. The Executive Director shall ensure that each policy is reviewed on a scheduled basis and any procedural changes are revised as they become necessary.

**IMPLEMENTATION:**

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

ARIZONA BOARD OF EXECUTIVE CLEMENCY

BOARD POLICY #210

Policy Title:  BOARD POLICY AND PROCEDURE	Effective Date: <del>July 06,</del> <u>2017TBD</u>	Policy #210
	Supersedes: <u>July 06,</u> <u>2017NEW</u>	Pages: 2

**PURPOSE:**

The purpose of this policy is to ensure the Board establishes and maintains a detailed system that governs the responsibilities and procedures of the Board's formal and administrative business.

**AUTHORITY:**

A.R.S. § 31-402

**PROCEDURE:**

**210.01 Application**

1.1. The Board shall maintain a structure system that outlines the key rules and procedure relating to the governance of Board business and operational functions.

~~1.1.~~1.2. The Executive Director shall ensure that current Board policies are maintained on the Board's public website.

~~1.2.~~1.3. The Executive Director will provide every employee and Board member a current Policy and Procedure Manual during the employee's orientation.

~~1.2.1.~~1.3.1. The employee and ~~B~~board member shall acknowledge in writing their receipt of the manual and their responsibility to read, understand and comply with the policies and procedures.

1.2.1 Each employee and board member shall be responsible for ~~maintaining their manual with reading, understanding and complying with current~~ policy and procedure revisions and additions throughout their employment.

**210.02 Format and Organization**



2.1 Written policy and procedure shall be organized within one of three chapters of the Board Manual. The chapters shall be titled as:

- a. Chapter One (Numbered 100 Sequence):—“Board Governance”;
- b. Chapter Two (Numbered 200 Sequence):—“Administration”; and
- c. Chapter Three (Numbered 300 Sequence): “Security (partially restricted)”

~~2.2. The numbering is in sequential sequence as follows:~~

- ~~a. Chapter one is 100s;~~
- ~~b. Chapter two is 200s; and~~
- ~~c. Chapter three is 300s.~~

~~2.3.2.2.~~ The heading of the policy shall contain the:

- a. policy title;
- b. effective date;
- c. supersede date;
- d. policy number; and
- e. number of pages.

~~2.4.2.3.~~ The policy shall also note the purpose of the policy, ~~with a brief statement or explanation,~~ the designated authority related to the subject topic area and the procedure listed under related topic areas.

~~2.4.~~ New and revised policy shall be formatted in draft and presented to the Board members for discussion and vote at ~~its quarterly a~~ Board business meetings.

~~2.4.1 Policy revisions shall be provided to Board members in both a redline (or tracked changes) version and a clean draft copy.~~

~~2.4.2 The Board must approve new and revised policies by a majority vote.~~

~~2.4.12.4.3 The Board shall determine the new or revised policy effective date.~~

2.5. The Executive Director shall ensure that each policy is ~~reviewed no less than twice a year~~ reviewed on a scheduled basis and any procedural changes are revised as they become necessary.

~~2.5.1 The Executive Director may schedule an ad hoc business meeting to bring forth to members any necessary revisions for discussion and vote.~~

### **IMPLEMENTATION:**

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