

**ARIZONA BOARD OF EXECUTIVE CLEMENCY  
BOARD POLICY #101**

<b>Policy Title:</b>  <b>BOARD MEMBER DECORUM</b>	<b>Effective Date: January 06, 2017</b>	<b>Policy #101</b>
	<b>Supersedes: January 29, 2015</b>	

**PURPOSE**

The Arizona Board of Executive Clemency is an executive branch of government that promotes professionalism at all times. Board members shall conduct themselves in a manner to ensure public trust and confidence. The Board members shall **not** bring embarrassment or disrespect to the Board or themselves.

**AUTHORITY:**

**A.R.S. §31-401; 402; 403**

**PROCEDURE**

**101.01 Member Responsibilities**

- 1.1. In order to maintain a level of professional integrity and ensure compliance with related statutes and policies, Board members shall:
  - a. be knowledgeable and comply with Arizona’s “Open Meeting” law,
  - b. review and understand the Board’s policies and procedures;
  - c. turn their cell phone off and not text or “surf the web” when hearings are in progress;
  - d. only use authorized Board equipment if seeking offender or web information during a hearing;
  - e. read case information within the Board office prior to scheduled hearing and be prepared to actively participate with questions and discussion;
  - f. attend training provided by, or at the request of the Board Chairman, and otherwise pursue the enhancement of their professional competence and knowledge;
  - g. dress in a business attire fashion while present at the Board, and
  - h. maintain and update the Board’s Policy & Procedure Manual provided to each Board member.

1.2. In order to ensure effective management of the Board and prevent disruption of scheduled hearings, members shall:

- a. notify the Board Chairman at least 48 hours in advance if you plan on being absent for all or part of the day;
- b. track their work hours and record their time on their record in a timely and accurate fashion, and
- c. commence the Board's business at the scheduled time.

### **101.02 General Conduct**

2.1. Board members shall always:

- a. be aware of and abide by all legal authority governing confidential information acquired by reason of the Board position;
- b. contribute to the overall effective and efficient administration of the Board as an agency of state government and an active partner in the administration of criminal justice;
- c. respect and support the administrative and management authority and responsibilities of the Chairman, and
- d. allow differing opinions to be discussed openly and not chastise another member's positional statement.

### **101.03 Hearing Conduct**

3.1. When conducting hearings with offenders, members shall:

- a. make their decisions independently, fairly, objectively, impartially and without bias. However, a member's duty goes beyond ensuring there is no actual bias.
- b. when dealing with any person with an interest before the Board, members must conduct themselves in a manner that will not give rise to an appearance of unfairness, partiality or bias;
- b. conduct themselves in a manner that is courteous, patient, fair and respectful to all participants and observers;
- c. be cognizant of language, customs, rights, opinions, and beliefs, while ensuring that the proceedings are orderly and efficient, and
- d. listen attentively and if necessary, take notes.

3.2 Members shall not call offenders by their first name. Maintain a professional, businesslike environment at all times. Refer to all offenders as Mr. or Ms.

- 3.3 Members shall wait to be acknowledged if wishing to speak.
  - 3.3.1 If a member wishes to ask a question or add a comment, he or she may raise their hand to call attention to the Panel Chair and wait to be acknowledged by the Panel Chair.
- 3.4 No sidebar conversations shall occur during hearings.
  - 3.4.1 All hearings or meetings are recorded so members should refrain from tapping a pen on the table, making audible noises, or rustling papers.
- 3.5 Once a hearing has begun, if a member must step out, they will refrain from further participation until the next hearing unless the Panel Chair has designated a break time during that hearing.
- 3.6 Members must refrain from discussing board hearings talking with any person other than Board Members or the Board's legal counsel. Business discussions should be referred to the office.
- 3.7 Members shall not comment on previous Board decisions or an individual Board member's previous vote.
- 3.7 A Board member shall recuse themselves from any hearing when they feel they are unable to make an impartial and unbiased decision. Members may refer to Policy #115- Hearing Recusal" for specifics.
- 3.8 Board members must refrain from offering advice to anyone regarding upcoming hearings or what a person should provide to the board at a hearing. These questions may be referred to the Board's Executive Director or staff person.

#### **101.04 Panel Chair Guidelines**

- 4.1 A Panel Chair is defined as a board member who is assigned by the Chairman of the Board to preside over Board hearings on a specific day. Any Board member may be designated to be the Panel Chair even if the Chairman of the Board is present for hearings. The Panel Chair position may be rotated among the Board members.
- 4.2 Prior to starting the day's schedule, the Panel Chair's responsibilities shall include:
  - a. making the introduction announcement in accordance with the Open Meeting Law. The Panel Chair will record the date, location of meeting, type of hearings being conducted and facilities visited, members present and absent, the name of the ADC representative and commencement time.

- 4.3 Prior to the start of a hearing, the Panel Chair shall advise visitors:
- a. that they will be asked to remove their children from the board room if they cannot remain quiet;
  - b. remind all individuals to turn cell phones off during hearings;
  - c. if they wish to speak than they need to approach the podium, state their name and tell the members what they want them to know;
  - d. they will be allowed to speak within a reasonable amount of time as long as they do not repeat themselves or other visitor testimony, and remain on topic;
  - e. they may also be asked to conclude their testimony if the Panel Chair believes the message is clearly understood and no further testimony is necessary; and
  - f. that the Board is a professional environment and that offensive language, personal reference or direct conversations to a board member and any other derogatory comments are unacceptable and may result in their removal from the room.
- 4.4 The designated Panel Chair may rotate hearings among other board members after he/she has introduced, on the record, the particulars of that hearing.
- 4.5 During hearings, a Panel Chair will not allow interruption of another board member speaking or visitor testimony.
- 4.6 Any matter that requires clarification in procedure, Board policy or continuation shall be referred to the Board Chairman or designee in their absence.
- 4.7 Each visitor should fully complete their statements before a member begins their questions with that individual.
- 4.8 When the Board enters discussion, members should direct their discussion only to other members and not speak or address the inmate/offender or visitors.
- 4.8.1. A member must seek permission from the Panel Chair to ask a question during the discussion phase.
  - 4.8.2. When in the discussion phase, no member may speak twice until all members have been granted an initial opportunity to speak.
- 4.9 Upon completion of the discussion or if no one initiates any discussion, then the Chair will call for the vote. Once a member has made the motion, the Panel Chair will repeat that motion and call for a second. Before the motion is stated by the Chair, members may suggest modification of the motion; the mover can modify as he pleases, or even withdraw the motion without consent of the seconder; if mover modifies, the seconder can withdraw the second.

4.9.1. Members shall not ask for further discussion once the Board has completed the vote.

4.5.1 Some hearings call for the Board to identify the reasons for denial. The Panel Chairman will call for members whose vote was to deny to present those reasons for recording on the written record. The Panel Chairman will note the reasons on the voting record. Once the vote and any reasons for denial have been completed, the inmate/offender will be informed of the outcome and ask if he/she understood the vote. Any reasons for denial will be relayed to the offender at this time.

4.6 The Panel Chair is responsible for fully and accurately completing the voting record.

4.7 The Panel Chair will announce on the record any matter that may require a final determination of action by the Board Chairman.

**IMPLEMENTATION:**

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