

ARIZONA BOARD OF EXECUTIVE CLEMENCY

BOARD POLICY #108

Policy Title: RESCISSION	Effective Date: July 06, 2017	Policy #108 Pages: 2
	Supersedes: November 18, 2008	

PURPOSE:

This policy is to establish guidelines for requesting a rescission hearing and the steps to be followed when acting upon a request for a rescission hearing.

AUTHORITY:

AZ Administrative Code Rule R5-4-301
A.R.S. §41-1604.06

PROCEDURE:

108.1 Rescission Request

- 1.1 The Board may conduct a rescission hearing to take away a grant release if the inmate is in custody and has not been released. The process shall be initiated by written request to the Board Chairman stating the reason for rescission.
- 1.2 The grounds for rescission must be:
 - a. the inmate violated the law;
 - b. the inmate violated a disciplinary rule;
 - c. the Board lacked accurate or complete information when it made the release decision; or
 - d. The inmate to be released is not able to meet a condition of release.
- 1.2 The request for rescission shall include a list of documents and items to be provided as evidence and witness to be called to testify.

108.2 Rescission Restrictions

- 2.1 Rescission hearings must be scheduled and notification must be sent to all designated parties. The Board shall provide advance notice of the date and location of the hearing to the inmate, the victim(s) and the Arizona Department of Corrections within 5 working days.

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2.2 The inmate or the Board may request the hearing for good cause.

2.3 Members cannot convert a hearing in a rescission hearing.

2.4 Members shall not conduct a rescission hearing for any other reason than those listed in Section 1.2 of this policy and procedure.

108.3 Rescission Hearing

3.1 At the conclusion of a rescission hearing, the Board shall take one of the following actions:

- a. find the allegations not true, deny the request to rescind and allow the Board's previous decision to remain in effect;
- b. find the allegations true and void the Board's previous decision and the inmate remains incarcerated; or
- c. find the allegations true, but allow the Board's previous decision to stand with or without additional conditions.