

**ARIZONA BOARD OF EXECUTIVE CLEMENCY
BOARD POLICY #110**

Policy Title: MODIFICATION HEARING	Effective Date: July 06, 2017	Policy #110
	Supersedes: February 26, 2014	Pages: 2

PURPOSE:

The purpose of this policy is to establish procedures for modifying conditions of the Board's ordered release.

AUTHORITY:

A.R.S. §§31-402; 411

A.R.S. §§31-401 (G)

PROCEDURE:

110.1 Modification Request Process

1.1 Any inmate/offender subject to the release conditions imposed by the Board may request a modification of the terms and conditions of release by submitting in writing a request to the Board.

1.1.1 The request must specify the condition of release and the specific reasons for which the inmate/offender is unable to meet the condition.

1.2 Upon receiving the modification request, the Board's staff person shall notify the supervising officer of the request for modification hearing.

1.2.1 If the supervising officer does not have a copy of the request, the Board shall provide to the officer.

1.2.2 Staff shall advise the officer that:

a. they will be informed of the scheduled date; and

- b. they or their designee's presence is requested at the hearing via phone or in person.

1.3 The hearing shall be scheduled in accordance with the procedures outlined in Board Policy 103-*Board Calendar Policy*.

110.2 Board Hearing Guidelines

2.1 The hearing shall be conducted in as outlined in Board Policy #101-*Board Member Decorum*.

2.1.1 Testimony before the Board will be limited to the inmate/offender, their attorney or lawful representative and the inmate/offender's supervising parole officer or ADC representative.

2.1.2 The Board shall receive testimony from the supervising officer or designee regarding the department's position on the request for modification.

110.3 Board Determination

3.1 After the hearing, the Board shall determine by majority vote:

- a. that modification of the terms of conditions of release is warranted and specify on the verbal and written record the new terms imposed by the Board; or
- b. that the modification is not warranted and that the original terms and conditions imposed on the inmate/offender shall remain in effect.

3.2 The Panel Chairman shall ensure that a voting record has been accurately recorded detailing the Board's decision and conditions of release.

IMPLEMENTATION:

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