

ARIZONA BOARD OF EXECUTIVE CLEMENCY

BOARD POLICY #112

Policy Title: ABSOLUTE DISCHARGE FROM PAROLE	Effective Date: March 14, 2019	Policy #112
	Supersedes: July 06, 2017	

PURPOSE:

The purpose of this policy is to outline the general procedures and guidelines associated with the eligibility and processing of absolute discharge applications and reapplications.

AUTHORITY:

ARS § 31-402; ARS § 31-411; ARS § 31-412; ARS § 31-414; ARS § 48-431.01

PROCEDURE:

112.01 Eligibility and Application

- 1.1 Any individuals who served at least two years or more on parole may apply for absolute discharge from parole.
 - 1.1.1 The Board may waive the two year requirement in its sole discretion, if the Board determines that medical circumstances warrant an earlier consideration.
 - 1.1.2 A hearing shall be scheduled to determine whether or not to waive the eligibility requirement.
- 1.2 Persons on parole for offenses committed prior to July 17, 1993 may submit an application on their own behalf.
- 1.3 For offenses committed after July 17, 1993, an approved application for absolute discharge must be submitted by the Arizona Department of Corrections/Community Supervision Division.

112.02 Instructions

2.1 To apply, the individual must complete and sign the Board's official application for an absolute discharge.

2.2 Upon receipt by the Board's administrative office, the application shall be reviewed to determine if the offender meets the eligibility requirements.

2.2.1 Within 10 days of receiving an offender's absolute discharge application, the offender's supervising parole officer will be notified in writing of the absolute discharge application. The notice shall advise that their participation is requested at the scheduled hearing, in person or by teleconference.

2.2.2 A written request for the Supervising Officer attendance shall be made no more than 15 days prior to the scheduled hearing.

112.03 Hearing and Reapplication

3.1 In granting an absolute discharge from supervision, the Board shall consider the nature of the crime, past criminal history, official and victim statements, any information and testimony provided by the supervising officer, supporter statements and the stability and contributions the offender has demonstrated during release in the community.

3.2 The Board shall not consider an offender's reapplication for absolute discharge for a period of three years unless otherwise designated by the Board.

3.2.1 The panel chairperson shall designate on the voting record the time period for reapplication, if different than three years, and the time period shall be noted on the disposition form or made orally on the record.

3.2.1.1 The Board's administrative staff shall make note of the reapplication period within the Automated Inmate Management System.

3.2.2 The offender's file shall document a copy of the Board's disposition.

3.2.3 A copy of the Board's disposition shall be mailed to the address of offender as listed on application and to the supervising officer.

3.2.3.1 The offender's case file notes shall document the date the disposition was mailed.

IMPLEMENTATION

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