

# ARIZONA



## BOARD OF EXECUTIVE CLEMENCY

Annual Report  
Fiscal Year 2017

# Arizona Board of Executive Clemency

**CHAIRMAN OF THE BOARD DR. C.T. WRIGHT**

**BOARD MEMBER MICHAEL JOHNSON**

**BOARD MEMBER DAVID NEAL**

**BOARD MEMBER LOUIS QUINONEZ**

**BOARD MEMBER GAIL RITTENHOUSE**



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## LETTER FROM THE CHAIRMAN

Dear Governor Ducey:

In accordance with A.R.S. §36-1944, I am pleased to present the Arizona Board of Executive Clemency FY17 Annual Report. In this report, you will find information regarding the activities of the Board and its staff throughout the year. Despite the small size of the agency, you will see that staff and members are committed and dedicated to fulfilling the statutory requirements imposed upon the Board. We believe it has been a productive year with continued improvement in overall operations and business processes. The Board of Executive Clemency continues to work closely with the Department of Corrections to appropriately use resources to facilitate an offender's successful reentry to our communities.

This past year the Board experienced a number of membership challenges and leadership change. Four new members were appointed in 2017 and the Board's former Chairman, Ellen Kirschbaum, became the Executive Director. Ms. Kirschbaum worked tirelessly to move this Board forward as its Chairman and she continues to do so as its Executive Director.

Public safety is at the forefront of the Board's work. Last year, we embarked upon a journey to implement structured decision making. This was a recommendation that came forth from the Auditor General's sunset audit. This became a key focus this past year. However, just before the Phase I part of the project was to begin, it was placed on hold due to budget issues with the National Institute of Corrections and member vacancies that extended for a period of time. It was believed that postponing the project until new members were brought on Board would be the optimal decision. We are pleased to report that the Board is once again working with the National Institute of Corrections and scheduled soon to begin Phase I of the project. We envision the Board working closely with the Department of Corrections Community Supervision as we all share the same goals for the community.

We value your administration's guidance and seek to implement best practices in the Board's management of its resources. We are honored to serve your administration and support your leadership to move Arizona to be the greatest state in the nation. Once again, we are deeply grateful for recognizing Board members as full-time employees and granting benefits as other employees. All members and staff look forward to our challenge of doing what it takes to achieve our mission while enhancing offender success and public trust. We maintain our commitment to preserve and promote the public's safety. I am humbled to serve with such a dedicated and hardworking group of professionals.

Sincerely,  
Dr. C.T. Wright, Chairman

# **BOARD HIGHLIGHTS**

## **FISCAL YEAR 17**

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### **Board Operations:**

- All member positions on the Board are filled.
- The Board's Policy and Procedures were all reviewed, organized, and updated. All members and staff have been issued a current Policy and Procedure manual.
- In compliance with the A.R.S. §31-402 requirement, all newly appointed members attend structured four week training designed with lesson plan objectives.
- The Boardroom was upgraded with new, comfortable seating for the public.
- Board member offices were provided new ergonomic seating.
- Security equipment was installed in the boardroom for member safety.
- Despite member vacancies and rescheduling, the Board achieved revocation compliance with Morrissey vs. Brewer. Most parole hearings were scheduled within 60 days of certification notice from the Arizona Department of Corrections.
- Governor Ducey signed Senate Bill 1070 and all Board members received full state benefits effective August, 2016.
- Senate Bill 1033 was signed by Governor Ducey continuing the Board's business another eight (8) years until its next Sunset Review by the Auditor General.
- The Board conducted more than 3,000 hearings in FY17.

### **Administrative Operations:**

- A reorganization of the administrative office area resulted in a neat, orderly professional environment with a significant number of outdated files and equipment sent to surplus.
- Due to significant vacancy savings and fiscal mindedness, the Board has returned to the State's General Fund nearly 22% of the Board's FY17 appropriation of \$952,600.
- Based on a recognized need to update the Boardroom technology to enhance public information and public input opportunities during hearings, the Board sought the assistance of the Arizona Strategic Enterprise Technology. Board needs were identified and future steps will continue in FY18.
- Board administration has adapted the "Predictive Index" as a means to bring about effective performance among staff and new employees.

## **OUR MISSION, VALUES, AND ETHICS**

The Arizona Board of Executive Clemency is a five member board appointed with each member by the Governor and is statutorily empowered to make decisions regarding:

- *Discretionary release of those inmates who are parole and/or home arrest eligible; (inmates whose crimes were committed on or before December 31, 1993);*
- *Revocation of parole (or community supervision for crimes committed on or after January 01, 1994) for offenders found to be in violation of the terms and conditions of their release;*
- *Absolute discharge from parole; and*
- *Modification of release conditions and release rescissions.*

The Board also makes clemency recommendations to the Governor on requests for:

- *Commutation of sentence, including death penalty sentences;*
- *Reprieves in matters related to death penalty cases; and*
- *Pardons.*

### **MISSION STATEMENT**

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*To protect public safety and contribute to a fair and effective justice system by ensuring that persons who remain a threat to society remain incarcerated and those who no longer present a risk are released to become productive citizens.*

### **VISION**

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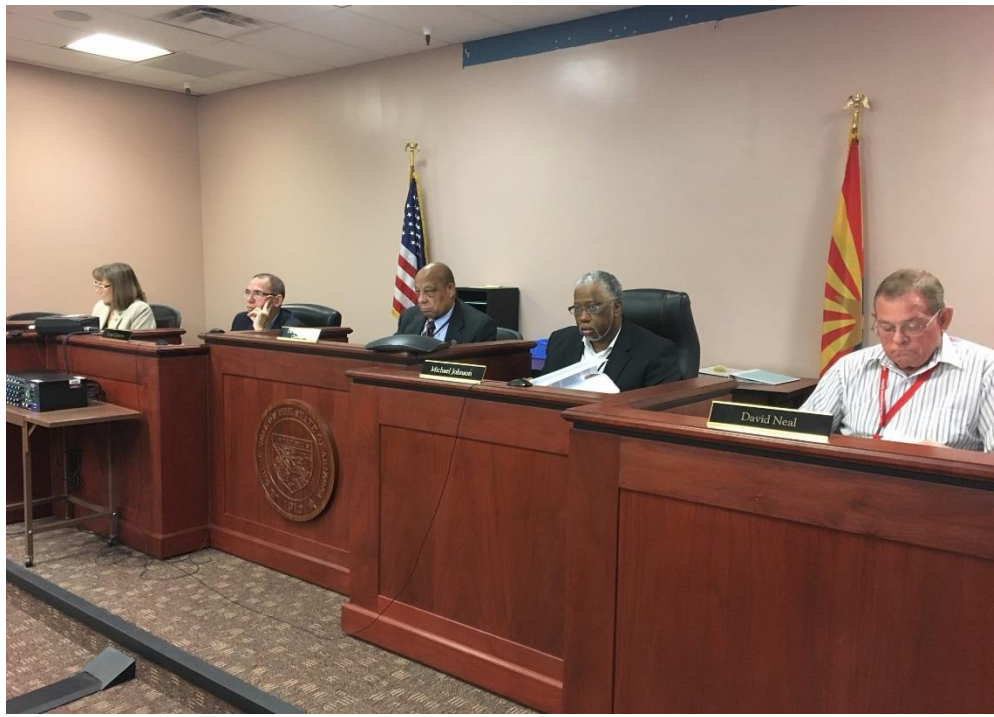
*To make parole and related decisions in a timely manner consistent with public safety, victim concerns, inmate rights, and the wise use of state resources. We envision the Parole Board as a vital part of the Arizona Criminal Justice System because it:*

- *Makes fair, consistent, and impartial parole decisions and clemency recommendations in a timely manner;*
- *Considers public protection, victim concerns. and offender circumstances; and*
- *Makes wise use of state resources.*

## VALUES

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- Public Safety:** *Our decisions focus on safety for Arizona citizens.*
- Integrity:** *We are truthful and trustworthy conducting ourselves honorably and ethically.*
- Service:** *We serve and are responsible to the public.*
- Respect:** *We treat each other and everyone with courtesy, dignity, and consideration.*
- Excellence:** *We strive to do our best and more.*
- Accountability:** *We are responsible to ourselves and others for our decisions and actions.*
- Leadership:** *We are positive role models.*



# BOARD ORGANIZATION

## Board Members

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The Board of Executive Clemency is comprised of five members with each member appointed by the Governor and confirmed by the State Senate. The Governor appoints the Chair for a two year term. Members are recognized as state employees with full benefits. A Board member earns approximately \$48,000 per year. Members conduct hearings throughout the day and prepare later for the following day's hearings. '

The Board experienced a number of changes this past year. Former members (Brian Livingston, Laura Steele, and Sandra Lines) terms expired. Another vacancy occurred when Ms. Kirschbaum stepped down as Chairman to become the Board's Executive Director. As of July, 2017, all seats on the Board have been filled.

***Chairman Dr. C.T. Wright – Term Expiration: 1/21/2019***



Dr. C. T. Wright accepted a gubernatorial appointment to the Arizona Board of Executive Clemency in May 2014. As a citizen appointee, he brings a unique perspective to the Board. In criminal justice, he has developed and supervised training programs for law enforcement officers in Atlanta, Georgia; Miami Dade County in Florida; and Talladega Federal Prison in Alabama, as well as an education program for inmates in Florida. This change agent has had a diverse background including that of a day laborer in the Georgia cotton fields, elementary school teacher, college professor and administrator, university president, executive director and founder of development programs, faith leader, delegate to three national political conventions, and member of the Arizona Electoral College, among others. Since leaving the cotton fields, Wright has had the opportunity of meeting with five United States presidents, scores of government and private sector leaders from throughout the world, and thousands of grassroots individuals. He holds a BS degree from Fort Valley State University, an MA degree from Clark Atlanta University, a PhD degree from Boston University and an L.H.D. honorary degree from Mary Holmes College. In addition to serving on the Clemency Board, Dr. Wright is a member of the Governor's Advisory Council on Aging; Fountain Hills Unified School District Governing Board; Arizona National Day of Prayer; The Light of Hope Institute; and ASU's Center for Political Thought and Leadership, to cite a few examples.



***Board Member Michael Johnson – Term Expiration: January 20, 2020***



Michael E. Johnson is a local community leader who believes that the elements of collaborative leadership and hard work are an unbeatable combination. He is a retired public servant who has dedicated his career to his passion of helping others. Johnson retired in 1995 as a homicide investigator after 21 years of service with the Phoenix Police Department. His devotion to his work led the Department to honor him as Detective of the Year in 1992. He used the skills and knowledge he acquired from policing to run for public office, and successfully served three consecutive terms on the Phoenix City Council (District 8) from 2002 to 2013 before terming out. Johnson is a former founding partner at Johnson-Neely Public Strategies, and the former president and chief executive officer of Nkosi, Inc., a security and investigation firm he founded in 1996. He is also a prostate cancer survivor and has served as an advocate for prostate cancer awareness.

***Board Member David Neal – Term Expiration: January 17, 2022***



Mr. Neal was appointed to the Board by Governor D. Ducey and began as a member on July 17, 2017. He is a native Arizonian, raised in the Valley of the Sun and a North High School graduate. He attended Maricopa Community Colleges and later served as Military Police in the US army with overseas duty in South Korea. Prior to joining the Glendale Police Department as a civilian employee, he worked many years in the field of construction. While employed with the Glendale Police Department, he worked in various capacities and retired as a Crime Scene Investigator. Mr. Neal is a community volunteer working with non-profit organizations including Children’s Advocacy Center, Parents of Murdered Children, American Diabetes Association and is a co-founder of AZ Unity Tour Charities.

**Board Member Louis Quinonez – Term Expiration: January 18, 2021**



Arizona Executive Board of Clemency in February 2017. He is a native of Phoenix, Arizona and a graduate of Arizona State University (1987, Bachelor of Science, cum laude). He served twenty-seven years in Federal law enforcement, including a one year internship with U.S.D.A.-OIG; three years as a reserve agent with the Air Force Office of Special Investigations; three years as a special agent with the U.S. Drug Enforcement Administration; and twenty-three years as a special agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives. He served his last fourteen years of Federal service as a supervisory special agent, including assignments as a group supervisor, division operations officer, field intelligence supervisor, HQ program manager, HQ training manager, assistant country attaché (Mexico), and HQ branch chief. He is a recipient of the American Legion Police Officer of the Year honors. He had an interesting transition from his law enforcement career, serving as a vice president for a police consulting and training firm; an adjunct instructor for Glendale Community College (administration of justice); and a student success coach for Rio Salado College.

**Board Member Gail Rittenhouse – Term Expiration: January 17, 2022**



Gail Rittenhouse started her career with the Arizona Department of Corrections in February 1984 and served under four ADC Directors in such diverse roles as Training Specialist; Executive Assistant to the Director; Facilities, Maintenance, and Planning Bureau Business Manager; Legal Assistant; Venture Team (a unit devoted to improving work processes) Analyst; Female Inmate Programs Coordinator; Inmate Substance Abuse Programs Administrator; Training Bureau Administrator; and Executive Administrator - Administrative Services Division. Within this span of time, from January 1990 to January 1991, she also served on a special detail to the Board of Executive Clemency as a Hearing Officer. In July 2007, Ms. Rittenhouse left ADC to join the Department of Economic Security's Division of Benefits and Medical Eligibility as its Training Manager. She later returned to ADC where, in May 2012, she became the Division Director for Support Services, overseeing Human Resources, Staff Development and Training, and Inmate Programs, including education, pastoral services, inmate work programs, and counseling and treatment. A strong advocate for professional development, she is actively involved in the American Correctional Association and the Arizona Probation, Parole & Corrections Association. In addition to completing the Phoenix Citizen Police Academy in August 2000, she also graduated from Valley Leadership with Class XXII in 2001. Ms. Rittenhouse holds a bachelor's degree from Kent State University and a master's degree in Public Administration from Western International University.

## Board Staff

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**Executive Director:** Ellen Kirschbaum



Ms. Kirschbaum was originally appointed to the Board by Governor Janice Brewer in December, 2010 and later appointed as Chairman in October, 2014. In January, 2015, Governor Douglas Ducey appointed her to a second term and she was confirmed by the Arizona Senate. In November, 2016, she stepped down from the Board to become its Executive Director. She is focused in bringing about the Board’s mission to conduct prompt, fair, and impartial hearings based on public safety. Ms. Kirschbaum’s experience spans 38 years in Arizona’s criminal justice system including nearly 20 years in the field of corrections. She is involved in a number of community activities and serves on several community boards. She holds a Bachelor of Science in Business Administration from Arizona State University and a Masters of Public Administration from Western International University. Ms. Kirschbaum has been a resident of Arizona since 1968.

Pursuant to Arizona Revised Statutes 31-402, the Executive Director serves at the pleasure of the Board and reports to the Board through the Chairman. She is responsible for meeting the needs of the Board through oversight of all administrative, operational, and financial functions for the Board including implementing and directing all policies and procedures, personnel matters including hiring, training, discipline as well as performance evaluations of all administrative staff members. The Executive Director also leads in budget preparation, forecasts, and expenditures.

### **Administrative Support Staff**

|                                  |                   |           |
|----------------------------------|-------------------|-----------|
| Administrative Assistant III (2) | Hannah Milnes     | AUN 1152  |
|                                  | Daisy Kirkpatrick | AUN 1152  |
| Administrative Assistant II (3)  | Renee Brookshire  | AUN 06609 |
|                                  | Michele Clifton   | AUN 06609 |
|                                  | Kaitlin Stiffler  | AUN 06609 |

The Administrative Assistants have technical, complex duties and responsibilities that require a specific knowledge and skill set. Each of these staff members is aligned with specific hearing types and gather, and maintains, statistical information as related. Each day, they interact with other agencies, victims, and members of the public and Court documents are processed and compiled along with other information. This process is particularly critical as board members review these comprehensive packets to facilitate their decision making. Staff also process and fulfill public record requests according to law and Board policy and take on special projects as directed by the Executive Director.

Customer Service Representative II (1)      Vacant      AUN 4112

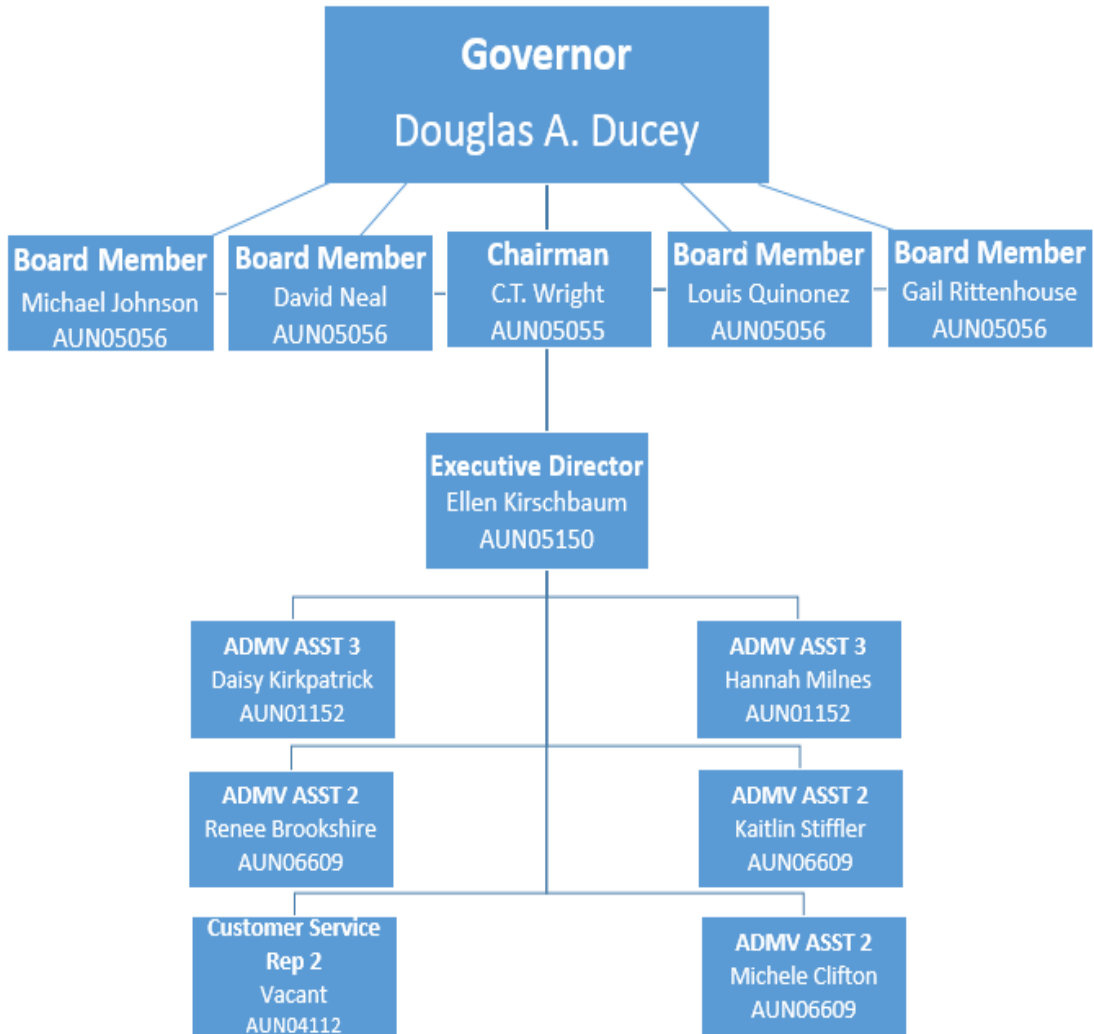
The Customer Service Representative’s job function is to provide statutorily mandated notifications to victims, officials, and other concerned individuals and entities. This individual also provides customer service to incoming phone inquiries specific to hearings for which victims have officially opted in to participate. This is a grant funded position.



Left to Right: Michele Clifton; Kaitlin Stiffler; Hannah Milnes and Renee Brookshire (Absent: Daisy Kirkpatrick)

# Organizational Chart

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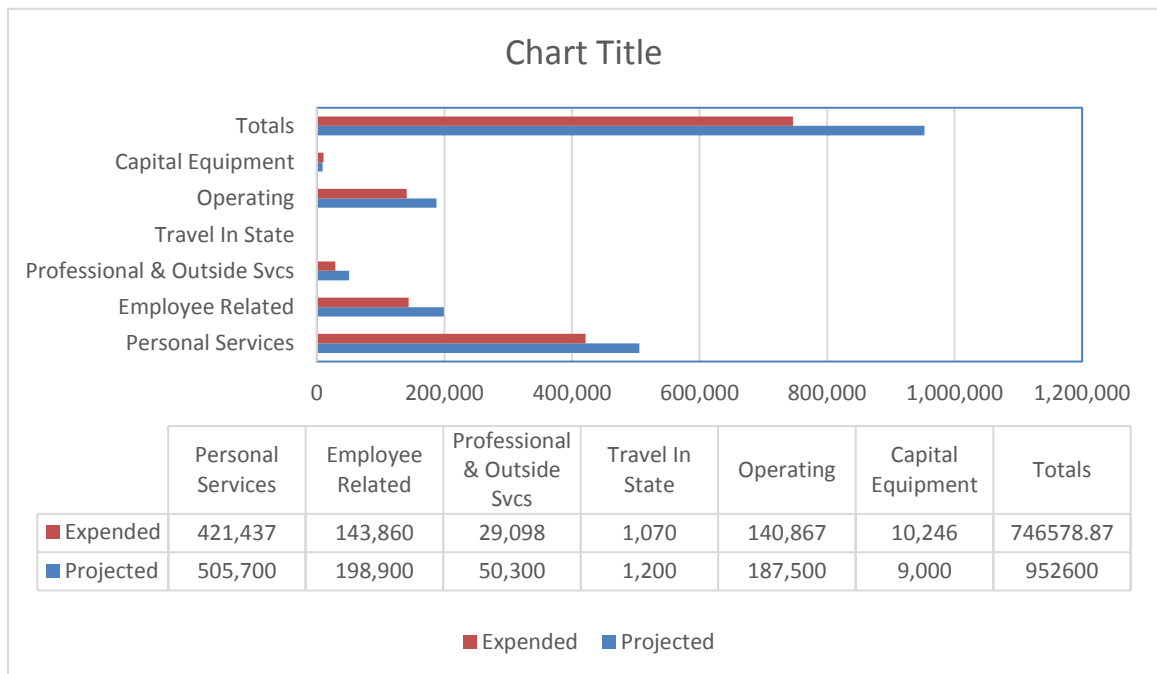


# FINANCIAL INFORMATION

## BUDGET INFORMATION

The Board’s FY17 General Fund appropriation was **\$952,600**. The Board also receives **\$43,700** in grant funds from the Arizona Attorney General’s Victims’ Rights Program through the Office of Victim Services for funding of the Victim Notification Coordinator position.

This year, the Board experienced significant vacancy savings due to board member vacancies. As a result, the Board was able to return 22% (\$206,021) of its budget back to the State General Fund.



## **BOARD ACTIVITY AND STATISTICAL SUMMARY**

The Board is statutorily authorized to conduct hearings for clemency and non-clemency matters. Non-clemency hearings do not require a recommendation to the Governor but instead the Board makes decisions on its own. These are Parole (412A), Parole (412B), Home Arrest, Absolute Discharge, Work Furlough, Modification, Rescission, and Revocation matters for parole, "TIS" (truth in sentencing), and home arrest revocation hearings.

All types of clemency, under the criminal justice system, is the act by an executive member of government of extending mercy to a convicted individual. In the United States, clemency is granted by a governor for state crimes and by a president for federal crimes. Clemency can take one of three forms: a reprieve, a commutation of sentence, or a pardon. The Board recommends individuals to the Governor seeking pardons, reprieves, and commutations.

Board hearings are the only place in the criminal justice system where the victim, the inmate, and the families can come together since the original law enforcement contact and have a chance to tell their stories. For the very tiny percentage of those cases that may not have received justice, the system offers this mechanism to correct itself.

All hearings conducted by the Board are done in accordance with the Open Meeting Law.

### **Board Decisions**

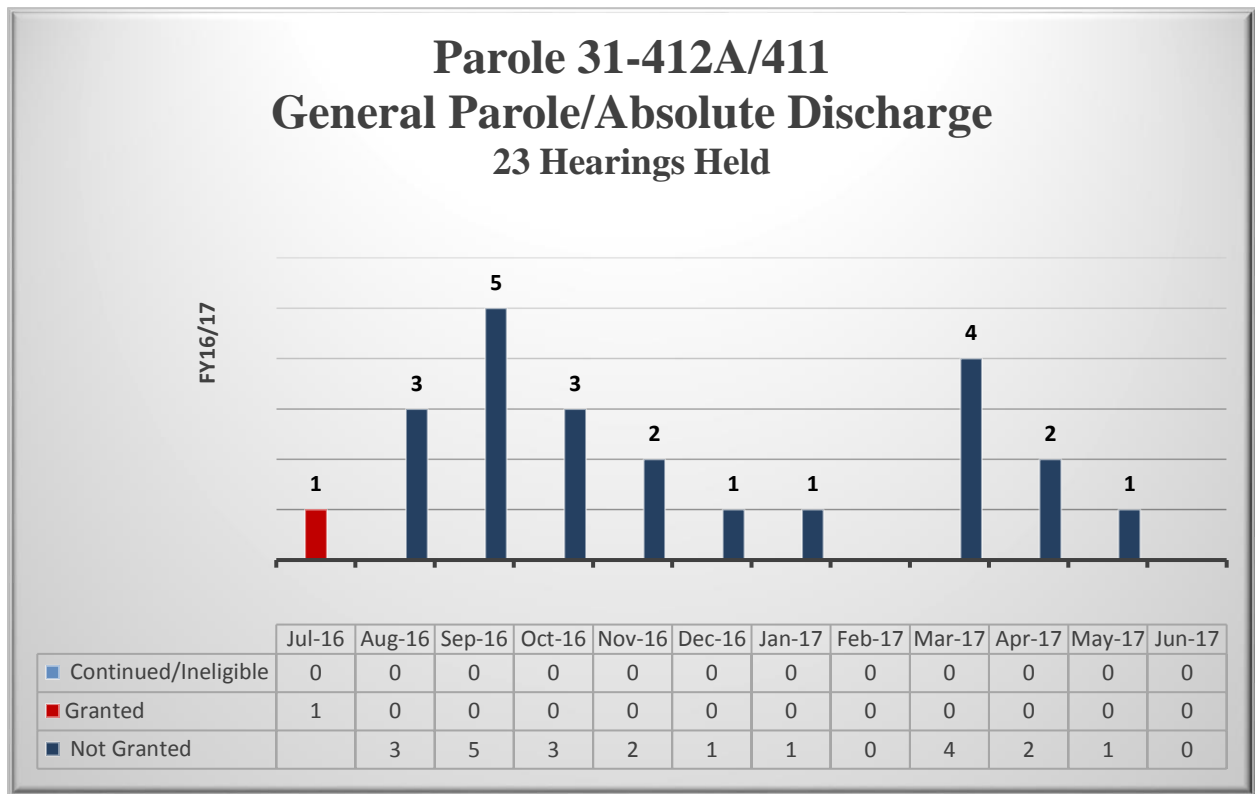
Prior to January 01, 1994, individuals sentenced by the Court were eligible for parole. After completing a certain amount of their sentence, they were certified eligible by the Arizona Department of Corrections and referred to the Arizona Board of Pardons and Paroles to be scheduled for a parole hearing. Parole was abolished by the Legislature in 1993 and the Board became known as the Board of Executive Clemency. Therefore, on and after January 01, 1994, individuals who committed an offense are sentenced under strict sentencing guidelines known as "Truth in Sentencing (TIS)." Unless statutorily mandated otherwise, most inmates serve approximately 85% of their sentence in prison and are then released to the community for supervision of the rest of their sentence.

While the number of classic parole cases has decreased in recent years, the Board still conducts a notable number of these hearings. They may involve the potential release of an inmate or the ability to move forward to a consecutive sentence.

Parole is considered an early release with supervision prior to the expiration of a sentence of incarceration. It is a privilege not a right. Clear conduct and addressing the issues that got inmates sent to prison are just some of the factors considered. The only right an inmate has is to be released upon completion of the sentence that was handed down by the Court. Every inmate sentenced to the Arizona Department of Corrections is given a parole eligibility date if the offense date occurred prior to January 01, 1994.

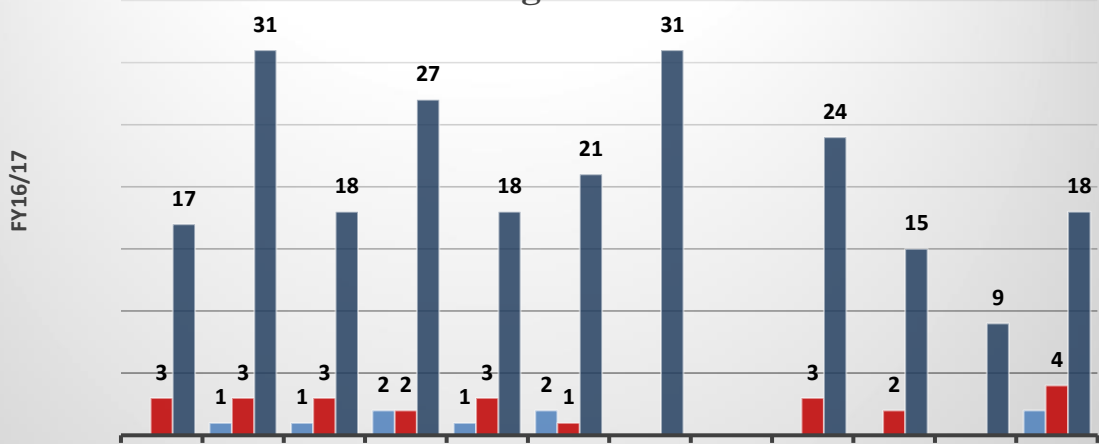
The Board directly interacts with the inmate or offender and these hearings can sometimes last for several hours as many cases reflect high-profile matters that can include testimony from inmate supporters, victims of crimes, the inmate’s counsel, and/or prosecutors. Additionally, the Board also conducts absolute discharge hearings where a parolee on supervision is seeking release from all forms of supervision.

However, a significant amount of time encountered by members is a dramatically larger docket of parole and TIS revocation hearings. These consist of technical and new sentence revocations. These hearings can be complex, fact-finding affairs sometimes involving attorneys on both sides of the questions, witness testimony, cross-examinations, and volumes of documentary evidence.



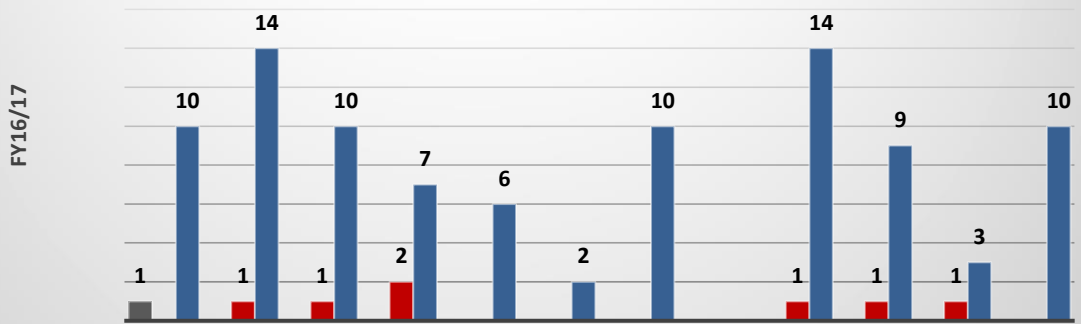


### Parole 31-412A/411/HA General Parole/Absolute Discharge/Home Arrest 262 Hearings Held



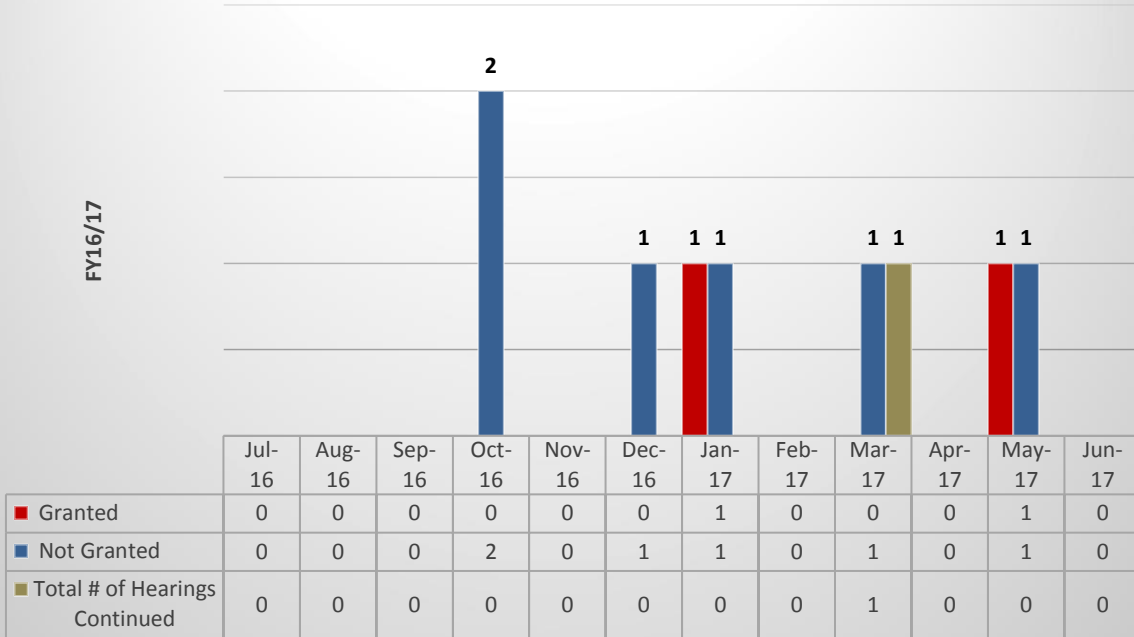
|                      | Jul-16 | Aug-16 | Sep-16 | Oct-16 | Nov-16 | Dec-16 | Jan-17 | Feb-17 | Mar-17 | Apr-17 | May-17 | Jun-17 |
|----------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Continued/Ineligible | 0      | 1      | 1      | 2      | 1      | 2      | 0      | 0      | 0      | 0      | 0      | 2      |
| Granted              | 3      | 3      | 3      | 2      | 3      | 1      | 0      | 0      | 3      | 2      | 0      | 4      |
| Not Granted          | 17     | 31     | 18     | 27     | 18     | 21     | 31     | 0      | 24     | 15     | 9      | 18     |

### Parole 31-412B/411 Parole to Consecutive/Absolute Discharge 103 Hearings Held

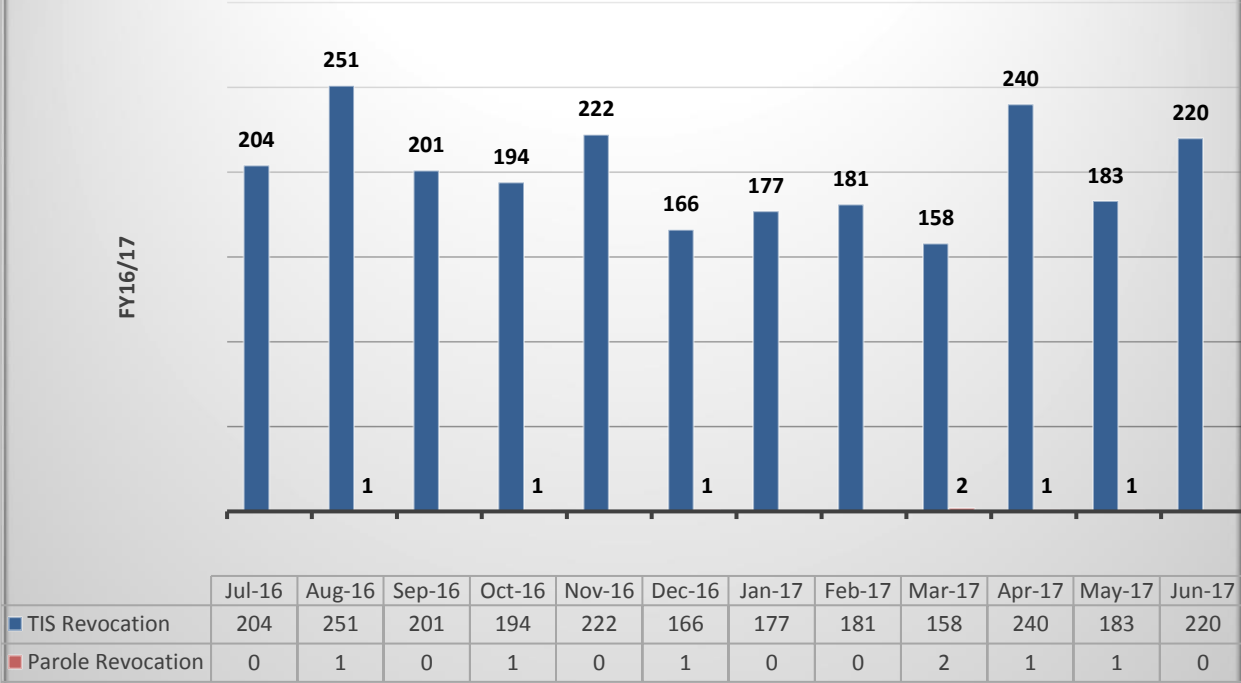


|                      | Jul-16 | Aug-16 | Sep-16 | Oct-16 | Nov-16 | Dec-16 | Jan-17 | Feb-17 | Mar-17 | Apr-17 | May-17 | Jun-17 |
|----------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Continued/Ineligible | 1      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      |
| Granted              | 0      | 1      | 1      | 2      | 0      | 0      | 0      | 0      | 1      | 1      | 1      | 0      |
| Not Granted          | 10     | 14     | 10     | 7      | 6      | 2      | 10     | 0      | 14     | 9      | 3      | 10     |

## Absolute Discharge 9 Hearings Held

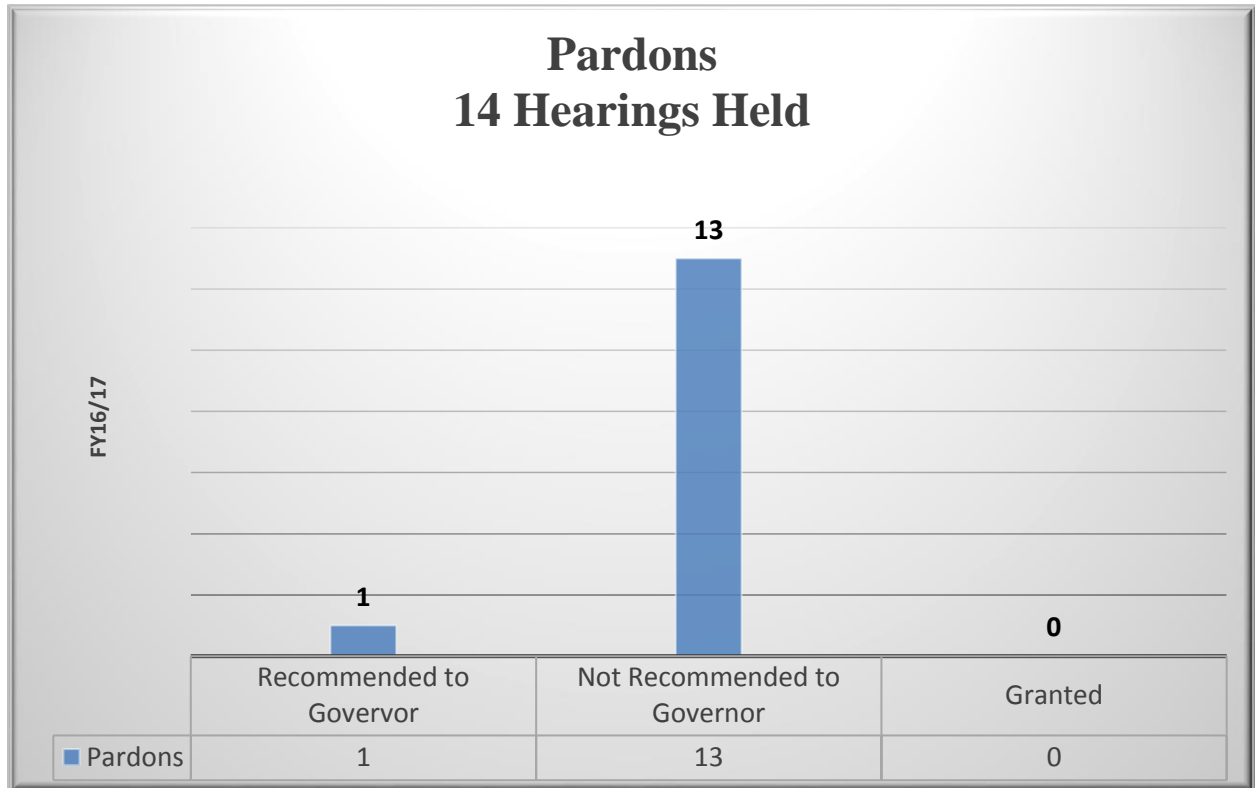


## Revocations 2,391 Hearings Held



## Executive Clemency

Perhaps the most visible work of the Board involves executive clemency proceedings, which are petitions from individuals seeking clemency in the form of a pardon, a commutation of sentence including death penalty matters, and reprieve. These matters require a majority vote in order to be recommended to the Governor for that action. After these hearings are held, the Board's staff prepares the submittal and it is hand-delivered to the Executive Office for a final determination.



## Commutation Phase I 281 Hearings Held

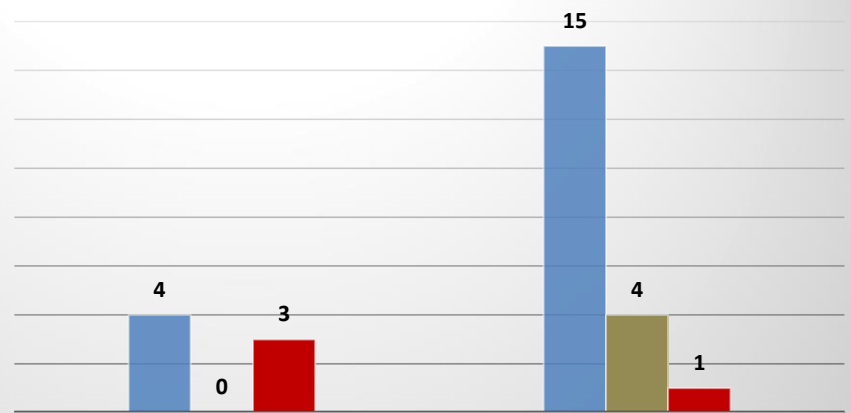
FY16/17



|                             |                 |                     |
|-----------------------------|-----------------|---------------------|
|                             | Passed to PH II | Not Passed to PH II |
| ■ Truth-in-Sentencing (TIS) | 1               | 280                 |

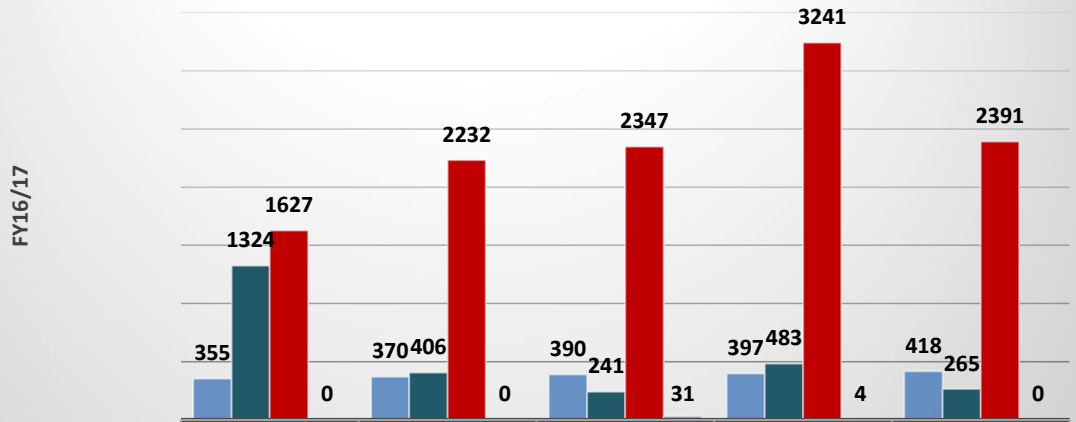
## Commutation Phase II 27 Hearings Held

FY16/17



|                            |                         |                             |
|----------------------------|-------------------------|-----------------------------|
|                            | Recommended to Governor | Not Recommended to Governor |
| ■ TIS                      | 4                       | 15                          |
| ■ 603L                     | 0                       | 4                           |
| ■ Imminent Danger of Death | 3                       | 1                           |

## Yearly Comparison FY13 - FY17 Hearings Held



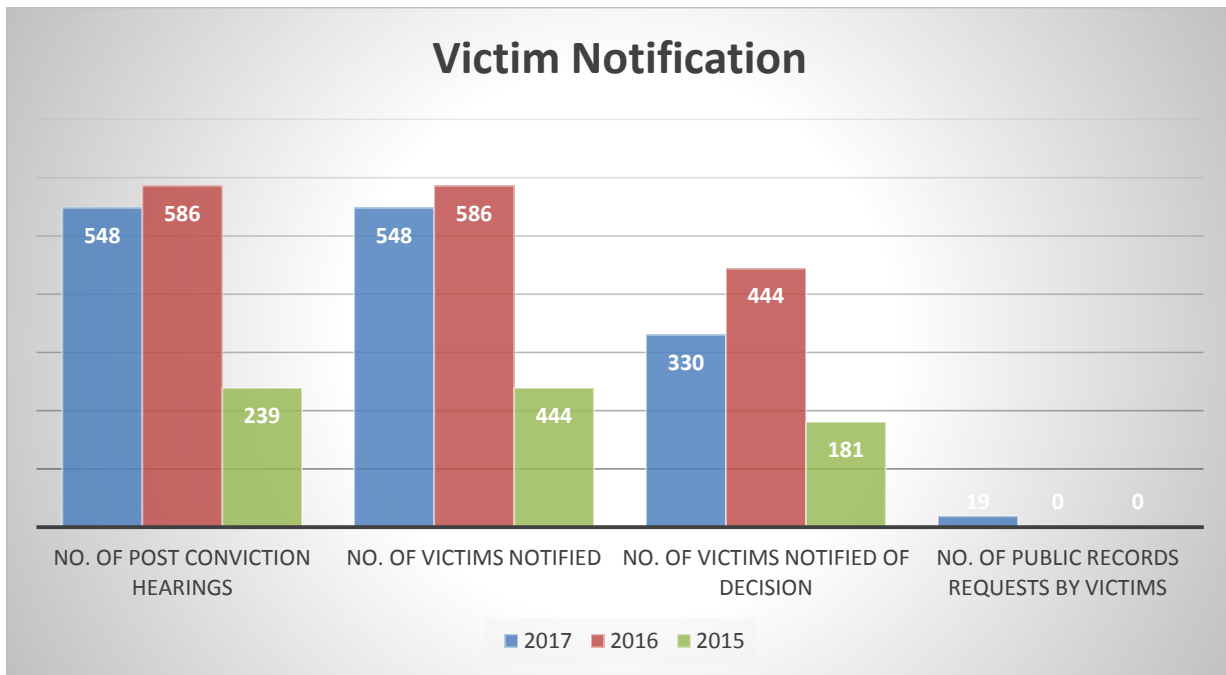
|                       | 2013 | 2014 | 2015 | 2016 | 2017 |
|-----------------------|------|------|------|------|------|
| ■ Parole Hearings     | 355  | 370  | 390  | 397  | 418  |
| ■ Clemency Hearings   | 1324 | 406  | 241  | 483  | 265  |
| ■ Revocation Hearings | 1627 | 2232 | 2347 | 3241 | 2391 |
| ■ Probable Cause      | 0    | 0    | 31   | 4    | 0    |

## VICTIM NOTIFICATION

The Board is mandated to provide hearing notification within specific timeframes and is dedicated in its efforts to provide notification and information to victims. This is set forth in **A.R.S. §13-4417(A)** Request for notice; forms; notice system.

With these notifications, the Board members are provided notices of victims’ intent to participate at a hearing and receive the outcome of that hearing. Victims may participate by phone, in person, or via written statements. Most victims who want to know how they can be made aware of and involved in any hearing process are provided information and made aware of the Victim Services Unit located in the Arizona Department of Corrections (ADC). This unit ensures victims’ information is located in ADC’s victim information database and will provide any requested victim advocacy.

Since 2015, the Board has received grant funding from the Arizona Attorney General’s Office of Victim Services under the Victim Rights Program. In FY17, the Board was again granted funding of \$43,700 for the Board’s Victim Notification Coordinator. The Board’s Victim Notification Coordinator works directly with victims to advise them that they are invited to submit their opinions to the Board at any time, concerning any upcoming hearing. Victims may also request that certain conditions and restrictions be imposed on the offender if released to supervision. The following is the activity data reported for the grant position.



## **STRUCTURED DECISION MAKING**

As reported in the FY16 Annual Report, the Board was granted technical assistance through the National Institute of Corrections (NIC) to implement structured a decision-making model (SDM). SDM is based on a validated model developed in Canada as a tool to assist board members in decision making. It was piloted in several states a few years ago and is a validated framework for boards. Technical assistance is now offered through the National Institute of Corrections to help guide other states with implementation.

SDM acts a road map or guideline for decision makers to reach consistent, transparent and defensible, high-quality release decisions. It acknowledges the professional expertise and extensive experience of parole decision makers by using a structured approach through the process of the hearing by considering offender information demonstrated to be closely linked to post release success. Through the technical assistance program, the National Institute of Corrections will assist the Board in understanding how SDM has been implemented in other states.

The Board continues to hold the implementation of SDM as one of its priorities in FY18. The Board was delayed from its original start date in 2016 due to member changes on the Board and the need for those new members to complete Board training as well as an orientation training provided by National Institute of Corrections. This has been accomplished and later this year, the Board will embark upon Phase I of the project. Phase I will provide an opportunity to observe and study SDM's implementation in another state and bring back information to begin the Phase II process with the assistance provided by NIC.