

ARIZONA



BOARD OF EXECUTIVE CLEMENCY

Annual Report
Fiscal Year 2020

Arizona Board of Executive Clemency

CHAIRMAN OF THE BOARD DR. C.T. WRIGHT
BOARD MEMBER MICHAEL JOHNSON
BOARD MEMBER LOUIS QUINONEZ
BOARD MEMBER MINA MENDEZ



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LETTER FROM THE CHAIRMAN

Dear Governor Ducey:

In accordance with A.R.S. §36-1944, it is with profound gratitude I present the Arizona Board of Executive Clemency's FY20 Annual Report. In this document, I provide regarding some of the activities executed during the 2019 and 2020 calendar year. Despite the size of this agency, we have adhered to and valued the best practices delineated by you. I would be remiss if I did not express my sincere appreciation for your allowing me to serve you and the citizens of this great State of Arizona in the capacity of Chairman of this illustrious board.

I commend the Governor appointing such a well-qualified group of professionals who are committed to protecting the citizens in an objective and unbiased manner. In December, Mina Mendez joined the Board as its fifth member. Her experience and legal expertise has contributed greatly to the success of the Board. The Board also appreciates the support of the Governor's Office and members of the legislature, as well as stakeholders such as the Department of Corrections, Rehabilitation and Re-Entry, the Attorney General's Office, and the National Institute of Corrections.

Board staff updated the Board's Strategic Plan, setting aggressive goals and process improvement plans to ensure the agency is complying with the law and providing excellent service to the public. As outlined in this report, those goals include improvements in the scheduling process, improving Board Member training, and ensuring crime victim's rights are being protected during the clemency process.

Sincerely,

A handwritten signature in black ink, appearing to read "C.T. Wright". The signature is written in a cursive, slightly slanted style.

Dr. C.T. Wright, Chairman

BOARD HIGHLIGHTS

FISCAL YEAR 2020

Board Operations:

- The Board conducted 2,577 hearings in FY2020.
- The Board's Hearing Officer held 387 probable cause hearings.
- The Board maintained operations and did not experience a backlog during the COVID-19 pandemic.
- Through strategic planning, the Board eliminated its backlog of commutation cases.

Administrative Operations:

- A staff reorganization was completed to better align job roles with Board needs
- All administrative staff was trained in the Arizona Management system
- Visual management regarding scheduling of hearings, Board packet completeness and timeliness of processes was implemented
- All administrative staff was cross trained in Board member packet procedures
- All administrative staff was trained in the use of the new Arizona Correctional Information System (ACIS)
- Policies and procedures were updated
- Victim Services staff attended training by the Attorney General's Office on compliance with Victim's Rights laws
- Due to fiscal mindedness, the Board plans to return to the State's General Fund 6.5% of the Board's FY19 appropriation of \$1,079,234.

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

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

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

- 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

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. Members conduct hearings throughout the day and prepare later for the following day's hearings.

Chairman Dr. C.T. Wright – Term Expiration: 1/21/2024



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; 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, 2025



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 Mina Mendez – Term Expiration: January 17, 2022

Mina Mendez was born in Phoenix and grew up in Phoenix and Mexico City. Ms. Mendez graduated from the University of Arizona College of Law in 1995, after receiving her undergraduate degree in Religious Studies from the University of Arizona. Ms. Mendez is the first law school graduate from her family. She served as a Superior Court Commissioner from 2004 to 2013. Ms. Mendez served as a Judge pro tem for the Superior Court and as a private mediator from 2013-2017. Before her appointment to the bench, Ms. Mendez worked in the private sector and served as an Assistant Attorney General for six years. Ms. Mendez is one of the coordinators for the Latina Mentoring Project, which started as a book club hosted by Ninth Circuit Court of Appeals Judge Mary Murguia. She is currently working to expand the Latina Mentoring Project throughout the United States and working with Latina judges and attorneys in other states to develop and expand the program. Ms. Mendez is a member of Los Abogados and the Arizona Women Lawyers Association and has served on committees for both organizations.

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



Louis Quinonez was appointed to the 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 Vacant- Term Expiration: January 17, 2022

Board Staff

Executive Director: Kathryn Blades

Kathryn was hired by the Board in December 2018. Prior to that, she was the Deputy General Counsel and Legislative Liaison for the Arizona Department of Child Safety, and an Assistant Attorney General at the Arizona Attorney General’s Office, where she represented the Departments of Child Safety and Economic Security. She holds a Bachelor’s Degree from the University of Dayton and a Juris Doctorate from DePaul University College of Law. Kathryn was also a member of the 2015 Flinn Brown Cohort.

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.

Hearing Officer: Richard VanGalder

Richard began with the Board in January 2019. Prior to that Richard graduated first in his academy class and went on to be promoted to up to the rank of Lieutenant with the Mesa Police Department where he served for 23 years. His assignments included patrol, support services, gang unit, street crimes, training unit/academy, and the homicide unit. He received numerous awards and citations, including the 2013 Mesa Police Department Leader of the Year award. Richard also worked for the Los Angeles County Sheriff’s Department, and is a US Army Veteran. There he graduated as an Honor Recruit from Basic/Advanced training and received the Expert Infantryman’s Badge.

Administrative Support Staff

Administrative Services Officer I	Maria Encinares	AUN 06895
Executive Staff Assistant	Kaitlin Whitton	AUN 06609

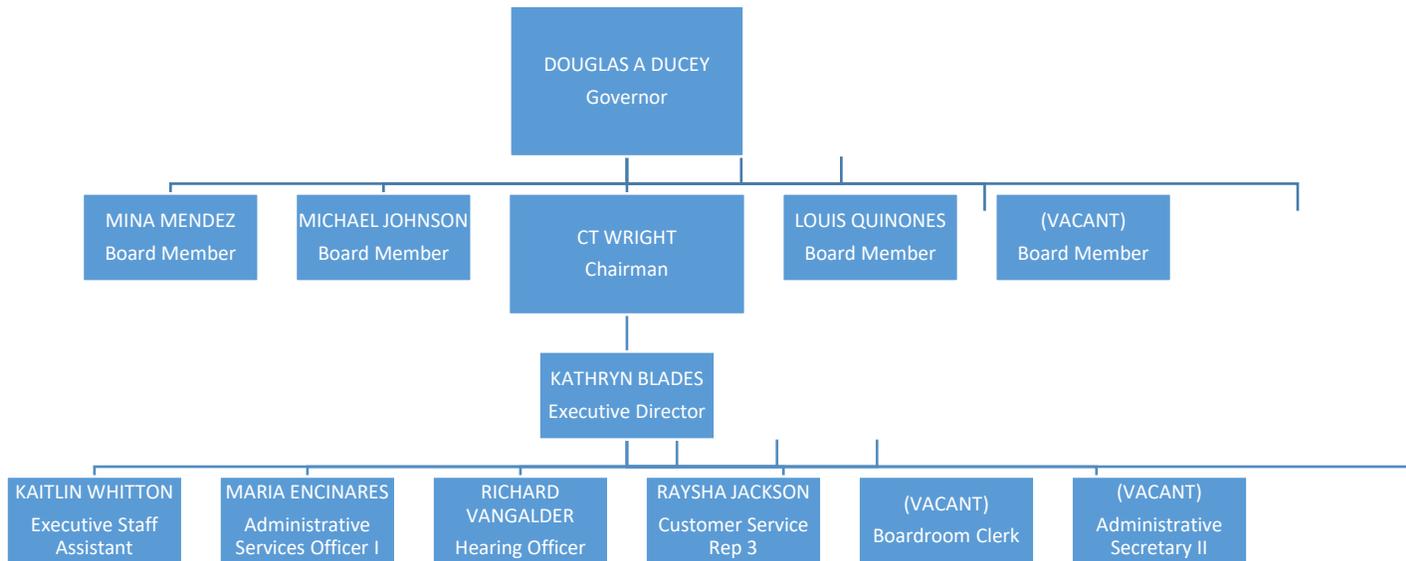
The Administrative Assistants have technical, complex duties and responsibilities that require a specific knowledge and skill set. Each of these staff members is aligned with specific hearing types and gathers, and maintains, statistical information as related. Each day, they interact with other agencies, victims, and members of the public. 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 III Raysha Jackson 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 partially grant-funded position.

Organizational Chart



FINANCIAL INFORMATION

The Board's FY19 General Fund appropriation was **\$1,079,234**. The Board also receives **\$30,100** 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 some vacancy savings due to staff vacancies. As a result, the Board plans to return **6.5%** (\$70,150.21) 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.

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.

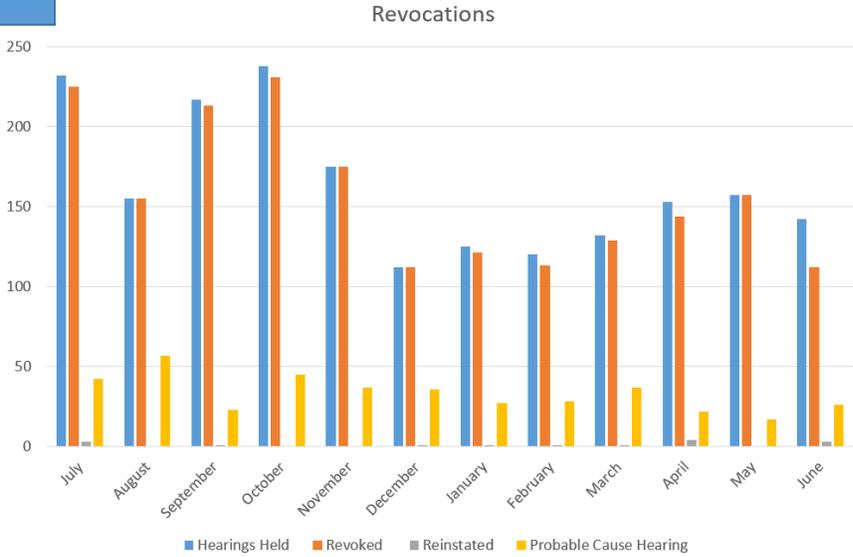
However, a significant amount of time encountered by Members is a dramatically larger docket of parole and TIS revocation hearings. These consist of technical and new sentence revocations. These hearings can be complex, fact-finding affairs sometimes involving attorneys on both sides of the questions,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

Executive Clemency

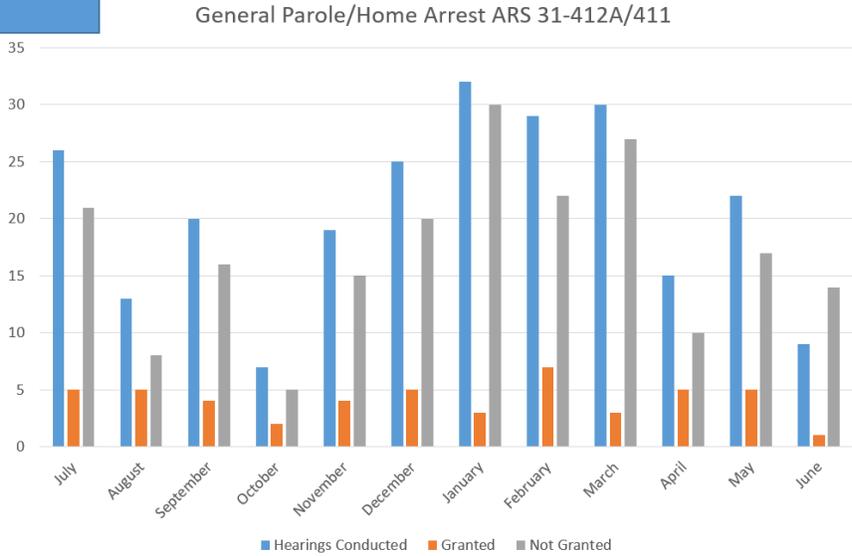
Perhaps the most visible work of the Board involves executive clemency proceedings, which are petitions from individuals seeking clemency in the form of a pardon, a commutation of sentence including death penalty matters, and reprieve. These matters require a majority vote in order to be recommended 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.

Statistics

Total revocation hearings: 1935

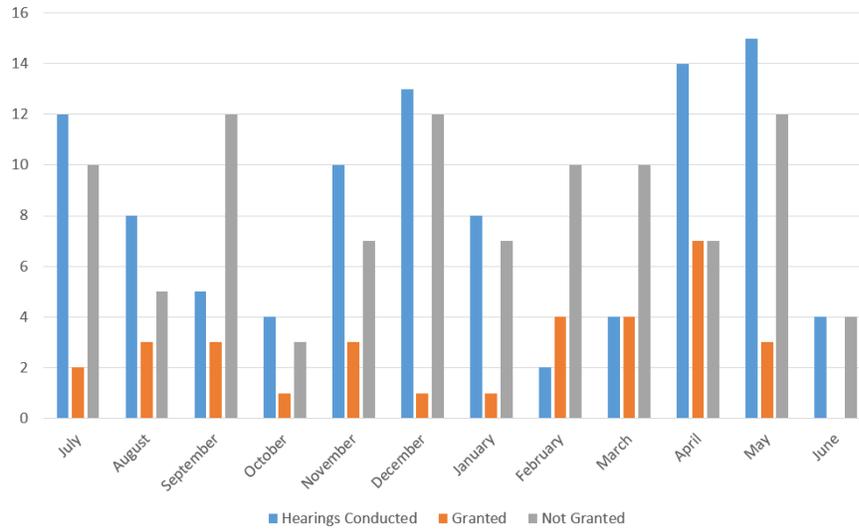


Total parole hearings: 247



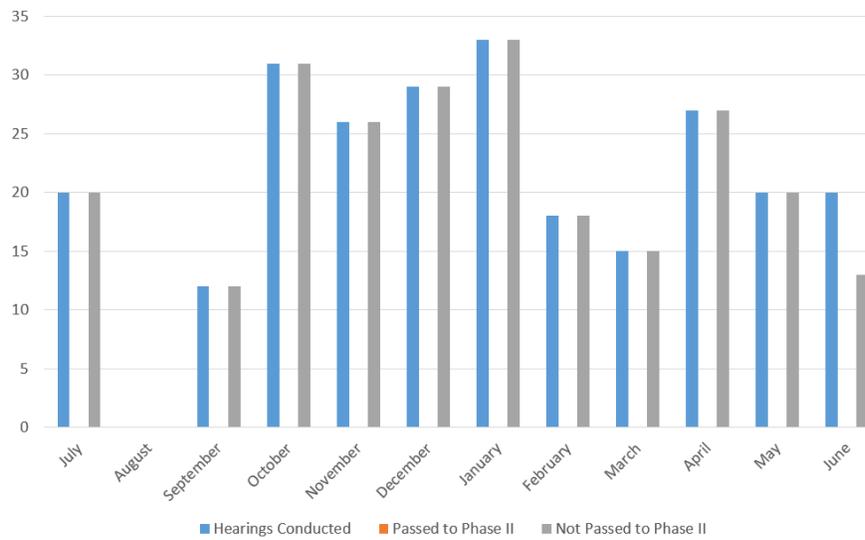
Total parole hearings:
129

Parole to the Next Count/Home Arrest ARS 31-412B/411

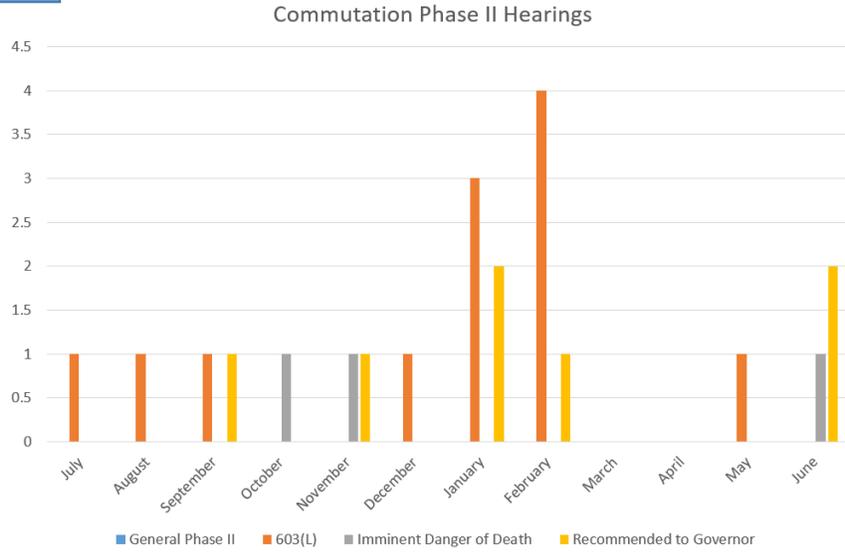


Total phase I hearings:
251

Commutation Phase I Hearings



Total phase II hearings:
15



The Board did not conduct any pardon hearings in FY2020.

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 FY20, the Board was again granted funding of \$35,000 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. Improving the process is a key part of the Board's strategic plan.

BOARD’S STRATEGIC PLAN HIGHLIGHTS

Commutation Burndown Plan

Problem: Inmates are not receiving a phase I hearing in a timely manner as there is a backlog of commutation cases (non-IDD).

Scope: There are 120 outstanding commutation hearings with received dates as early as May 2018.

Goal: Reduce the number of outstanding commutations so that incoming requests can be scheduled within 60 days of receipt by the agency by the end of calendar year 2019.

Status: The Board has eliminated the backlog and can schedule incoming commutation cases within 30-60 days.

Commutation Burndown Statistics

FY19/ 20	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
Rec’d	19	13	9	27	15	6	26	21	2	17	20	20
Goal	27	27	27	27	27	27	27	27	27	27	27	27
Actual	29	1	12	40	28	28	31	25	18	28	21	21

Revocation Hearing Scheduling Process Improvement

Problem: The Supreme Court suggested that parole (and presumably TIS) revocation hearings should be scheduled within approximately 60 days.

Scope: The Board held 1,935 revocation hearings in FY2020.

Goal: Schedule 100% of revocation or probable cause hearings within 60 days in cases where an inmate has not been charged with a new crime.

Status: The Board has begun an improvement process to update scheduling in order to comply with the timeframes.

Implement Victim Satisfaction Survey Process

Problem: The Board is required as part of its Victim's Services grant to conduct a victim satisfaction survey to all victims. The Board did not send out this survey, so it was not complying with the statute.

Scope: The Board was not complying with this statute in all cases with victims.

Goal: To provide the victim satisfaction survey to all victims and monitor return rate to set goal.

Status: The Board began sending a victim satisfaction survey out to victims in August 2019 and was able to comply with its grant obligations.