



*Arizona Board of Executive Clemency  
Annual Report - 2015*

# Table of Contents

Letter to the Governor.....	1
Message from the Chairman .....	3
Purpose of the Board.....	4
Agency Mission and Vision Statement.....	5
<b>Meet the Board</b>	
Board Members.....	6
History of the board .....	8
Organizational Structure of the Board.....	9
Types of Board Hearings.....	11
<b>Statistical Data Fiscal Year 2014-2015</b>	
Clemency Hearings .....	13
Parole Hearings .....	18
Revocation Hearings .....	21
Probable Cause Hearings .....	23
Overall Summary Total of all Hearing Types.....	24
Statistical Comparisons Fiscal Years 2005-2015 .....	25
Victim Notification Services/Stats .....	27

August 2015

The Honorable Douglas A. Ducey  
Governor of the State of Arizona  
1700 West Washington Street, 9th Floor  
Phoenix, Arizona 85007



Dear Governor Douglas A. Ducey and Members of the Legislature:

The Board of Executive Clemency is pleased to provide this Annual Report, which illustrates the types and volume of hearings performed by the Board and is reflective of the preparation that the administrative staff puts forth in support of the Board and hearing proceedings. The dedication and professionalism upheld by the administrative staff in supporting the Board's effort is commendable.

The past year has been an active one for the Arizona Board of Executive Clemency (AZBOEC), which includes noteworthy changes that enhance the agency's efficiency and professionalism. Our Board was busy during 2014-2015 with efforts to improve and develop policies and to participate in various trainings ensuring consistency with current national and state proceedings.

In October, the Board realized completion of the bifurcation of the Chairman/Executive Director position creating an environment in which the Chairman maintains Board responsibilities while the Executive Director can concentrate on the agency's finances, operations, and administrative staff. However, the Executive Director and Chairman maintain a close working relationship to meet agency objectives and to ensure continuity.

The Auditor General's Office completed its initial follow-up of AZBOEC's Sunset Audit Review process in May 2015, which resulted in 26 audit recommendations (including subparts of the recommendations). Of the 26 recommendations, ten have been implemented; one partially implemented; eleven are in the process of implementation; three are not yet applicable; and finally one is not applicable. The Auditor General's Office will revisit AZBOEC for an 18-month follow-up for a status check on recommendations that have not been fully implemented.

A much improved process in providing services to victims was implemented during November 2014. Although AZBOEC was in compliance with A.R.S. §13-4414, §13-4417, and §31-411, our process was minimal in meeting the mandates due to budget constraints. However we applied for the Victims' Rights Program grant through the Arizona Attorney General's Office of Victim Services and I'm happy to report that AZBOEC was indeed awarded the grant for fiscal year 2015. This award afforded our agency to hire a full-time Victim Rights Compliance Specialist during November 2014 who was able to organize a more personal system in which notifications are sent to victims who have opted to be notified and/or participate in hearings. In February 2015, we reapplied for the same grant so that we may continue with the enhanced implemented process. Following the submittal of the application, the Arizona Attorney General's Office of Victim Services renewed our grant for FY 2015-16.

During the course of the year we experienced changes in administrative staffing which included some employees separating from the agency as well as hiring replacements. Cross-training is essential for our agency as each employee has very distinct duties and responsibilities. It has become a necessity that all staff retain and practice the various areas of responsibility in order to avoid issues in instances of employee absences. In light of implementing good business practices and complying with the State's current budget cutbacks, we strive to maximize the resources already on hand. To date there are six employees, an executive director, and a five member panel completing the Board of Executive Clemency.

Over the course of the last 12 months, staff processes and procedures have been streamlined and updated to meet quality standards. To help support the efforts, a vital acquisition revolving around upgrading agency computers and software was necessary. Prior to December 2014, the agency was operating on equipment dating back to 1994. Keeping up with modern technology helps to fully support business operations; all staff and board members' office areas received new computers/software. All equipment and software upgrades were accomplished within the budgetary guidelines established for the Board.

In efforts to support complete transparency of AZBOEC monthly business meetings, we have progressed to making available the full audio recordings uploaded to our agency website. This process was first implemented for the September 24th 2014 Business Meeting. Audio recordings are available to the public within three days after the meeting. Audio recordings comply with A.R.S. §38-431.01 Meetings shall be open to the public.

AZBOEC wishes to extend many thanks and much appreciation to the Governor, Legislature, and to the various state agencies that have supported the Board in bringing about positive agency changes and for partaking in continued great working relationships. Should you have any questions about the Board or its operations please visit our website at [www.boec.az.gov](http://www.boec.az.gov) or contact our office at (602) 542-5656.

Respectfully,



Terry L. Adriance  
Executive Director

## *Message from the Chairman*

This past year has brought about significant challenges and changes for Arizona's Board of Executive Clemency. In the beginning of the year, the Board recognized the importance of separating the Executive Director and Chairman positions and hired an executive director to manage and oversee the administrative responsibilities of the Board. In October, 2014, the Board members hired Terry L. Adriance as its Executive Director and former Governor Janice Brewer appointed myself as Chairman of the Board. Then, the new year brought about my reappointment by Governor Douglas Ducey to a new five year term and as well as Chairman. Additionally, after several years of member vacancies, Governor Ducey appointed a new board member, Ms. Susanne Osolin to fill the seat. The Board now has a full five member complement.

In early 2014, the Board was notified by the Auditor General that it was scheduled to undergo a sunset audit. We welcomed the opportunity to work with the Auditor General and embraced the recommendations the auditors put forth. The Board is pleased to report that it has implemented nearly all of their recommendations. The audit provided Executive Director Terry L. Adriance and myself opportunities to work closely with the Department of Corrections management to improve hearing processes, revise policies and procedures to provide more detail and direction, enhance victim notification rights as well as implement a recognized training program for new Board members. As part of that program, all Board members attended a number of in-house training sessions as well as recently completing the National Institute of Corrections' New Parole Board Orientation session in Colorado.

As I converse with members of our community, I'm surprised how little is known about the Board's responsibilities and the importance of its decision making. Its decisions are not easily made and they affect many peoples' lives and the community as a whole. The members are truly dedicated and committed individuals. They are a well-trained and a diverse group of Arizonans providing professional, comprehensive, and impartial decisions at the various clemency and non-clemency hearings. The members must apply applicable laws, victims' interest, public safety and the recognized principles of offender behavioral change to their thoughtful decision making. All hearings are open to the public and I encourage all to come watch this important process of our criminal justice system as well as meet the Board members.

As we move forward in this upcoming fiscal year, The Board and its exceptional staff look forward to the continued collaboration with the Governor's administration, criminal justice partners, the state legislature and our community members. As Chairman, I am honored and grateful to be recognized by Governor Ducey and remain committed to lead the Board as recognized professionals striving to achieve its critical mission and values.

Sincerely,

Ellen Kirschbaum

## *Purpose of the Board*

The Arizona Board of Executive Clemency is statutorily empowered to make decisions regarding:

- discretionary release of those inmates who are Parole and/or Home Arrest eligible;
- to revoke parole and post-release “Truth in Sentencing” supervision of those found to be in violation of the terms and conditions of their release;
- Absolute Discharge from parole

The Board also makes recommendations to the Governor on requests for executive clemency, reprieves and pardons.

The Board makes fair, prompt and impartial decisions on matters brought to its attention and takes appropriate action.

The Board’s decisions are made with public safety considerations foremost considering information given by victim(s), the extent of the offender’s rehabilitation efforts, the seriousness of the crime, the offender’s behavior and rule infractions while incarcerated, family support and whether it is believed the offender can comply with the terms and conditions of his supervision as well as remain crime free in the community.

According to **ARS §31-401**, the Board consists of five (5) members appointed by the Governor and confirmed by the Senate. Each member may serve a five year term. A Chairman is appointed by the Governor for a two year term. The members are paid on an hourly basis up to 40 hours a week but are not provided vacation, sick or holiday pay.

## *Agency Mission and Vision Statements*

### **AZBOEC Mission Statement:**

The Board's mission is 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.

### **AZBOEC Vision Statement:**

The Board's vision is 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 Board as a vital part of the Arizona Criminal Justice System because it:

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

## *Board Core Values*

**Public Safety** - 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 in public and in private

## *Meet the Board...*

### **Chairman Ellen Kirschbaum** – *term expiration: 1/20/2020*

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. She remains as Chairman working closely with the Board's Executive Director to bring about the Board's mission to conduct prompt, fair and impartial hearings based on public safety. Ms. Kirschbaum's experience spans 31 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 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 and resides in Phoenix with her husband of over 30 years.



### **Board Member Brian L. Livingston** – *term expiration: 1/16/2017*

Mr. Livingston was appointed to the Board of Executive Clemency in 2012 by Governor Brewer. In August 2013 Mr. Livingston was appointed the Board's Executive Director/Chairman of the Board. He left this position in October 2014 following a legislative change to his position. Prior to his original appointment to the Board, Mr. Livingston served two terms as the Executive Director of the Arizona Police Association, and over four years as an Assistant Director at the Arizona Registrar of Contractors. Mr. Livingston is a retired Phoenix Police Officer who was shot in the line of duty in 1999 and medically retired from his position due to the injuries he sustained. He is a Vietnam era veteran of the United States Air Force.



### **Board Member Susanne Osolin** – *term expiration: 1/16/2017*

Susanne Osolin joined the AZBOEC Board in May 2015. Previous to her appointment, Ms. Osolin worked at Florence Crittenton Services of Arizona and headed the Successful Teen Parent Program, which offered case management services to pregnant/parenting teens from 1997 to 2001. During 2001 through 2004, she was a Workforce Investment Act Case Manager with Call-A-Teen providing career and post-secondary assistance. Since then Ms. Osolin was certified as an Adult Basic Education Instructor and taught ABE/GED prep to teens and young adults ranging in age from 16 to 22 years old.



Education:

Bachelor of Science-Psychology

Graduated Suma cum Laude

**Board Member Laura Steele** – *term expiration: 1/18/2016*

After graduating from Grand Canyon University, Ms. Steele worked as a Surveillance Officer and Probation Officer with the Maricopa County Adult Probation Department for 27 years. During her tenure with the department, she excelled in several areas to include Presentence Investigation; Intensive Probation; Standard Supervision; Unsupervised Probation; and Reach Out Coordinator for the Maricopa County Jail system. Ms. Steele worked closely with numerous treatment agencies throughout the valley in order to facilitate substance abuse and mental health programming for her clients. Ms. Steele retired in February 2014 to join the BOEC. In addition to her work with the BOEC, Ms. Steele regularly participates in the Family to Family food drive and school supply drives sponsored by her church, as well as gathering women’s business apparel for underprivileged women.



**Board Member 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; 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, MA degree from Clark Atlanta University, PhD degree from Boston University and 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.



## *History of the Board*

Change and adaptation best characterize the Board's history. Arizona first afforded inmates the opportunity for parole in 1901, prior to becoming a state. The agency then known as the Board of Control functioned as the Territory's discretionary releasing mechanism and consisted of the Governor, Territorial Auditor, and one citizen appointed by the Governor.

The Board of Control retained its releasing authority until the first Arizona Criminal Code became effective in October 1913, when it was replaced by the Board of Pardons and Paroles. The three-person Board consisted of a Governor-appointed citizen chairperson, the Superintendent of Public Instruction and the Attorney General. Board composition remained unchanged for the next five decades.

In 1966, the Legislature expanded Board membership to five part-time members appointed by the Governor to five-year terms. Two years later, legislation replaced the five part-time members with three full-time members. The Governor appointed all members to three-year terms, subject to Senate confirmation.

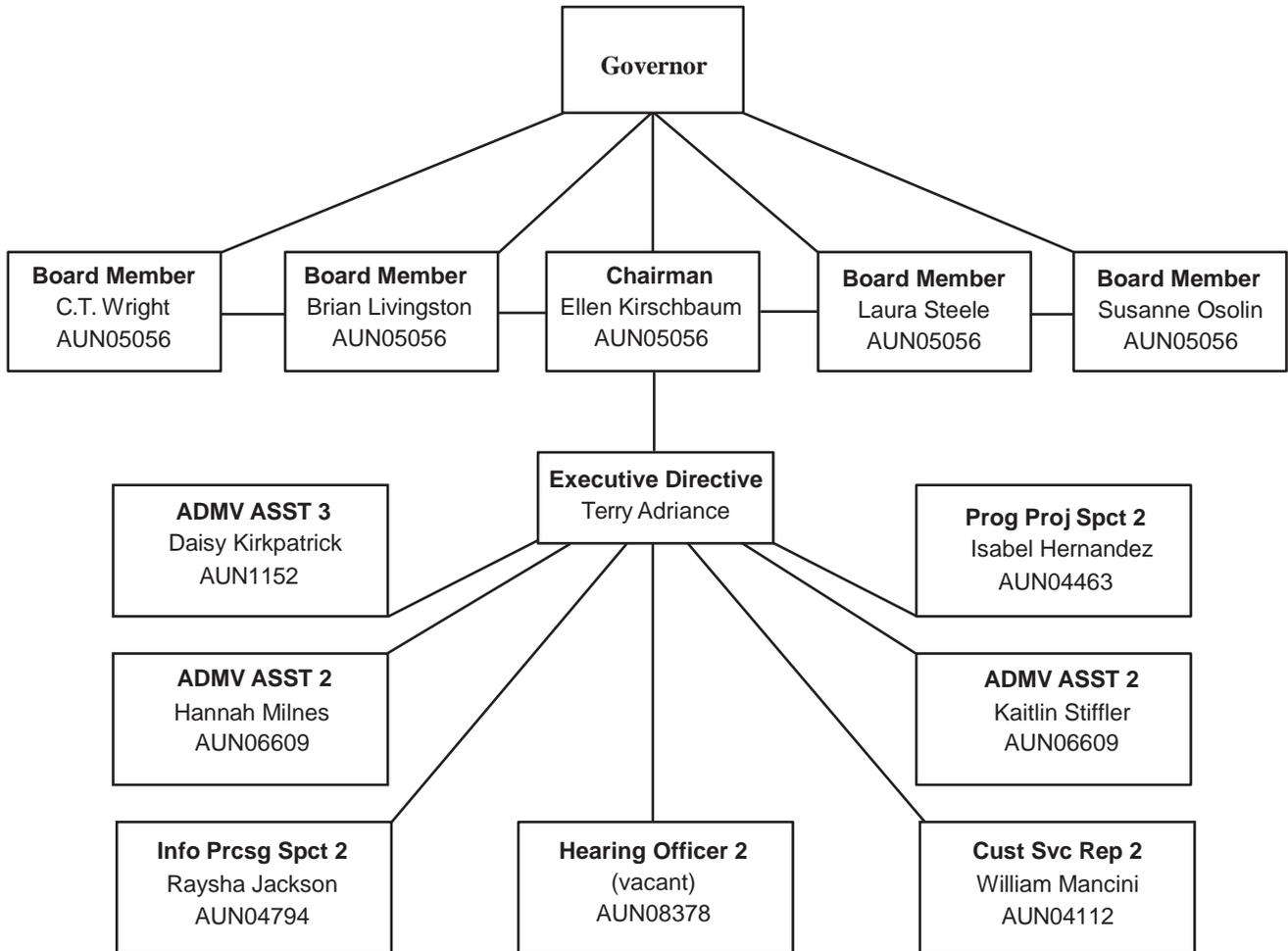
In 1978, as part of the new Criminal Code, the Legislature expanded the Board to five full-time members serving five-year terms, with gubernatorial appointments remaining subject to Senate confirmation. In 1984, the Legislature further expanded the Board to seven full-time members.

The 1993 Legislative session included legislation that eliminated all Board releases for inmates whose offenses were committed after January 1, 1994, and changed the agency's name to the Board of Executive Clemency. Effective January 1998 the Board's membership was decreased from seven to five members.

In 2004 the Legislature combined the positions of the Executive Director and Chairman which remained in effect for several years. With legislative change, appointments were made by the Governor to hold the position of Executive Director/Chairman of the Arizona Board of Executive Clemency in 2004 through April 2014.

The Board had gone through yet another legislative change in 2014. The Legislature decided to bifurcate the positions of Executive Director/Chairman. The process to separate the positions was finalized in September 2014 at which time the Governor appointed a Chairman and the Board appointed an Executive Director.

**Arizona Board of Executive Clemency  
Organization Chart - 2015**



Rev. 7/16/15

## *Role/Position Descriptions*

### **Chairman of the Board**

The Chairman on behalf of the Board and in order to meet its statutory mandates, coordinates their activities with the Governor's Office, the Legislature and the Office of the Attorney General. The Chairman in cooperation with the Board, develops rules, policies, and procedures not inconsistent with the law and acts as a liaison between the Board and the Executive Director. The Chairman shall ensure that Board members examine and evaluate reports from parole analysts, psychologists, psychiatrists, doctors, Institutional staff, and the courts to reach hearing decisions.

### **Executive Director**

The Executive Director oversees all administrative, operational and financial functions for the Board including implementing and directing all policies and procedures, personnel matters including hiring, training, discipline and performance evaluations of all administrative staff members and budget preparation, forecasts and expenditures.

### **Administrative Support Staff**

- *Project Specialist II (1)*
- *Administrative Assistant III (1)*
- *Administrative Assistant II (2)*
- *Information Processing Specialist II (1)*
- *Customer Service Representative II (1)*

The Project Specialist and Administrative Assistants have technical, complex duties and responsibilities that require a high level skill set. Each of these staff members are aligned with specific hearing types; gathering and maintaining statistical information; process and compile various court documents and information in preparation of completing Board packets. This process is particularly critical as board members review the packets which are utilized in hearing decision making. Public Record Requests are funneled and completed according to A.R.S. and administrative policy by the Administrative Assistant. In addition, these individuals take on special projects as determined by the Executive Director in meeting agency goals.

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 in related hearings.

The Information Processing Specialist is the first point of contact in providing customer service to the public in person and via phone communications. This position also includes clerical duties, mail log, mail distribution and board room preparations.

***Board of Executive Clemency Operating Authority and Duties***  
***A.R.S. §31-401 (and subsequent sections)***

Hearing Types:

**Absolute Discharge (A.R.S. §§31-411 and -414)**

The Board may discharge a person from imprisonment (-411) or parole supervision (-414) prior to the sentence expiration date or prior to the expiration of parole. Community Corrections (a division of the Department of Corrections) may recommend a parolee for an absolute discharge to the Board because of his/her exceptional performance while under parole supervision.

**Commutation of Sentence (A.R.S. §§13-603[L], 31-402, 31-403, 31-411[H], 31-411[I][1], and 38-431.01)**

A change or modification of a sentence imposed by the court. The Board assumes that sentences imposed by the court are fair and correct; however, either by Judicial request or by inmate application, the Board may find mitigating circumstances under which justice would be better served if a commutation were recommended to the Governor. Pursuant to A.R.S. § 31-402, the Governor may grant a commutation of sentence only upon recommendation of the Board.

**Early Parole (A.R.S. §41-1604.11[K])**

A conditional release from incarceration before the inmate has reached his or her general parole eligibility date. This type of release consideration is used when there is a lack of bed space in the Department of Corrections' institutions. An inmate eligible for release under this statute may be considered for parole, home arrest or work furlough.

**General Parole (A.R.S. §31-412[A])**

A conditional release from incarceration that entitles the parolee to serve the remainder of the parolee's term outside of the confines of a penal institution, if the parolee satisfactorily complies with all of the terms and conditions provided in the parole order.

**Home Arrest (A.R.S. §41-1604.13)**

A program for inmates who are eligible to complete their prison sentence in the community. The Home Arrest program is a restrictive program that uses active electronic monitoring surveillance and the supervision of a Home Arrest officer. A person in the Home Arrest program is under inmate status and subject to all of the rules and regulations of the Department of Corrections. Except for authorized movements out of the residence, such as employment and mandated treatment programming, the inmate is confined to his residence.

**Modification**

A hearing held to determine if conditions of release should be modified or changed. A modification hearing is usually held at the request of a Parole Officer.

**Pardon** (A.R.S. §§31-441 through -446)

An act of grace by the Governor that absolves the convicted felon of the legal consequences of his or her crime and conviction. Pursuant to A.R.S. §31-402, the Governor cannot grant a pardon unless the Board has first recommended it.

**Parole to a Consecutive Sentence or Another Jurisdiction** (A.R.S. §31-412.B)

A mechanism to parole an inmate to a consecutive sentence to be served in an institution or parole to another jurisdiction.

**Reprieve** (A.R.S. §§31-443 through 31-446)

A delay or temporary suspension of the carrying out of punishment. Pursuant to A.R.S. §31-402, the Governor may grant a reprieve only upon recommendation of the Board.

**Rescission**

Withdrawal of an action previously granted by the Board before the inmate actually enters the action status.

**Revocation** (A.R.S. §§31-415 through 31-417)

Withdrawal of an action previously granted by the Board after the inmate has entered the action status.

**Work Furlough** (A.R.S. §41-1604.11)

A release from prison that allows the inmate to maintain gainful employment and pay restitution to the victim of the inmate's offense.

## *Commutation Hearings*

### **The Phase I**

A Phase I hearing is an in-absentia (i.e., the inmate is not in attendance) hearing held on-site at the Board's location. The public is welcome to attend and/or present a statement (oral or written) in support of or in opposition to the inmate's application. Only information and testimony related to an inmate's sentence at the time it was imposed by the Court will be considered by the Board at the hearing. The Board will determine whether the sentence was excessive based on the information it examines and the testimony received for the date of the hearing. Actions/behaviors by the inmate following their incarceration will not be considered at a Phase I hearing. The Board will either vote to deny further action or pass the application to a Phase II hearing if evidence of excessive sentence has been determined by Board vote.

### **The Phase II**

A Phase II hearing is an in-person hearing conducted at a state institution or telephonic/video conferencing. The public is welcome to attend this hearing and present a statement (oral or written) in support of or in opposition to the inmate's application. Should the Board's determination and vote after considering all evidence and testimony that a reduction in time served is appropriate, the Board will transmit the recommendation to the Governor for a final determination.

### **A.R.S. §13-603 (L)**

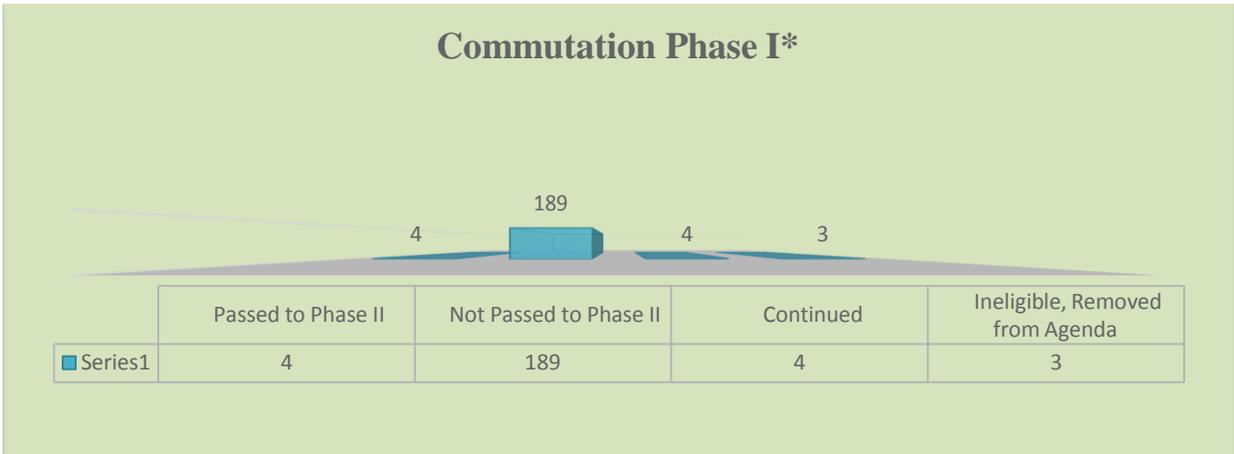
*(L)* If at the time of sentencing the court is of the opinion that a sentence that the law requires the court to impose is clearly excessive, the court may enter a special order allowing the person sentenced to petition the board of executive clemency for a commutation of sentence within ninety days after the person is committed to the custody of the state department of corrections. If the court enters a special order regarding commutation, the court shall set forth in writing its specific reasons for concluding that the sentence is clearly excessive. The court shall allow both the state and the victim to submit a written statement on the matter. The court's order, and reasons for its order, and the statements of the state and the victim shall be sent to the board of executive clemency.

### **A.R.S. §31-403 (D)**

*(D)* The board may waive the provisions of subsections A, B and C of this section if any of the following applies:

1. The person is in imminent danger of death due to a medical condition, as determined by the board.
2. The person is the subject of a warrant of execution.

***Clemency Stats  
FY 2014-2015***



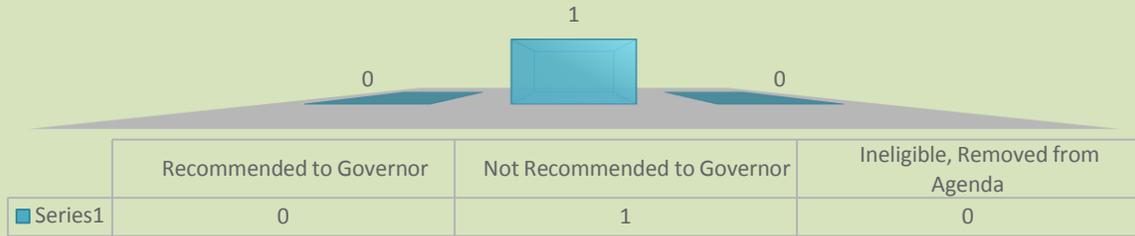
*Total of 200 hearings conducted*

\*All hearings conducted were based on crimes committed after January 1, 1994 under Truth-in-Sentencing statutes.



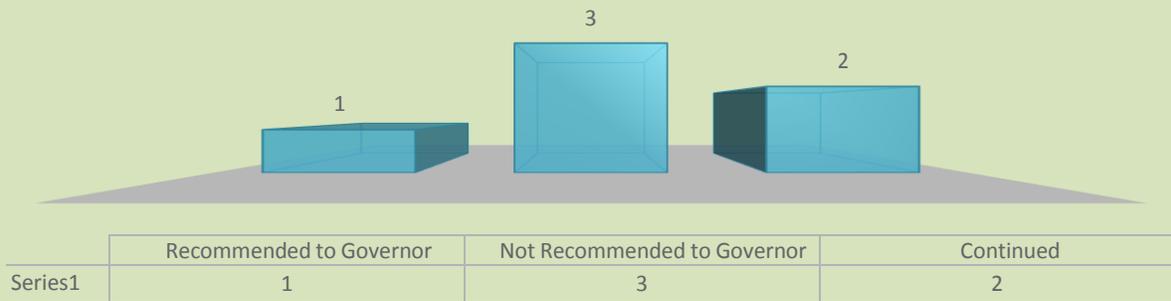
*Total of 15 hearings conducted*

**Commutation Phase II  
A.R.S. §13-603 (L) Special Orders**



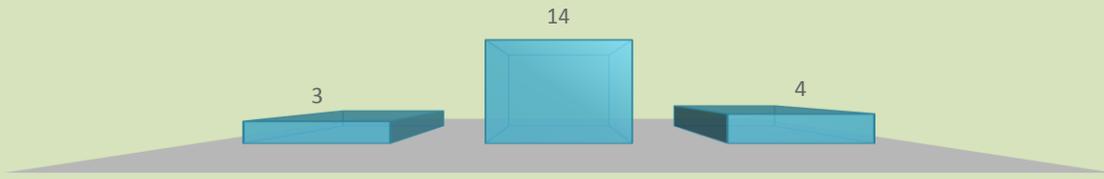
*Total of 1 Commutation Phase II 602(L) Hearing Conducted*

**Commutation Phase II  
A.R.S. §31-403 (D) Imminent Danger of Death**



*Total of 6 Commutation Phase II Imminent Danger of Death Hearings Conducted*

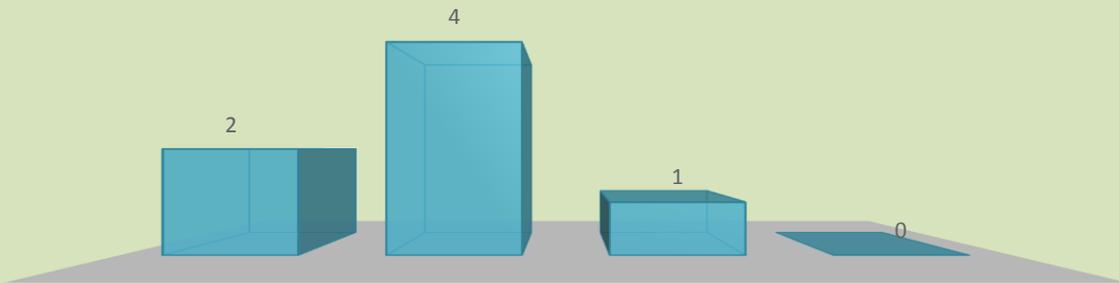
**Pardons  
A.R.S. §§31-441 through-446**



	Recommended to Governor	Not Recommended to Governor	Continued
Series1	3	14	4

*Total of 21 Pardon Hearings Conducted*

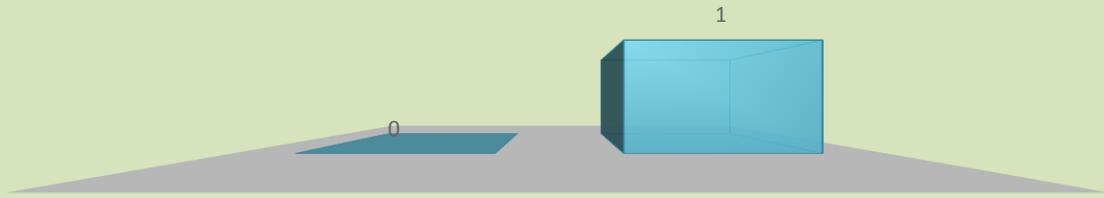
**Absolute Discharges from Community Supervision  
A.R.S. §31-414**



	Granted	Denied	Continued	Ineligible, Removed from Agenda
Series1	2	4	1	0

*Total of 7 Absolute Discharges from Community Supervision Hearings Conducted*

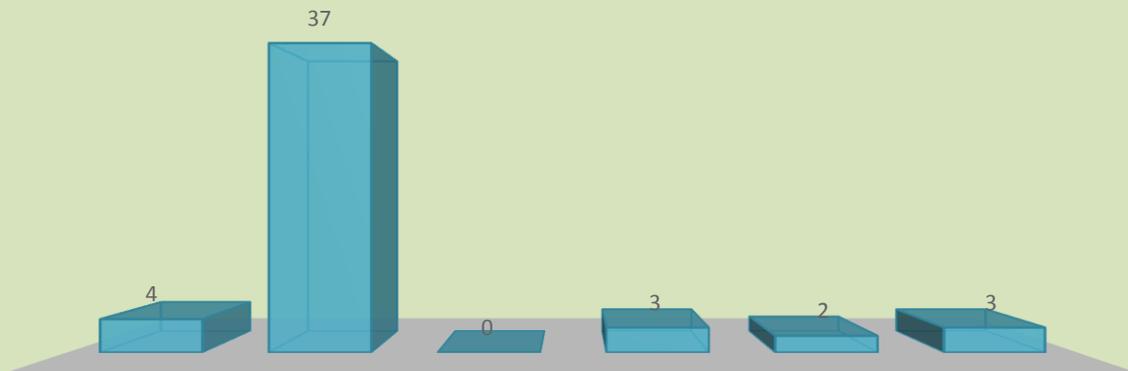
**Reprieves  
A.R.S. §31-443 through 31-446**



	Recommended to Governor	Not Recommended to Governor
Series1	0	1

***General Parole Stats  
FY2014-2015***

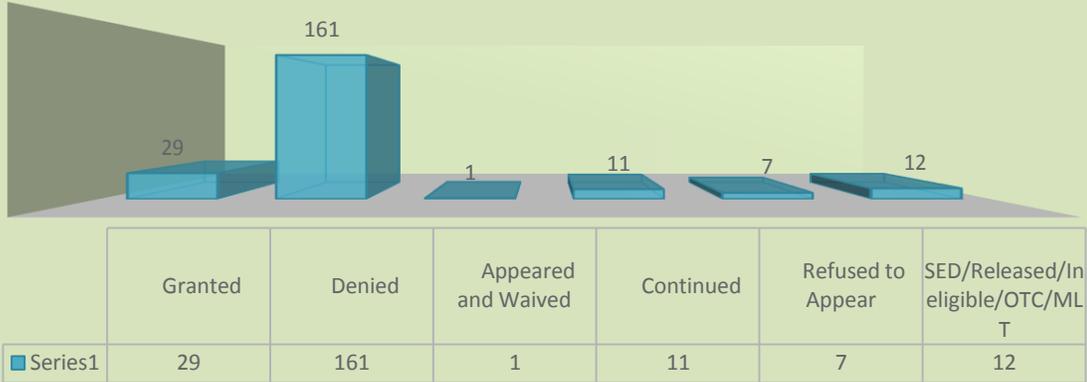
**Parole A.R.S. §31-412A/411  
General Parole/Absolute Discharge from Incarceration**



	Granted	Denied	Appeared and Waived	Continued	Refused to Appear	SED/Released/Ineligible/OTC/MLT
Series1	4	37	0	3	2	3

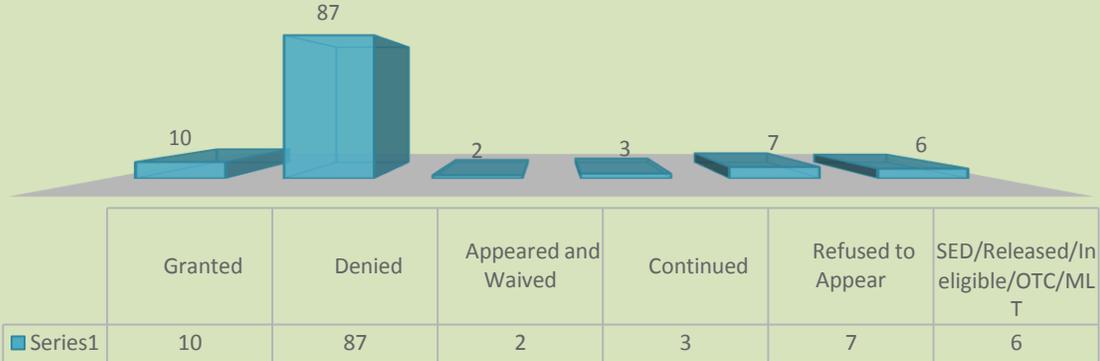
*Total of 49 Parole §31-412A/411 Hearings Conducted*

**Parole A.R.S. §31-412A/411/HA  
General Parole/Absolute Discharge/Home Arrest from  
Incarceration**



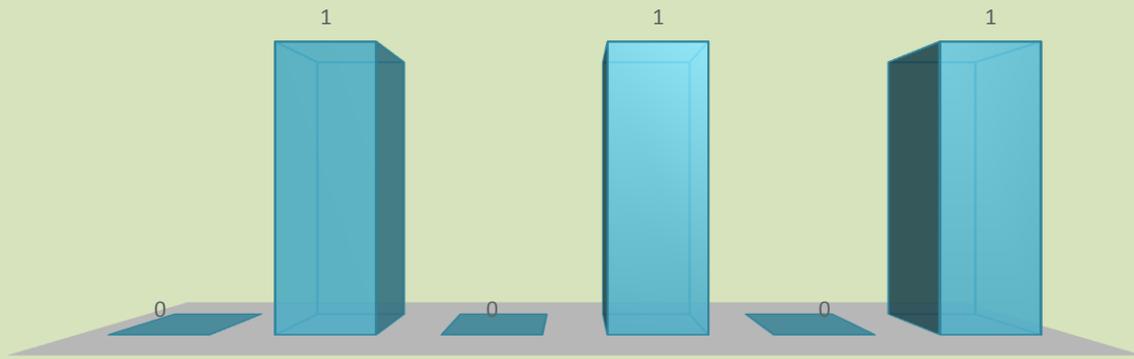
*Total of 221 Parole §31-412A/411/HA Hearings Conducted*

**Parole A.R.S. §31-412B(CS)/411  
Parole to Consecutive/Absolute Discharge from  
Incarceration**



*Total of 115 Parole §31-412B(CS)/411 Hearings Conducted*

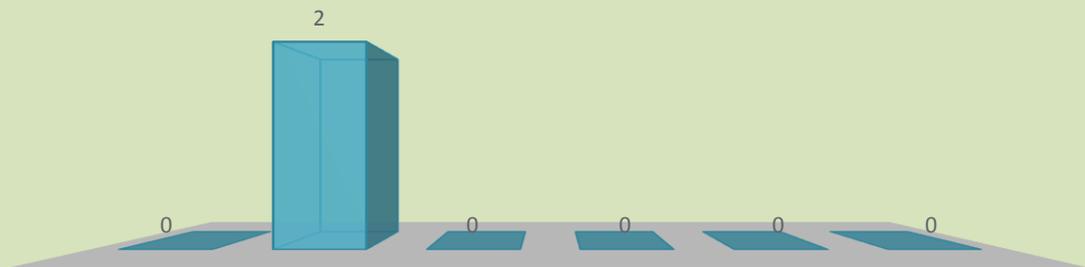
**Parole A.R.S. §31-412B(DET)/411  
Parole to Detainer/Absolute Discharge from Incarceration**



	Granted	Denied	Appeared and Waived	Continued	Refused to Appear	SED/Released/Ineligible/OTC/MLT
Series1	0	1	0	1	0	1

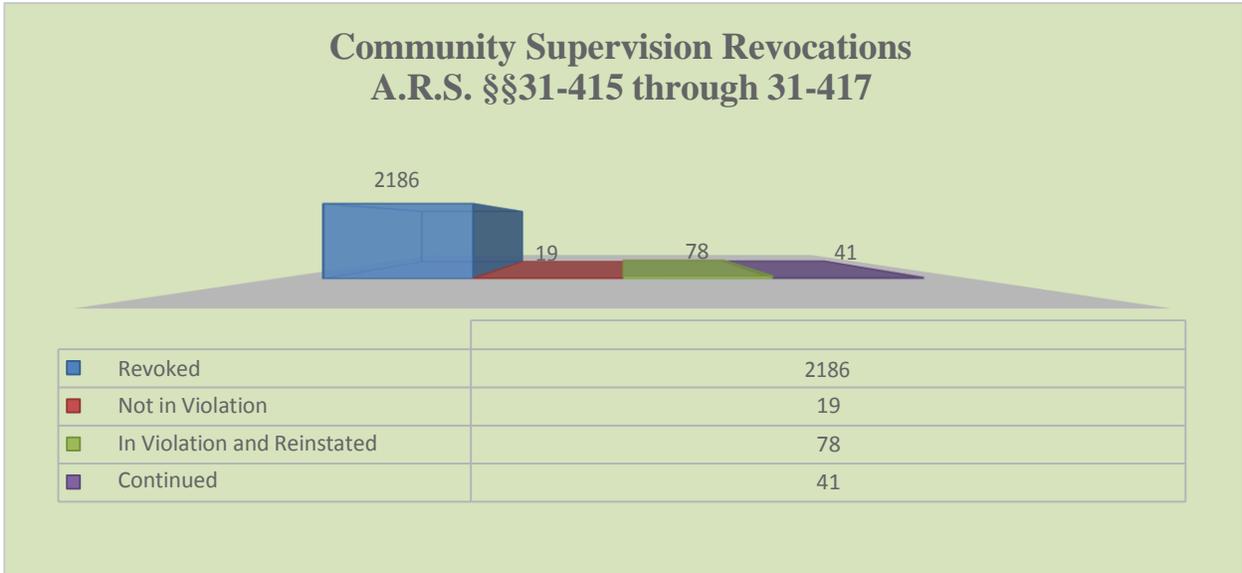
*Total of 3 Parole §31-412B(DET)/411 Hearings Conducted*

**Work Furlough Based on Eligible Offense pre -1994  
A.R.S. §41-1604.11**

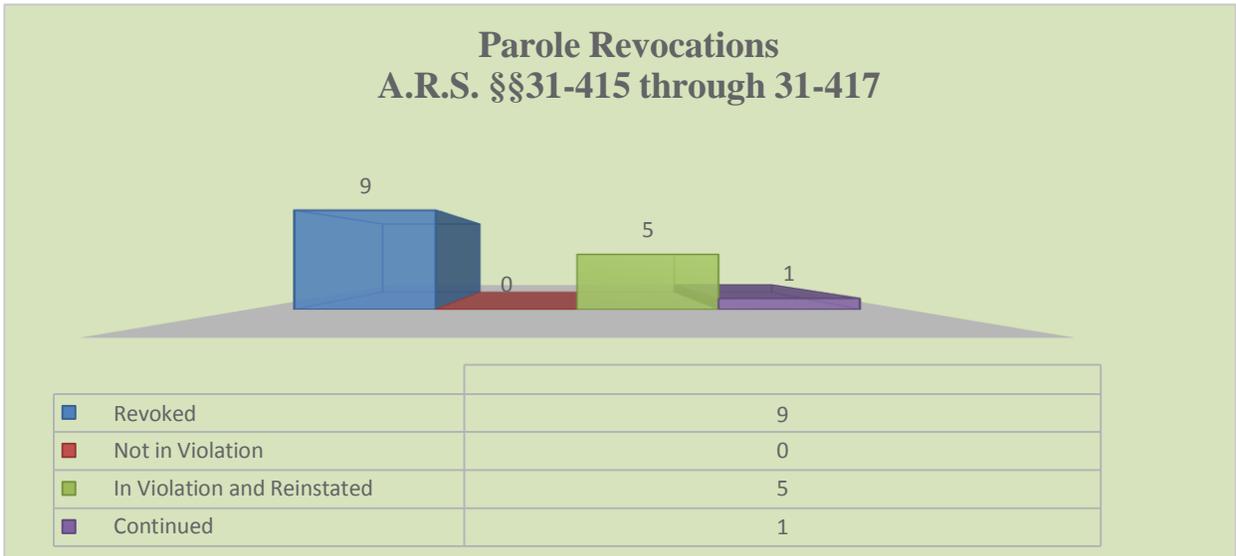


	Granted	Denied	Appeared and Waived	Continued	Refused to Appear	SED/Released/Ineligible/OTC/MLT
Series1	0	2	0	0	0	0

**Revocation Stats**  
**FY 2014-2015**

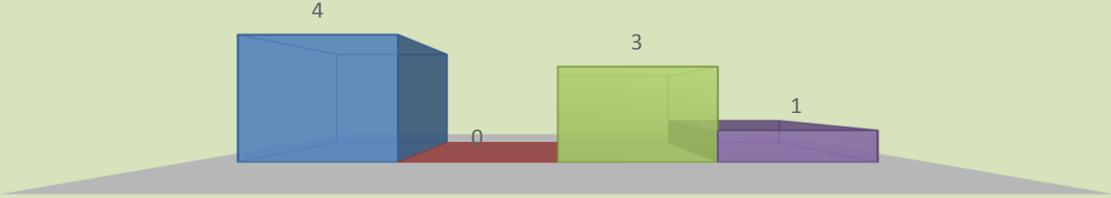


*Total of 2,324 Community Supervision Revocation Hearings Conducted*



*Total of 15 Parole Revocation Hearings Conducted*

### Home Arrest Revocations A.R.S. §41-1604.13



■ Revoked	4
■ Not in Violation	0
■ In Violation and Reinstated	3
■ Continued	1

*Total of 8 Home Arrest Revocation Hearings Conducted*

## *Probable Cause Hearings*

**A.R.S. §31-402(G)** *Powers of board; powers and duties of governor; powers and duties of executive director*

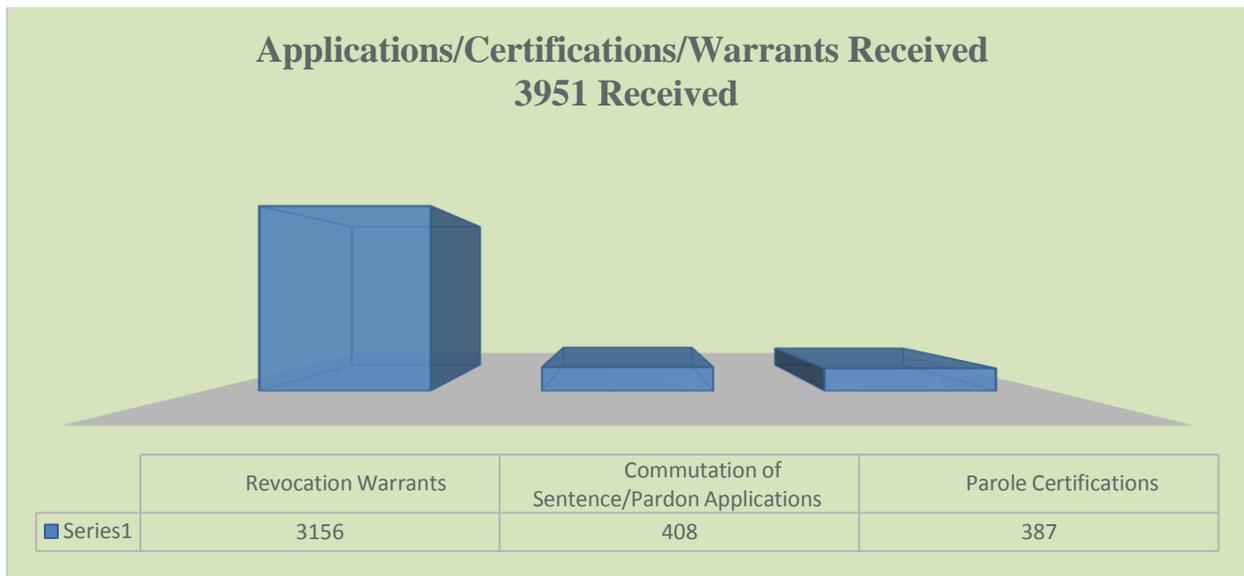
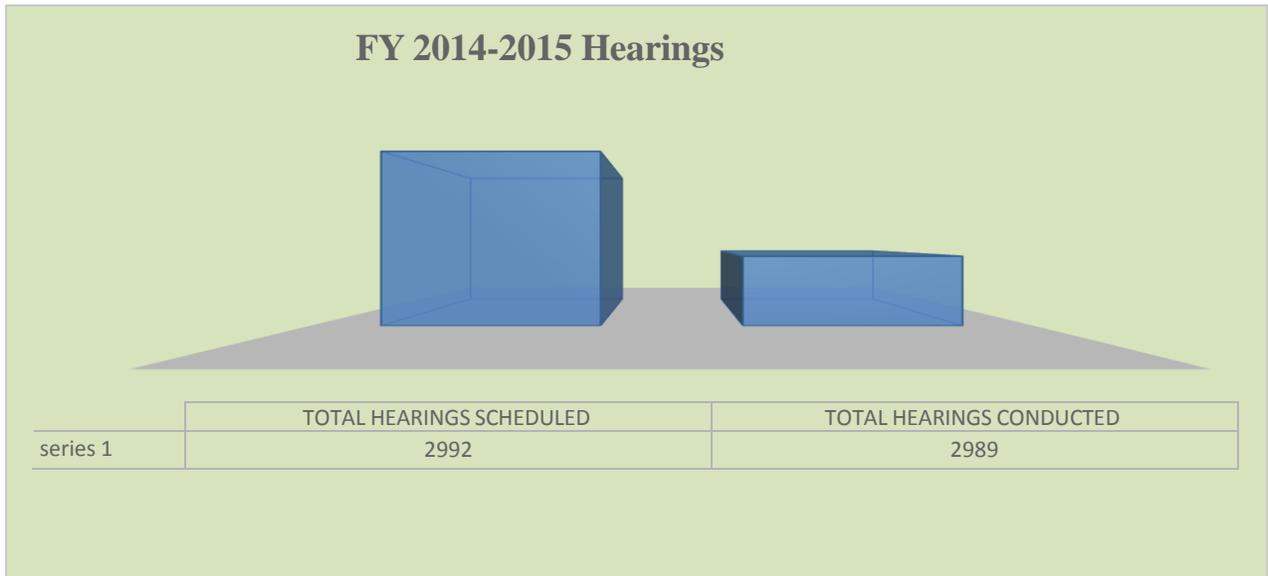
(G) The executive director may employ hearing officers as deemed necessary within the limits of legislative appropriation and subject to title 41, chapter 4, article 4. The hearing officers shall conduct probable cause hearings on parole, work furlough and home arrest revocations or rescissions. Hearing officers shall assist the board in making investigations, securing information and performing necessary administrative functions.

Prior to 2002 AZBOEC employed three full-time hearing officers, however with budget cuts beginning July 1, 2002 the agency reduced the number of hearing officers to one full-time officer. During 2010 there were additional budget cuts which resulted in a determination to eliminate the hearing officer position and absorb probable cause hearings into the Board Revocation hearing process.

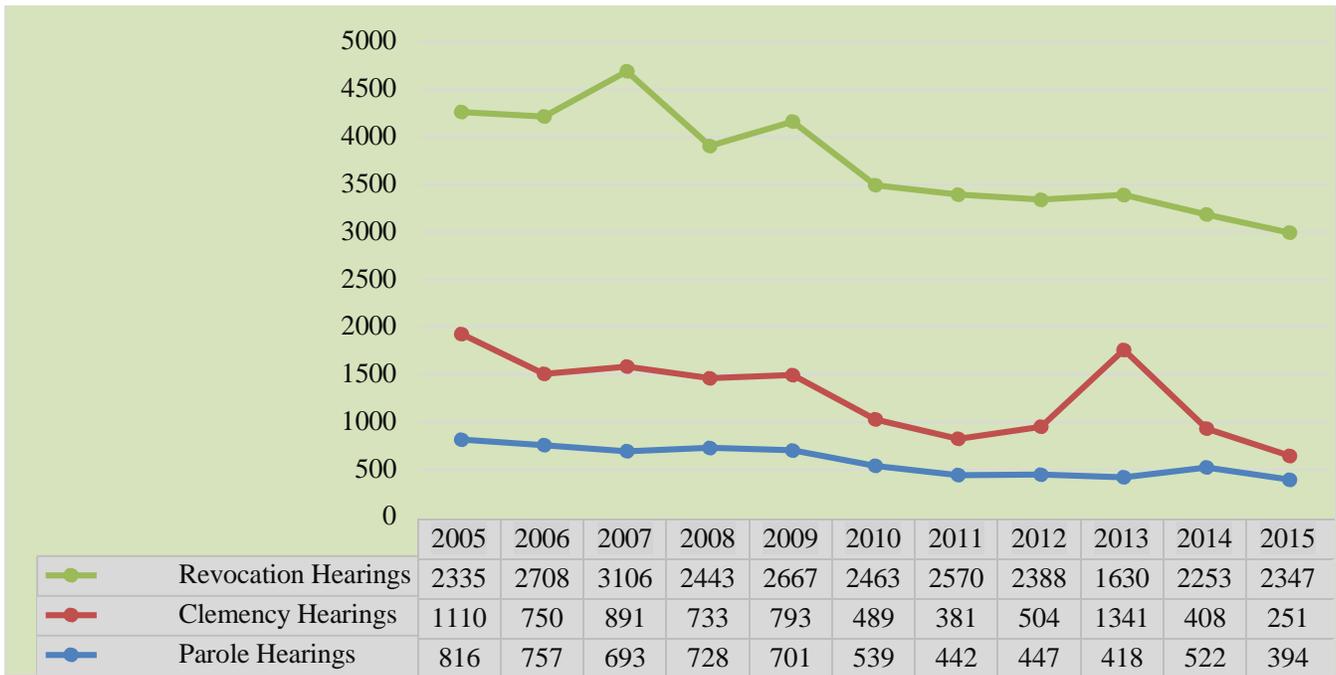
As noted in the Auditor General's Sunset Review Report conducted on AZBOEC for this fiscal year, timeliness issues were found. In efforts to rectify this issue, AZBOEC took action by hiring a hearing officer. However budget constraints limited hiring a full-time hearing officer. Instead, a part-time hearing officer was hired to perform the related duties and responsibilities. Our current budget could only support up to 18 hours per week. Unfortunately, the allotted time and the number of requests received for probable cause hearings was simply overwhelming. The requirement of administrative paperwork that was a part of the hearing officer's job function also had to be factored into the 18 hours.

A determination was made that the 18 hour allotment per week was insufficient to effectively address probable cause hearings. AZBOEC will be submitting a decision packet requesting an increase in budget to support a full-time hearing officer.

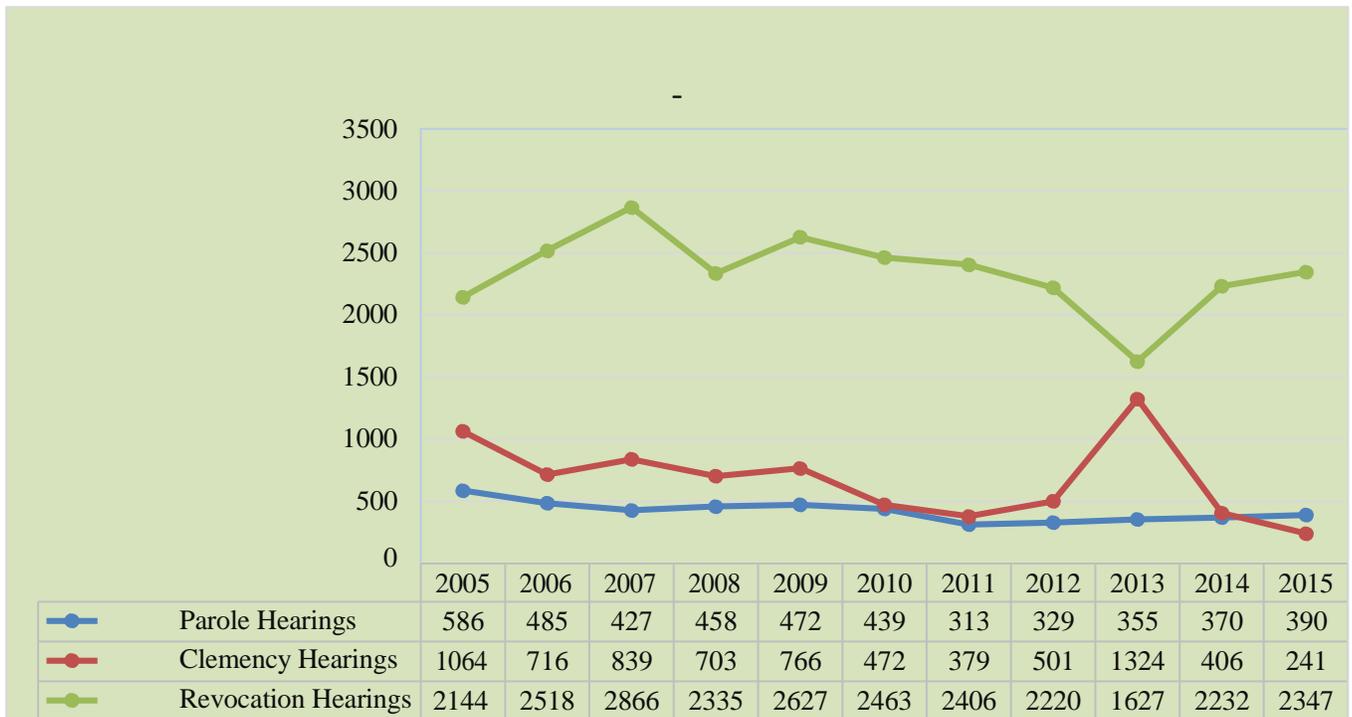
**Overall Summary Total of all Hearing Types  
FY 2014-2015**



*Yearly Comparison from FY 2005 thru 2015*



*Board Hearings Scheduled Over 10 Year Span*



*Board Hearings Scheduled Over 10 Year Span*

## *Victim Notification Services*

### **A.R.S. §13-4417(A)** *Request for notice; forms; notice system*

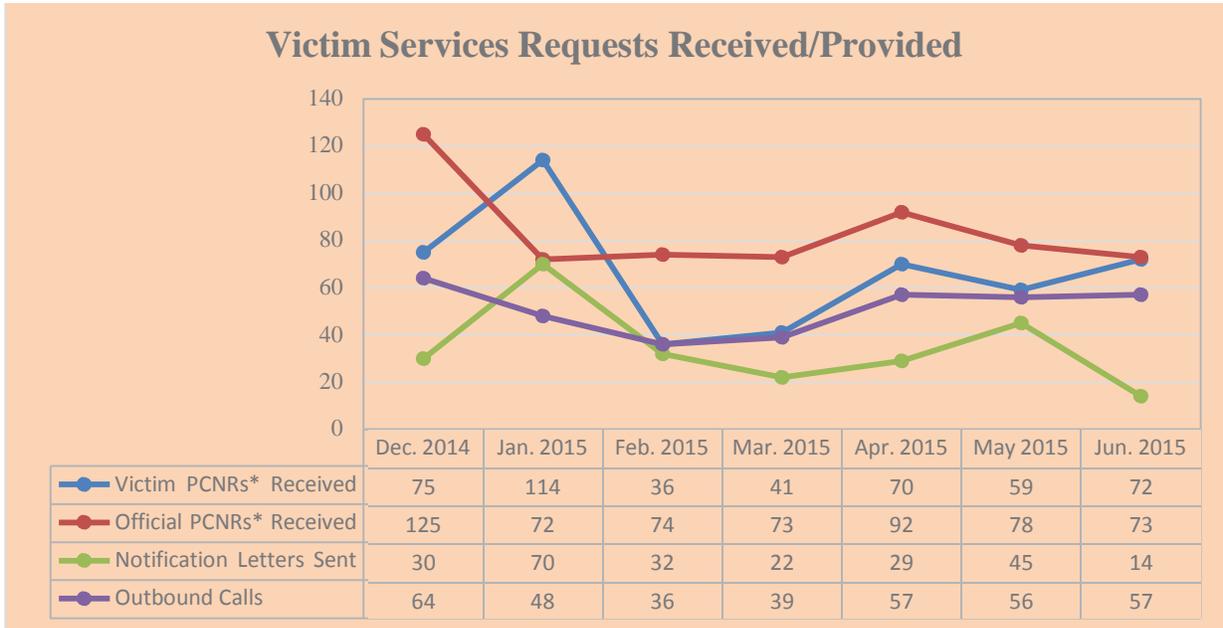
(A) The victim shall provide to and maintain with the agency that is responsible for providing notice to the victim a request for notice on a form that is provided by that agency. The form shall include a telephone number and address. If the victim fails to keep the victim's telephone number and address current, their victim's request for notice is withdrawn. At any time the victim may request notice of subsequent proceedings by filing on a request form provided by the agency the victim's current telephone number and address.

AZBOEC has adhered to statutes pertaining to victim notification(s) of hearings and Board decision results. We understand that AZBOEC is providing a service of notification and not acting as an advocate for victims.

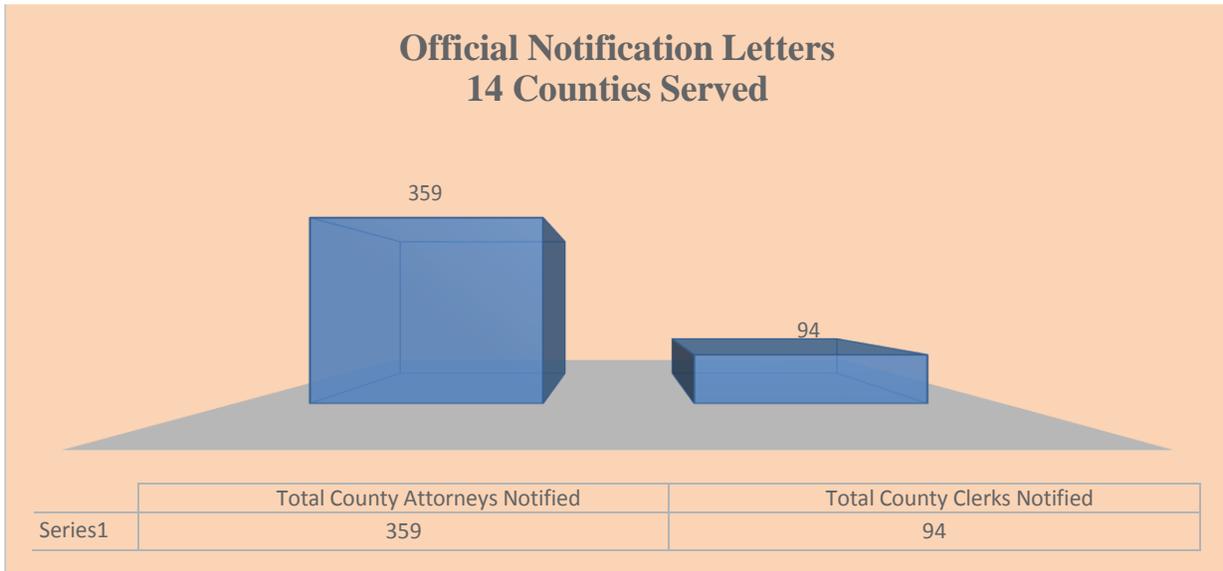
Data entry of hearing information into the current database (AIMS) held by the Arizona Department of Corrections, generates a generic type message for victims and officials alerting them of scheduled hearings and/or decision results. In short, the message simply urges the recipient to call AZBOEC for the scheduled date. The service we now provide consists of custom victim notifications letters that include the actual date of the hearing along with the inmate's specific charge, count, and sentence related to the hearing. In addition to letter notifications to victims, they are contacted (once letters are generated) by phone to alert them of an upcoming hearing and to confirm a letter of notification has been placed in the mail.

Post-Conviction Notice Requests (PCNR) continue to be processed by adding the information into the database for future hearings in a timely manner. To ensure the accuracy of the provided information, a call is placed to the individual listed on the form. It is at this time that the listed contact information is confirmed prior to data entry.

***Victim Notification Stats  
FY 2014-2015***



*\*PCNR = Post Conviction Notification Request*



*Total of 453 Official Notification Letters Sent*

