

ARIZONA BOARD OF EXECUTIVE CLEMENCY
BOARD POLICY #100

Policy Title: Definitions	Draft Date: January 27, 2014	Policy #100
	Effective Date: January 29, 2014	
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Purpose:

It is the policy of the Arizona Board of Executive Clemency to assure an understanding of its policies and procedures by providing definitions of terminology used in the policies and procedures.

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Authority:

ARS § 31-402
ARS § 31-411
ARS § 31-442

Procedure:

The following words and phrases are defined for use in the Arizona Board of Executive Clemency policies and procedures:

- 1) “**ABSOLUTE DISCHARGE FROM IMPRISONMENT**” means a grant by the Board which is effective to discharge a parole eligible inmate from the remainder of time left to be served on the sentence.
- 2) “**ABSOLUTE DISCHARGE FROM PAROLE**” means a grant by the Board which is effective to discharge the parolee from the remainder of time left to be served on parole.
- 3) “**BOARD**” means the Arizona Board of Executive Clemency.
- 4) “**BOARD HEARING**” means a public meeting during which Board members render decisions on eligible inmates and executive clemency applicants.
- 5) “**BOARD HEARING CALENDAR**” or “**CALENDAR**” means the public notice provided by the Board prior to conducting hearings at the Arizona Department of Corrections institutions and other locations.

- 6) **“BOARD REVIEW”** means a public meeting conducted in-absentia by the Board wherein conditional prison releases may be granted based on the information provided by case analysts, hearing officers and other sources.
- 7) **“CHAIR”** or panel chair means the daily presiding officer of the Arizona Board of Executive Clemency.
- 8) **“CHAIRMAN OF THE BOARD”** means the person selected by the Governor to oversee Board actions and training.
- 9) **“COMMUNITY SUPERVISION RELEASE”** means a release granted by the Department for any inmate sentenced under “Truth in Sentencing” (TIS).
- 10) **“CONTINUE ON RELEASE”** means to allow an individual who has violated a condition/s of release to continue on a previously granted release with the same or amended conditions.
- 11) **“DEPARTMENT”** means the Arizona Department of Corrections.
- 12) **“DIRECTOR”** means the Director of the Arizona Department of Corrections.
- 13) **“DUTY POST”** means the place an employee spends the largest portion of their regular working time or the place to which the employee returns on completion of a special assignment.
- 14) **“ELECTRONIC MEANS”** the use of an audio tape recorder, video tape recorder, telephone or video conferencing.
- 15) **“EXECUTIVE CLEMENCY”** constitutional power given to the Governor allowing the Governor the authority to grant commutation, pardons and reprieves for all offenses except treason and cases of impeachment upon such conditions and with restrictions and limitations as may be provided by law. These actions may only be granted upon recommendation by the Board.
- 16) **“EXECUTIVE DIRECTOR”** means the Executive Director of the Arizona Board of Executive Clemency.
- 17) **“EXECUTIVE SESSION”** means a meeting of a quorum of the Board to discuss items which are exempt from public disclosure pursuant to A.R.S. § 38-431.03.
- 18) **“HEARING OFFICER”** means the person authorized by the Board to conduct interviews and hearings on behalf of the Board.
- 19) **“HOME ARREST”** means the community supervision program established pursuant to A.R.S. § 41-1604.13.

- 20) **“IN-ABSENTIA”** means a hearing conducted by the Board where the inmate is not present.
- 21) **“INMATE”** means a person who is under the jurisdiction of the Department of Corrections.
- 22) **“IMMINENT DANGER OF DEATH”** means that, upon verification by the Arizona Department of Corrections Health Services, an applicant has been examined by a medical doctor and that doctor has diagnosed the applicant as suffering from a medical condition which, in the doctor’s professional medical opinion, will to a reasonable medical certainty, result in the applicant’s death within six (6) months.
- 23) **“MEMBER”** means a person duly appointed by the Governor and confirmed by the Senate to serve on the Board of Executive Clemency.
- 24) **“NEW CODE”** applies to persons whose offenses were committed on or after October 1, 1978 to January 1, 1994.
- 25) **“OLD CODE”** applies to persons whose offenses were committed prior to October 1, 1978.
- 26) **“PAROLE”** means a conditional release from incarceration allowing the individual to serve the remainder of their sentence outside the institution if the individual abides by specific conditions.
- 27) **“PAROLEE”** means an inmate who has been released on parole by the Board and is under the supervision of the Department of Corrections.
- 28) **“PAROLE TO A CONSECUTIVE SENTENCE”** means a conditional release from a specified sentence granted an inmate serving consecutive sentences allowing the inmate to begin serving time on the next sentence while the inmate remains incarcerated.
- 29) **“PAROLE TO A DETAINER”** means a conditional release to another jurisdiction.
- 30) **“PER DIEM”** means the allowance for meals and incidental travel related expenses.
- 31) **“PERSISTENT VEGETATIVE STATE”** as used in the Board’s commutation policy, means that an inmate is in a clinical condition where there appears to be a complete unawareness of self and environment, accompanied by a preservation of sleep-wake cycles and either partial or complete hypothalamic and brain-stem autonomic functions. They will not show any evidence of sustained, reproducible, purposeful or voluntary behavioral responses to visual, auditory, tactile or noxious stimuli, and show no evidence of language comprehension. They will have bowel and bladder incontinence and may have variably

preserved cranial-nerve and spinal reflexes. A persistent vegetative state will be defined when present one month after acute traumatic or non-traumatic brain injury or lasting for at least one month in patients with degenerative or metabolic disorders or developmental malformations.

- 32) “**PROBABLE CAUSE HEARING**” means a hearing conducted to determine if sufficient information exists to warrant a rescission or revocation hearing by the Board.
- 33) “**REFUSAL TO APPEAR**” (RTA) means the inmate has refused their right to a hearing in writing or in person.
- 34) “**REPRIEVE**” means a temporary postponement of the execution of a judgment for a specific time. The most common use of this action in the State of Arizona applies to the death sentence.
- 35) “**RESCISSION**” means an act by the Board to take away a previously granted release before the inmate enters into that status.
- 36) “**REVOCATION**” means an act by the Board to take away a previously granted release status after the inmate enters into that status.
- 37) “**STRUCTURED DECISION MAKING**” are guidelines that provide the Board with a common framework in which to make decisions.
- 38) “**TRAVEL STATUS**” means conducting State business away from the designated duty post with supervisory approval.
- 39) “**TRUTH IN SENTENCING**” (TIS) applies to persons who commit a felony offense after January 1, 1994.
- 40) “**WARRANT**” is a document that specifies alleged violations of parole served to a parolee notifying the individual to appear as requested.
- 41) “**WORK DAYS**” means every day except Saturdays, Sundays and State holidays as defined in A.R.S. § 1-301.
- 42) “**WORK FURLOUGH**” means the supervised release of an inmate pursuant to A.R.S. § 41-1604.11.

Implementation:

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