

**ARIZONA BOARD OF EXECUTIVE CLEMENCY  
BOARD POLICY #110**

<b>Policy Title: Modification Hearing – Terms and Conditions of Release</b>	<b>Draft Date: February 18, 2014</b>	<b>Policy #110</b>
	<b>Effective Date: 02-26-14</b>	
	<b>Previous/New: Supersedes: 400.11</b>	<b>Pages: 2</b>

**PURPOSE:**

The purpose of this policy is to establish procedures for modifying conditions of Board ordered releases.

**POLICY:**

Any inmate subject to the release conditions imposed by the Board may request a modification of the terms and conditions of their release. Such requests must be made in writing, specify the type of modification requested and provide the reason/s why the imposed conditions of release should be modified.

**AUTHORITY:**

**A.R.S. §§31-402; 411**

**A.R.S. §§31-401 (G)**

**Procedure:**

Upon receiving a modification request, the Chairman of the Board shall review and consider all terms and conditions of parole applied by the board and the department of corrections at the time of the inmate's release from incarceration and the written document prepared by the requestor or the Department of Corrections. The Chairman may:

- A. Deny the modification request;
- B. Refer the modification request to the Board for further consideration.

If the Chairman approves of the modification request the Modification Request shall be set in accordance with Board Policy #103.

If the Chairman denies the request the matter is closed and no further action will be taken on the request.

### **Board Hearing Guidelines**

The Board shall follow the guidelines established in Board Policy #101. However during a Modification Hearing, testimony before the Board will be limited to the petitioner, their attorney and/or their lawful representative.

The Board may also receive testimony from a representative of the AZDOC regarding the department's position on the request for modification.

### **Board Determination**

Upon hearing from the petitioner, their attorney or their lawful representative and/or a representative from AZDOC, the Board shall determine if the modification of terms and conditions of release is warranted or remain as originally imposed.

If the Board determines by a majority vote modification of the terms and conditions of release is warranted, new terms shall be specified by the Board. If the Board, by majority decision determines modification of the terms and conditions is not warranted the original terms and conditions of imposed by the Board shall remain in effect.

If a two man panel of the Board is present to hear evidence at a Modification Hearing a unanimous decision to modify the terms and conditions of release must be obtained in order for any modification to be applied.

### **Implementation:**

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