

**ARIZONA BOARD OF EXECUTIVE CLEMENCY
BOARD POLICY #115**

Policy Title: Hearing Recusal		Policy #115
	Effective Date: April 23, 2014	
	Previous/New: New	Pages: 2

Purpose:

The purpose of this policy is to outline the general procedures and guidelines associated with the Board's practice of conducting fair and equitable hearings.

Policy:

It is the policy of the Arizona Board of Executive Clemency, to conduct all hearings in a fair and transparent manner without regard to personal or other biases and interests.

Authority:

A.R.S. §§ 38-501; 502; 503;504;505;506;507;508;509;510;511
State Personnel Rules
State Employee Handbook

Provision

There are times when a Board Member/s may feel it would be inappropriate for them to participate in a hearing pending before the board. As a general rule, a Board member should recuse himself if participation would violate or conflict with prevailing statutes (ARS §38-501-38-510), state personnel rules and provisions within the State of Arizona Employee Handbook.

Below are examples illustrating when a Board member may wish to consider recusing themselves:

Financial Involvement: Recuse yourself when you or a member of your immediate family has a financial involvement that might reasonably be expected to impair your objectivity. Immediate family is defined as a spouse or dependent child residing in same household as the board member. Financial involvement means any personal or business relationship with a participant at the hearing.

Personal Involvement: Recuse yourself when you or members of your immediate family have personal involvement with the inmate, the investigating officer, an officer of the court or a member of the correctional staff that creates some benefit to you or to an immediate family member. A board member should recuse themselves if they have knowledge, information, or have a relationship that would prevent them from participating in a fair, objective and unbiased hearing. Personal involvement means other than a work related relationship.

Professional Services (lawyer, accountant, etc.): If a board member is currently receiving services from a professional person or is providing services to an individual that has a vested interest in a board hearing, it is not advisable from a policy standpoint for the board member to participate in a hearing. Board members should seek an advisory opinion from the attorney general's office liaison regarding the member's ability to participate in the hearing should such a conflict arise.

Personal Interest: If a board member is related to someone who is directly or indirectly involved in a personal relationship with an inmate or other hearing participant that member should not participate in a hearing.

Political Interest: State employees are allowed to participate in campaigns and solicit campaign contributions for political candidates. However, a board member should recuse themselves if they have knowledge, information, or have a relationship with a candidate or holder of political office who has a matter before the board that would prevent them from participating in a fair, objective and unbiased hearing.

Notice to the Public

Any Board Member who intends to recuse himself from a hearing should declare their intention at the start of a hearing, before testimony begins, and leave the board room. Stating the reason for a Board member's decision to recuse is permissible but not required.