

**ARIZONA BOARD OF EXECUTIVE CLEMENCY
BOARD POLICY #107**

Policy Title: WARRANT OF EXECUTION CLEMENCY HEARINGS	Draft Date: January 14, 2014	Policy #107
	Effective Date: February 26, 2014	
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Policy:

It is the policy of the Board of Executive Clemency to set the date of a clemency (reprieve, commutation and/or pardon) hearing for an inmate who is subject to a warrant of execution no earlier than one day after a date of execution is set and no later than 7 days prior to the execution date set by the Arizona Supreme Court. The reprieve, commutation and/or pardon hearing for an inmate subject to execution will be held on the same day at the correctional facility established by the Department of Corrections. Clemency Hearings will be held in accordance with Arizona's Open Meeting Law and Board Policy #104.

Procedure:

1. Upon receipt of a warrant of execution from the Arizona Supreme Court the Executive Director shall set the date for the inmate's reprieve, commutation and/or pardon hearing. All hearings will be heard on the same date.
2. Written notification of the Clemency Hearing date shall be sent to the Governor of Arizona, Arizona State Supreme Court, Director of the Department of Corrections, assigned or designated defense and state attorney/s, the Correctional Institution Warden (where the hearing is scheduled), known victims, other interested persons or organizations and the inmate. A public notice of the Clemency Hearing/s shall also be posted on the Board's website.
3. Clemency Hearings for an inmate who is subject to a Warrant of Execution shall be conducted at the correctional facility designated by the Director of the Department of Corrections unless specified by the Executive Director.
4. Clemency Hearings for an inmate subject to a Warrant of Execution will proceed in the following order:
 - a. Pardon Hearing
 - b. Commutation Hearing
 - c. Reprieve Hearing
5. The number and type of hearing held will be determined by the type of hearing requested.
6. All Clemency Hearings for an inmate who is subject to a Warrant of Execution will start at approximately 8:30 a.m. unless security or other concerns at the correctional institution delay the start of the hearing.
7. Upon the setting of a Clemency Hearing date the Board's website and posting sheets will be updated as soon as practicable.

8. Time limits on presentations to the Board may be set by the Chairman. If presentation time limits are established the limitations will be placed on all person's or parties making statements or presentations to the Board. The Chairman shall declare at the start of the Clemency Hearing process what time limits are in place if any.
9. All Clemency Hearings for an inmate who is subject to a Warrant of Execution shall be recorded.
10. The Board shall conduct the Clemency Hearing/s using the guidelines delineated in Board Policy #101.
11. Inmates shall not be required to be present or provide testimony at the hearing.
12. Inmates may be represented by legal counsel or other lawful representative at the hearing.
13. Inmate advocates and supporters may make statements or presentations to the Board.
14. Victims may make statements or presentations to the Board.
15. Victim advocates and supporters may make statements or presentations to the Board.
16. Prosecutorial or officials representing the interests of the State of Arizona may make statements or presentations to the Board.
17. Members of the general public may make statements or presentations to the Board.
18. All statements or presentations are to be addressed to the Board only.
19. The Board Chairman reserves the right to order the removal of any person from a Clemency Hearing who cause a disruption to a hearing or the Clemency Hearing process.
20. The Board may take breaks during any hearing as deemed reasonable by the Chairman.
21. All Clemency Hearings will be conducted and concluded on the date set for the hearing.
22. Upon conclusion of each Clemency Hearing the Chairman/Executive Director shall immediately contact the Governor's Office and advise them of the Board's decision. By no later than the next business day all related documents and forms related to the Board's determination will be forward to the Governor's Office. All other notifications will be made as soon as practical.
23. All members of the Board of Executive Clemency will remain available to reconvene up to the time of execution should it be determined by the Chairman that sufficient cause exists to reconvene the Board.

Implementation:

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