

**ARIZONA BOARD OF EXECUTIVE CLEMENCY  
BOARD POLICY #111**

<b>Policy Title: Community Supervision Revocation Hearings</b>	<b>Draft Date: February 19, 2014</b>	<b>Policy #111</b>
	<b>Effective Date: 2-26-14</b>	
	<b>Previous/New: Supersedes: 40010B</b>	<b>Pages: 2</b>

**PURPOSE:**

To outline procedures and action for any Board determination at any revocation hearing for offenders serving a term of community supervision that is imposed by the court.

**POLICY:**

This policy is adopted to provide guidelines for board members and provide information to the public regarding the Community Supervision Revocation Process.

**AUTHORITY:**

**ARS § 31-401(G)**

**ARS § 31-402(C)**

**ARS § 38-431**

**ARS § 41-1005(A)**

**Procedures:**

1. Upon receipt of a Warrant of Arrest from the Department of Corrections, the board staff shall schedule a revocation hearing before the full board at its earliest convenience.
2. The Board Calendar and Posting Sheet will be updated in accordance with Board Policy #103 after the date for the hearing is set.
3. Board Revocation Hearings shall be held pursuant to the Arizona Open Meeting Law and Board Policy #101.
4. The Board may continue the hearing for good cause.
5. Inmates may be represented by an attorney or any authorized person at the hearing.
6. Victims, advocates, supporters and members of the public may provide testimony at the hearing.
7. Board members may request a current Adult Information Management System (AIMS) report.
8. The Revocation Hearing process will be held in two parts called Phases.
9. In Phase I the Board will consider the allegation and the relevant information related to the allegation in the warrant and shall:
  - i. Find the offender, by way of a motion and vote, NOT in violation of the allegation(s) in the Request for Warrant of Arrest, and order the offender returned

to community supervision under the existing conditions of community supervision release. The hearing concludes and does not move forward to Phase II.

- ii. Find the offender, by way of a motion and vote, in violation of one or more of the conditions of community supervision alleged in the Request for Warrant of Arrest. If the Board determines that a violation of the terms and conditions of supervision has occurred, the Board will move to Phase II.

10. In Phase II the Board will consider testimony and all materials provided by the inmate and all other interested parties and determine if there is a likelihood that the offender will reoffend or represents a danger to community. The Board shall:

- a. By way of a motion and vote, move to revoke community supervision and return the offender to custody of the ADOC for the remainder of his community supervision term; or
- b. By way of a motion and vote, move to continue the offender on community supervision with amended conditions of release; or
- c. By way of a motion and vote, move to continue the offender on community supervision with the existing conditions.

11. The Panel Chair shall document hearing results on the appropriate voting record form and submit all documents and recordings to the administrative staff for further processing.

12. In all cases, the decision of the Board shall be final.

**Implementation:**

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