



Douglas A. Ducey  
Governor

Ellen Kirschbaum  
Chairman

ARIZONA BOARD OF EXECUTIVE CLEMENCY

September 01, 2016

The Honorable Douglas A. Ducey  
Governor of the State of Arizona  
1700 West Washington Street, 9<sup>th</sup> Floor  
Phoenix, Arizona 85007

Dear Governor Ducey:

On behalf of the Arizona Board of Executive Clemency, I submit to you Fiscal Year 2018 Budget Plan and 5-Year Strategic Plan. We support the priorities you established and understand the Board responsibility to help establish Arizona as a fiscally responsible government.

Sincerely,

A handwritten signature in cursive script that reads "Ellen Kirschbaum".

Ellen Kirschbaum  
Chairman



# State of Arizona Budget Request

State Agency

Board of Executive Clemency

A.R.S. Citation: 31-401

## Appropriated Funds

	FY 2017 Expd. Plan	FY 2018 Fund. Issue	FY 2018 Total Budget
Total Amount Requested:	952.6	133.2	1,085.8
General Fund	952.6	133.2	1,085.8

Governor DUCEY:

This and the accompanying budget schedules, statements and explanatory information constitute the operating budget request for this agency for Fiscal Year 2018.

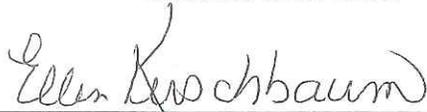
To the best of my knowledge all statements and explanations contained in the estimates submitted are true and correct.

Agency Head: Ellen Kirschbaum

Title: Chairman of the Board

## Non-Appropriated Funds

	FY 2017 Expd. Plan	FY 2018 Fund. Issue	FY 2018 Total Budget
Total Amount Planned:	43.6	0.0	43.6
Federal Grant Fund	43.6	0.0	43.6



(signature)

Phone: (602) 542-5629

Prepared By: Susie Myers

Email Address: susie.myers@azdoa.gov

Date Prepared: Tuesday, August 11, 2015

## Revenue Schedule

<b>Agency:</b> PPA Board of Executive Clemency
<b>Fund:</b> 2000 Federal Grant Fund

AFIS Code	Category of Receipt and Description	FY 2016	FY 2017	FY 2018
4369	OTHER INTER-AGENCY REVENUE	21.8	43.6	43.6
4901	OPERATING TRANSFERS IN	21.8	0.0	0.0
<b>Fund Total:</b>		43.6	43.6	43.6

## Revenue Schedule

**Agency:** PPA Board of Executive Clemency

**Fund:** 2000 Federal Grant Fund

**Justification:** The Board does not use Fund 2000 - The Board received monies from the Arizona Attorney General's office and deposits it in Fund 2500.

## Sources and Uses of Funds

<b>Agency:</b>	PPA	Board of Executive Clemency
<b>Fund:</b>	2000	Federal Grant Fund

<b>Cash Flow Summary</b>	<b>Actual FY 2016</b>	<b>Estimate FY 2017</b>	<b>Estimate FY 2018</b>
Balance Forward from Prior Year	0.0	0.0	0.0
Revenue (From Revenue Schedule)	43.6	43.6	43.6
Total Available	43.6	43.6	43.6
Total Appropriated Disbursements	0.0	0.0	0.0
Total Non-Appropriated Disbursements	43.6	43.6	43.6
Balance Forward to Next Year	0.0	0.0	0.0

<b>Non-Appropriated Expenditure</b>	<b>Actual FY 2016</b>	<b>Estimate FY 2017</b>	<b>Estimate FY 2018</b>
<b>Expenditure Categories</b>			
Personal Services	12.3	33.6	33.6
Employee Related Expenses	4.0	10.0	10.0
Prof. And Outside Services	0.0	0.0	0.0
Travel - In State	0.0	0.0	0.0
Travel - Out of State	0.0	0.0	0.0
Food	0.0	0.0	0.0
Aid to Organizations and Individuals	0.0	0.0	0.0
Other Operating Expenses	0.0	0.0	0.0
Equipment	0.0	0.0	0.0
Capital Outlay	0.0	0.0	0.0
Debt Service	0.0	0.0	0.0
Cost Allocation	0.0	0.0	0.0
Transfers	25.2	0.0	0.0
<b>Expenditure Categories Total:</b>	41.5	43.6	43.6
Cap Transfer due to Fund Balance	2.1	0.0	0.0
Prior Commitments or Obligated Expenditures	0.0	0.0	0.0
Non Appropriated 27th Pay Roll	0.0	0.0	0.0
<b>Non-Appropriated Expenditure Total:</b>	43.6	43.6	43.6
<b>Non-Appropriated FTE:</b>	0.0	0.0	0.0

# Sources and Uses of Funds

Agency: PPA Board of Executive Clemency

## Fund Justification

**Justification:** The Board is mandated to provide hearing notification within specific timeframes and is dedicated in its efforts to provide notification and information to victims. This is set by:

A.R.S. §13-4417(A) Request for notice; forms; notice system

(A) The victim shall provide to and maintain with the agency that is responsible for providing notice to the victim a request for notice on a form that is provided by that agency. The form shall include a telephone number and address. If the victim fails to keep the victim's telephone number and address current, their victim's request for notice is withdrawn. At any time the victim may request notice of subsequent proceedings by filing on a request form provided by the agency the victim's current telephone number and address.

Based on the Victims' Bill of Rights, victims have the right to be notified by "opt in" to notification at the time of post-conviction. In Arizona, the County Attorney will provide the victim a Post-Conviction Notice Request (PCNR) which the victim can return to the County Attorney. Notification is set up with the designated agencies, i.e. Arizona Department of Corrections and the Arizona Board of Executive Clemency.

With these notifications, the Board provides notification to victims of any action scheduled by the Board regarding the defendant (inmate/offender) in their matter. In November, 2014, the Board sought grant funding through the Victims' Rights Program grant administered by the Arizona Attorney General's Office of Victim Services. The Board was awarded in FY15 \$46,200 to hire a full-time Victim Rights Compliance Specialist for fiscal year 2015. This staff person answers questions and provides hearing information to victims and witnesses on a daily basis. Victims who want to know how they can be involved in any hearing process are provided information and made aware of the Victim Services Unit located in the Arizona Department of Corrections (ADC). This ADC unit ensures victim information is located in the ADC's victim information database and when requested, ADC's victim advocates will provide assistance.

The Board's victim notification staff person advises victims that they are invited to submit their opinions to the Board concerning any upcoming hearing. Victims may at any time express their opinions by being present at the hearing, participating by phone or expressing themselves in writing. ADC's victim advocates may also speak on their behalf. It is not uncommon for some victims to request certain conditions and restrictions be imposed on the offender if released into supervision. The victim notification staff person is primarily responsible for advising the Board when a victim wishes to participate.

In fiscal year 2016, the Board applied and received renewed grant funds in the amount of \$43,688.00. These funds allowed the Board to further customize victim notification correspondence through assistance of the Arizona Department of Corrections IT staff working in ADC's Automated Inmate Information System (AIMS).

## Fund Description

**Source:** The Board sought grant funding through the Victims' Rights Program grant administered by the Arizona Attorney General's Office of Victim Services. In fiscal year 2016, the Board applied and received renewed grant funds in the amount of \$43,688.00. These funds allowed the Board to further customize victim notification correspondence through assistance of the Arizona Department of Corrections IT staff working in ADC's Automated Inmate Information System (AIMS).

**Use:** The Board is mandated to provide hearing notification within specific timeframes and is dedicated in its efforts to provide notification and information to victims. This is set by:

A.R.S. §13-4417(A) Request for notice; forms; notice system

(A) The victim shall provide to and maintain with the agency that is responsible for providing notice to the victim a request for notice on a form that is provided by that agency. The form shall include a telephone number and address. If the victim fails to keep the victim's telephone number and address current, their victim's request for notice is withdrawn. At any time the victim may request notice of subsequent proceedings by filing on a request form provided by the agency the victim's current telephone number and address.

**OSPB:** The Board does not have Fund 2000 - The Board used Fund 2500 - The ISA Fund

## Funding Issues List

<b>Agency:</b> PPA Board of Executive Clemency
--

FY 2018

Priority	Funding Issue Title	Category	Total FTE	Total Amount	General Fund	Other Funds	Non-App Funds
1	Board Member Pay Increase	Decision Pack	0.0	99.6	99.6	0.0	0.0
2	Hearing Officer Position	Decision Pack	0.5	33.6	33.6	0.0	0.0
	<b>Total:</b>		0.5	133.2	133.2	0.0	0.0
	<b>Decision Package Total:</b>		0.5	133.2	133.2	0.0	0.0

## Funding Issue Detail

**Agency:** PPA Board of Executive Clemency

**Issue:** 1 Board Member Pay Increase **Issue Category:** Decision Package

**Justification:**

**Program:** 1-1 Board of Executive Clemency  
**Fund:** 1000-A General Fund (Appropriated)

**Calculated ERE:** \$18.00  
**Uniform Allowance:** \$0.00

**Justification:**

Expenditure Categories	FY 2018
FTE	0.0
Personal Services	81.6
Employee Related Expenses	<u>18.0</u>
<b>Subtotal Personal Services and ERE:</b>	<b>99.6</b>
Professional & Outside Services	0.0
Travel In-State	0.0
Travel Out-of-State	0.0
Food (Library for Universities)	0.0
Aid to Organizations & Individuals	0.0
Other Operating Expenditures	0.0
Equipment	0.0
Capital Outlay	0.0
Debt Services	0.0
Cost Allocation	0.0
Transfers	<u>0.0</u>
<b>Program / Fund Total:</b>	<b>99.6</b>

**Issue:** 2 Hearing Officer Position **Issue Category:** Decision Package

**Justification:**

**Program:** 1-1 Board of Executive Clemency  
**Fund:** 1000-A General Fund (Appropriated)

**Calculated ERE:** \$10.10  
**Uniform Allowance:** \$0.00

**Justification:**

Expenditure Categories	FY 2018
FTE	0.5
Personal Services	23.5
Employee Related Expenses	<u>10.1</u>
<b>Subtotal Personal Services and ERE:</b>	<b>33.6</b>
Professional & Outside Services	0.0
Travel In-State	0.0
Travel Out-of-State	0.0
Food (Library for Universities)	0.0
Aid to Organizations & Individuals	0.0
Other Operating Expenditures	0.0
Equipment	0.0
Capital Outlay	0.0
Debt Services	0.0
Cost Allocation	0.0
Transfers	<u>0.0</u>
<b>Program / Fund Total:</b>	<b>33.6</b>

## Summary of Expenditure and Budget Request for All Funds

**Agency:** PPA Board of Executive Clemency

**Appropriated**

		FY 2016 Actual	FY 2017 Expd. Plan	FY 2018 Fund. Issue	FY 2018 Total
Cost Center/Program:					
1	Board of Executive Clemency	892.5	952.6	133.2	1,085.8
		892.5	952.6	133.2	1,085.8
<b>Expenditure Categories</b>					
	FTE	14.0	14.0	0.5	14.5
	Personal Services	484.6	527.1	105.1	632.2
	Employee Related Expenses	185.0	205.4	28.1	233.5
	Professional and Outside Services	38.8	38.8	0.0	38.8
	Travel In-State	1.3	5.0	0.0	5.0
	Travel Out of State	0.0	0.0	0.0	0.0
	Food (Library for Universities)	0.0	0.0	0.0	0.0
	Aid to Organizations and Individuals	0.0	0.0	0.0	0.0
	Other Operating Expenses	176.3	176.3	0.0	176.3
	Equipment	6.5	0.0	0.0	0.0
	Capital Outlay	0.0	0.0	0.0	0.0
	Debt Service	0.0	0.0	0.0	0.0
	Cost Allocation	0.0	0.0	0.0	0.0
	Transfers	0.0	0.0	0.0	0.0
<b>Expenditure Categories Total:</b>		892.5	952.6	133.2	1,085.8

## Summary of Expenditure and Budget Request for All Funds

**Agency:** PPA Board of Executive Clemency

**Non-Appropriated**

Cost Center/Program:		FY 2016 Actual	FY 2017 Expd. Plan	FY 2018 Fund. Issue	FY 2018 Total
1	Board of Executive Clemency	41.5	43.6	0.0	43.6
		41.5	43.6	0.0	43.6
<b>Expenditure Categories</b>					
	Personal Services	12.3	33.6	0.0	33.6
	Employee Related Expenses	4.0	10.0	0.0	10.0
	Professional and Outside Services	0.0	0.0	0.0	0.0
	Travel In-State	0.0	0.0	0.0	0.0
	Travel Out of State	0.0	0.0	0.0	0.0
	Food (Library for Universities)	0.0	0.0	0.0	0.0
	Aid to Organizations and Individuals	0.0	0.0	0.0	0.0
	Other Operating Expenses	0.0	0.0	0.0	0.0
	Equipment	0.0	0.0	0.0	0.0
	Capital Outlay	0.0	0.0	0.0	0.0
	Debt Service	0.0	0.0	0.0	0.0
	Cost Allocation	0.0	0.0	0.0	0.0
	Transfers	25.2	0.0	0.0	0.0
<b>Expenditure Categories Total:</b>		41.5	43.6	0.0	43.6

# Summary of Expenditure and Budget Request for All Funds

Agency: PPA Board of Executive Clemency

Agency Total for All Funds:	934.0	996.2	133.2	1,129.4			
-----------------------------	-------	-------	-------	---------	--	--	--

## Summary of Expenditure and Budget Request for Selected Funds

<b>Agency:</b> PPA Board of Executive Clemency
<b>Fund:</b> 1000 General Fund (Appropriated)

	FY 2016 Actual	FY 2017 Expd. Plan	FY 2018 Fund. Issue	FY 2018 Total
Cost Center/Program:				
1 Board of Executive Clemency	892.5	952.6	133.2	1,085.8
	892.5	952.6	133.2	1,085.8
<b>Expenditure Categories</b>				
FTE	14.0	14.0	0.5	14.5
Personal Services	484.6	527.1	105.1	632.2
Employee Related Expenses	185.0	205.4	28.1	233.5
Professional and Outside Services	38.8	38.8	0.0	38.8
Travel In-State	1.3	5.0	0.0	5.0
Travel Out of State	0.0	0.0	0.0	0.0
Food (Library for Universities)	0.0	0.0	0.0	0.0
Aid to Organizations and Individuals	0.0	0.0	0.0	0.0
Other Operating Expenses	176.3	176.3	0.0	176.3
Equipment	6.5	0.0	0.0	0.0
Capital Outlay	0.0	0.0	0.0	0.0
Debt Service	0.0	0.0	0.0	0.0
Cost Allocation	0.0	0.0	0.0	0.0
Transfers	0.0	0.0	0.0	0.0
<b>Expenditure Categories Total:</b>	892.5	952.6	133.2	1,085.8
<b>Fund Total:</b>	892.5	952.6	133.2	1,085.8

## Summary of Expenditure and Budget Request for Selected Funds

<b>Agency:</b>	PPA	Board of Executive Clemency
<b>Fund:</b>	2000	Federal Grant (Non-Appropriated)

	FY 2016 Actual	FY 2017 Expd. Plan	FY 2018 Fund. Issue	FY 2018 Total
Cost Center/Program:				
1 Board of Executive Clemency	41.5	43.6	0.0	43.6
	41.5	43.6	0.0	43.6
<b>Expenditure Categories</b>				
Personal Services	12.3	33.6	0.0	33.6
Employee Related Expenses	4.0	10.0	0.0	10.0
Professional and Outside Services	0.0	0.0	0.0	0.0
Travel In-State	0.0	0.0	0.0	0.0
Travel Out of State	0.0	0.0	0.0	0.0
Food (Library for Universities)	0.0	0.0	0.0	0.0
Aid to Organizations and Individuals	0.0	0.0	0.0	0.0
Other Operating Expenses	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0
Capital Outlay	0.0	0.0	0.0	0.0
Debt Service	0.0	0.0	0.0	0.0
Cost Allocation	0.0	0.0	0.0	0.0
Transfers	25.2	0.0	0.0	0.0
<b>Expenditure Categories Total:</b>	41.5	43.6	0.0	43.6
<b>Fund Total:</b>	41.5	43.6	0.0	43.6

## Summary of Expenditure and Budget Request for Selected Funds

<b>Agency:</b>	PPA	Board of Executive Clemency
<b>Fund:</b>	2000	Federal Grant (Non-Appropriated)

	FY 2016 Actual	FY 2017 Expd. Plan	FY 2018 Fund. Issue	FY 2018 Total
<b>Agency Total for Selected Funds</b>	934.0	996.2	133.2	1,129.4

## Program Summary of Expenditures and Budget Request

<b>Agency:</b>	PPA	Board of Executive Clemency
<b>Program:</b>	1	Board of Executive Clemency

		FY 2016 Actual	FY 2017 Expd. Plan	FY 2018 Fund. Issue	FY 2018 Total
<b>Program Summary</b>					
1-1	Board of Executive Clemency	934.0	996.2	133.2	1,129.4
	<b>Program Summary Total:</b>	934.0	996.2	133.2	1,129.4
<b>Expenditure Categories</b>					
0000	FTE Positions	14.0	14.0	0.5	14.5
6000	Personal Services	496.9	560.7	105.1	665.8
6100	Employee Related Expenses	189.0	215.4	28.1	243.5
6200	Professional and Outside Services	38.8	38.8	0.0	38.8
6500	Travel In-State	1.3	5.0	0.0	5.0
6600	Travel Out of State	0.0	0.0	0.0	0.0
6700	Food (Library for Universities)	0.0	0.0	0.0	0.0
6800	Aid to Organizations and Individuals	0.0	0.0	0.0	0.0
7000	Other Operating Expenses	176.3	176.3	0.0	176.3
8000	Equipment	6.5	0.0	0.0	0.0
8100	Capital Outlay	0.0	0.0	0.0	0.0
8600	Debt Service	0.0	0.0	0.0	0.0
9000	Cost Allocation	0.0	0.0	0.0	0.0
9100	Transfers	25.2	0.0	0.0	0.0
	<b>Expenditure Categories Total:</b>	934.0	996.2	133.2	1,129.4
<b>Fund Source</b>					
<b>Appropriated Funds</b>					
	1000-A General Fund (Appropriated)	892.5	952.6	133.2	1,085.8
		892.5	952.6	133.2	1,085.8
<b>Non-Appropriated Funds</b>					
	2000-N Federal Grant (Non-Appropriated)	41.5	43.6	0.0	43.6
		41.5	43.6	0.0	43.6
	<b>Fund Source Total:</b>	934.0	996.2	133.2	1,129.4

## Program Group Summary of Expenditures and Budget Request for Selected Funds

<b>Agency:</b>	PPA	Board of Executive Clemency
<b>Program:</b>	1	Board of Executive Clemency

	FY 2016 Actual	FY 2017 Expd. Plan	FY 2018 Fund. Issue	FY 2018 Total
<b>Fund: 1000-A General Fund (Appropriated)</b>				
<b>Program Expenditures</b>				
COST CENTER/PROGRAM BUDGET UNIT				
1-1 Board of Executive Clemency	892.5	952.6	133.2	1,085.8
Total	892.5	952.6	133.2	1,085.8

### Appropriated Funding

#### Expenditure Categories

FTE Positions	14.0	14.0	0.5	14.5
Personal Services	484.6	527.1	105.1	632.2
Employee Related Expenses	185.0	205.4	28.1	233.5
Professional and Outside Services	38.8	38.8	0.0	38.8
Travel In-State	1.3	5.0	0.0	5.0
Travel Out of State	0.0	0.0	0.0	0.0
Food (Library for Universities)	0.0	0.0	0.0	0.0
Aid to Organizations and Individuals	0.0	0.0	0.0	0.0
Other Operating Expenses	176.3	176.3	0.0	176.3
Equipment	6.5	0.0	0.0	0.0
Capital Outlay	0.0	0.0	0.0	0.0
Debt Service	0.0	0.0	0.0	0.0
Cost Allocation	0.0	0.0	0.0	0.0
Transfers	0.0	0.0	0.0	0.0
<b>Expenditure Categories Total:</b>	<b>892.5</b>	<b>952.6</b>	<b>133.2</b>	<b>1,085.8</b>
<b>Fund 1000-A Total:</b>	<b>892.5</b>	<b>952.6</b>	<b>133.2</b>	<b>1,085.8</b>
<b>Program 1 Total:</b>	<b>892.5</b>	<b>952.6</b>	<b>133.2</b>	<b>1,085.8</b>

## Program Group Summary of Expenditures and Budget Request for Selected Funds

<b>Agency:</b>	PPA	Board of Executive Clemency
<b>Program:</b>	1	Board of Executive Clemency

	FY 2016 Actual	FY 2017 Expd. Plan	FY 2018 Fund. Issue	FY 2018 Total
--	-------------------	-----------------------	------------------------	------------------

<b>Fund:</b>	2000-N	Federal Grant (Non-Appropriated)
--------------	--------	----------------------------------

### Program Expenditures

COST CENTER/PROGRAM BUDGET UNIT

1-1	Board of Executive Clemency	41.5	43.6	0.0	43.6
	Total	41.5	43.6	0.0	43.6

### Non-Appropriated Funding

#### Expenditure Categories

Personal Services	12.3	33.6	0.0	33.6
Employee Related Expenses	4.0	10.0	0.0	10.0
Professional and Outside Services	0.0	0.0	0.0	0.0
Travel In-State	0.0	0.0	0.0	0.0
Travel Out of State	0.0	0.0	0.0	0.0
Food (Library for Universities)	0.0	0.0	0.0	0.0
Aid to Organizations and Individuals	0.0	0.0	0.0	0.0
Other Operating Expenses	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0
Capital Outlay	0.0	0.0	0.0	0.0
Debt Service	0.0	0.0	0.0	0.0
Cost Allocation	0.0	0.0	0.0	0.0
Transfers	25.2	0.0	0.0	0.0

<b>Expenditure Categories Total:</b>	41.5	43.6	0.0	43.6
--------------------------------------	------	------	-----	------

<b>Fund 2000-N Total:</b>	41.5	43.6	0.0	43.6
---------------------------	------	------	-----	------

<b>Program 1 Total:</b>	41.5	43.6	0.0	43.6
-------------------------	------	------	-----	------

## Program Budget Unit Summary of Expenditures and Budget Request for All Funds

<b>Agency:</b>	PPA	Board of Executive Clemency
<b>Program:</b>	1-1	Board of Executive Clemency

Expenditure Categories	FY 2016 Actual	FY 2017 Expd. Plan	FY 2018 Fund. Issue	FY 2018 Total
0000 FTE	14.0	14.0	0.5	14.5
6000 Personal Services	496.9	560.7	105.1	665.8
6100 Employee Related Expenses	189.0	215.4	28.1	243.5
6200 Professional and Outside Services	38.8	38.8	0.0	38.8
6500 Travel In-State	1.3	5.0	0.0	5.0
6600 Travel Out of State	0.0	0.0	0.0	0.0
6700 Food (Library for Universities)	0.0	0.0	0.0	0.0
6800 Aid to Organizations and Individuals	0.0	0.0	0.0	0.0
7000 Other Operating Expenses	176.3	176.3	0.0	176.3
8000 Equipment	6.5	0.0	0.0	0.0
8100 Capital Outlay	0.0	0.0	0.0	0.0
8600 Debt Service	0.0	0.0	0.0	0.0
9000 Cost Allocation	0.0	0.0	0.0	0.0
9100 Transfers	25.2	0.0	0.0	0.0
<b>Expenditure Categories Total:</b>	934.0	996.2	133.2	1,129.4
<b>Fund Source</b>				
<b>Appropriated Funds</b>				
1000-A General Fund (Appropriated)	892.5	952.6	133.2	1,085.8
	892.5	952.6	133.2	1,085.8
<b>Non-Appropriated Funds</b>				
2000-N Federal Grant (Non-Appropriated)	41.5	43.6	0.0	43.6
	41.5	43.6	0.0	43.6
<b>Fund Source Total:</b>	934.0	996.2	133.2	1,129.4

## Program Budget Unit Summary of Expenditures and Budget Request for Selected Funds

<b>Agency:</b> PPA Board of Executive Clemency					
		FY 2016	FY 2017	FY 2018	FY 2018
		Actual	Expd. Plan	Fund. Issue	Total
<b>Program:</b> 1-1 Board of Executive Clemency					
<b>Fund:</b> 1000-A General Fund					
<b>Appropriated</b>					
0000	FTE	14.0	14.0	0.5	14.5
6000	Personal Services	484.6	527.1	105.1	632.2
6100	Employee Related Expenses	185.0	205.4	28.1	233.5
6200	Professional and Outside Services	38.8	38.8	0.0	38.8
6500	Travel In-State	1.3	5.0	0.0	5.0
6600	Travel Out of State	0.0	0.0	0.0	0.0
6700	Food (Library for Universities)	0.0	0.0	0.0	0.0
6800	Aid to Organizations and Individuals	0.0	0.0	0.0	0.0
7000	Other Operating Expenses	176.3	176.3	0.0	176.3
8000	Equipment	6.5	0.0	0.0	0.0
8100	Capital Outlay	0.0	0.0	0.0	0.0
8600	Debt Service	0.0	0.0	0.0	0.0
9000	Cost Allocation	0.0	0.0	0.0	0.0
9100	Transfers	0.0	0.0	0.0	0.0
<b>Appropriated Total:</b>		892.5	952.6	133.2	1,085.8
<b>Fund Total:</b>		892.5	952.6	133.2	1,085.8
<b>Program Total For Selected Funds:</b>		892.5	952.6	133.2	1,085.8

## Program Budget Unit Summary of Expenditures and Budget Request for Selected Funds

Agency: PPA Board of Executive Clemency					
		FY 2016	FY 2017	FY 2018	FY 2018
		Actual	Expd. Plan	Fund. Issue	Total
Program: 1-1 Board of Executive Clemency					
Fund: 2000-N Federal Grant Fund					
<b>Non-Appropriated</b>					
6000	Personal Services	12.3	33.6	0.0	33.6
6100	Employee Related Expenses	4.0	10.0	0.0	10.0
6200	Professional and Outside Services	0.0	0.0	0.0	0.0
6500	Travel In-State	0.0	0.0	0.0	0.0
6600	Travel Out of State	0.0	0.0	0.0	0.0
6700	Food (Library for Universities)	0.0	0.0	0.0	0.0
6800	Aid to Organizations and Individuals	0.0	0.0	0.0	0.0
7000	Other Operating Expenses	0.0	0.0	0.0	0.0
8000	Equipment	0.0	0.0	0.0	0.0
8100	Capital Outlay	0.0	0.0	0.0	0.0
8600	Debt Service	0.0	0.0	0.0	0.0
9000	Cost Allocation	0.0	0.0	0.0	0.0
9100	Transfers	25.2	0.0	0.0	0.0
<b>Non-Appropriated Total:</b>		41.5	43.6	0.0	43.6
<b>Fund Total:</b>		41.5	43.6	0.0	43.6
<b>Program Total For Selected Funds:</b>		41.5	43.6	0.0	43.6

## Program Expenditure Schedule

<b>Agency:</b>	PPA	Board of Executive Clemency
<b>Program:</b>	1-1	Board of Executive Clemency

Expenditure Category	FY 2016 Actual	FY 2017 Expd. Plan
<b>FTE Positions</b>		
FTE	14.0	14.0
<b>Expenditure Category Total</b>	<b>14.0</b>	<b>14.0</b>
<b>Fund Source</b>		
<b>Appropriated</b>		
1000-A General Fund (Appropriated)	14.0	14.0
<b>Fund Source Total</b>	<b>14.0</b>	<b>14.0</b>

Expenditure Category	FY 2016 Actual	FY 2017 Expd. Plan
<b>Personal Services</b>		
Personal Services	272.1	560.7
Boards and Commissions	224.8	0.0
<b>Expenditure Category Total</b>	<b>496.9</b>	<b>560.7</b>
<b>Fund Source</b>		
<b>Appropriated</b>		
1000-A General Fund (Appropriated)	484.6	527.1
	<b>484.6</b>	<b>527.1</b>
<b>Non-Appropriated</b>		
2000-N Federal Grant (Non-Appropriated)	12.3	33.6
<b>Fund Source Total</b>	<b>496.9</b>	<b>560.7</b>

Expenditure Category	FY 2016 Actual	FY 2017 Expd. Plan
<b>Employee Related Expenses</b>		
Employee Related Expenses	189.0	215.4
<b>Expenditure Category Total</b>	<b>189.0</b>	<b>215.4</b>
<b>Fund Source</b>		
<b>Appropriated</b>		
1000-A General Fund (Appropriated)	185.0	205.4
	<b>185.0</b>	<b>205.4</b>
<b>Non-Appropriated</b>		
2000-N Federal Grant (Non-Appropriated)	4.0	10.0
<b>Fund Source Total</b>	<b>189.0</b>	<b>215.4</b>

Expenditure Category	FY 2016 Actual	FY 2017 Expd. Plan
<b>Professional &amp; Outside Services</b>		
External Prof/Outside Serv Budg And Appn	0.0	0.0
External Investment Services	0.0	0.0
Other External Financial Services	0.0	0.0
Attorney General Legal Services	0.0	0.0
External Legal Services	0.0	0.0
External Engineer/Architect Cost - Exp	0.0	0.0
External Engineer/Architect Cost- Cap	0.0	0.0
Other Design	0.0	0.0

## Program Expenditure Schedule

<b>Agency:</b>	PPA	Board of Executive Clemency
<b>Program:</b>	1-1	Board of Executive Clemency

Expenditure Category	FY 2016 Actual	FY 2017 Expd. Plan
<b>Professional &amp; Outside Services</b>		
Temporary Agency Services	0.0	0.0
Hospital Services	0.0	0.0
Other Medical Services	0.0	0.0
Institutional Care	0.0	0.0
Education And Training	0.0	0.0
Vendor Travel	0.0	0.0
Professional & Outside Services Excluded from Cost Alloca	0.0	0.0
Vendor Travel - Non Reportable	0.0	0.0
External Telecom Consulting Services	0.0	0.0
Non - Confidential Specialist Fees	0.0	0.0
Confidential Specialist Fees	0.0	0.0
Outside Actuarial Costs	0.0	0.0
Other Professional And Outside Services	38.8	38.8
<b>Expenditure Category Total</b>	<b>38.8</b>	<b>38.8</b>
<b>Fund Source</b>		
<b>Appropriated</b>		
1000-A General Fund (Appropriated)	38.8	38.8
	<b>38.8</b>	<b>38.8</b>
<b>Fund Source Total</b>	<b>38.8</b>	<b>38.8</b>

Expenditure Category	FY 2016 Actual	FY 2017 Expd. Plan
<b>Travel In-State</b>		
Travel In-State	1.3	5.0
<b>Expenditure Category Total</b>	<b>1.3</b>	<b>5.0</b>
<b>Fund Source</b>		
<b>Appropriated</b>		
1000-A General Fund (Appropriated)	1.3	5.0
	<b>1.3</b>	<b>5.0</b>
<b>Fund Source Total</b>	<b>1.3</b>	<b>5.0</b>

Expenditure Category	FY 2016 Actual	FY 2017 Expd. Plan
<b>Travel Out-of-State</b>		
Travel Out of State	0.0	0.0
<b>Expenditure Category Total</b>	<b>0.0</b>	<b>0.0</b>

Expenditure Category	FY 2016 Actual	FY 2017 Expd. Plan
<b>Food (Library for Universities)</b>		
Food (Library for Universities)	0.0	0.0
<b>Expenditure Category Total</b>	<b>0.0</b>	<b>0.0</b>

Expenditure Category	FY 2016 Actual	FY 2017 Expd. Plan
<b>Aid to Organizations &amp; Individuals</b>		
Aid to Organizations and Individuals	0.0	0.0

## Program Expenditure Schedule

<b>Agency:</b>	PPA	Board of Executive Clemency
<b>Program:</b>	1-1	Board of Executive Clemency

Expenditure Category	FY 2016 Actual	FY 2017 Expd. Plan
Aid to Organizations & Individuals		
<b>Expenditure Category Total</b>	<b>0.0</b>	<b>0.0</b>

Expenditure Category	FY 2016 Actual	FY 2017 Expd. Plan
<b>Other Operating Expenditures</b>		
Other Operating Expenditures	0.0	0.0
Insurance & Related Charges	3.2	3.2
Information Technology Services	20.9	20.9
Utilities	12.5	12.5
Non-Building or Land Rent	0.6	0.6
Building Rent Charges to State Agencies	86.2	86.2
COP Building Rent Charges to State Agencies	0.0	0.0
Rental of Land & Buildings	0.0	0.0
Interest Payments	0.1	0.1
Internal Acct, Budgeting and Financial Svcs.	30.0	30.0
Payments for Internal Services	0.0	0.0
Repair & Maintenance	2.6	2.6
Software Support and Maintenance	0.1	0.1
Operating Supplies	9.4	9.4
Resale Supplies	0.0	0.0
Sales of Assets	0.0	0.0
Conference, Education & Training	0.0	0.0
Advertising	0.0	0.0
Printing & Photography	5.4	5.4
Postage & Delivery	3.2	3.2
Miscellaneous Operating	2.1	2.1
Depreciation Expense	0.0	0.0
<b>Expenditure Category Total</b>	<b>176.3</b>	<b>176.3</b>

Fund Source		
<b>Appropriated</b>		
1000-A General Fund (Appropriated)	176.3	176.3
<b>Fund Source Total</b>	<b>176.3</b>	<b>176.3</b>

Expenditure Category	FY 2016 Actual	FY 2017 Expd. Plan
<b>Equipment</b>		
Vehicles - Capital Leases	0.0	0.0
Furniture - Capital Leases	0.0	0.0
EDP Equipment - Mainframe - Capital Leases	0.0	0.0
EDP Equipment - Midrange - Capital Leases	0.0	0.0
EDP Equipment - PCs/LAN - Capital Leases	0.0	0.0
Telecommunication Equipment - Capital Leases	0.0	0.0
Other Equipment - Capital Leases	0.0	0.0
Capital Equipment Purchases	0.0	0.0
Vehicles - Non-Capital	0.0	0.0
Furniture - Non-Capital	1.5	0.0
EDP Equipment - Mainframe - Non-Capital	0.0	0.0

## Program Expenditure Schedule

<b>Agency:</b>	PPA	Board of Executive Clemency
<b>Program:</b>	1-1	Board of Executive Clemency

Expenditure Category	FY 2016 Actual	FY 2017 Expd. Plan
<b>Equipment</b>		
Telecommunication Equipment - Non Capital	0.0	0.0
Other Equipment - Non-Capital	4.6	0.0
Purchased Or Licensed Software/Website	0.4	0.0
Internally Generated Software/Website	0.0	0.0
<b>Expenditure Category Total</b>	<b>6.5</b>	<b>0.0</b>
<b>Fund Source</b>		
<b>Appropriated</b>		
1000-A General Fund (Appropriated)	6.5	0.0
<b>Fund Source Total</b>	<b>6.5</b>	<b>0.0</b>

Expenditure Category	FY 2016 Actual	FY 2017 Expd. Plan
<b>Capital Outlay</b>		
Capital Outlay	0.0	0.0
<b>Expenditure Category Total</b>	<b>0.0</b>	<b>0.0</b>

Expenditure Category	FY 2016 Actual	FY 2017 Expd. Plan
<b>Debt Services</b>		
Debt Service	0.0	0.0
<b>Expenditure Category Total</b>	<b>0.0</b>	<b>0.0</b>

Expenditure Category	FY 2016 Actual	FY 2017 Expd. Plan
<b>Cost Allocation</b>		
Cost Allocation	0.0	0.0
<b>Expenditure Category Total</b>	<b>0.0</b>	<b>0.0</b>

Expenditure Category	FY 2016 Actual	FY 2017 Expd. Plan
<b>Transfers</b>		
Transfers	25.2	0.0
<b>Expenditure Category Total</b>	<b>25.2</b>	<b>0.0</b>
<b>Fund Source</b>		
<b>Non-Appropriated</b>		
2000-N Federal Grant (Non-Appropriated)	25.2	0.0
<b>Fund Source Total</b>	<b>25.2</b>	<b>0.0</b>

Classification Listing			
Class Code	Title	Grade	Total FTE
AUN06	ADMV ASST 2	15	4.0

## Program Expenditure Schedule

<b>Agency:</b>	PPA	Board of Executive Clemency
<b>Program:</b>	1-1	Board of Executive Clemency

AUN01	ADMV ASST 3	17	1.0
AUN04	CUST SVC REP 2	15	2.0
AUN04	EV PROG PROJ SPCT 2	19	1.0
AUN05	PP BD EXEC DIR	E2	1.0
AUN05	PP BD MEMBER	23	5.0

### Employee Retirement Coverage

Retirement System	FTE	Personal Services	Fund#
State Retirement System	1.0	33.6	2000-N
State Retirement System	13.0	527.1	1000-A

### Combined Regular & Elected Positions At/Above FICA Maximum of \$118,500

Total FTE	Personal Services	FTE's not eligible for Health, Dental & Life
0.0	0.0	0.0

## Administrative Costs

**Agency:** PPA Board of Executive Clemency

### Administrative Costs Summary

Common Administrative Area	FY 2018
Other Central Administration	5.0
Business and Finance	5.0
Information Technology	0.0
Human Resources	5.0
Director's Office	10.0
<b>Administrative Costs Total:</b>	<b>25.0</b>

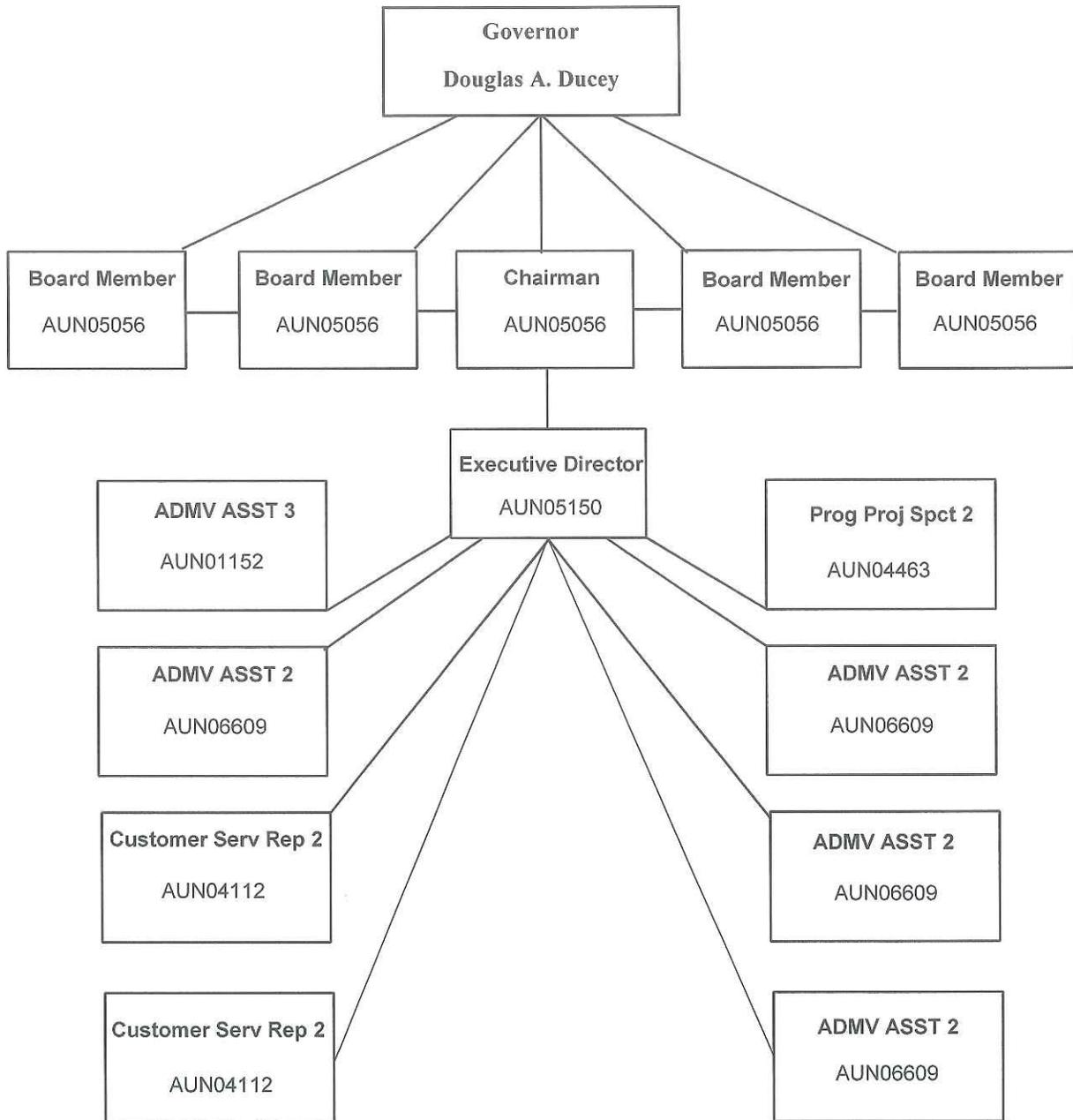
### Administrative Cost / Total Expenditure Ratio

	Request	Admin %
<b>FY 2018</b>	1,129.4	2.2%

### Administrative Costs Detail

Common Administrative Area Administrative Activity	Admin Costs %	Program Costs %	Discussion
<b>Director's Office</b>			
Financial Review	0.0	0.0	
Budget Process	0.0	0.0	
Annual Report	0.0	0.0	
<b>Human Resources</b>			
Payroll verification	0.0	0.0	
<b>Business and Finance</b>			
Invoice Processing	0.0	0.0	
Purchasing	0.0	0.0	
<b>Other Central Administration</b>			
Other Administrative Duties	0.0	0.0	

Arizona Board of Executive Clemency  
Organization Chart - 2016



## Decision Issue – Budget Proposal #1

### ISSUE

The Arizona Board of Executive Clemency consists of five (5) members appointed by the Governor and confirmed by the Senate. Each member may serve a five year term and a chairman is appointed by the Governor for a two year term. Recently, members were granted full employee benefits, effective August 09, 2016, due to the support of our Legislators and Governor Ducey. Prior to that, members were denied leave and holiday pay. The Board now seeks funding for these benefits as well as a compensation that will more closely commensurate to the work performed.

### DISCUSSION

The Board of Executive Clemency is very unique and different from other Arizona State Government Boards and Commissions. It is the only board in state government structured to conduct its critical statutory mandates on a full-time basis. It is quasi-judicial and an important part of Arizona's criminal justice system. Its members work full time conducting hearings that interact with offenders, their family and friends, attorneys, victims and others to make critical, impacting decisions affecting individuals' lives and community safety.

It is statutorily empowered to make decisions regarding:

- *discretionary release of those inmates who are parole and/or home arrest eligible; (inmates whose crime were committed on or before December 31, 1993)*
- *revocation of parole (or community supervision for crimes committed on or after January 01, 1994) for those found to be in violation of the terms and conditions of their release;*
- *Absolute discharge from parole; and*
- *Modification of release conditions and release rescissions.*

In addition, members also make clemency recommendations to the Governor on requests for:

- *Commutation of sentence, including death penalty sentences;*
- *Reprieves in matters related to death penalty cases; and*
- *Pardons.*

The members carry out their duty with the flexibility to address the unforeseen challenges and make decisions free from political influence. Its members are professionals and their collective experience and commitment to criminal justice ideals keep the Board committed to long-term as well as short-term public-safety decisions for Arizona. All hearings are conducted in quorum, in the public arena, and requires the ability to orate publicly and confidently. A member must be able to understand and apply law, comprehend policy and procedure and make complex decisions based on facts and testimony. Before participating in hearings, members are statutorily required to go through an intensive, four week training and most members say it is at least 6 months before they gain confidence in understanding the various hearings, processes and applicable laws. Every day, a member or the collective Boards' decision can place all in a precarious and potentially dangerous environment. Members must convey their decisions to multiple demographics and resist influence and pressure from various stakeholders such as victims, inmate advocates, attorneys and community members. The Board's work requires individuals

who are well established in experience and qualifications to meet the daily physical and emotional riggers of the work. A high level of critical thinking and decision making is demanded in determining if an inmate has been rehabilitated for release.

On an average day, members will hold approximately 20 hearings per day. In Fiscal Year 2017, the board conducted over 3,600 hearings. Depending on the visibility of the criminal matter, a hearing can vary greatly in time. Once members complete the daily hearing calendar, they must read and analyze case information to prepare for the following day's hearings.

In comparison to their counterparts in other states, members are underpaid. Presently, board members are classified in Grade 23 as "Board Member" and compensated at the rate of \$23.4769 per hour or \$46,932.08. A review of colleagues performing the same work in other states indicate a much high compensation rate. Many of the other state boards do not have the same degree of responsibility of the Arizona Board of Executive Clemency.

If the pay scale was set at Grade 27, the minimum salary would be \$65,160.58 or \$31.3272 per hour. Excluding ERE costs, the total salary for members would be \$325,802.90. The Board is presently budgeted \$244,159.75. The difference in salary cost is \$81,643.15. The Board is requesting Personal Services and ERE totaling \$99,600.

As recently mandated by *A.R.S. 31-401*, board members are compensated as full time state employees and classified within the pay scale as a Grade 23. Member salary has been funded at \$48,831.95. However, it is believed that this pay scale does not commensurate to the work performed and the knowledge and experience required.

Additionally, another relevant factor is the classification and reporting structure for the Board's Executive Director (ED). The Executive Director is classified as an E2 and the minimum annual salary is \$64,102.01. The ED serves at the pleasure of the Board and reports to the Board through the Governor's designated Chairman. It seems appropriate that these two levels of decision making and reporting structure should be similar in compensation.

#### CONCLUSION:

It is believed that the current Board member pay greatly diminishes the Governor's ability to attract qualified citizens as board member candidates unless they already have another fixed income. Members are charged with ensuring community safety and it will be difficult to ensure that mission if the Board cannot attract and keep qualified, competent members.

It is proposed that the Arizona Board of Executive Clemency Board members be funded for reclassification as a Grade 27 pay scale at the minimum annual salary of \$65,160.58. This pay level recognizes the complexity of the work and commensurate to the critical decision making compared to others with similar responsibilities. Therefore, the Board is respectfully requesting an increase in classification which results in additional funds totaling \$99,600.

Following is a comparison of other states salaries and responsibilities.

STATE	CONTACT	BUDGET	DOC	HEARING TYPES	MEMBERS	APPOINTED BY	TERMS	SALARY
ARIZONA	602-542-5656	\$956,000	SEPARATE ENTITY	PAROLE, REVOCATION, COMMUTATION, REPRIEVES, PARDONS	5 FULL TIME MEMBERS-6 STAFF	GOVERNOR	5 YEARS	\$48,000 - \$23,4769/HR
Other AZ Facts	THE ARIZONA BOARD OF EXECUTIVE CLEMENCY IS STATUTORILY EMPOWERED TO MAKE DECISIONS REGARDING: DISCRETIONARY RELEASE OF INMATES WHO ARE PAROLE AND/OR HOME ARREST ELIGIBLE, REVOCATION OF PAROLE FOR THOSE FOUND TO BE IN VIOLATION OF THE TERMS AND CONDITIONS OF THEIR RELEASE, ABSOLUTE DISCHARGE FROM PAROLE, MODIFICATION OF RELEASE CONDITIONS AND RELEASE RESCISSIONS, THE BOARD ALSO MAKES CLEMENCY RECOMMENDATIONS TO THE GOVERNOR ON REQUESTS FOR: COMMUTATION OF SENTENCE, INCLUDING DEATH PENALTY SENTENCES, REPRIEVES IN MATTERS RELATED TO DEATH PENALTY CASES AND PARDONS.							
WYOMING	307-777-5444	\$1,773,885	SEPARATE ENTITY	PAROLE, REVOCATION, COMMUTATION, REPRIEVES	7 PART TIME MEMBERS-7 STAFF INCL EXEC DIR, DEP DIR	GOVERNOR	6 YEARS	VOLUNTARY:PAID BASED ON WORK PERFORMED AT A RATE OF \$150/HR
NEW MEXICO PAROLE BOARD	505-827-8825	\$490,600	SEPARATE ENTITY	PAROLE, REVOCATION	15 MEMBERS-6 STAFF INCL EXEC DIR, DEP DIR	GOVERNOR	SERVE THROUGH THE TERM OF THE GOVERNOR AND ARE SUBJECT TO RE-APPOINTMENT UNDER A NEW GOVERNOR	\$95.00/DAY FOR DAYS WORKED PLUS PER DIEM
Other NM Facts	COMMUTATIONS/PARDONS ARE HANDLED BY THE GOVERNOR'S OFFICE, BUT THE BOARD MAY INVESTIGATE SUCH CASES AND MAKE A RECOMMENDATION AT THE GOVERNOR'S REQUEST. DO NOT CONDUCT REPRIEVE HEARINGS-NEW MEXICO DOES NOT HAVE THE DEATH PENALTY. THEY HAVE LIFERS WHO SERVE 30 YEARS BEFORE BEING ELIGIBLE FOR RELEASE.							
COLORADO BOARD OF PAROLES	719-583-5800	1.6 million	COLORADO DEPARTMENT OF CORRECTIONS	PAROLE, REVOCATIONS, INTERSTATE PROBABLE CAUSE HRGS, SEXUALLY VIOLENT PREDATOR DESIGNATION REVIEWS, REDUCTION OF SEX OFFENDER SUPERVISION LEVEL REQUESTS.	7 MEMBERS-11 STAFF INCL EXEC DIR, DEP DIR, 2 CONTRACT HEARING OFFICERS	GOVERNOR	3 YEARS	106,000 CHAIRMAN, 90,000+-VICE-CHAIRMAN /MEMBERS
Other CO Facts	MANDATORY PAROLE-INMATES MUST MEET OR EXCEED REQUIREMENTS-BOARD CANNOT DENY PAROLE, BUT CAN ATTACH STRICTER STIPULATIONS/CONDITIONS. BOARD ALSO CONDUCTS DISCRETIONARY PAROLE HEARINGS CONDUCT MUCH LIKE OURS. A QUORUM OF BOARD MEMEBERS CAN REVIEW MOST PAROLE CASES, BUT THE ENTIRE BOARD MUST HEAR INMATES CONVICTED OF VIOLENT CRIMES.-PARDONS AND COMMUTATIONS ARE HANDLED BY THE CLEMENCY DIVISION OF THE GOVERNOR'S OFFICE AND COLORADO DOC-CONDUCTED 28,704 HEARINGS, ISSUED 2243 ARREST WARRANTS							

STATE	CONTACT	BUDGET	DOC	HEARING TYPES	MEMBERS	APPOINTED BY	TERMS	SALARY
KANSAS PRISONER REVIEW BOARD- LEFT MESSAGE	785-296-3469		KANSAS DEPARTMENT OF CORRECTIONS	PAROLE, REVOCATIONS, PARDONS, COMMUTATION, REPRIEVES	3 PART TIME MEMBERS-	SECRETARY OF CORRECTIONS		
OHIO PAROLE BOARD	614-752-1200	OPERATE UNDER THE ADULT PAROLE AUTHORITY BUDGET- EXACT NUMBERS NOT KNOWN	ADULT PAROLE AUTHORITY	PAROLE, REVOCATIONS, COMMUTATIONS, PARDONS, REPRIEVES	12 MEMBERS INCL CHAIRMAN- 22 PAROLE OFFICERS, 6 STAFF, 14 HEARING OFFICERS	DIRECTOR OF DEPARTMENT OF REHABILITATION & CORRECTIONS	6 YEARS	CHAIRMAN-\$73,944 TO \$105,706 (PAY RATE 16), MEMBERS-\$67,059 TO \$95,805 (PAY RATE 15)
OKLAHOMA BOARD OF PARDONS/ PAROLE	405-521-6625	\$2.1 MILLION	SEPARATE ENTITY	PAROLE, REVOCATIONS, COMMUTATIONS, PARDONS, REPRIEVES	5 PART TIME MEMBERS-26 STAFF, 4 ADMIN IN MAIN OFFICE- REST ARE DISTRIBUTED THROUGHOUT THE STATE IN VARIOUS CAPACITIES	3 APPOINTED BY GOVERNOR, 1 BY CHIEF JUSTICE OF SUPREME COURT, 1 BY THE PRESIDING JUDGE OF THE COURT OF CRIMINAL APPEALS	4 YEARS	CHAIRMAN \$24,800, MEMBERS \$22,800
Other OK Facts	BOARD MEETS ONCE A MONTH FOR THREE DAYS. MEMBERS SERVE THE SAME TERM AS THE GOVERNOR. WHEN HIS/HER TERM ENDS THEY ARE SUBJECT TO RE-APPOINTMENT OR REPLACEMENT BY THE NEW GOVERNOR							
RHODE ISLAND		APPROX \$2.0 MILLION		PAROLE, REVOCATIONS, COMMUTATIONS, REPRIEVES	FULL TIME CHAIRMAN-7 PART TIME MEMBERS*	GOVERNOR		CHAIRMAN- \$108,000, PART TIME MEMBER \$25,000
Other RI Facts	PARDONS ARE HANDLED STRICTLY BY THE GOVERNORS OFFICE							
CONNECTICUT		\$5-6 MILLION		PAROLE, REVOCATIONS, PARDONS, COMMUTATION, REPRIEVES	FULL TIME CHAIRMAN- 15 MEMBERS (FULL/PART TIME)	GOVERNOR		FULL TIME \$92,000 TO \$97,000/YR VARIES BETWEEN MEMBERS
Other CT Facts	GRANT PARDONS							

STATE	CONTACT	BUDGET	DOC.	HEARING TYPES	MEMBERS	APPOINTED BY	TERMS	SALARY
GEORGIA		\$15 MILLION		PAROLES, REVOCATIONS, PARDONS, COMMUTATION	5 FULL TIME MEMBERS-200 STAFF	GOVERNOR		\$115,000 - \$127,900
Other GA Facts								
UTAH		\$4.2 MILLION			5 FULL TIME MEMBERS	GOVERNOR		\$55.83/HOUR SET BY LEGISLATURE
TEXAS		\$26 MILLION			7 FULL TIME BOARD MEMBERS-14 COMMISSIONER S	ONLY BOARD MEMBERS APPT BY GOVERNOR		MEMBERS \$110,000, COMMISSIONERS \$86,110
NEBRASKA		\$1.4 MILLION			5 FULL TIME MEMBERS INCL CHAIRMAN	GOVERNOR		MEMBERS \$77,000, CHAIRMAN \$86,000

## Decision Issue – Budget Proposal #2

### ISSUE

The Arizona Board of Executive Clemency is statutorily mandated to make decisions relating to the revocation of parole or community supervision for crimes committed on or after January 01, 1994, for those found to be in violation of the terms and conditions of their release. Federal law (Morrissey v. Brewer) governs the processes for these hearings. A copy of the case decision is attached. Part of court's decision was the right to a probable cause hearing to establish cause or right to take away one's liberty. Presently, the Board does not have budgeted funds for a hearing officer position and does not conduct probable cause hearings even when an offender has requested.

### DISCUSSION

The Arizona Board of Executive Clemency is a very unique board within Arizona's government structure. Its members work full time conducting revocation, parole, absolute discharge, commutation (clemency) and pardon hearings. In FY 2016, over 3600 hearings were conducted by its members. Of the total hearings, 2,467 hearings were parole and community supervision revocations initiated by warrants received from the Arizona Department of Corrections. Of the warrants received (3,019), 502 offenders requested a probable cause and no hearing took place due to the lack of position funding. These requests have actually increased as 446 were requested in 2015. This has placed this Board in a potential liability with possible mandates from the Court. Without that determination in matters where probable cause is requested, one may conclude that an offender was deprived of due process and their liberty removed longer than necessary.

Historically, legislation has recognized this need for the Board as Arizona Revised Statutes 31-402(G) states:

*"The executive director may employ hearing officers as deemed necessary within the limits of legislative appropriation and subject to title 41, chapter 4, article 4. The hearing officers shall conduct probable cause hearings on parole, work furlough and home arrest revocations or rescissions. Hearing officers shall assist the board in making investigations, securing information and performing necessary administrative functions."*

The Board currently has a hearing officer position but not funded. Prior to 2002, the board employed three full-time hearing officers, however budget cuts reduced the number to one full-time position. During 2010, additional cuts resulted in a decision to eliminate the funding for this position. The belief was that the board's revocation hearing met the purpose of the probable cause hearing. However, this decision has resulted in some of the legal community questioning the deliberate indifference to offenders who have the right to due process. Further, those that may not be violation are held longer until the revocation hearing takes place which results in higher incarceration costs.

In 2014, the Auditor General conducted a sunset review and they noted a timeliness issue and lack of probable cause determination regarding revocation hearings conducted by the Board. In order to rectify the situation, the Board attempted to hire a hearing officer for less than 20 hours. The previous Executive

Director believed this was not sufficient to accomplish all the duties of the position and made a determination to eliminate any further attempts for probable cause hearings. Funding for a full-time position was requested for FY2017 (approximately \$65,000) but was not appropriated. However, based on the number of probable cause hearing requests and a more efficient use of board staff to assist the hearing officer, the Board can accomplish these hearings with a .5 FTE hearing officer position.

This position is a Grade 20 with a minimum annual salary of \$46,932.08 or \$22.5635 per hour for a full-time position. Based on a .5 FTE, the salary cost, excluding ERE expenses will be \$23,466.04. The total cost including ERE expenses will be approximately \$33,600.

### CONCLUSION

The board's current budget of \$956,000 does not provide adequate funding to hire this position as a .5 FTE. This part-time hearing can meet the needs of the offender probable cause requests as well as reduce the Board's current liability of not meeting offender due process rights. Additionally, it may help reduce the current costs of incarceration incurred by the Arizona Department of Corrections as inmates must now wait for the Board to conduct the hearing which can be 45 days or more. Therefore, the Board seeks approximately \$33,600 to commence probable cause hearings to meet compliance with due process within the revoking of an inmate's liberty.