

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

Policy Title: Modification Hearing – Terms and Conditions of Release	Draft Date: Revision from February 18, 2014	Policy #110
	Effective Date: 02-04-15	
	Previous/New: 02-26-14	Pages: 2

PURPOSE:

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

AUTHORITY:

A.R.S. §§31-402; 411

A.R.S. §§31-401 (G)

PROCEDURE:

110.1 Modification Request Process

1.1 Any inmate/offender subject to the release conditions imposed by the Board may request a modification of the terms and conditions of release by submitting the request in writing to the Chairman of the Board. The request must specify the condition of release and the specific reasons for which the inmate/offender is unable to meet the condition.

1.1.1 If the inmate/offender has already violated that condition, then he must explain the violation to the Board and whether the Board should or should not consider this during the hearing.

1.2 Upon receiving the modification request, the Chairman shall review and consider all terms and conditions set forth by the Board and/or the Department of Corrections and the written request prepared by the inmate/offender or the Department of Corrections. The Chairman may:

- a. deny the modification request
- b. refer the modification request to the Board for further consideration.

1.3 A modification hearing shall be set in accordance with Policy 103-*Board Calendar Policy* if the Chairman approves further consideration.

1.3.1 The Board shall notify the Arizona Department of Corrections Community Corrections of the hearing date and request the supervising parole officers or representative's participation at the hearing.

1.4 If the Chairman denies the request, the matter is closed. The inmate/offender shall be notified of the Chairman's decision.

110.2 Board Hearing Guidelines

2.1 The Board shall follow the guidelines established in Board Policy #101-*Board Hearings-Guidelines*.

2.1.1 Testimony before the Board will be limited to the inmate/offender, their attorney or lawful representative and the inmate/offender's supervising parole officer or ADC representative.

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

110.3 Board Determination

3.1 After the hearing, if the Board determines by a majority vote that modification of the terms of conditions of release is warranted, new terms shall be specified by the Board. If the Board determines by majority decision that modification is not warranted or fails to reach an affirmative majority vote regarding modification, the original terms and conditions imposed on the inmate/offender shall remain in effect.

Implementation:

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