



Arizona Board of Executive Clemency

Report for Fiscal Years 2006 and 2007

May 2008

A Message from the Chairman/Executive Director:



It is with great pleasure and a sense of accomplishment that I offer this report of the Arizona Board of Executive Clemency covering the period July 1, 2005, through June 30, 2007. The data and information that follow are largely self-explanatory and

clearly illustrate the commitment of the Board members and staff to serving the public through sound, fair decisions that are in the interest of public safety.

The staff continues to support, in exemplary fashion, the Board's mission, goals and statutory responsibilities. Likewise, the Board continues its tradition of participating actively in the area of victims' issues and is justifiably pleased with its reputation for service and responsiveness to its stakeholders.

Among the service enhancements that were achieved during the period of this report was legislative action awarding to the Board staff a new full-time position of Victim Advocate.

The Board of Executive Clemency strives to be a model of efficiency and effectiveness in serving the citizens of Arizona. Should you have any questions about the Board or its work in protecting the public's interests and safety, I invite you to contact me at 602- 542-5656.

Respectfully,

A handwritten signature in cursive script that reads "Duane Belcher Sr.".

Duane Belcher, Sr.
Chairman/Executive Director

The Board's Mission

The mission of the Arizona Board of Executive Clemency is to ensure public safety by:

- considering and granting parole to inmates who are certified by the Department of Corrections and who appear not to pose a threat to society, and
- recommending to the Governor only those executive clemency actions that are in the best interests of the citizens of Arizona.

The Board's Purpose

The Board conducts monthly Parole hearings for inmates who were convicted of offenses committed on or before January 1, 1994. Hearings may also consider Work Furlough; Home Arrest; Absolute Discharge from Imprisonment or from Parole Supervision; Parole Rescission; and Parole Revocation. The Board also conducts hearings for clemency actions that include Pardon, Commutation of Sentence, and Reprive.

History of the Board

Change and adaptation best characterize the Board's history. Arizona first afforded inmates the opportunity for parole in 1901, prior to becoming a state. The agency then known as the Board of Control functioned as the Territory's discretionary releasing mechanism and consisted of the Governor, Territorial Auditor, and one citizen appointed by the Governor.

The Board of Control retained its releasing authority until the first Arizona Criminal Code became effective in October 1913, when it was replaced by the Board of Pardons and Paroles. The three-person Board consisted of a Governor-appointed citizen chairperson, the Superintendent of Public Instruction and the Attorney General. Board composition remained unchanged for the next five decades.

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Types of Board Hearings

General Parole (A.R.S. § 31-412[A]) A conditional release from incarceration that entitles the parolee to serve the remainder of the parolee's term outside of the confines of a penal institution, if the parolee satisfactorily complies with all of the terms and conditions provided in the parole order.

Parole to a Consecutive Sentence or Another Jurisdiction (A.R.S. § 31-412.B) A mechanism to parole an inmate to a consecutive sentence to be served in an institution or parole to another jurisdiction.

Early Parole (A.R.S. §41-1604.11[K]) A conditional release from incarceration before the inmate has reached his or her general parole eligibility date. This type of release consideration is used when there is a lack of bed space in the Department of Corrections' institutions. An inmate eligible for release under this statute may be considered for parole, home arrest or work furlough.

Home Arrest (A.R.S. § 41-1604.13) A program for inmates who are eligible to complete their prison sentence in the community. The Home Arrest program is a restrictive program that uses active electronic monitoring surveillance and the supervision of a Home Arrest officer. A person in the Home Arrest program is under inmate status and subject to all of the rules and regulations of the Department of Corrections. Except for authorized movements out of the residence, such as employment and mandated treatment programming, the inmate is confined to his residence.

Work Furlough (A.R.S. § 41-1604.11) A release from prison that allows the inmate to maintain gainful employment and pay restitution to the victim of the inmate's offense.

Absolute Discharge (A.R.S. §§ 31-411 and -414) The Board may discharge a person from imprisonment (-411) or parole supervision (-414) prior to the sentence expiration date or prior to the expiration of parole. Community Corrections (a division of the Department of Corrections) may recommend a parolee for an absolute discharge to the Board because of his/her exceptional performance while under parole supervision.

Pardon (A.R.S. §§ 31-441 through -446) An act of grace by the Governor that absolves the convicted felon of the legal consequences of his or her crime and conviction. Pursuant to A.R.S. § 31-402, the Governor cannot grant a pardon unless the Board has first recommended it.

Reprieve (A.R.S. §§ 31-443 through 31-446) A delay or temporary suspension of the carrying out of punishment. Pursuant to A.R.S.

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In 1966, the Legislature expanded Board membership to five part-time members appointed by the Governor to five-year terms. Two years later, legislation replaced the five part-time members with three full-time members. The Governor appointed all members to three-year terms, subject to Senate confirmation.

In 1978, as part of the new Criminal Code, the Legislature expanded the Board to five full-time members serving five-year terms, with gubernatorial appointments remaining subject to Senate confirmation. In 1984, the Legislature further expanded the Board to seven full-time members.

The 1993 Legislative session included legislation that eliminated all Board releases for inmates whose offenses were committed after January 1, 1994, and changed the agency's name to the Board of Executive Clemency.

In 1997, the Board's membership was decreased from seven to five. That change became effective in January 1998.

Arizona Revised Statutes § 31-401 and subsequent sections detail the Board's operating authority and duties.

§31-402, the Governor may grant a reprieve only upon recommendation of the Board.

Commutation of Sentence (A.R.S. §§ 13-603[L], 31-402, 31-403, 31-411[H], 31-411[I][1], and 38-431.01) A change or modification of a sentence imposed by the court. The Board assumes that sentences imposed by the court are fair and correct; however, either by Judicial request or by inmate application, the Board may find mitigating circumstances under which justice would be better served if a commutation were recommended to the Governor. Pursuant to A.R.S. § 31-402, the Governor may grant a commutation of sentence only upon recommendation of the Board.

Rescission Withdrawal of an action previously granted by the Board before the inmate actually enters the action status.

Revocation (A.R.S. §§ 31-415 through 31-417) Withdrawal of an action previously granted by the Board after the inmate has entered the action status.

Modification A hearing held to determine if conditions of release should be modified or changed. A modification hearing is usually held at the request of a Parole Officer.

Board Members

Duane Belcher, Sr. (*Tucson*) is the Board's Chairman/Executive Director. A Tucson resident, Mr. Belcher brings to the Board over 32 years of experience in the criminal justice field. He has served as the Board's Chairman/Executive Director since 2004, when the Legislature combined the two positions. He was reappointed by Governor Napolitano to the Board in 2006.

Mr. Belcher was initially appointed to the Board in September 1992 by Governor Symington and served two terms until April 2002. He also served as Chairman from September 1993 until February 1997.

After receiving his Bachelor of Science degree in 1971 from Central State University in Wilberforce, Ohio, Mr. Belcher worked as a probation/parole officer in the Cleveland area until he relocated to Arizona in 1980 to become a correctional service officer. He was promoted through the ranks to his last Department of Corrections position as the supervisor of the Home Arrest program.

Mr. Belcher is a member of the National Association of Blacks in Criminal Justice; the Arizona Probation, Parole & Corrections Association; American Correctional Association; and the Association for Paroling Authorities International.

He frequently speaks to community groups about the Board of Executive Clemency and his experiences in the Criminal Justice field.

Olivia V. Meza (*Tempe*) was appointed by Governor Napolitano to the Board in February 2004.

Ms. Meza has 30 years experience with the criminal justice system as a senior federal court executive, a specialist in Indian Country and sex offenses, a pretrial services officer, and a probation officer in Arizona, Maryland and California. Ms. Meza served as Chief of Pre-trial Services for the U.S. District Court in Arizona, one of the largest and fastest growing offices nationally. She administered a multimillion dollar budget and managed 60 supervisors and officers statewide, working directly with federal judges, U.S. Attorney, victims and families, and defendants. She introduced cutting-edge software for supervision of federal defendants charged with computer-based sex offenses and developed leadership training programs and professional staff development.

The Yuma native served as a juvenile probation officer in Maricopa and Yuma Counties and taught at Arizona Western College. She has volunteered with Maricopa County Justice Courts as a mediator and assisted at the Chrysalis shelter for Victims of Domestic Violence, the Society of St. Vincent de Paul, and the Salvation Army. She formerly served on the Ninth Circuit Judicial Committee on Employee Diversity.

Ms. Meza is a member of the Arizona Dispute Resolution Association and the National Hispanic Leadership Institute and attended leadership academies at the Center for Creative Leadership, the Kennedy School of Government at Harvard, and the Gallup Institute. At Arizona State University she earned a Masters of Science degree in Family Life and Child Development and a Bachelor of Science degree in Sociology.

Leonard Tad Roberts (*Casa Grande*) was appointed to the Board in 2005 by Governor Napolitano. Before serving as a teacher/coordinator for the Casa Grande Elementary School District (Middle School Alternative Education Program) from 1995 to 2005, Mr. Roberts worked for more than 20 years in the criminal justice/probation field. He is a former Pinal County Juvenile Probation Training Officer and a former Maricopa County Adult Probation Officer.

Prior to moving to Arizona, he worked for the Monterey County, California, Superior Court in a number of capacities, including probation counselor, probation officer and pre-release officer.



*Marian M. Yim, Leonard Tad Roberts, Ellen Stenson, Olivia V. Meza
(Seated) Duane Belcher, Sr.*

Mr. Roberts is a board member of the Casa Grande Sunrise Optimist Club. His education includes a bachelor's degree with dual majors in psychology and minority relations from Sonoma State College in California and a master's degree in education, with an emphasis on counseling, from Northern Arizona University.

Marian M. Yim (*Phoenix*) was appointed to the Board by Governor Napolitano in 2006. She is an attorney with more than 20 years of public law experience. She was an Assistant Attorney General for 13 years, prosecuting child-support and white-collar criminal cases. As a staff attorney she assisted the Arizona Supreme Court on criminal and civil appeals.

Prior to this appointment Ms. Yim was Counsel to the Mayor and Deputy City Attorney for the City of Phoenix. She was also an Adjunct Professor of Professional Responsibility at the Arizona State University College of Law.

An Oregon native and an Arizona resident since 1982, Ms. Yim has volunteered as a member of many community and professional organizations, including the Arizona Supreme Court Commission on Juvenile Justice and the Phoenix Human Relations Commission. She is a member of the American Bar Association's Council on Racial and Ethnic Justice. Ms. Yim received her undergraduate degree from Vassar College and her law degree from Cornell Law School.

Ellen Stenson (*Phoenix*) was appointed to the Board in 2007 by Governor Napolitano. She has 10 years of experience as a member of the Legislature's Ombudsman-Citizens' Aide Office, the last five as ombudsman for Child Protective Services (CPS). In that capacity, she served on the Citizen Review Panel that reviewed deaths and near-deaths of children in the State's custody and on various interim legislative committees involving children and families. In addition, she helped draft the 2003 Governor's Action Plan on CPS Reform. She has volunteered as a mediator with the Maricopa County Justice Courts for nine years and is a member of the Arizona Chapter of the Association for Conflict Resolution. She has also volunteered in various capacities with the City of Phoenix, including as a member for the Parks Subcommittee of the 2006 Citizens' Bond Committee and start-up of the city's first dog park at Washington Park.

Ms. Stenson earned a bachelor's degree in political science from Arizona State University and served in the U.S. Air Force.

Structure

The Board is supported by nine full-time administrative staff members:

Chairman/Executive Director. In 2004, the Legislature combined the positions of Chairman and the Executive Director through 2007. In 2006, the combining of positions was extended through 2009.

Administrative Service Officer I. Under the direction of the Chairman/Executive Director, this officer is responsible for managing the Board's business and human resource functions and serves as computer network administrator.

Hearing Officers. A Hearing Officer III and two Hearing Officers conduct probable-cause hearings for rescission and revocation actions, provide information to the Board for all clemency actions, and prepare reports for inmates certified eligible for other releases. The Hearing Officer III supervises the two Hearing Officers and manages the Board's four Administrative Support Staff members.

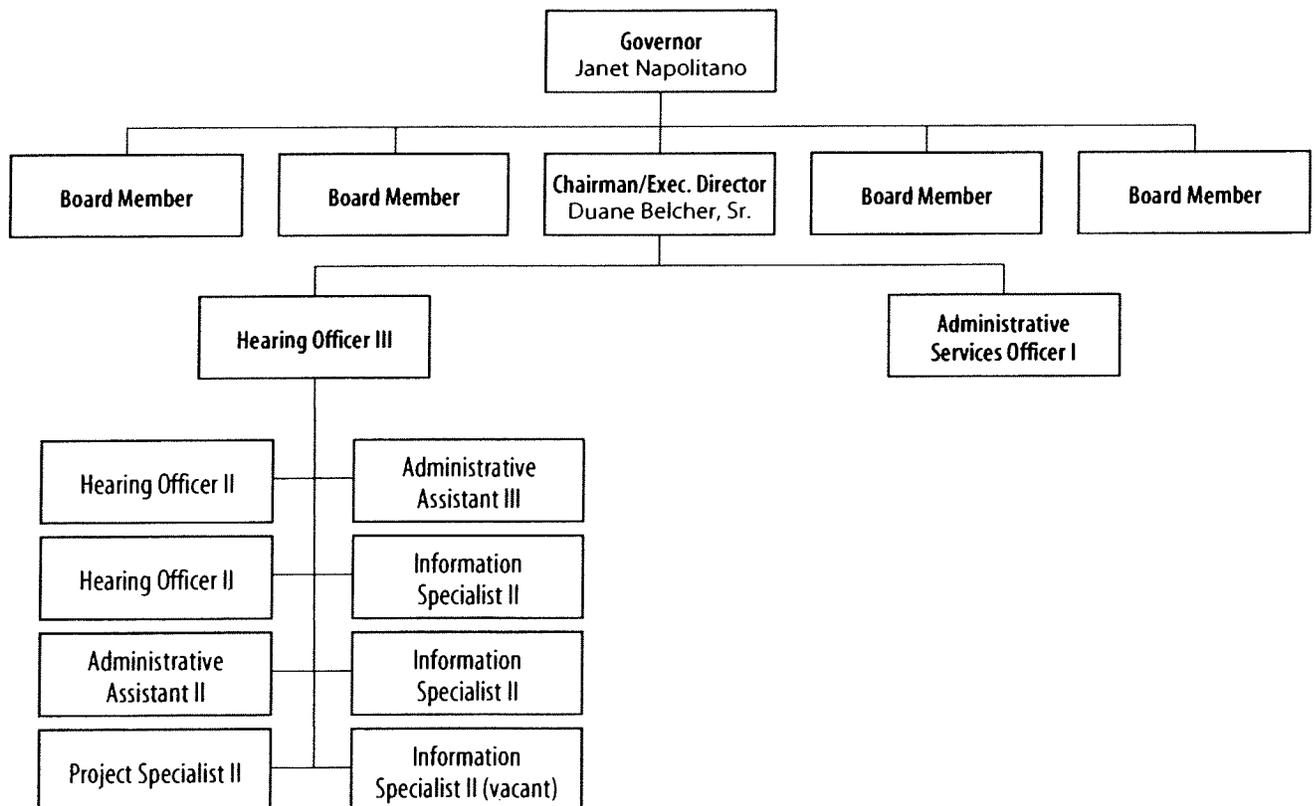
Project Specialist II. This staff member drafts policies and procedures, performs special projects as determined by the Chairman/Executive Director, maintains statistical information

Board Member Terms

	<i>Appointed</i>	<i>Reappointed</i>	<i>Term</i>
Duane Belcher, Sr.	2002	2006	2006-11
Olivia V. Meza	2004	-	2004-09
Leonard Tad Roberts	2005	-	2005-10
Marian M. Yim	2006	-	2006-11
Ellen Stenson	2007	-	2007-12
PAST MEMBERS WHO SERVED DURING THE PERIOD OF THIS REPORT			
Carroll de Broekert	1999	2000	1999-05
Barbara Lynn Bloss	2000	-	2000-07
Marshall Porter	2002	-	2002-06

and acts as the Board's legislative liaison.

Administrative Support Staff. The four Administrative Support Staff members monitor hearings; process packets for the Board's use in making release decisions; provide statutorily mandated notifications to victims, officials and other concerned individuals and entities; manage and maintain individual files and the file room; and complete dispositions and proclamations for Board decisions.



Board Actions

Yearly Totals, Fiscal Years 2006 and 2007

7-1-05 to 6-30-06 7-1-06 to 6-30-07

PHASE 1 HEARINGS SCHEDULED	590	683
Hearings Conducted	581	656
New Code (TIS).....	566	630
Passed to Phase II.....	49	70
Not Passed to Phase II.....	508	558
Old Code (Pre-TIS).....	0	0
Passed to Phase II.....	0	0
Not Passed to Phase II.....	0	0
Continued.....	15	26
Ineligible, Removed from Agenda.....	0	7
PHASE 2 HEARINGS SCHEDULED	97	125
Hearings Conducted	84	102
New Code (TIS).....	67	78
Recommended to Governor	36	28
Not Recommended to Governor.....	27	50
Old Code (Pre-TIS).....	0	0
Recommended to Governor	0	0
Not Recommended to Governor.....	0	0
13-603 L.....	17	21
Recommended to Governor	6	11
Not Recommended to Governor.....	8	10
Imminent Danger.....	0	3
Recommended to Governor	0	3
Not Recommended to Governor.....	0	0
Continued.....	12	23
Ineligible, removed from agenda.....	1	0
PARDONS SCHEDULED	29	47
Hearings Conducted	23	47
Recommended to Governor	5	14
Not Recommended to Governor.....	12	15
Continued.....	6	18
Ineligible.....	0	0
ABSOLUTE DISCHARGES SCHEDULED	34	34
Hearings Conducted	28	33
Granted.....	15	17
Denied.....	7	5
Continued.....	6	11
Ineligible.....	0	1
MODIFICATIONS SCHEDULED	0	0
Hearings Conducted	0	0
Granted.....	0	0
Denied.....	0	0
Continued.....	0	0
REPRIEVES SCHEDULED	0	2
Hearings Conducted	0	1
Warrants of Execution Received	0	1
Recommended to Governor	0	0
Not Recommended to Governor	0	1

GOVERNOR'S ACTIONS

Granted.....	9	4
Denied.....	37	41
Grant by Governor's Default	0	0
Packets Sent to Governor.....	31	58

PAROLE HEARINGS SCHEDULED

	757	693
Hearings Conducted	485	427
31-412A	35	0
Granted.....	11	0
Denied.....	19	0
Appeared & Waived	5	0
31-412A/HA	0	1
Granted.....	0	0
Denied.....	0	0
Appeared & Waived	0	1
31-412A/411	1	26
Granted.....	0	5
Denied.....	1	19
Appeared & Waived	0	2
31-412A/411/HA.....	273	249
Granted.....	78	44
Denied.....	170	175
Appeared & Waived	25	30
31-412B(CS)/411.....	127	125
Granted.....	31	20
Denied.....	79	88
Appeared & Waived	16	17
31-412B(DET)/411	27	5
Granted.....	4	2
Denied.....	21	3
Appeared & Waived	2	0
Work Furlough	3	1
Granted.....	1	1
Denied.....	2	0
Appeared & Waived	0	0
WF/HA	2	2
Granted.....	1	0
Denied.....	1	2
Appeared & Waived	0	0
EP/WF/HA	1	0
EP/WF	0	0
EP/HA	0	0
Early Parole.....	0	0
Continued.....	65	73
Refused to Appear.....	192	170
SED/Released/Ineligible/OTC/MLT	15	23

PROBABLE CAUSE HEARINGS SCHEDULED

	209	243
Hearings Held	113	137
Requests Received	195	208
Waived	73	94
Rescheduled	25	12
DOC SED.....	15	14

WARRANT REQUESTS RECEIVED

	2,770	2,666
Technical.....	2,694	2,585
Pending New Charges.....	43	62
Technical/Pending New Charges	33	19

VIOLATORS SCHEDULED	2,708	3,106
Hearings Conducted.....	2,518	2,866
CSR Revocation.....	2,446	2,857
Revoked.....	1,717	2,307
Not Revoked.....	40	49
Revoked & Reinstated.....	513	280
Female Violators.....	125	210
Hearings Continued.....	110	221
Parole Revocation.....	63	7
Revoked.....	40	6
Not Revoked.....	4	-
Revoked & Reinstated.....	16	1
Female Violators.....	0	0
Hearings Continued.....	3	0
WF Revocation.....	5	1
Revoked.....	0	0
Not Revoked.....	0	0
Revoked & Reinstated.....	5	1
Female Violators.....	0	0
Hearings Continued.....	0	0
HA Revocation.....	4	1
Revoked.....	0	1
Not Revoked.....	2	0
Revoked & Reinstated.....	2	0
Female Violators.....	0	0
Hearings Continued.....	0	0
SED/Released/OTC.....	5	10
TOTAL PROGRAM		
Florence West Revoked.....	146	147
Florence West Violated/Reinstated.....	132	51
SACRC Revoked.....	9	0
SACRC Violated/Reinstated.....	14	0
SDM GUIDELINES		
Within Guidelines.....	0	0
Outside Guidelines.....	0	0
Guidelines Not Applied.....	414	337
MODE OF HEARINGS CONDUCTED	3,014	3,961
Telephonic.....	1,285	1,279
Video.....	1,020	969
Personal.....	229	450
In Absentia.....	480	1,263
POST CONVICTION NOTIFICATIONS RECEIVED	1,103	1,401
Victims.....	810	988
Officials.....	293	413
NOTIFICATIONS	21,937	25,261
Victims.....	2,134	2,503
Officials.....	19,004	21,805
Courtesy.....	49	62
Inmates.....	750	891
TOTAL HEARINGS CONDUCTED	3,832	4,340
TOTAL HEARINGS SCHEDULED	4,424	4,933

Members of the Arizona Board of Executive Clemency

1966-Present

Current Members Appear in Blue Type

1966-67	W.W. Witt	1989-90	Robert L. Araza
1966-69	Peter Byrne	1989-91	Luis M. Vega
1966-70	William P. Reilly	1989-94	Robert L. Tucker
1966-71	A. Alan Hanshaw	1989-98	Stan F. Turley
1966-73	Donald Welker	1990-95	Anna May Riddell
1967-72	Art Van Haren	1991-92	Jones Osborn
1969-73	Walter Michaels	1991-92	Ruben Coronado
1969-74	Abraham Cruz	1991-01	Kathryn Brown
1969-75	Keith Edwards	1992-93	Craig R. Runbeck
1971-75	Walter Jacobs	1992-00	Edward Leyva
1973-78	Daniel Simmons	1992-11	Duane Belcher, Sr.
1974-75	Olive O'Kier	1993-98	Tom Freestone
1975-78	Barnetta Anderson	1994-99	Donna Flanigan
1975-85	Robert L. Araza	1995-00	Howard M. Jarrett
1978-80	Jerry Thompson	1999-04	Edith Richardson
1978-81	Carol Pavilack	1999-05	Carrol de Broekert
1978-87	John Sloss	2001-02	John Waugh
1978-91	Arter L. Johnson	2002-07	Barbara Lynn Bloss
1981-89	Richard M. Ortiz	2002-07	Marshall H. Porter
1983-89	Patricia V. Gilbert	2004-09	Olivia V. Meza
1984-88	Robert W. Kennerly	2005-10	Leonard Tad Roberts
1984-89	Ron Johnson	2006-11	Marian M. Yim
1986-90	Ray R. Flores	2007-12	Ellen Stenson
1987-92	Frank R. Startzell		

Arizona Board of Executive Clemency

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Provisions for Individuals with Disabilities

Individuals who have a disability and require reasonable accommodation in order to use this document are encouraged to contact the Board of Executive Clemency at 602-542-5656.