

Arizona Board of Executive Clemency (Board)

Board took steps to meet some statutory responsibilities we reviewed, including sending victim notifications within statutory time frames, but did not comply with some State conflict-of-interest requirements, increasing the risk that Board members and employees had not disclosed substantial interests that might influence their official conduct; did not always timely schedule revocation hearings, increasing its risk of violating inmates' right to due process; and did not adopt a structured decision-making process, despite prior recommendations to do so.

Audit purpose

To evaluate whether the Board (1) complied with State conflict-of-interest requirements, (2) sent victim notifications within statutory time frames, (3) scheduled revocation hearings in a timely manner, and (4) adopted a structured decision-making process for parole and revocation decisions, and respond to the statutory sunset factors.

Key findings

The Board:

- Is statutorily responsible for making clemency recommendations and holding other hearings for inmates convicted of felony offenses, including revocation hearings for inmates who have violated the conditions of release for parole or community supervision.
- Sent victim notifications of inmates' possible release we reviewed within statutorily required time frames.
- Did not comply with some State conflict-of-interest requirements or fully align its conflict-of-interest process with recommended practices, increasing the risk that Board members and employees had not disclosed substantial interests that might influence their official conduct.
- Did not schedule one-third of 933 revocation hearings it held for warrants received in fiscal year 2023 within 60 days of inmates' arrest and return to custody, as required by federal case law and Board policy, increasing the risk of inmates suing the State for due process violations and potentially increasing State costs if inmates who may eventually be released are held longer in prison while awaiting a hearing.
- Has not adopted a structured decision-making process to help ensure its parole and revocation decisions are accurate and protect public safety in the most effective manner, despite prior recommendations it do so.

Key recommendations

The Board should:

- Revise and implement its conflict-of-interest policies to help ensure compliance with State conflict-of-interest requirements and implementation of recommended practices.
- Hold revocation hearings within 60 days of an inmate's arrest and return to custody.
- Develop and implement a structured decision-making model appropriate for use in Arizona to assist Board members in reaching consistent and accurate decisions.