

REPORT HIGHLIGHTS PERFORMANCE AUDIT

Our Conclusion

The Arizona Board of Executive Clemency (Board) is responsible for granting parole to eligible inmates, revoking the parole/community supervision of violators, and recommending clemency actions to the Governor. In calendar year 2013, the Board made 317 parole decisions, 1,840 revocation decisions, and 55 clemency-sentence commutation, pardon, and reprieve decisions. We identified four areas where the Board can improve its operations. First, although the Board has strengthened its policies to help ensure that board members are free from conflicts of interest, additional steps are needed. Second, the Board should continue its efforts to develop a formalized, structured decision-making process so that its decisions are objective, consistent, and transparent. Third, the Board should continue its current efforts to better meet revocation hearing timeliness goals and victim notification requirements. Finally, the Board should develop and implement a transition plan to separate its board chair and executive director positions.



2014

Board should better ensure that its members are free from conflicts of interest

To help ensure the integrity of the Board's hearings and its decisions, it is important that board members remain free from personal and external impairments. However, an August 2013 Arizona Department of Administration and Governor's Office of Equal Opportunity joint investigation substantiated concerns related to conflicts of interest by the Board's former chair/executive director. During the audit, the Board approved three policies establishing ethical standards, guidelines governing board member conduct during hearings, and standards for when a board member should recuse him/herself.

Recommendations

The Board should:

- Develop a conflict of interest form that covers its conflict of interest policies, and have board members review and sign it periodically.
- Develop and implement formal conflict-of-interest training.

Board should further enhance its decision-making process

Best practices indicate that a structured decision-making (SDM) process promotes accurate, objective, consistent, and transparent decisions. The Board adopted such an approach in the early 1990s, but discontinued it in 2003 reportedly because of dwindling resources. Since January 2014, the Board has taken steps to reestablish its decision-making process for parole hearings around a structured approach that includes considering the nature and circumstances of the crime and an inmate's criminal and incarceration history. However, more remains to be done, including establishing decision-making guidelines for parole revocation hearings. To ensure its SDM model is effective and appropriate for use in Arizona, the model should incorporate best practices, including a validated risk-assessment tool; consideration of specific factors that correlate with recidivism such as an inmate's criminal and parole history, self-control, and plan for release; and a requirement to clearly document the Board's rationale for its decisions. The Board should also develop and implement policies and procedures that support and document its SDM process.

In addition, training is a critical component of an SDM process. Although board members receive training, board members who were interviewed identified deficiencies in the Board's training and indicated that they would benefit from additional training on how to make decisions. Therefore, the Board should ensure that its members receive adequate training on using its SDM model.

Recommendations

The Board should:

- Continue to develop and implement an Arizona-appropriate, structured decision-making approach that conforms to best-practice standards;

- Develop and implement policies and procedures that support the SDM process; and
- Ensure that board members receive adequate training on using its SDM model.

Board should continue taking steps to better meet hearing time frame goals and notification requirements

More than one-third of revocation hearings reviewed were untimely—Case law establishes a goal of holding a revocation hearing within 60 days after a parolee or individual on community supervision has been arrested and returned to the Arizona Department of Corrections' custody. However, we determined that 35 percent of the 1,118 revocation hearings conducted between January 2014 and May 2014 were, on average, 19 days later than the 60-day time frame goal. There are 2 reasons for the delay—it takes the Arizona Department of Corrections an average of 22 days to notify the Board for the need to hold a revocation hearing, leaving the Board only 38 days to schedule a hearing, and the Board sets its schedule a month in advance.

Some victim notifications were untimely—If so requested, statute requires the Board to provide victims written notification of parole or clemency hearings at least 15 days in advance of these hearings. The Board must also provide the victim written notification of its parole and clemency decisions within 15 days. However, the August 2013 Arizona Department of Administration and Governor's Office of Equal Opportunity joint investigation found that victims sometimes received untimely notifications under the former board chair/executive director. In addition, we found that the Board was at continued risk for not meeting notification requirements because of data system issues.

Board should continue and enhance efforts to address these issues—In April 2014, the Board established revocation hearing procedures to guide staff in scheduling these hearings and documenting information in the Arizona Department of Corrections' computer system. After audit work was completed, the Board developed and implemented similar procedures for parole and clemency hearings. The Board also has hired an administrator to provide monitoring and oversight.

Recommendations

The Board should:

- Continue to develop its hearing policies and procedures;
- Develop and implement a supervisory review process for key time frame goals and requirements;
- Ensure its staff are trained on its policies and procedures; and
- Collaborate with the Arizona Department of Corrections to identify ways to further improve the timeliness of parole/community supervision revocation hearings.

Board should separate the combined board chair and executive director positions

Beginning in 2004, the same person has served as the board chair and the Board's executive director, as allowed by statute. However, with the chair presiding over the Board's hearings, there is little time for the same person to oversee the Board's operations. In addition, the short 2-year board chair term can lead to frequent turnover of the Board's executive director position and potential instability in board operations. For fiscal year 2015, the Legislature appropriated sufficient money to permit the Board to hire an executive director by providing funding for the fifth board member.

Recommendation

The Board should develop and implement a transition plan for separating the board chair and executive director positions.