

## Parole / Commutation / Pardon / Clemency Questionnaire

### AFSC-AZ Answers

#### 1. Do you have a parole board and parole process in your state?

No. Arizona ended parole in 1993. However, if a person was sentenced prior to Jan 1 1994, there is a parole process.

It was replaced under TIS law as “early release credits” option for individuals at 85% of their sentence. It is automatic, unless a person has DOC disciplinary tickets or specific flat-time charges. Those that are released at 85% are then under community supervision for the remaining 15% of their sentence.

- If so, please provide links to your state’s parole statutes.

For those sentenced prior to 1994:

- **Emergency parole** (*only for Non-dangerous, first time offenders sentenced for a felony class 4, 5 or 6*) [A.R.S. § 41-1604.11 Section K](#)
- **Regular parole** [A.R.S. § 41-1604.09](#)

More information : [http://apps.azsos.gov/public\\_services/Title\\_05/5-04.pdf](http://apps.azsos.gov/public_services/Title_05/5-04.pdf)

- If there is a correction’s policy that exists to fulfill the parole statute, copy link to correction’s policy below.

Arizona DOC Release types page: <https://corrections.az.gov/release-types>

- Also, if you have a summary of these laws/policies that you use in your ground work, please provide a copy of the summary/materials you use.

Attached (language around changing current laws from 1993 Truth in Sentencing from 2019 legislative work not specifically parole)

#### 2. What are the sentence schemes for long sentences in your state (parolable life for what “crimes”; natural life for what “crimes”; long indeterminate sentences for what “crimes”)

Arizona sentencing has some codes ([available here](#)) but many are outlined in specific statutes. <https://corrections.az.gov/glossary-terms-0> <-- see list of flat sentences with links to statutes under “Discretionary Release”

#### 3. How is your parole board appointed?

Arizona now has the Board of Clemency, which hears cases that are eligible for parole (sentenced prior to December 1993) as well as cases applying for clemency/pardons.

Statutes for reference:

<https://www.azleg.gov/search/oop/qfullhit.asp?CiWebHitsFile=/ars/31/00401.htm&CiRestriction=clemency>

<https://www.azleg.gov/search/oop/qfullhit.asp?CiWebHitsFile=/ars/31/00411.htm&CiRestriction=parole>

- By whom? [Governor](#)
  - Political appointed board? Yes or no? and why or why not? [Yes, as written in statute.](#)
  - Civil Servant appointed board? Yes or no? credentials needed, please list? [n/a](#)
  - How many members?
5. Who is currently on your parole board? Can you provide bios and political leanings and professional backgrounds? Can you provide summaries of their decisions?
- DR. C.T. WRIGHT, CHAIRMAN, Chairman - Term Expires: January 21, 2024
    - Law enforcement background
    - Pastor
    - Has spoken at GOP events and supported Republican Party
      - [Speaking at GOP party Nov. 2018](#)
      - [2014 Republican of the Year](#) (Fountain Hills, AZ)
      - [Donated to Republic party](#)
      - [And he's a bigot](#)
  - GAIL RITTENHOUSE, Board Member - Term Expires: January 17, 2022
    - Used to work for Arizona Dept. of Corrections
    - Cannot find information on party affiliation
  - LOUIS QUINONEZ, Board Member - Term Expires: January 18, 2021
    - Law enforcement background
    - Cannot find information on party affiliation
  - DAVID NEAL, Board Member - Term Expires: January 17, 2022
    - Law enforcement background
    - Victims rights advocacy
    - Cannot find information on party affiliation
  - MICHAEL JOHNSON, Board Member - Term Expires: January 20, 2020
    - Law enforcement background
    - [Democrat](#) (as of 2006)

Bios included on the website: <https://boec.az.gov/node/726>

Cases to highlight

- [Latest annual report 2017](#)
  - PARDONS: Nearly 700 cases heard, only 14 passed to Governor, 0 pardoned. If recommended, [rarely passed by Governor.](#)

- PAROLE: 398 heard, only 32 granted (8%)
- Recommended [a police officer's murder sentence be reduced](#)

6. How does your board function? (example: In Michigan we have ten members; the board takes most cases in panels of two. One person on the panel interviews (via video) the person being considered for parole and takes notes. The second person on the panel reviews the notes and the case. If there is a disagreement between the two on whether to parole or to continue, then the Chair of the Board is the tie breaker. This is for regular term of year cases. This will change once the board is seeing objectively paroled sentenced people.)

Individuals who are eligible can apply once every 6 months(? I believe that's correct but struggling to find the policy). The board reviews their convictions, DOC disciplinary record, and asks the individual questions (hearings can occur without the person there, in which case no questions are asked). Individuals can speak to support parole or to oppose (generally families/loved ones of a person harmed in the crime). They then vote, and majority rules.

Hearings can be found here: <https://boec.az.gov/agendas-reports-and-policies/board-hearings>

7. Is there a process that is separate for people serving life sentences? If so, briefly explain. Michigan example in footnote.<sup>1</sup>

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<sup>1</sup> Example: In Michigan, if a person is serving a parolable life sentence or a natural life sentence, they are not provided a parole guideline assessment (this is statutorily required for all other regularly sentenced people). The board can pass over the person without an interview by only conducting a file review. This is a five year flop. Technically, natural lifers can get an interview every 5 years. Interviews for natural life folks, are often cancelled (unless a governor is interested in moving on commutations).

If the board is interested in the case of a parolable lifer, one member will conduct an interview. They will take notes and are supposed to review the file of the person. The whole board, all ten members, will then meet in executive session and discuss the case. They will choose to move forward to public hearing / or not. If they move forward to public hearing, they will order mental health and medical reviews of the person. The notice for hearing will be sent out to the judge and prosecutor and be published publicly (A successor judge no longer has veto power to stop the public hearing, but the sitting judge in the case can veto the public hearing. The prosecutor cannot veto the hearing. The prosecutor can testify at the hearing—and in high profile cases will mobilize the survivors and/or survivor's loved ones to testify.)

The public hearing is held. Parole board member/s and assistant attorney general are at the hearing. Parole board technically has authority over the hearing, but the AAG has typically taken the power at the hearings for the last twenty years. The person is

That would fall under “commutations” for Arizona. A person can apply for a commutation if:

1. The inmate has a sentence of more than three (3) years and has served at least two years of the sentence at the time of application, including jail credits applied to the sentence;
2. the sentencing judge issued a special order. Arizona Revised Statute 13-603(L) allows the court to issue a special order at time of sentencing only if it believes that a sentence is clearly excessive. The order will allow the person sentenced to petition the Board for a commutation of sentence with ninety days after they are committed to the Department of Corrections. The court will provide the Board in writing its specific reasons concluding that the sentence is excessive;
3. inmates who are considered terminally ill with less than four (4) months to live may also apply. Medical documentation from the Arizona Department of Corrections’ designated physician must state the diagnosis and that the inmate has less than four (4) months to live; and/or
4. inmates facing imminent execution may receive a commutation hearing prior to the date of execution.

There are certain sentencing codes that require “flat time” so therefore would not be eligible.

More information here: <https://boec.az.gov/helpful-information/frequently-asked-questions>

8. How many paroles for lifers have been granted by years in the last ten years?  
That data is not readily available. Would have to do a deep dive, and potentially records requests.
9. How many commutations for LIDs or lifers by years in the last ten years?  
That data is not readily available.
10. Any other information? If you need help with this, we have a fellow in our office who can help gather missing information.

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questioned as though they are on trial. The public can speak at the end in support of release and in opposition to release.

After the hearing the transcripts are distributed to all ten board members. They meet in executive session again. And, if a majority votes for release, the person is given a parole. In the case of commutation, the board must also agree in majority to recommend to the governor that the person has merit for commutation (or no merit). In commutation cases the governor then must say yes or no.

