

**FY 2010 BUDGET REDUCTIONS - SUMMARY OF ISSUES  
ARIZONA BOARD OF EXECUTIVE CLEMENCY**

**GENERAL FUND**

**FY 2010 General Fund Budget      951,600**

**AGENCY REDUCTION TARGET - GENERAL FUND      \$142,700**

<b>Priority</b>	<b>Issue Title<sup>1</sup></b>	<b>Reductions Amount</b>
1	RIF - Hearing Officer II	\$19,300
2	RIF - IPS II (1 of 2 positions)	\$15,000
3	RIF - Administrative Assistant II	\$15,900
4	Reduce Board Hours	\$5,200
5	RIF - IPS II (2 of 2 positions)	\$13,000
6	RIF - Remaining 4 FTE	\$74,300
	<b>Issue Total</b>	<b>\$142,700</b>
	<b>Fund Total as a Percentage of General Fund Reduction Target</b>	<b>100%</b>

**STATE OF ARIZONA  
FY 2010 BUDGET REDUCTIONS - ISSUE DESCRIPTIONS**

**Arizona Board of Executive Clemency**

**Issue Title: RIF – Hearing Officer II**

**Issue Priority: #1**

**Reduction Amounts:**

General Fund: 19,300

**Amount: \$19,300**

**Issue Description and Statement of Effects**

**This issue would eliminate the Personal Services and ERE totaling \$19,300 for one FTE Hearing Officer II as RIF for FY2010. (This figure also includes an estimated payout for Annual Leave balances for this position.)**

**If this position were eliminated, the remaining staff would perform the administrative duties. The Probable Cause hearings, numbering 150-230 cases annually, currently conducted by this HO II, would be conducted by the Hearing Officer III and the Chairman/Executive Director positions.**

**Please be advised that the recent budget cuts to the Board of Executive Clemency have reduced board members to a part time status (30 hours or less per week). The recently proposed budget cuts to the Board will make it extremely difficult to fulfill our mandated statutory responsibilities. The attached statutory change to §31-404 (J) is critical in providing the Chairman/Executive Director the needed flexibility in managing our remaining resources in the most cost effective way. A copy of statute §31-404 (J) is shown below. It reflects the written changes necessary to implement this action.**

**31-401. [Board of executive clemency; qualifications; appointment; officers; quorum; meeting; executive director](#)**

- A. The board of executive clemency is established consisting of five members who are appointed by the governor pursuant to this subsection and section 38-211. The governor shall appoint a selection committee consisting of the director of the department of public safety, the director of the state department of corrections and three other persons who shall submit a list of three qualified candidates to the governor for each vacancy on the board. The governor shall fill the vacancy by appointing a member to the board of executive clemency from the list.
- B. The members of the board shall serve on a full-time basis and the compensation of members shall be as determined pursuant to section 38-611. Each member shall be appointed on the basis of broad professional or educational qualifications and experience and shall have demonstrated an interest in the state's correctional program. No more than two members from the same professional discipline shall be members of the board at the same time.

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C. Each member appointed to the board shall complete a four week course relating to the duties and activities of the board. The course shall be designed and administered by the chairman of the board and shall be conducted by the office of the board of executive clemency and the office of the attorney general. The course shall include training in all statutes which pertain to the board and participation in a decision making workshop.

D. Members shall be appointed for a term of five years to expire on the third Monday in January of the appropriate year.

E. A member of the board may be removed by the governor for cause.

F. The governor shall select a member of the board as chairman. The chairman shall select other officers as are advisable. The term of the chairman is two years, except that the chairman may be removed as chairman at the pleasure of the governor. If a board member's term expires while the member is serving as chairman, the chair shall be deemed vacant and a new chairman shall be selected.

G. The board may adopt rules, not inconsistent with law, as it deems proper for the conduct of its business. The board may from time to time amend or change the rules and publish and distribute the rules as provided by the administrative procedures act.

H. The board shall meet at least once a month at the state prison and at other times or places as the board deems necessary.

I. The presence of three members of the board constitutes a quorum.

The chairman may designate that the presence of two members of the board constitutes a quorum.

J. **Except as provided in §31-403 (C) (3), §31-412 (C) (3), §41-1604.11 (D) (3), and §41-1604.13 (C) (3),** if two members of the board constitute a quorum pursuant to subsection I, paragraph 2 of this section and the two members do not concur on the action under consideration, the chairman of the board, if the chairman is not one of the members who constituted the quorum and after reviewing the information considered by the two members, shall cast the deciding vote. If the chairman of the board is one of the two members constituting a quorum at a hearing under subsection I, paragraph 2 of this section, and there is not concurrence on the action under consideration, no action shall be taken and the matter shall be heard before the board at which a quorum under subsection I, paragraph 1 of this section is present. **action under consideration fails and the status quo remains in effect.**

K. The board shall employ an executive director whose compensation shall be determined pursuant to section 38-611.

**The following is a summary of the responsibilities of the Hearing Officer II position.**

- **Public Safety:** The Hearing Officer conducts research and completes a report for cases seen before the Board. This information provided to the Board is used to base their decision to grant/deny an offender's release into the community. The objective of the Board is to protect the public by granting parole to those offenders who appear not to pose a threat to the community.
- **Due Process:** The Hearing Officer acts in a quasi-judicial capacity and presides over administrative hearings and related proceedings of considerable difficulty at which evidence, oral and written, is introduced by interested and adverse parties and determines if probable cause exists. The Hearing Officer ensures these hearings are conducted in a timely manner once received from the Az. Department of Corrections. If probable cause does not exist, the Hearing Officer has the authority to release the offender to his previous release status.

- **Governor Decisions:** The Hearing Officer conducts research and completes a detailed report in all clemency hearings. If recommended by the Board, the Governor uses this information to make a final decision in granting/denying commutations, reprieves and pardons.

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**STATE OF ARIZONA  
FY 2010 BUDGET REDUCTIONS - ISSUE DESCRIPTIONS**

**Arizona Board of Executive Clemency**

**Issue Title:** RIF - IPS II (1 of 2 positions)

**Issue Priority: #2**

**Reduction Amounts:**

General Fund: 15,000

**Amount: \$15,000**

**Issue Description and Statement of Effects**

**This issue would eliminate the Personal Services and ERE totaling \$15,000 for one FTE Information Program/Processing Specialist II as RIF for FY2010. (This figure also includes an estimated payout for Annual Leave balances for this position.)**

**The following is a summary of the responsibilities this position:**

- **Schedules Parole hearings, tracks inmate movements, and maintains contact with public, institutions, victims, and officials.**
- **Prepares notifications for parole hearings**
- **Enters decision of parole hearings into AIMS, and notifies interested parties**
- **Schedules Absolute Discharge hearings with parole officers, inmate, victims, and officials as mandated by statute.**
- **Enters the decision of absolute discharge hearings into AIMS, and notifies interested parties**

**Because the parole hearings and absolute discharge hearings are mandated by statute, and if this position were eliminated, the duties mentioned would be performed by the remaining staff.**

STATE OF ARIZONA  
FY 2010 BUDGET REDUCTIONS - ISSUE DESCRIPTIONS

Arizona Board of Executive Clemency

Issue Title: RIF - Administrative Assistant II

Issue Priority: #3

**Reduction Amounts:**

General Fund: 15,900

**Amount: \$15,900**

Issue Description and Statement of Effects

This issue would eliminate the Personal Services and ERE totaling \$15,900 for one FTE Administrative Assistant II as RIF for FY2010. (This figure also includes an estimated payout for Annual Leave balances for this position.)

The following is a summary of the responsibilities this position:

- Schedule Board hearings for an estimated 200 monthly Violator warrants in cooperation with ADOC Fugitive Services and the state institutions. This responsibility must ensure "due process" efforts are protected, therefore, this scheduling is time sensitive.
- If a continuation is requested, additional information must be gathered from other state agencies prior to scheduled hearing
- Enters the decision of violator hearings into AIMS, and notifies interested parties

The requests for public information are mandated by statute. The Board's ability to respond to the public requests in person, by telephone, and via mail would be significantly curtailed due to the reduction in headcount. This challenges the statute's definition of "timely manner". The responses to these requests would now be accomplished by the use of an automated phone system and by information posted on the agency website.

**The Board is entrusted with making decisions directly related to public safety. At this level of budget reductions, IT WOULD BE DIFFICULT to accomplish the statutorily mandated requirements as it relates to scheduling and conducting violator hearings within the required timeframes to meet "due process" mandates.**

**STATE OF ARIZONA  
FY 2010 BUDGET REDUCTIONS - ISSUE DESCRIPTIONS**

**Arizona Board of Executive Clemency**

**Issue Title: Reduce Board Hours**

**Issue Priority: #4**

**Reduction Amounts:**

General Fund: 5,200

**Amount: \$5,200**

**Issue Description and Statement of Effects**

The current HB 2010 Sec. 34 calls for four part time members and 1 full time position of Chairman/Executive Director, however, one Board position remains vacant due to the Board member's resignation. The Board would continue to conduct hearings as usual, however, with a Board panel of two part time members and the one full time position of Chairman/Executive Director. The Board would consist of a pool of eligible part time Board members who are called to conduct hearings as needed. The two part time Board members would work no more than 24 hours per week, saving the agency an estimated \$5,200.

- The Board currently conducts an estimated 55 commutation/pardon hearings each month during a 3-day period. The agency would elect to conduct commutation/pardon hearings one day per quarter. An exception to this reduction would be 603L, Imminent danger of death, and reprieve hearings. This change would substantially reduce the number of Board hours. The reduction in preparation of packets for Board review would also be reduced substantially, thereby, enabling the staff members to assume additional responsibilities due to RIF of positions.
- The hearings held in person at Florence and Perryville institutions would be conducted telephonically. Those conducted in person at Alhambra would continue. The reduction in travel time would be needed to conduct all hearings in the reduced workweek.

STATE OF ARIZONA  
FY 2010 BUDGET REDUCTIONS - ISSUE DESCRIPTIONS

Arizona Board of Executive Clemency

Issue Title: RIF - IPS II (2 of 2 positions)

Issue Priority: #5

**Reduction Amounts:**

General Fund: 13,000

**Amount: \$13,000**

Issue Description and Statement of Effects

This issue would eliminate the Personal Services and ERE totaling \$13,000 for one FTE Information Program/Processing Specialist II as RIF for FY2010. (This figure also includes an estimated payout for Annual Leave balances for this position.)

The following is a summary of the responsibilities this position:

- Responsible for entering into AIMS an estimated 200 monthly Post-Conviction victim/official requests as mandated by statute
- Prepares notifications from these post-conviction victim/official requests for Board hearings
- Screens Phase I applications, schedules hearings, and prepares 75-100 document packets for Board hearings
- Receptionist for agency. Public/telephonic contact for agency on daily basis
- Commutation Disposition back up support the for Administrative Assistant III position

Because the post conviction hearings are mandated by statute, and if this position were eliminated, some duties mentioned would be performed by the remaining staff. The public contact in person and by telephone would be curtailed by use of automated phone system and by information posted on the agency website. The public requests for public information, as mandated by statute, would be delayed due to the reduction in headcount. This challenges the statute's definition of "timely manner".

**The Board is entrusted with making decisions directly related to public safety. At this level of budget reductions, IT WOULD BE IMPOSSIBLE to accomplish its statutorily mandated requirements.**

STATE OF ARIZONA  
FY 2010 BUDGET REDUCTIONS - ISSUE DESCRIPTIONS

Arizona Board of Executive Clemency

Issue Title: RIF - Remaining 4 FTE

Issue Priority: #6

**Reduction Amounts:**

General Fund: 74,300

**Amount: \$74,300**

Issue Description and Statement of Effects

In order to accomplish the agency spending reduction of \$142,700 this issue would eliminate the Personal Services and ERE totaling \$74,300 for 3.2 FTE of the remaining four staff members in the agency. (One partial headcount of .8 remains). This figure also includes an estimated payout for Annual Leave balances for this position. The FTE eliminated are:

- Administrative Assistant III
- Project Specialist II
- Administrative Services Officer I
- Hearing Officer III

If these headcount were not eliminated, they would perform the following functions:

- Publish the monthly calendar of hearings
- Provide notifications for victims and officials as mandated by statute
- Prepare Parole packets for Board
- Prepare Violator packets for Board
- Prepare clemency packets, not related to 603L, on a quarterly basis or later.
- Correspondence to inmate or public, although responses would be severely delayed
- Administrative duties for the agency

**The Board is entrusted with making decisions directly related to public safety. At this level of budget reductions, IT WOULD BE IMPOSSIBLE to accomplish its statutorily mandated requirements.**