



## ARIZONA AUDITOR GENERAL

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February 4, 2026

Members of the Arizona Legislature

The Honorable Katie Hobbs, Governor

Executive Director McClellan-Singh  
Arizona Board of Executive Clemency

We have issued an initial followup report regarding the implementation statuses of the recommendations from the September 2024 *Performance Audit and Sunset Review of the Arizona Board of Executive Clemency* report (see report 24-110) conducted by the independent firm Sjoberg Evashenk Consulting under contract with the Arizona Auditor General. This audit was in response to a November 21, 2022, resolution of the Joint Legislative Audit Committee and was conducted under the authority vested in the Auditor General by Arizona Revised Statutes §41-1279.03.

The September 2024 report made 13 recommendations to the Arizona Board of Executive Clemency. My Office contracted with Sjoberg Evashenk Consulting to conduct initial followup work with the Arizona Board of Executive Clemency, and as of this initial followup report, 4 recommendations have been implemented, 7 recommendations are in process, and 2 recommendations have not been implemented.

My Office has contracted with Sjoberg Evashenk Consulting to follow up with the Arizona Board of Executive Clemency again at 18 months to assess its progress in implementing the 9 outstanding recommendations.

Sincerely,

*Lindsey A. Perry*

Lindsey A. Perry, CPA, CFE  
Auditor General

The September 2024 Arizona Board of Executive Clemency (Board) performance audit and sunset review found that the Board had taken 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. We made 13 recommendations to the Board.

**Board’s status in implementing 13 recommendations**

Implementation status	Number of recommendations
<input checked="" type="checkbox"/> <b>Implemented</b>	4 recommendations
<input type="checkbox"/> <b>In process</b>	7 recommendations
<input type="checkbox"/> <b>Not implemented</b>	2 recommendations

We will conduct an 18-month followup with the Board on the status of recommendations that have not yet been implemented.

**Finding 1: The Board did not fully comply with all conflict-of-interest reporting requirements and its practices did not fully align with recommended practices.**

1. Continue to revise and implement its conflict-of-interest policies and procedures to help ensure compliance with State conflict-of-interest requirements and implementation of recommended practices, including:
  - a. Requiring Board members and employees to complete an Arizona Department of Administration (ADOA) disclosure form upon appointment/hire, including attesting that no conflicts exist, if applicable, and reminding them at least annually to update their disclosure form when their circumstances change, consistent with recommended practices.

**Implemented at 12 months**—The Board adopted new conflict-of-interest policies and procedures, effective September 2024, that require Board members and employees to complete the ADOA conflict-of-interest disclosure form upon appointment or hire, which requires them to attest that no conflicts exist, if applicable. In addition, rather than requiring annual reminders, the Board’s policies and procedures require Board members and employees to annually complete the ADOA conflict-of-interest disclosure form and to

promptly update any disclosures previously made. Our review of Board disclosure forms found that all employees and Board members had completed a disclosure form upon hire or appointment, as well as annually in July 2024, and July 2025. In addition, the Executive Director sent an email in July 2025 reminding staff and Board members to update their disclosure forms when their circumstances change.

- b. Implementing a process to track Board member/employee completion of conflict-of-interest disclosure forms, including the date the form was completed.

**Implemented at 12 months**—The Board has continued implementing the process it developed during the audit to track conflict-of-interest form submittals, which requires the Board’s Executive Director to track and monitor completion of disclosure forms. Our review of the Board’s conflict-of-interest tracking spreadsheet found that it accurately reflected that all Board members and employees had submitted forms upon hire or appointment, as well as annually in July 2024 and July 2025, as explained in recommendation 1a.

- c. Storing all substantial interest disclosures, including disclosure forms and meeting minutes, in a special file available for public inspection.

**Implementation in process**—The Board has begun implementing a process for storing substantial interest disclosure forms and related documentation in a special file that is available for public inspection, as required by statute. Specifically, the Board has created a special file to store substantial interest disclosures, including any relevant documentation such as meeting minutes, and our March 2025 review of the special file found that it contained all conflict-of-interest disclosure forms completed by employees and Board members. According to the Board, it did not have any Board meeting recusals to report and, therefore, no recusals were recorded in the special file.

However, the Board’s conflict-of-interest policies and procedures do not specify the Executive Director’s role or responsibility to maintain a special file, as required by statute, nor do they indicate how compliance will be maintained. We will further assess the Board’s implementation of this recommendation during our next followup.

- d. Establishing a process to review and remediate disclosed conflicts.

**Implementation in process**—According to the Board’s new conflict-of-interest policies and procedures, if an employee or Board member discloses a substantial interest, the disclosure is reviewed by the Executive Director and discussed with the Board Chair and/or General Counsel, as appropriate. Additionally, according to its updated Hearing Recusal policy, the Board must maintain a list of recusals as well as supporting memos/documentation, including Board members’ reasons for recusal, within both the special file described in recommendation 1c and the inmate case files. Our March 2025 review of the Board’s special file and Board meeting minutes between October 2024 and March 2025 did not identify any substantial interest disclosures or recusals that required review and remediation. Therefore, we will further assess the Board’s implementation of this recommendation during our next followup.

- e. Providing periodic training on its conflict-of-interest requirements, process, and disclosure form, including providing training to all Board members and employees on how the State's conflict-of-interest requirements relate to their unique programs, functions, or responsibilities.

**Implementation in process**—In an effort to improve its training on conflict-of-interest requirements, the Board requested that the Arizona Attorney General's Office conduct a special training in February 2025. Our review of the training materials found that the training addressed relevant conflict-of-interest statutes, and the Board's disclosure process and recusal protocols as specified in the Board's conflict-of-interest policies and procedures. Our review of the Executive Director's continuing education log showed that all Board members and employees either attended the training in person or viewed the recorded session. Although this one-time training was provided, the Board has not yet developed a periodic training that addresses all conflict-of-interest requirements, its conflict-of-interest processes, and disclosure form, including providing training to all Board members and employees on how the State's conflict-of-interest requirements relate to their unique programs, functions, or responsibilities. According to the Board, it will provide an annual training to all staff and Board members before the end of fiscal year 2026. We will further assess the Board's implementation of this recommendation during our next followup.

## **Sunset Factor 2: We identified 4 areas where the Board could better meet its statutory objective and purpose and/or improve its efficiency.**

2. The Board should consistently track victim notification requirements for hearings, including whether notices have been sent, and adopt oversight procedures to ensure notices are tracked correctly and sent timely.

**Not implemented**—Although the Executive Director reported implementing a secondary review of victim notification logs to ensure that notices are sent to appropriate parties in accordance with statute, this oversight process is not documented in written policies and/or procedures. Additionally, while our review of the 485 notifications listed as being sent between November 2024 and March 2025 did not identify any missed or late notifications, it did reveal 140 records with duplicate entries or inaccurate notification dates, which reflected actions taken in January 2024, 11 months earlier than November 2024 when the earliest notification should have occurred. Our review also revealed 7 records that contained no case information. We will further assess the Board's implementation of this recommendation during our next followup.

3. The Board should hold revocation hearings within 60 days of an inmate's arrest and return to custody.

**Implementation in process**—The Board has improved the percentage of revocation hearings held within 60 days of an inmate's arrest and return to custody by prioritizing these cases on its hearing calendar. Specifically, as of March 1, 2025, the Board adjusted its hearing calendar to move revocation hearing days from Mondays and Thursdays to Tuesdays and Thursdays to reduce the

impact that Monday holidays have in reducing available hearing days. Additionally, our review of Board hearing calendar information from January through May 2025 found that approximately 20% of revocation hearings exceeded the 60-day requirement, compared to our finding in the September 2024 performance audit and sunset review that 33% of revocation hearings exceeded the 60-day timeframe. Finally, the Board reported piloting the addition of a revocation hearing day each month, when possible, by using one of the days typically reserved for parole or commutation hearings.<sup>1</sup> Because it began this pilot in January 2025, the Board has yet to fully assess the impact of this effort on timely completing revocation hearings and other hearings it must conduct. We will further assess the Board's implementation of this recommendation during our next followup.

4. The Board should develop and implement a process for tracking its compliance with the 60-day time frame for holding revocation hearings after an inmate's arrest and return to custody.

**Implementation in process**—The Board has taken initial steps to track its compliance with the 60-day time frame for holding revocation hearings after an inmate's arrest and return to custody. Specifically, as described in our September 2024 audit report, the date that an individual is returned to custody is the date that the 60-day time frame must begin, but the Board did not previously track this date. In June 2025, the Board began recording the return-to-custody date from the warrant for each case involving a potential revocation. This will enable it to track compliance with the 60-day timeframe. However, the Board has not yet developed policies and procedures around this process, including procedures for calculating and tracking the number of days between the return-to-custody date and the revocation hearing date. We will further assess the Board's implementation of this recommendation during our next followup.

5. The Board should develop and implement a process for identifying those cases where the revocation hearing is at risk of being held after the 60-day time frame and prioritize holding these revocation hearings.

**Not implemented**—As discussed in recommendation 4, the Board has taken initial steps toward tracking its compliance with the 60-day time frame for holding revocation hearings after an inmate's arrest and return to custody. However, the Board has not yet developed or implemented a process for identifying those cases where the revocation hearing is at risk of being held after the 60-day time frame and prioritizing holding these revocation hearings. We will further assess the Board's implementation of this recommendation during our next followup.

6. The Board should obtain inmates' warrants electronically from the Arizona Department of Corrections, Rehabilitation, & Reentry (ADCRR).

**Implemented at 12 months**—According to the Board, in October 2024, it implemented a process to receive inmates' warrants electronically from ADCRR. The Board provided us with an email thread between the Board and ADCRR documenting the new electronic submission process. According to the Board, this change is expected to ensure all warrants are reported to the Board

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<sup>1</sup> According to the Board, this may temporarily reduce the number of commutation hearings conducted, but it reflects the Board's efforts to prioritize timely resolution of revocation matters. The Board reported that it plans to substitute a revocation hearing day for a parole/commutation hearing day when parole/commutation hearings are minimal.

electronically, streamlining the Board's receipt of warrants and reducing administrative delays that previously contributed to late scheduling of revocation hearings.

7. The Board should establish consistent communication with ADCRR to notify ADCRR of any delays in receiving inmates' warrants and to discuss and establish expectations and/or goals for ADCRR's timely delivery of warrants to the Board. The Board should document any agreed upon expectations and/or goals that result from these communications, including considering the need for entering into a written agreement, such as a memorandum of understanding or an intergovernmental agreement, with ADCRR that establishes formal time frame expectations and/or goals for receiving inmates' warrants.

**Implementation in process**—As of March 2025, the Board has established consistent and ongoing communication with ADCRR to address the timely delivery of inmate warrants. Specifically, email correspondence between ADCRR and the Board shows that ADCRR has been providing regular performance data to the Board since October 2024, including monthly reports that track the number of days from an inmate's entry into ADCRR custody to the submission of the warrant to the Board, with the goal that all warrants would be submitted to the Board within 30 days. According to the monthly communications, from October 2024 through March 2025, ADCRR has met the 30-day warrant delivery time frame approximately 98.8% of the time, with approximately 95.5% of warrants delivered in 20 days or less. According to the Board, it does not see a need for entering into a written agreement, such as a memorandum of understanding or an intergovernmental agreement, because the Board believes the current process has resulted in timely notifications. However, the lack of documentation of the expectations/goals the Board and ADCRR have agreed to increases the risk that the current arrangement between the Board and ADCRR does not consistently continue in the long-term. We will further assess the Board's implementation of this recommendation during our next followup.

8. The Board should develop and implement a structured decision-making model appropriate for use in Arizona to assist Board members in reaching consistent and accurate decisions.

**Implementation in process**—As of October 2025, the Executive Director has conducted preliminary research on how other jurisdictions use a structured decision-making (SDM) model or risk assessment tools, including models from Utah, California, Ohio, and Canada; however, the Board has not yet developed or implemented an SDM to support consistent and evidence-based release decisions. According to the Board, it will continue to explore SDM options that may be appropriate for use in Arizona and will make a determination of whether to implement a SDM, or an alternative, by the end of calendar year 2026. We will further assess the Board's implementation of this recommendation during our next followup.

9. In coordination with ADCRR, the Board should develop and implement a process for tracking whether any inmate whose sentence was commuted by the Governor ever reoffends and is incarcerated with ADCRR to help assess the impact and usefulness of and improve its commutation recommendations.

**Implemented at 12 months**—In September 2024, the Board developed and implemented a process to track whether inmates whose sentences were commuted by the Governor subsequently

reoffend and are reincarcerated with ADCRR. This process includes the name of each individual granted commutation, and whether the individual had returned to custody, deceased, or was otherwise free pursuant to the commutation. The process includes quarterly “custody checks” for each individual granted a commutation through which the Board determines whether the individual had returned to custody during that quarter. Further, the Board conducted a retroactive review of all individuals granted commutations between 2015 and June 2025, and compared individuals granted commutation to warrants subsequently received from ADCCR for those individuals who were granted commutation. As of June 2025, the Board’s tracker showed that none of the 76 individuals granted commutation during this time reoffended and returned to ADCRR custody following a commutation. However, in July 2025, the Board received notification that an individual who had previously been granted parole had violated their terms of supervision and was returned to custody. The Board reported that, in November 2025, it revoked the parole.