
PARDON AND PAROLE BOARD
Policy and Procedure Manual

Policy 123 – Ethics and Conflict of Interest Policy

POLICY

In an effort to promote confidence, transparency, and accountability, the Pardon and Parole Board (PPB) shall establish an ethics policy, which prescribes the core standards of conduct for the Board members.

Ethics

Board members shall:

1. Perform his or her official duties in a lawful, professional, and ethical manner befitting the state and the Board.
2. Report any conduct or activity that he or she believes to be in violation of this ethics policy to the Chairman and the Board’s Executive Director, Deputy Director, or Staff Attorney.
3. Comply with all state statutes or court orders regarding confidentiality.

Board members shall not:

1. Solicit, demand, accept, or agree to accept any gift, favor, gratuity, or service that may reasonably be interpreted as influencing the member in the discharge of their official duties or that the Board member knows or should know is being offered with the intent to influence the Board member’s official conduct;
2. Intentionally or knowingly solicit, demand, accept, or agree to accept any benefit for having exercised his or her official powers or performed his or her official duties in favor of another;
3. Utilize state time, property, facilities, or equipment for any purpose other than official state business, unless such use is reasonable and incidental and does not result in any direct cost to the State or the Board, interfere with the Board member’s official duties, or interfere with the Board’s functions;
4. Utilize his or her official position for financial gain, obtaining privileges, or avoiding consequences of illegal acts;

Conflicts of Interest for Board Members

Any Board member who is aware of a conflict of interest shall recuse himself or herself from a matter pending before the Board if it would impact the member’s impartiality. Conflict of interests include, but are not limited to the following:

1. The Board member was a witness in a relevant court case;
2. The Board member has acted as an attorney in a matter involving the offender;

3. The Board member was directly involved in the arrest or prosecution proceeding in which the offender was a party;
4. The Board member, the spouse of the Board member, or a relative of the Board member is the attorney for the offender;
5. The Board member is a relative of the offender; or
6. The Board member is biased, prejudiced, has had a previous personal involvement in a case, has a personal interest in the case or its outcome, or biased or is prejudiced toward or against the offender or the offender's attorney to the extent that the Board member would be unable to fairly and impartially participate in the hearing.

If there is a conflict of interest, the Board member should recuse from any vote in which the Board member's impartiality might reasonably be questioned due to the Board member's personal or financial relationship with a participant in the proceeding. If the Board member is uncertain whether the conflict of interest justifies recusal, then the Board member shall disclose the relationship to the chairperson presiding over the proceeding.

The Chairperson will determine the extent to which, if any, the member will be permitted to participate. If the affected member is the person presiding, then the Vice-Chairperson shall make the determination.

Procedures When a Delegate or Victim Make Contact with Individual Board Members

If a Board member is contacted via letter, text, email, or in person by an inmate, applicant, or interested person who may be in support of or protesting an inmate, who is, or will be, considered for a parole, pardon, commutation, or clemency, the Board member shall direct such person to the administrative office of the Pardon and Parole Board or the website for instructions on how to request, protest, or provide support.

The Board members will adhere to the same deadlines for submission of information as the public. Any late information not allowed from the public shall not be allowed from a Board member.

The administrative staff of the Board shall provide information on the process and timelines for submitting or presenting such information.

While contact with inmates or interested parties cannot always be avoided, Board members should make every attempt to redirect the interested party to the administrative office in order to avoid an actual or perceived conflict of interest and to maintain compliance with the Open Meeting Act.

BASIS FOR POLICY AND PROCEDURES

A. Policy 101 – Duties and Responsibilities of the Pardon and Parole Board

Approved: September 17, 2018