

ARMY CLEMENCY AND PAROLE BOARD

Organization and Administration Standing Operating Procedures

1. Purpose. To establish policies and procedures for the organization, administration and management of the Army Clemency and Parole Board (ACPB).
2. References.
 - a. Department of Defense Instruction (DoDI) 1325.07, Administration of Military Correctional Facilities and Clemency and Parole Authority.
 - b. Army Regulation (AR) 15-130, Army Clemency and Parole Board.
 - c. AR 190-47, The United States Army Corrections System.
 - d. American Correctional Association (ACA) Standards for Adult Parole Authorities, 2nd Edition.
 - e. U.S. Probation Officer's Manual, Chapter 9 Military Parole.
3. Applicability. This Standing Operating Procedure (SOP) applies to all employees who work in the ACPB, to all agency employees, persons or organizations conducting business with or providing services to the agency, and to all prisoners and supervisees under the jurisdiction of the agency.
4. Definitions. See Annex A.
5. Policies.
 - a. The ACPB is the single authority which has parole decision-making power with respect to all Army prisoners convicted of a felony who are sentenced to a term of imprisonment and are eligible for discretionary parole. (2-1001)
 - b. DoD Correctional Facility parole supervisory staff and United States Probation Officers (USPOs), though not assigned to the ACPB, provide information requested to the ACPB in all areas determined by agreements, policy or procedures. (2-1003) DoDI 1325.07, Army Regulations 15-130 and 190-47, USPO Manual Volume 10, Chapter 9, and ACPB SOPs provide specific policy and procedures.
 - c. The ACPB determines the general and specific conditions of parole/MSR to be enforced during the supervision of supervisees. Changes recommended by the respective USPO must be approved in writing by the ACPB Chairman. (2-1004)
 - d. All staff members assigned to the ACPB are responsible to the Deputy Assistant Secretary of the Army (Review Boards) (DASA (RB)) with respect to carrying out the policies of the ACPB. (2-1005) The DASA (RB) delegates certain responsibilities to the ACPB Chairman and the ACPB Board Manager.

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e. The ACPB has the authority to secure prompt and full information which it deems necessary from courts, institutions, USPOs, and other applicable agencies. (2-1006)

f. The ACPB has the power to grant or deny parole. (2-1007)

g. The ACPB has the authority to request a warrant to cause the arrest of supervisees (parole/Mandatory Supervised Release (MSR)) and the authority to revoke supervision. (2-1008)

h. The ACPB has the authority to discharge supervisees from supervision. (2-1009)

i. It is the policy of the ACPB to review prisoners for clemency once annually after first eligible and upon request of the prisoner. (2-1011)

j. The ACPB regulations and SOPs are readily available to prisoners, supervisees, staff and the public and are reviewed at least annually, and updated if needed. (2-1014)

k. The ACPB has a written set of long-range goals and objectives which are reviewed annually, and updated if needed. (2-1022)

l. It is the policy of the ACPB for the ACPB Chairman or his/her representative to meet at least semiannually with the Commanders of institutions from which paroles are granted and/or with the head of each Service correctional agency to develop means of coordinating programs, to undertake joint planning, and to agree on means of implementing and evaluating such plans. (2-1024)

m. It is the policy of the ACPB that each member of the ACPB visits one or more correctional institutions and a representative sample of the community facilities in the jurisdiction at least annually, specifically for the purpose of meeting with staff and prisoners to exchange information about programs, institutional operations, and parole policies and procedures. (2-1025)

n. It is the policy of the ACPB that a member of the ACPB meets at least semiannually with the administrative staff of the Federal Probation System to develop means of coordinating efforts, to undertake joint planning, and to agree on means of implementing and evaluating such plans. (2-1026)

o. It is the policy of the ACPB that at least one member of the ACPB meets at least annually with representatives of the Office of the Provost Marshal General, Office of The Judge Advocate General (OTJAG), and the Army Corrections Command (ACC) to develop means of coordinating programs, to undertake joint planning, and to agree on means of implementing and evaluating such plans. (2-1027)

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p. Members of the ACPB, or their representatives, initiate continuing interaction with the field parole staff through participation in training and supervision activities, and visits to field offices. (2-1028)

q. Each ACPB will have five members assigned, but a quorum consists of no less than three members. (2-1043)

r. One of the members of the parole authority is designated as ACPB Chairman. (2-1044)

s. ACPB Board Manager shall maintain supervision of the parole authority's staff. Applicable ratio shall be ten staff persons to one supervisor. (2-1016)

t. The ACPB prohibits discrimination on the basis of disability in decisions and in the provisions of services, programs, and activities administered for prisoners, supervisees, and staff. (2-1020)

u. The ACPB is an equal opportunity/affirmative action and equal employment agency. ACPB will comply with AR 690-12, Equal Employment Opportunity and Affirmative Action. All hiring policies will be reviewed on an annual basis to ensure compliance and will adhere to Merit System Principles. Equal employment opportunities exist for all ACPB positions. The agency can document when deficiencies are noted in utilizing the implementation of its affirmative action program. The program is reviewed annually. (2-1050)

v. Prior to hearing, Board Members and analyst review information available in writing or electronically in the ARBA module about a prisoner's current offense, prior history, events in the case since any previous hearing, prisoner's institutional conduct and programming efforts, results of a validated risk assessment tool, information about and viability of the prisoner's future plans including relevant conditions in the community, and any responses from the community regarding the prisoner's potential release, including prosecuting attorney and sentencing judge. (2-1074)

w. Facilities will provide notification to the registered victim(s) of a crime prior to any release from confinement of the prisoner and/or escape from custody. Follow-up notification to victim(s) occurs when escapees are returned to custody. AR 190-47 addresses all notification requirements and procedures. (2-1128-1)

x. ACPB staff and Board Members do not seek or hold public office which would represent a conflict of interest while a member of the ACPB IAW DoD and Army policies and regulations governing political activities. (2-1038)

y. ACPB staff and Board Members are covered by a merit system, which complies with equal employment and affirmative action provisions, and are paid at a level equal to other employees of the jurisdiction who are doing comparable work. (2-1048)

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z. Sexual harassment, whether explicit or implicit, negatively impacts our dignity, will not be tolerated and is strictly prohibited. Everyone has the right to work and live in an environment free of sexual harassment. Sexual harassment complaints can be processed through supervisors, equal opportunity advisors, IG and other channels. Employees are subject to disciplinary action if found guilty of sexual harassment charges. (2-1050-1)

aa. All documentation, whether in ACIS or paper copy, is to be verified by both the correctional facility and by the parole analyst at the ACPB. Any information not verified is so marked. The parole plan section will state the prisoner version and if verified so annotated. (2-1077)

bb. The ACPB supports a drug free workplace for all employees and will follow DoDI 1010.09 DoD Civilian Employee Drug-Free Workplace Program. Employees are prohibited from the use of illegal drugs and possession of any illegal drugs. There are no official duties in the ACPB that requires possession of illegal drugs in performance of their duties. Staff (military and civilian) will be randomly tested for drugs under the HQDA program. Civilians and Military staff have the opportunity for treatment and counseling for drug abuse under Army Employee Assistance Program and Army Drug and Alcohol Program. Penalties for violation of drug possession or use can be found in DoDI 1010.09 for civilians and or the UCMJ for soldiers. (2-1051)

cc. All employees of ARBA receive an annual written performance review IAW Army policy. Face to face counseling is done throughout the year and recorded. Evaluations are based on objectives (criteria) established at the beginning of the respective rating period. (2-1053-1)

dd. The ACPB follows the Army Standards of Conduct (includes Code of Ethics) that is briefed and provided to all Soldiers and Civilians upon entry into the military or civil service. (2-1038-1)

6. Organization of the ACPB.

a. ACPB Establishment. The ACPB is established in accordance with, Title 10, United States Code section 952, and DoDI 1325.07. The ACPB is the primary agency charged with responsibility for the exercise of Secretarial clemency and parole authority. (2-1001)

b. ACPB Organization

(1) The Army Review Boards Agency (ARBA) and the ACPB have a current organizational chart (See Annex B) that accurately reflects the structure of authority, responsibility and accountability within the agency. The chart is reviewed annually in January with this SOP by ARBA staff and updated if needed. (2-1012)

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(2) The ACPB is under ARBA, which is under the Assistant Secretary of the Army for Manpower and Reserve Affairs (ASA (M&RA)), and not under a correctional agency. (2-1002)

(3) The DASA (RB) is the senior executive of the ACPB. The DASA (RB) manages the ACPB and delegates specific responsibilities as outlined in ACPB SOPs.

(4) The ACPB consists of part-time and full-time staff. The ACPB Chairman, ACPB Board Manager, Analyst(s), Operations Officer, and Clemency Assistant are full-time staff. Board Members are active duty Soldiers or civilian staff in ARBA who are special staff or participate on other boards, and are part-time ACPB Board Members. (2-1034, 2-1039)

(a) Civilian Board Members must be GS-13 or above with at least a Bachelors degree. Military Board Members must be a Field Grade officer (MAJ or above) with at least a Bachelors degree. It is preferred for all Board Members to have at least three years of criminal justice experience or equivalent experience in a relevant profession such as military command experience. (2-1035, 2-1036)

(b) Civilian Board Members do not have a set term. Military Board Members have a set term of one, three, or four years depending on status, Army regulations, and needs of the Army. Tour extensions can be requested and granted so that Board Member turn-over does not occur all at one time. (2-1040, 2-1041)

(c) Civilian analyst(s) will have either a Bachelors or Associates degree and three or more years of experience working with a civilian parole board authority, or Associates degree and three or more years of criminal justice experience (i.e. civilian corrections officer, police officer, parole officer, military police Soldier, or military paralegal). (2-1052, 2-1053)

(d) All ACPB staff and Board Members are selected, retained, and promoted using the Army Personnel Management System and Civilian Personnel Management System. Board Members and staff can be removed for good and demonstrated cause. Staff and Board Members can request a hearing prior to removal. (2-1040)

(5) The ACPB operates under the Army budget system IAW Army Regulation 1-1. The ACPB budget is a sub-part of the ARBA budget. The ACPB budget (personnel, operational, travel) is clearly defined and is subject to the DASA (RB) administrative control, which is further delegated down to the ACPB Chairman and ACPB Board Manager. (2-1029)

(a) The ACPB requirements are projected yearly and included in the POM five year plan. Current year requirements are adjusted throughout the year to meet

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program functions, duties, activities and missions. Additional dollars can be requested as required. (2-1030)

(b) The DASA (RB) and the budget officer brief the budget with justification to the M&RA/G-1, OA22, and OO PEG. Following the OO PEG approval it becomes part of the Army budget that is submitted to Congress for approval. (2-1031, 2-1032)

(c) The DASA (RB) solicits input to the budget from the ACPB staff. (2-1033)

7. ACPB Purpose. The ACPB is established to:

a. Make sound, independent determinations regarding prisoners sentenced by court-martial and confined at a military correctional facility such as:

(1) Approving parole and determining general and specific conditions of parole. (2-1001; 2-1004; 2-1007)

(2) Disapproving parole. (2-1007)

(3) Rescinding parole.

(4) Suspending parole.

(5) Revoking parole. (2-1008)

(6) Advancing parole eligibility.

(7) Terminating parole. (2-1009)

b. Make sound, independent recommendations regarding eligible individuals sentenced by courts-martial, concerning the following clemency actions:

(1) Remission or suspension of the unexecuted portion of any sentence adjudged by a court-martial, including all uncollected forfeitures and fines, other than a sentence approved by the President.

(2) Remission or suspension of the unexecuted portion of a sentence adjudged by a court-martial extending to death that, as approved by the President, has been commuted to a lesser punishment.

(3) Upgrading, for good cause, an unexecuted punitive discharge to another punitive discharge and upgrading, for good cause an executed punitive discharge to another punitive or administrative discharge.

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(4) Restoration to duty of an individual whose court-martial sentence does not include a punitive discharge or includes a punitive discharge that is either suspended or unexecuted.

(5) Affect uniformity in sentences for similar prisoners so far as practical.

(6) Reenlistment of an individual whose court-martial sentence includes an executed punitive discharge. (2-1010)

(7) Cancellation or ending of parole. (2-1009)

8. Responsibilities.

a. Deputy Assistant Secretary of the Army (Review Boards) (DASA (RB)). The DASA (RB), will

(1) Oversee ACPB operation and supervise the ACPB Chairman and ACPB Board Manager. As the senior executive of the ACPB, the DASA (RB) may delegate specific responsibilities to the ACPB Chairman and ACPB Board Manager.

(2) Take final action on clemency actions recommended by the ACPB.

(3) Decide all appeals from military prisoners denied parole by the ACPB.

(4) Oversee the planning and execution of the ACPB Initial and Recurrent Training Programs. (2-1054).

(5) Oversee the preparation of the annual budget for the ACPB, ensuring that there is input from the ACPB staff. (2-1031; 2-1033).

(6) Conduct an annual review of the policies of the ACPB, with input from the ACPB staff and Board Members. (2-1013)

(7) Be responsible for organizing, staffing, controlling and directing the work of the ACPB's staff. (2-1047)

(8) Act as the official spokesperson for the ACPB unless delegated to the ACPB Chairman or ACPB Board Manager. The Army Public Affairs Office may also speak for the ACPB with the press after coordination with the ACPB. The official spokesperson expresses views at all times which are consistent with approved policies of the ACPB. (2-1046)

b. ACPB Chairman. The ACPB Chairman, will-

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(1) Preside over all sessions of the ACPB, or will appoint a temporary presiding officer in his/her absence. (2-1044, 2-1045)

(2) Conduct liaison activities concerning parole and clemency with local, state, military and federal criminal justice agencies and parole and supervision agencies.

(3) When delegated, act as the official spokesperson for the parole authority. When acting as the official spokesperson, the ACPB Chairman expresses views at all times which are consistent with approved policies of the ACPB. (2-1046)

(4) Cause the arrest of those under supervision after careful review of the USPO and ACPB analyst recommendations concerning supervision violations. (2-1008)

(5) Oversee the activities of the hearing officers and revocation process.

c. ACPB Board Manager. The ACPB Board Manager will-

(1) Supervise the ACPB staff.

(2) Manage ACPB operations and tasking. Track all internal and external ACPB actions to ensure actions are completed accurately and in a timely fashion.

(3) Coordinate the work schedules, assign cases to support the ACPB Chairman and assign ACPB staff to conduct parole hearings, as delegated by the DASA (RB). (2-1045)

(4) Provide support to the ACPB Chairman concerning board hearings and any taskings requiring assistance.

(5) Coordinate annual reviews, updates, and revisions of AR 15-130 and all ACPB regulations and SOPs.

(6) Conduct at least monthly meetings with the ACPB staff, and share information from the chairman or DASA during the meetings or by an electronic communication system. (2-1017, 2-1045)

(7) Manage ACPB training program.

(8) When delegated, act as the official spokesperson for the parole authority. When acting as the official spokesperson, the ACPB Board Manager expresses views at all times which are consistent with approved policies of the ACPB. (2-1046)

(9) The Board Manager will contact the USPO 90-120 days following the release of a sex offender from confinement to verify the supervisee has been enrolled in

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a sex offender treatment program and has registered as a sex offender. A synopsis of the contact with the USPO will be entered into the ARBA module.

d. ACPB Board Members. All Board Members are assigned to ARBA and are designated to sit on the ACPB. All Board Members are part-time except for the ACPB Chairman. (2-1039) Board Members will-

(1) Read and prepare notes for discussion on each case prior to board hearing.

(2) Recuse him/herself from cases in which he/she cannot render a fair and impartial decision based on prior knowledge or involvement in a case. Any Board Member who feels he/she will not be able to render a fair and just decision in a specific case, will recuse him/herself from the case by selecting "recusal" on that case in the ARBA module.

(3) Exercise the authority to recommend granting or denying parole. (2-1007)

(4) Participate in training and facility visits.

e. ACPB Staff. All ACPB staff, other than the ACPB Chairman and Board Members works for and reports to the ACPB Board Manager

(1) ACPB Staff Analyst. Analyst will-

(a) Manage assigned caseload. Ensure all cases are prepared and heard according to policy and procedures.

(b) Prepare cases IAW AR 15-130 and ACPB SOPs. Coordinate with USPOs, correctional facility staff, others agencies, victims, and offender family members as required to prepare cases. Send completed cases to Board Members seven days in advance of board date with the exception of parole/MSR violation cases.

(c) Recuse him/herself from cases in which he/she cannot render a fair and impartial decision based on prior knowledge or involvement in a case. Any analyst who feels he/she needs to recuse him/herself from a case needs to coordinate moving that case to another analyst with the ACPB Board Manager.

(d) Present cases at parole board and conduct preliminary interviews and violation hearings.

(e) Prepare and conduct training of ACPB Board Members and staff, and correctional facility staff.

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(f) Attend training IAW ACPB Training SOPs to maintain proficiency. Conduct site visits of military facilities and US Probation and Pretrial Services field offices to coordinate actions and discuss operations. (2-1057; 2-1059)

(g) An ACPB Analyst will contact the USPO of their assigned supervisee six months following release from confinement and six months following the annual board to check on the status of the supervisee and see if the ACPB can assist the USPO in any way. A synopsis of the contact with the USPO will be entered into the ARBA module.

(h) Complete other taskings as assigned by the ACPB Board Manager.

(2) ACPB Clemency Assistant. The Clemency Assistant will-

(a) Provide administrative assistance to the ACPB staff.

(b) Perform board recorder duties for the ACPB.

(c) Manage and maintain hard copy case files and other ACPB files.

(d) Review and assign cases in the ARBA module. Conduct final review and return completed cases.

(e) Assist the ACPB Board Manager in collecting and producing requested statistical and research reports.

(f) Attend training IAW ACPB Training SOP to maintain proficiency. (2-1057; 2-1059)

(g) Complete other taskings as assigned by the ACPB Board Manager.

f. ARBA special staff. The ARBA special staff will support the ACPB as needed, according to directives established by the DASA (RB) and IAW this SOP

(1) ARBA legal staff. Legal assistance is readily available to the ACPB from the ARBA legal staff to meet the ACPBs requirements in policy formulation, and to advise in individual cases, and to coordinate with OTJAG when the ACPB is required to appear before courts and other appropriate bodies. ARBA legal staff will review all policy updates and provide legal staff for each ACPB. The OTJAG will provide legal representation when required to appear before courts and other appropriate bodies. The ACPB is represented before the courts by the Litigation Division of the OTJAG. (2-1018)

(2) Logistical and budgetary assistance is provided to the ACPB by the ARBA budget staff.

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9. Procedures

a. Administration

(1) Army Regulation 15-130, Army Clemency and Parole Boards.

(a) AR 15-130 will be reviewed annually in June and revisions and updates will be completed as needed. (2-1013) ACPB Board Manager will coordinate the review. Staff is encouraged to submit recommendations for updates. Internal reviews will include ACA accreditation manager and legal office.

(b) Correctional Facilities and USPOs will be consulted when developing policies or procedures that directly affect their operation. The ACA accreditation manager must review all recommended changes.

(c) Interim changes and waivers can be done during the year when approved by the DASA (RB). All interim changes will be incorporated and published during the annual review. The ACA accreditation manager will submit changes based on changes to applicable ACA standards.

(d) Interim changes will be made to the regulation whenever the applicable DoDI is updated.

(e) Revisions to the AR will be staffed and published IAW Army guidance.

(f) AR 15-130 is made available to prisoners, supervisees (parole/MSR), staff and the public through the Army web site, ARBA web site and facility libraries. Copies will be provided upon request. (2-1014)

(2) ACPB SOPs. The ACPB will maintain a manual of uniform policies and procedures expressing agency philosophy, goals, and operational procedures. These written policies and procedures shall be made available to all employees as described in the following procedures section. Policies and procedures shall be monitored regularly and revised as necessary to ensure compliance with agency program goals. The following actions shall accomplish these goals:

(a) SOPs will be reviewed annually in January and revisions and updates will be completed as needed. The ACPB Board Manager will coordinate the review. Staff are encouraged to participate actively in policy and procedure development and to submit recommendations for updates.

(b) All internal reviews and change proposals will be staffed through the ACA accreditation manager and the ARBA legal office.

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(c) Interim changes can be done during the year when approved by the DASA (RB). All interim changes will be incorporated and published during the annual review. Interim changes will be done whenever the DoDI is published in order to capture all changes. The ACA accreditation manager will submit changes based on changes to applicable ACA standards.

(d) Correctional Facilities and USPOs will be consulted when developing policies or procedures that directly affect their operation.

(e) AR 15-130 and ACPB SOPs are made accessible to all employees and to the public. AR 15-130 is made available to prisoners, supervisees (parole/MSR), and the public through the Army web site, ARBA web site and facility libraries. Copies will be provided upon request. Staff has copies of all policy and procedure documents or access through the internet.

(3) Long Range Goals and Objectives. The ACPB has a written set of long-range goals and objectives that are reviewed annually and updated if needed. (2-1021) The process is as follows:

(a) The DASA (RB) will approve the philosophy, goals, and objectives. Philosophy, goals, and objectives will be published in Annex C of this SOP and on the ACPB website. (2-1021)

(b) The ACPB Board Manager will direct the review process of long-range goals and objectives with input from the ACPB Chairman, ACPB staff and Board Members, and in consultation with the DASA (RB). ACPB staff will provide input to the development of philosophy, goals, and objectives.

(c) In January of each year, ACPB staff will participate in evaluating and identifying progress made in reaching practical and specific objectives of the long-range plan. The ACPB Long-Range Plan with its associated Goals and Policy Objectives will be reviewed to ensure they continue to satisfy all regulatory requirements, established standards, and guidelines. They may also be reviewed throughout the year as conditions warrant. (2-1022)

(d) Long-range goals and objectives will be reviewed annually in January and updated if needed. (2-1021)

(4) Meetings.

(a) Staff meetings. Open channels of communication must operate between all persons within the agency. Effective verbal and written communications between staff members, and between staff members and supervisors shall promote a more efficient operation and a sharing of viewpoints. To enhance the communication process, the DASA (RB) shall conduct monthly staff meetings. Attendees shall include

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ACPB Chairman and ACPB Board Manager. Special staff will be invited as required. DASA (RB) will brief notes from the ASA (M&RA) meeting (if applicable) and provide guidance. (2-1017)

(b) The ACPB Board Manager will conduct monthly meetings with the ACPB staff. Staff will provide updates of case loads and special projects and present issues with which they require assistance and/or guidance. The ACPB Board Manager will provide information from the meeting with the DASA (RB), ACPB Chairman, and any pertinent information from the field if not previously provided to the staff.

(c) The ACPB shall hold scheduled meetings with other criminal justice agencies at least minimally as follows.

(1) DoD Correctional Facility Commanders Meeting. At least one member of the ACPB shall meet semiannually with Commanders of institutions from which paroles are granted and/or with the Commander or Deputy Commander of the ACC to develop means of coordinating programs, undertake joint planning and agree on a means of implementing and evaluating such planning. These can be conducted at scheduled ACC teleconferences and meetings or unscheduled meetings as issues or need arises. (2-1024)

(2) DoD Correctional Facility Visits. All Board Members shall visit one or more correctional institutions that confine Army prisoners. These visits will include at a minimum a tour of the facility, meetings with key staff to exchange information, and meetings with prisoners individually and/or as a group to discuss parole questions and procedures. (2-1025)

(3) U.S. Probation and Pre-Trial Services meeting. A member of the ACPB shall meet semiannually with the administrative staff of the U.S. Probation and Pre-trial Services to develop joint planning, discuss procedures and programs, and evaluate programs. The ACPB Chairman will meet with the U.S. Probation and Pre-trial Services central office. Any ACPB member can coordinate meetings with field supervisors and field staff while the member is in the field at correctional facilities or conducting hearings at local district parole and probation offices. (2-1026)

(4) Coordination Meetings with Criminal Justice Agencies. An ACPB staff or Board Member shall meet annually with planning representatives of relevant criminal justice agencies, i.e., police, prosecution, courts, to develop joint planning and decide a means to implement and evaluate such plans. This can be done through the Department of Defense (DoD) Corrections Council meetings, Army Corrections Council meetings, or unscheduled meetings throughout the year. Through these meetings and others, the ACPB participates directly in military criminal justice planning efforts, and directly and through the Army in federal criminal justice planning efforts. (2-1027; 2-1023)

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b. Management Information Systems. The ACPB conducts a majority of its cases using ARBA and Army Corrections Information System (ACIS) modules of Centralized Operations Police Suite (COPS). COPS has standard correctional and parole reports along with adhoc query capability. COPS and other ARBA databases can be used to retrieve information for both research and decision-making. (2-1060)

(1) The ACPB has developed and maintains parole outcome measures. (2-1060 and 2-1061)

(2) The ACPB Board Manager will produce quarterly reports that include population characteristics and the status of supervisees and prisoners in the system. Through COPS, ARBA is able to also retrieve information in the ACIS and ARBA modules. This includes standard reports and query reports on request. (2-1060 and 2-1062)

(3) Parole decision-making, statistical, and research data are among the factors used by the ACPB in decision-making and policy development. The ACPB receives feedback on a continuing basis about the outcomes of its parole decisions and there is evidence that this information is acted upon in the reviews and revisions of parole decision-making criteria and policy. (2-1060 and 2-1063)

(4) Consistent with confidentiality and HIPPA requirements, the ACPB collaborates with criminal justice and human service agencies in programs of information gathering, exchange and standardization, including national data collection efforts. IAW DoDI 1325.07 the ACPB submits an annual Clemency/Parole Report using DD Form 2720-1. The ACPB also provides parole information for the annual DoD Corrections Report. The Annual Clemency/Parole Report shall be submitted to the Office of the Under Secretary of Defense (Personnel and Readiness) no later than 16 March for the preceding calendar year. Both reports are provided to the Department of Justice (DOJ) for national statistical use. (2-1062; 2-1064; 2-1127)

(5) The ACPB Manager will ensure the ACPB coordinates its information gathering activities with Army Corrections Facilities and Parole Agencies and will share the results with criminal justice and human services agencies in accordance with the Control and Privacy of Information and Case Materials section of this manual. (2-1064) (2-1068; 2-1069)

c. Research.

(1) Formal Research Programs.

(a) The ACPB permits, encourages, and utilizes internal research, as well as research conducted by outside professionals. Research can be used to improve programs, services, and operations. (2-1066)

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(b) The DASA (RB) or ACPB Chairman will review all research requests and proposals to ensure the materials required and the products to be derived will meet the needs of the ACPB. The DASA (RB) or ACPB Chairman will coordinate all such requests with the ARBA staff and will plan and program the budget and funding requirements for the project. (2-1065)

(c) The ACPB Chairman and ACPB Board Manager will ensure the needs of staff and Board Members concerning data gathering, research query selection, and report presentations are met, and that Board Members and staff are able to participate with researchers in the design and conduct of the project to include which questions should be addressed, which data should be gathered, and how data should be presented. (2-1065; 2-1067)

(d) The ACPB will ensure the privacy and interest of all supervisees, prisoners, and other parties for the cases under study. (2-1068)

(e) For formal research projects, release authority and procedures for release of the research will be coordinated in the approval process to ensure they comply with federal and military requirements and that they receive wide dissemination within the parole and corrections field. (2-1069)

(f) Consistent with confidentiality requirements, ACPB or ARBA collaborates with criminal justice and human service agencies in programs of information gathering, exchange and standardization, including national data collection efforts. (2-1064)

(2) Informal Research.

(a) The ACPB may conduct informal research, data analysis and reviews to determine trends regarding parole success, supervisee recidivism, or other factors related to the ACPB decision-making processes. (2-1060; 2-1066)

(b) ACPB staff and Board Members will participate in the design and preparation of the research project to ensure the requirements of the staff are considered in the design and expected output of the research program. (2-1067)

(c) The ACPB will protect the identity of all supervisees and prisoners and will not release any protected data to researchers. (2-1068)

(d) Release of the results of internal studies will be determined by the DASA (RB) or ACPB Chairman. If approved, the ACPB Chairman will ensure that they receive wide dissemination within the parole and corrections field. (2-1069)

d. Control and Privacy of Information and Case Materials.

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(1) All clemency and parole case information and materials are personal in nature and must be controlled to prevent their improper handling or release. Hard copy and computer files concerning prisoner, supervisee, or applicant records are controlled documents whose release is prohibited without proper authority. All information is either from the individual, correctional facilities, USPOs, family members or victim/witnesses. Access to such files is limited to official use by the ACPB staff and those Board Members who are working on assigned cases. (2-1079)

(2) The nature and source of an inquiry will determine what information may be provided. AR 15-130 sets forth the policy regarding who is entitled to what information. The policy states the ACPB Chairman and the ACPB staff may discuss clemency or parole cases with the following persons consistent with the privacy rights of the individual concerned: the individual concerned, the individual's family, next of kin, or authorized representative, the victim, the victim's family, next of kin, or authorized representative, or any person having a need to know in the performance of his or her official duties or having information required by the ACPB. (2-1079)

(3) When an inquiry is received by the ACPB, the ACPB Board Manager will assign a specific, qualified, individual to respond. Responses may be by telephone, e-mail, fax, or letter, as appropriate. The ACPB Manager will ensure that all inquiries are handled within 20 working days. (2-1079; 2-1128)

(4) The ACPB Board Manager will ensure that all staff, Board Members and any other personnel involved with clemency and parole activities are trained and aware of the Privacy Act restrictions on access, use, and release of personal information concerning supervisees, prisoners, victims/witnesses, and persons requesting clemency.

(5) All ACPB staff and Board Members are required to comply with Privacy Act requirements regarding the handling, care, and disposition of ACPB case materials and files. (2-1079)

(6) Requests for information or for copies of case materials must be handled in accordance with ARBA policy memo "Processing of Freedom of Information Act (FOIA)/Privacy Act (PA) Requests." (2-1079; 2-1128)

e. Public and Legislative Relations.

(1) Public Information Program.

(a) The ACPB has a public information program that consists of a website, brochures, and public presentations at conferences and upon requests. All information sources are tailored to the audience and information may include the ACPB organization, philosophy, mission, objectives, and statistics. (2-1126)

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(b) The ACPB furnishes information biennially to OSD (P&R) that summarizes the activities of the ACPB. The report will include at a minimum required DoD statistics, ACPB objectives, trends in parole release, discharges, problems, accomplishments, and future plans. (2-1127)

(c) ACPB is committed to informing the public and media of ACPB events. The contact for public and media requests is the Office of the Army Public Affairs or the ACPB Board Manager. Both will ensure requests for information are sent to the correct office for response. Specific prisoner and supervisee information is protected by federal laws except for law enforcement purposes and that information authorized to be released to those registered in the victim/witness program. Freedom of Information Act (FOIA) requests will be answered in accordance with FOIA laws. Requested statistical data will be provided if available. Any special event coverage will be coordinated with the Office of the Army Public Affairs. News releases will be done through the Office of the Army Public Affairs. The DASA (RB), ACPB Chairman, ACPB Board Manager, and Office of the Army Public Affairs representative are authorized to speak with the media on behalf of the ACPB. No areas in the Army Review Boards Agency are normally accessible to media representatives. Media interviews or press announcements will be conducted outside the Army Review Boards Agency building or in an area designated by the Army Public Affairs Office or the Deputy Assistant Secretary of the Army (Review Boards). (2-1130)

(2) Legislative Coordination.

(a) Liaison with appropriate Congressional and Senate committees, for the purpose of offering advice and opinions on appropriate legislative matters, is conducted by the Secretary of the Army through the Office of the Chief of Congressional Legislative Liaison (OCLL). They are directly responsible to the Secretary of the Army and respond to the Office of the Chief of Staff of the Army when required. OCLL is the sole directive agency for Department of the Army Congressional Affairs. (2-1129)

(b) When OCLL receives a congressional inquiry concerning a clemency and/or parole issue, the inquiry is forwarded to the ARBA Congressional and Special Actions Office (C&SA), which will forward the inquiry to the ACPB Chairman or ACPB Board Manager for action.

(1) If the inquiry is for status or information on a case, it will be given to the case analyst of record for action and initial response preparation. The proposed response will be returned to the ACPB Chairman and then to the C&SA Office for completion, final coordination and response. If the case pertains to a prisoner, a copy of the response should be sent to the Correctional Facility.


(2) If the inquiry concerns policy issues, regulations, or legal issues, the initial response should be prepared by the ACPB Chairman with input from the ARBA Legal Office and, as required, the Office of the Under Secretary of Defense for

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Personnel and Readiness, (Military Correctional Programs), before being returned to the C&SA Office for completion and final coordination.

(c) Advice to Congressional or Senate Committees regarding clemency or parole matters will be coordinated through and managed by the Office of the Under Secretary of Defense for Personnel and Readiness, in accordance with DoD Directive 1325.04. This is done to promote uniformity among the Military Services in the administration of correctional programs and the operation of correctional facilities. (2-1129)



CATHERINE C. MITRANO
Deputy Assistant Secretary
(Army Review Boards)

JUN 11 2013

Annexes

- A Glossary
- B ARBA and ACPB Organization Chart
- C Goals and Objectives

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Annex A - Glossary

Detainer. A warrant placed against a person in a correctional facility, federal, state or local, notifying the holding authority of the intention of another jurisdiction to take custody of that individual when he or she is released.

Detention Warrant. A warrant which authorizes the arrest and temporary detention of a supervisee pending preliminary revocation proceedings. A detention warrant should be distinguished from a warrant for the return of a supervisee to prison, although return warrants are sometimes used as detainers. For the purposes of these standards, return warrants used as detainers are also deemed to be detention warrants.

Hearing. A procedure conducted by a parole authority member and/or hearing examiner in which all pertinent aspects of an eligible prisoner's case are reviewed for the purpose of making a decision or recommendation that would change the prisoner's legal status and/or degree of freedom.

Hearing Examiner. An individual appointed by the parole authority who conducts hearings for the authority and whose power of decision-making may include, but not be limited to, making parole recommendations to grant, deny or revoke parole.

Information System. The concepts, personnel, and supporting technology for the collection, organization and delivery of information for administrative use. There are two such types of information: (1) Standard information, consisting of the data required for operational control, such as the daily count at a correctional facility, payroll data in a personnel office, parole success rates, and caseload levels in a parole or probation agency; (2) Demand information, consisting of information which can be generated when a report is required, such as information on the number of prisoners eligible for release during a 12-month period by offense, length of term, and month of release.

Interstate Compact for the Supervision of Probationers and Parolees. An agreement entered into by eligible jurisdictions in the United States and its territories, except the District of Columbia and Guam. The compact provides the means for these jurisdictions to function cooperatively in working with probationers and supervisees.

National Uniform Parole Reports System. A cooperative effort sponsored by the National Parole Institutes, which calls for the voluntary cooperation of all federal and state authorities having responsibility for felony prisoners in developing some common terms to describe parolees--their age, sex, and prior record--and some common definitions to describe parole performance. These types of data allow for comparisons across states and other jurisdictions.

Parole Authority. The decision-making body which has the responsibility to grant, deny and revoke parole. In some jurisdictions it is called the "Parole Board" or the "Parole Commission." The term parole authority is meant to include all of these various bodies.

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Policy. A policy is a course or line of action adopted and pursued by an agency which guides and determines present and future decisions and actions. Policies indicate the general course or direction of an organization, within which the activities of the personnel and units must operate. They are statements of guiding principles which should be followed in directing activities toward the attainment of objectives. Their attainment may lead to compliance with standards as well as compliance with the overall goals of the agency/system.

Preliminary Interview or Hearing. A hearing at which it is determined whether probable cause exists to support an allegation of a supervision violation, pending a revocation hearing by the parole authority.

Procedure. The detailed and sequential actions that must be executed to ensure that a policy is fully implemented. It is the method of performing an operation, or a manner of proceeding on a course of action. It differs from a policy in that it directs action in a particular situation to perform a specific task within the guidelines of policy.

Professional Associations: A collective body of persons engaged in a particular vocation. The American Correctional Association and the Association of Paroling Authorities International are professional associations with which the ACPB actively participates. Employees are encouraged to participate in educational and professional associations.

Revocation Hearing. A hearing before the parole authority at which it is determined whether a revocation of parole should be made final.

Supervisee. A prisoner on either parole or MSR.

Training. An organized, planned, and evaluated activity designed to achieve specific learning objectives. Training may occur on site, at an academy or training center, at an institution of higher learning, through contract service, at professional meetings or through closely supervised on-the-job training. Meetings of professional associations are considered training when there is clear evidence of the above elements.

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Annex B – ACPB Organization Chart

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Annex C – Goals and Objectives

1. CY 13 Goals and Objectives.

a. Goal: Improve Organizational Effectiveness.

(1) Objectives:

(a) Conduct collaborative mission analysis and update ACPB SOPs, and goals and objectives.

(b) Maintain training requirements and use more external trainers.

(c) Identify a new assessment tool to assist with decisions for supervision, start validation process.

(d) Continue communication and outreach program to USPOs, USPC, and other Service C&P Boards.

(e) Establish procedures in order to eliminate preliminary interviews.

b. Goal: Maintain ACA Accreditation to receive reaccreditation in 2013.

(1) Objectives:

(a) Achieve successful ACA audit.

(b) Achieve Successful annual TAV.

(c) Start folders for next accreditation (2016).

c. Goal: Expand statistical data collection and use.

(1) Objectives:

(a) Evaluate current data collection and identify new data to be collected.

(b) Create new collection capabilities via COPS/ARBA automated system.

(c) Provide and explain data to staff, Board Members, and field in order to better utilize in recommendations and decisions.

d. Goal: Maximize impact of limited travel and training funds.

1. Objectives:

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(a) Maximize use of Defense Connect On-line, webinars, teleconference, and local training opportunities.

(b) When legally feasible, use other agency money (other DoD elements, ACA, APAI, etc.).

(c) Formally request AASA approval to attend CAMA and APAI annual training conferences.

(d) Maximize ARBA/ACPB participation at 2013 ACA Summer Congress of Corrections in National Harbor, Maryland.

(e) Continue active participation with ACA and APAI within resource limitations.

e. Goal: AR 15-130 Revision.

(1) Objectives:

(a) Internal evaluation of current regulation and draft regulation.

(b) Update IAW DoDI 1325.07 once published.

(c) Publish new exceptions and pending changes to the regulation.

(d) Submit updated AR 15-130 to Army Publishing Directorate.