

Army Clemency and Parole Board
Supervision and Revocation Standing Operating Procedures

1. Purpose. To establish the standing operating policies and procedures for the supervision, annual review, release, and revocation of supervisees under parole or Mandatory Supervised Release (MSR).
2. References.
 - a. DOD Directive 1030.1, Victim and Witness Assistance.
 - b. DOD Directive 1325.04, Confinement of Military Prisoners and Administration of Military Correctional Programs and Facilities.
 - c. DOD Instruction 1325.07 Administration of Military Correctional Facilities and Clemency and Parole Authority.
 - d. Army Regulation 15-130, The Army Clemency and Parole Board.
 - e. American Correctional Association Standards for Adult Parole Authorities, 2nd Edition.
3. Applicability. The Supervision and Revocation Standing Operating Procedures (SOP) apply to all employees and board members who work full or part-time in the Army Clemency and Parole Board (ACPB), correctional facility staff and U.S. Probation Officers (USPO) supervising Army prisoners .
4. Policies
 - a. The ACPB has the authority to request a warrant to cause the arrest of a supervisee on parole or Mandatory Supervised Release (MSR)) and the authority to revoke parole or MSR. (2-1008)
 - b. A prisoner released on parole shall be considered by the ACPB for clemency, restoration, and reenlistment 12 months after release on parole, and annually thereafter until expiration of the sentence. The ACPB can recommend discharging the supervisee from parole during any of the annual hearings. (2-1009) When a prisoner has been returned to military control as a parole violator, the prisoner's consideration for clemency, parole, restoration, and reenlistment shall normally be 12 months after the prisoner's return to military control and annually thereafter. (2-1009)
 - c. When requested in matters of clemency, the ACPB conducts an investigation, provides necessary factual information and, when requested, makes a recommendation to the Deputy Assistant Secretary of the Army (Review Boards) (DASA (RB)), who is the clemency authority. (2-1010)

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d. In addition to the general conditions of release which apply to all cases, the ACPB may add special and specific conditions for supervisee cases that are related to the previous offense pattern and the probability of further serious law violations by the supervisee. (2-1100)

e. The supervisee is given an opportunity to present his/her views to the ACPB about specific supervision conditions which may be imposed on him/her. (2-1101)

f. Written copies of the conditions of supervision are furnished to the supervisee and are explained to him/her. The supervisee acknowledges in writing that he/she has received and understands the conditions, or there is certification to that effect. (2-1102)

g. The supervisee and/or the USPO may request that supervision conditions be amended. If the ACPB approves, it makes needed amendments in writing. (2-1104)

h. The ACPB requires that the supervisee complies with all applicable provisions of the interstate compact for the supervision of the supervisee, and that he/she is fully aware of the requirements of transfer under these compacts. (2-1105)

i. Warrants for the arrest and detention of supervisees, pending a determination by the ACPB as to whether supervision should be revoked, or provisionally revoked, are issued only upon the affirmative approval of the ACPB Chairman or DASA (RB). (2-1106)

j. Warrants for the arrest and detention of supervisees are issued only upon adequate evidence which indicates a probable serious or repeated pattern of violation of supervision conditions and a compelling need for detention pending the ACPB initial revocation decision. (2-1107)

k. When supervision violation charges are based on the alleged commission of a new crime, a detention warrant is not issued unless the supervisee's presence in the community would present an unreasonable risk to public or individual safety. (2-1108)

l. When a supervisee is arrested on a detention warrant, or when a detention warrant is lodged as a back-up to bail in conjunction with pending criminal charges, a preliminary interview is held within 14 calendar days after the arrest and detention of the supervisee or the lodging of the detention warrant; however, when there has been a conviction or a finding of probable cause on new criminal charges, the preliminary interview is not required. (2-1109)

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m. The preliminary interview is held in or near the community where the violation is alleged to have occurred or where the supervisee has been taken into custody. (2-1110)

n. The preliminary interview may be delayed or postponed for good cause, and the supervisee may waive the hearing if first informed of rights pertaining to the hearing and of the consequences of waiving the hearing. (2-1111)

o. The ACPB delegates to a member of the ACPB staff or to field officers the authority to conduct a preliminary interview and make findings as to grounds for revocation. (2-1112)

p. The preliminary interview is conducted by an ACPB staff member or field officer who has not previously been involved in the case. (2-1113)

q. At least three days prior to the preliminary interview, the supervisee is notified in writing of the time and place of the hearing, and of the specific supervision violation(s) charged. The supervisee is also advised in writing of the right to:

(1) Present evidence and favorable witnesses.

(2) Request disclosure of evidence.

(3) Confront adverse witness(es), unless the witness(es) would be subjected thereby to a risk of harm.

(4) Have a civilian counsel of choice at no cost to the U.S. Army or an Army Trial Defense Service (TDS) lawyer will be appointed upon request.

(5) Request postponement of the hearing for good cause. (2-1114)

r. The person who conducts the preliminary interview determines whether there is probable cause to revoke supervision and hold the supervisee for a revocation hearing before the parole authority. The ACPB empowers the hearing officer to issue a verbal finding and recommendation immediately after the hearing to the supervisee. The hearing officer reports his/her findings and recommendation to the ACPB. The ACPB provides a written decision to the supervisee within 21 calendar days of the hearing. (2-1115)

s. The supervisee is returned to prison only when probable cause is found at the preliminary interview and when it is determined, after considering the appropriateness of less severe sanctions, that the clear interest of the public requires re-incarceration. (2-1116)

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t. The revocation hearing is done within 60 calendar days after the supervisee's return to prison as a parole violator; a delay or postponement for good cause may be approved by the ACPB Chairman or designee. (2-1117)

u. The same procedural and substantive rights which are afforded to a supervisee at a preliminary interview are afforded at a revocation hearing. In addition, a supervisee is provided an opportunity at the revocation hearing to demonstrate that, even if supervision has been violated, mitigating circumstances exist which suggest that the violation does not warrant revocation. (2-1118)

v. Within 21 calendar days of the revocation hearing, the supervisee will receive a written statement of the decision including reasons for the determination made and the evidence relied upon. (2-1119)

w. Alternatives other than further imprisonment are used in decision-making on supervision violations. Such alternatives include letter of warning, letter of reprimand, additional conditions, revoke and immediately re-parole, etc. (2-1120)

x. The ACPB has discretion to award or forfeit street time for time served on supervision in the community. Guidelines are in this SOP, AR 15-130, DoDI 1325.07, and DoD 1325.7M. (2-1121)

y. A supervisee whose supervision has been revoked and who have been re-incarcerated can be re-paroled on his original offense at the next parole hearing or subsequent annual parole hearings. A supervision violator's first consideration for clemency, parole, restoration, and reenlistment shall normally be 12 months after the prisoner's return to military control and annually thereafter. (2-1122)

z. After a revocation hearing, the ACPB through the facility, immediately informs the prisoner of the next tentative release date (MRD/MSR). When circumstances, such as pending criminal charges or outstanding sentences to be served, prevent the setting of a tentative release date, or when the tentative release date is greater than one year after the revocation hearing, the ACPB sets a date for a review hearing within one year, and advises the prisoner of this date. (2-1123)

aa. The Army policy is for supervisees to remain on supervision until their maximum release date unless the ACPB recommends and the DASA(RB) grants clemency during the supervisees' annual reviews. Criteria are established for length of supervision and consideration of early termination from supervision. (2-1124)

bb. If not discharged after one year of release on supervision, the supervisee will receive an annual review. The supervisee does not have to request an annual review, it

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is done automatically. The supervisee or supervising USPO may request a discharge review at any time by the ACPB. (2-1125)

cc. The ACPB assures that accurate and timely information on individual cases is disseminated to the public consistent with Freedom of Information and Privacy Act provisions. (2-1128)

dd. Registered victim(s) of a crime will be notified by facility Victim/Witness coordinators prior to any release from confinement of the convicted prisoner and/or escape from custody. Follow-up notification to victim(s) occurs when escapees are returned to custody. Procedures are established in AR 190-47, Army Corrections System. (2-1128-1)

ee. It is the policy of the ACPB to respond to new crimes and serious violation behavior committed by a released prisoner during the period of supervision by imposing appropriate violation sanctions at the administrative level or at a violation hearing.

ff. USPOs may handle condition violations except for violations that would adversely impact public safety, dismissal from sex offender treatment programs, continuous misconduct or condition violations, or those violations they deem best handled at the ACPB. USPOs may use appropriate administrative sanctions at their level, and/or request supervision condition modifications that must be approved by the ACPB.

5. Responsibilities. See ACPB Organization and Administration SOP.

6. Clemency, Restoration, and Reenlistment Eligibility.

a. A supervisee released on supervision shall be considered by the ACPB for clemency, restoration, and reenlistment 12 months after release on supervision, and annually thereafter until expiration of the sentence or discharge from supervision. (2-1009)

b. When a prisoner has been returned to military control as a supervision violator, the prisoner's consideration for clemency, parole, restoration, and reenlistment shall normally be 12 months after the prisoner's return to military control and annually thereafter. A hearing can be conducted earlier. (2-1009)

7. Clemency and Restoration to Duty Consideration Criteria (2-1082/2-1124). Supervisees will remain on supervision until their maximum release date unless terminated through clemency from supervision. The ACPB shall consider the following criteria when considering a supervisee for clemency (length of supervision, discharge, and early termination from supervision), restoration to duty, or reenlistment

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- a. Public safety.
 - b. The nature and the circumstances of the prisoner's offense(s).
 - c. Compliance with supervision conditions and participation in treatment programs.
 - d. USPO recommendation in annual report.
 - e. The supervisee's work and re-entry into the community.
 - f. The personal characteristics of the prisoner, including age, experience, medical condition, education, marital and family status, and psychological profile.
 - g. The impact of the prisoner's offense on the victim and the prisoner's efforts to make restitution to the victim when directed.
 - h. Other matters, as appropriate.
8. Case Files. See ACPB Case Management SOP.
9. Annual Reviews.
- a. Notification and Submissions.
 - (1) Clemency Assistant will:
 - (a) Notify facility and USPO three months prior to a supervisee's hearing month of an upcoming hearing.
 - (b) Instruct facility to conduct victim/witness notifications and prepare a clemency packet in ACIS one month before the board month.
 - (c) Instruct supervisory USPO to have the supervisee prepare appropriate forms and for the USPO to prepare an annual report.
 - (d) Add the USPO reports and supervisee paperwork to the ARBA module case. If neither is provided in a timely manner, contact the respective facility or USPO. The ACPB Chairman and/or Board Manager will provide additional assistance if needed.
 - (e) Follow the procedure outlined in the Case Management SOP.
 - (2) Facilities will:

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(a) Prepare clemency case in ACIS.

(b) Ensure that victims/witnesses are notified of their right to a personal appearance before the ACPB, or to submit matters in writing or by audio/video tape. Facilities are to notify victim(s)/witness(es) that the ACPB will conduct annual clemency reviews and will provide the month of the anticipated annual review. Victim(s)/witness(es) are also to be advised that any victim/witness (V/W) impact statements must be received a month prior to review. The facilities notify the victim(s)/witness(es) of the ACPB decisions IAW AR 190-47. (2-1074-1)

(c) Submit packet in ACIS to the ACPB.

(3) USPO will:

(a) Provide supervisee ACPB paperwork.

(b) Complete USPO section of ACPB paperwork.

(c) Submit supervisee and USPO clemency paperwork to the ACPB.

b. Case Preparation Process. See ACPB Case Management SOP for case preparation process.

c. Board Member Case Evaluations. See ACPB Case Management SOP for board member case evaluations.

d. Board Hearings. See ACPB Case Management SOP for board hearing process.

e. Board Decisions for Annual Review.

(1) Clemency recommendations and supervision determinations will be made by a majority vote.

(2) At the discretion of the individual board member, a minority opinion may be included with the decision.

(3) The board can deny clemency and restoration or recommend to the DASA (RB) to approve clemency and/or restoration. The DASA (RB) makes all final clemency decisions to include discharge from supervision. If discharge from supervision is not approved, reasons for continued supervision are provided in the response letter.

f. Analyst Responsibilities after the Board. See ACPB Case Management SOP for

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Analyst Responsibilities after the Board.

g. Board Results to Supervisee.

(1) The ACPB will make notification to the supervisee through the USPO upon receipt of notification, not later than 21 days from the date of the board's decision. (2-1096)

(2) After the ACPB Chairman or DASA (RB) has signed the response letter the Clemency Assistant shall:

- (a) Print a copy of the decision and email or fax the decision to the USPO.
- (b) Push case final in COPS, which sends the case back to the facility.
- (c) File printed documents into the supervisee's hard copy file.

(3) USPOs are provided the supervisee's decision letter. Supervisees should already have a copy of what they submitted, and they may request, through the Freedom of Information Act (FOIA), additional information that was used to make decisions. FOIA rules will apply in terms of what information will be provided due to classification and/or law enforcement sensitivity. (2-1095)

(4) Using the response letter, the USPO will ensure that supervisees are informed of the decision. The supervisee will sign and date the letter, acknowledging receipt.

10. Other Reviews

a. 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 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.

b. 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.

11. Initial notification of a supervision violation. A supervisee will remain on supervision provided that the supervisee substantially complies with the conditions of supervision. Whenever a released prisoner under the supervision of a USPO commits a condition

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violation or new crime, the ACPB will take appropriate steps to respond to the behavior. These steps may range from verbally warning the supervisee to refrain from future violation behavior to revocation. (2-1120). The USPO may handle minor condition violations and simply inform the ACPB of the action they have taken (i.e. Verbal reprimand, letter of warning, increased drug testing or treatment, increased supervision).

a. USPO action. When the USPO has reason to believe a supervisee has committed a violation of a condition of supervision or a new offense, the USPO shall immediately:

(1) Gather the information available concerning the violation.

(2) Document all investigative efforts.

(3) Contact the ACPB telephonically. Follow-up by submitting all information and any actions they have taken or recommendations for the ACPB by email or fax.

b. ACPB Analyst/Board Manager action.

(1) Review USPO submission.

(2) Request facility submit ACIS packet ASAP.

(3) Provide information and recommendation to the ACPB Chairman.

(4) Complete ARBA module paperwork and forward to the ACPB Chairman as applicable and notify the USPO of the decision by email or fax.

c. Suspension of Supervision. Upon receipt of information that a supervisee may have violated a condition of supervision, or committed a new crime, the ACPB Chairman will, prior to initiating further supervision revocation proceedings, determine whether supervision should be suspended pending resolution of the alleged violation. (2-1106) Upon reviewing the facts and circumstances of the alleged supervision violation, the ACPB Chairman may take the following actions

(1) Direct that supervision not be suspended.

(2) Direct that supervision is suspended and that the supervisee remains in the community pending a preliminary hearing or ACPB action.

(3) Direct that supervision be suspended and that a detainer be placed against the supervisee, if already confined, with the appropriate confining authority or a warrant

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for arrest be issued if the supervisee is not confined. A warrant or detainer is issued only when evidence indicates a serious or repeated pattern of condition violations or a new crime has been committed and there is a need for detention pending initial revocation decisions. Supervisees should be detained if they are a risk to public, individual safety, or if they are a flight risk. See Annex A for warrant/detainer procedures. (2-1107, 2-1108)

(4) Direct that supervision be suspended and that the appropriate military authority return the supervisee to custody at a military confinement facility. This action will be taken only if the ACPB Chairman finds that the supervisee is a danger to public safety, is a threat to self, is a risk to flee supervision, or has a serious or repeated pattern of condition violations.

(5) Modify the conditions of supervision upon the recommendation of the supervising USPO. (2-1120)

(6) Direct a letter of reprimand/warning be issued. When a letter of reprimand is issued, it does not negate consideration of the identified misconduct at future preliminary or supervision violation hearings. Additionally, it does not shield that portion of time on supervision from forfeiture as a result of a future supervision revocation. (2-1120)

12. Preliminary interview. When supervision has been suspended, a preliminary interview will be held to determine whether there is probable cause to believe that the supervisee violated a condition of supervision.

a. Absconding supervision or conviction of a Federal, State, or local crime for which confinement is an authorized punishment will constitute probable cause that the supervisee has violated a condition of supervision. The ACPB Chairman may waive the preliminary interview when such a cause exists. (2-1109)

b. The preliminary interview may be delayed or postponed for good cause. The supervisee may waive the preliminary interview if first informed of the rights pertaining to the hearing and the consequences of the waiver of the hearing. (2-1111)

c. The ACPB will appoint an ACPB staff member or request a USPO to conduct a preliminary interview and to make findings as to grounds for revocation. (2-1112) The ACPB Chairman or designee will send a request to the district chief to assign a USPO not previously involved in the case. (2-1113) The preliminary interview will be ordered held in or near the community where the alleged violation occurred or where the supervisee is in custody. (2-1110)

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d. Three days prior to the preliminary interview, the supervisee is notified in writing of the time and place of the hearing and the specific violation charges. The supervisee will be provided with the following rights.

(1) Present evidence and favorable witnesses. Witnesses called by the supervisee will be at no cost to the Government.

(2) Inspect the evidence upon which the preliminary interview is based.

(3) Confront adverse witnesses unless the witnesses would be subject to risk or harm.

(4) Be represented at the preliminary interview by a civilian counsel of choice at no cost to the U.S. Army or an Army TDS lawyer will be appointed upon request.

(5) Request postponement of the hearing for good cause. (2-1114)

e. The preliminary interview is conducted ensuring the supervisee's rights have been afforded. The person conducting the preliminary interview reports his/her findings and recommendations to the ACPB for a decision as to revocation. The hearing officer provides a verbal recommendation to the supervisee immediately after the hearing. The ACPB will provide a written decision to the supervisee within 21 calendar days of the ACPB hearing. (2-1115)

f. When assigned a Preliminary Interview Report (PIR), the ACPB analyst will:

(1) Thoroughly review the PIR and entire case file and prepare the case. Coordinate with USPOs, correctional facility staff, and other agencies to ensure that complete documentation is available for Board Members to make an informed decision. Send the completed case to Board Members not later than two days in advance of the board date.

(2) Recuse him/herself from any case 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 Manager.

(3) Present the case to the ACPB and explain to the Board Members that they may take the following actions:

(a) Find that probable cause does not exist to believe that the supervisee violated a condition of supervision and order the return of the supervisee to the original supervision status.

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(b) Find that probable cause does exist to believe that the supervisee violated a condition of supervision and order that the supervisee be issued a letter of warning or a letter of reprimand and returned to the original supervision status.

(c) Find that probable cause does exist to believe that the supervisee violated a condition of supervision and order that a local parole violation hearing be conducted in or near the community in which the supervisee resides.

(d) Find that probable cause does exist to believe that the supervisee violated a condition of supervision and order that a warrant be issued and that the supervisee be returned to military confinement for a parole violation hearing. A warrant should only be issued when it is determined, after considering the appropriateness of less severe sanctions, that the clear interest of the public requires re-incarceration. (2-1116)

(e) Find that probable cause does exist to believe that the supervisee violated a condition of supervision and order that a parole violation hearing be conducted at the military confinement facility in which the supervisee is currently incarcerated.

(f) Find that probable cause does exist to believe that the supervisee violated a condition of supervision and order that a warrant be issued as a detainer and that a parole violation hearing be conducted at the civilian confinement facility in which the supervisee is currently incarcerated. A warrant should only be issued when it is determined, after considering the appropriateness of less severe sanctions, that the clear interest of the public requires re-incarceration. (2-1116)

(g) Find that probable cause does exist to believe that the supervisee violated a condition of supervision and take any other appropriate supervision actions (i.e. modification of parole conditions, electronic home monitoring, etc.) deemed appropriate and necessary to ensure the safety of the community and the continued compliance of the supervisee with the conditions of supervision.

(4) After the ACPB has made a decision.

(a) Prepare a response letter to the supervisee. Arrange for the supervisee to receive the response letter and notification of Board results within 21 calendar days of the hearing. (2-1115)

(b) Prepare a notification letter or other official notification of the ACPB results to all applicable persons having supervisory, management or command authority over the supervisee, i.e. supervising USPO, military correctional facility commander,

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civilian correctional manager, or other appropriate person. Arrange for this notification of ACPB results be made to the appropriate supervisor, manager, and/or commander ASAP.

(c) If a warrant has been ordered, coordinate with the Clemency Assistant and the ACPB Chairman to ensure all other necessary notifications, i.e. Army Corrections Command, Personnel Control Facility Commander, etc. are made to issue the warrant and either place a detainer or hold at the supervisee's current place of confinement or coordinate the supervisee's apprehension and return to military confinement.

(d) When all actions, notifications and coordination are prepared, forward the case to the ACPB Chairman for final review and comment before he/she digitally signs the decision documents and pushes the case as a final action.

13. Revocation hearing. If the ACPB finds that there is probable cause that the supervisee violated a condition of supervision or committed a new offense, the ACPB will direct that a revocation hearing be held. The purpose of a revocation hearing is to determine whether the supervisee has violated a condition of supervision or committed a new offense, and, if so, whether supervision should be revoked.

a. The revocation hearing will normally be held at or near the place of the alleged supervision violation to afford the supervisee access to witnesses and documentary evidence. Where the supervisee has been returned to a military confinement facility or is otherwise confined by civil authorities, the revocation hearing may be held at the place of confinement.

b. The ACPB Chairman will appoint a Hearing Officer, who has not previously been involved with the supervisee, to adjudicate any cases of alleged violations of supervision. The Hearing Officer normally will be experienced in the corrections field and will be a field grade officer or a General Schedule (GS) civilian in the grade of GS-12 or above. The Hearing Officer will be neutral and detached. The Hearing Officer will review the case and determine if an expedited hearing should be conducted. See Annex B for expedited revocation procedures. If an expedite hearing is not ordered, the Hearing Officer will travel to the location where the supervisee is located to conduct the hearing. See Annex C for procedures to coordinating for a violation hearing. (2-1112, 2-1113)

c. When assigned to conduct a revocation hearing case, the ACPB analyst will:

(1) Thoroughly review the entire case file, including the preliminary interview report, following all applicable procedures in AR 15-130 and the ACPB Case Management SOP.

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(2) Recuse him/herself from any case 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 Chairman and the ACPB Board Manager.

(3) Coordinate with USPOs, correctional facility staff, and other agencies to ensure that complete documentation and all exhibits are readily available in the file. Use the procedure outlined in this SOP to determine if the case qualifies for an Expedited Revocation Procedure (ERP) offer. If the case qualifies for an ERP, brief the ACPB Chairman and request authorization to prepare case documents for an ERP. If the ACPB Chairman concurs, follow the procedure outlined in Appendix B and coordinate with correctional facility staff in preparing documents and calculating proposed credit for service of sentence and proposed new minimum release date. Send the completed case, including all documents associated with offering the ERP, to the ACPB Board Members not later than two days in advance of the Board date. Brief the ACPB and obtain permission to offer the supervisee the opportunity to apply for the proposed ERP. Explain to the Board Members that the following options are available regarding offering the supervisee the opportunity to apply for an ERP.

(a) Find that the supervisee did not violate a condition of supervision and order the return of the supervisee to the original supervision status.

(b) Find that the supervisee violated a condition of supervision and order that the supervisee be issued a letter of warning or a letter of reprimand and take any other appropriate supervision actions (i.e. modification of supervision conditions, electronic home monitoring, etc.) deemed appropriate and necessary to ensure the safety of the community and the continued compliance of the supervisee with the conditions of supervision.

(c) Find that the supervisee violated a condition of supervision and agree to revoke supervision, awarding the recommended credit for service of sentence contingent on the supervisee accepting the ERP offer.

(d) Find that the supervisee violated a condition of supervision but not authorize an ERP and order that a full in-person violation hearing be conducted.

(4) After the ACPB has made a decision

(a) If an ERP has been authorized, coordinate with the correctional facility and arrange for the supervisee to receive an ERP memorandum and ERP application and waiver ASAP.

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(b) If the supervisee accepts the ERP offer, obtain a signed copy of the application and waiver, attach it to the file, and prepare a notification letter and other official notification of the ACPB results to the supervisee and all applicable persons having supervisory, management or command authority over the supervisee, i.e. supervising USPO, military correctional facility commander, civilian correctional manager, or other appropriate person.

(c) When all actions, letters of notification and coordination are prepared, forward the case to the ACPB Chairman for final review and comment before he/she digitally signs the decision documents and pushes the case as a final action.

d. Hearing Officer. If the ACPB directs the hearing to be an in-person hearing, the Hearing Officer follows the procedure outlined in Appendix C and:

(1) Coordinate with USPOs, correctional facility staff, and other agencies to ensure that complete documentation and all exhibits are readily available in the file.

(2) Notify the supervisee, at least ten days prior to the hearing, of the time and place of the hearing and of the specific supervision violation(s) charged. The supervisee will also be advised in writing of the right to: present evidence and favorable witnesses; request disclosure of evidence; confront adverse witness(es), unless the witness(es) would be subjected thereby to a risk of harm; have a civilian counsel of choice at no cost to the U.S. Army or an Army Trial Defense Service (TDS) lawyer will be appointed upon request; and to request postponement of the hearing for good cause. Supervisees will also be provided an opportunity at the revocation hearing to demonstrate that, even if parole has been violated, mitigating circumstances exist which suggest that the violation does not warrant revocation. Attendance of witnesses on behalf of the supervisee is voluntary and will be at no expense to the Government. The role of the supervisee's representative will be limited to the examination of witnesses, presentation of evidence, and the offering of a statement on the supervisee's behalf with regard to whether supervision should be revoked. During the hearing, the supervisee's representative will not be permitted to enter objections or challenges. Objections or challenges may be submitted in writing to the Hearing Officer for attachment to the hearing record. For good cause, the Hearing Officer may deny a supervisee's choice of a non-attorney representative. (2-1118)

(3) Conduct the hearing IAW with Annex C and all other applicable guidance and procedures in AR 15-130 and the ACPB SOPs. If the supervisee has been returned to confinement as a supervision violator, the hearing will be conducted within 60 calendar days after the supervisee's return to confinement. A delay or postponement for good cause may be approved by the ACPB Chairman or designee. (2-1117)

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(4) The Hearing Officer will prepare a summarized transcript of the supervision violation hearing and forward the transcript and all documentary evidence and allied papers considered, and a recommended disposition to the ACPB. If the Hearing Officer is not an ACPB analyst, an ACPB analyst will be assigned the case to present to the ACPB.

e. Supervision Revocation Determination. The ACPB analyst will present to the ACPB the supervision violation hearing record and the recommendation of the Hearing Officer, together with those matters normally considered by the ACPB in making supervision determinations. The assigned analyst will prepare a case in ACIS. The case will be forwarded to Board Members at least two days prior to the board hearing. Board Members will have read the case prior to the ACPB hearing. Board Members are to have all case materials reviewed prior to the hearing and such materials are not to be used in the hearing room except to assist staff or Board Members to recall information or to determine facts of the case which may be in question. (2-1094) The ACPB may take any of the following actions:

(1) Revoke supervision.

(2) Revoke supervision and re-supervise the violator.

(3) Return the supervisee to the original supervision status, to include removal of any detainer placed against the supervisee as a result of the alleged violation.

(4) Direct that the violator be reprimanded and that a record of the reprimand be placed in the violator's clemency and supervision records.

(5) Modify the original conditions of supervision.

(6) Revoke supervision solely upon a determination that a supervisee has violated a condition of supervision by a failure to pay a fine or restitution, only if it finds one of the following conditions exists:

(a) The supervisee has willfully refused to pay the fine or restitution when the supervisee has sufficient resources to pay.

(b) The supervisee has failed to make a sufficient bona fide effort to obtain employment, borrow money, or legally acquire sufficient funds with which to pay the fine or restitution.

(c) If the supervisee cannot pay the fine or restitution, despite sufficient bona fide efforts to do so, supervision may be revoked only if no alternative disposition exists

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that will adequately serve the need for good order and discipline within the Army and the correctional treatment of the supervisee.

f. Supervision revocation actions by the ACPB are final and not subject to appeal.

g. ACPB Analyst will:

(1) Prepare a response letter to the supervisee IAW ACPB Case Management SOP. Arrange for supervisee to receive the response letter and notification of Board results within 21 calendar days of the revocation hearing. (2-1119)

(2) Prepare a notification letter or other official notification of the Board results to all applicable persons having supervisory, management or command authority over the supervisee, i.e. supervising USPO, military correctional facility commander, civilian correctional manager, or other appropriate person. Arrange for this notification of ACPB results to the appropriate supervisor, manager, and or commander ASAP. Facilities provide notification to victims and witnesses of the Board results which require notice to victims and witnesses, who so request, whenever there is any change in prisoner status.

(3) If a warrant has been ordered, coordinate with the Clemency Assistant to ensure all necessary notifications are made to issue the warrant, or switch a warrant to a detainer.

(4) When all actions, notifications and coordination are prepared, forward the case to the ACPB Chairman for final review and comment before he/she digitally signs the decision documents and pushes the case as a final action.

h. The ACPB will furnish the supervisee with written notice of a final supervision revocation action. If supervision is revoked, the notice will state the reasons for the revocation and evidence relied upon. (2-1119)

i. Credit for service of sentence on supervision. A prisoner whose supervision is revoked will receive credit for time spent on supervision except as follows:

(1) If, after being released on supervision, the supervisee commits and pleads guilty to, is convicted of, or a court takes action tantamount to a finding of guilty to a new offense that is punishable by a term of imprisonment, the ACPB may order the forfeiture of the time from the date after release to the date of suspension, revocation, or return to custody to serve the military sentence. To support sentence computation, the ACPB shall provide the facility commander in writing with the inclusive dates of credit. Such forfeited time shall not be credited to service of the sentence. An actual term of confinement need not have been imposed for such conviction if the statute, under which

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the supervisee pleads guilty to, is convicted of, or a court takes action tantamount to a finding of guilty to a new offense that permits the trial court to impose any term of confinement. If such plea, finding, action, or conviction occurs subsequent to a supervision violation hearing, the ACPB may reconsider the forfeiture of time served on supervision or other disposition, as appropriate.

(2) If the ACPB finds that a supervisee intentionally refused or failed to respond to any reasonable request, order, or summons of the ACPB or any agent thereof, including the supervising USPO, it may order the forfeiture of time during which the supervisee so refused to respond.

(3) If the ACPB finds that a supervisee was not materially in compliance with the conditions of supervision, the ACPB may order the forfeiture of time during which the supervisee was in such material noncompliance. (2-1121)

(4) Computation of any sentence to be served shall be done IAW DoD 1325.7-M (reference (e)) for prisoners adjudged on or after 27 July 2004, and/or Service regulations for prisoners adjudged prior to 27 July 2004. Prisoners who have been transferred to the FBOP, however, shall have their remaining sentences and related issues computed according to the FBOP and U.S. Parole Commission or military regulations (as applicable) when parole or MSR is suspended or revoked.



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

JUN - 3 2013

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Annex A Warrant/Detainer Process

1. Purpose. To identify responsibilities necessary to complete the initiation of a warrant and return of supervisees to military custody.

2. Process. When the ACPB determines a warrant or detainer is required, specific responsibilities are as follows:

a. The ACPB will:

(1) Direct supervision be suspended.

(2) Contact Army Corrections Command (ACC) to obtain a correctional facility designation.

(3) Complete and have the ACPB Chairman sign a DD Form 553-1 and send to USADIP for processing of the DD Form 553-1. Copies will be forwarded to ACC and Personnel Control Facility (PCF) Commander.

(4) Provide the USPO.

(a) A copy of the active DD Form 553-1 with assigned FBI number, NCIC number, and LIN number with assigned NCIC and FBI numbers;

(b) A memorandum informing the USPO of the issuance of the warrant by the Department of the Army.

(5) When a supervision violator is apprehended and is available for return to military control, the ACPB will:

(a) Inform ACC of the apprehension and verify the designated facility to which the violator is to be returned to.

(b) Provide the designated facility a copy of the DD Form 616 not later than the next duty day.

(6) When a supervision violator is retained by civilian authorities or pending civil charges, the ACPB will:

(a) Receive the DD Form 616 from the US Army Deserter Information Point (USADIP) which includes all point of contact information in section nine (i.e. Civilian Detention facility's name, point of contact, etc.)

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(b) Monitor the violator in civil confinement status.

(c) When notified by civil authority that the violator is available for return to military control.

(i) Verify the designated return facility with ACC when the violator is ready for release by civil authorities to military control.

(ii) Notify USADIP that the violator is ready for return to military control along with all point of contact information on the updated original DD Form 616.

(iii) Verify the date of return to military control with civilian authority.

(iv) Update the supervision violator status on the ACPB violation sheet.

b. ACC will:

(1) Upon receipt of notification by the ACPB of a warrant request, determine a correctional facility designation. In most cases, a violator will be returned to the correctional facility from which released.

(2) Inform the designated correctional facility of the suspension.

(3) Notify the designated facility of the prisoner's return to military control.

(4) Contact IMCOM *only* when there is a problem with the Installation PM coordination to transport the supervisee back to military control.

(5) Notify USADIP when the prisoner is returned to the correctional facility.

c. USADIP. Upon receipt of the DD Form 553-1 from the PCF Commander will:

(1) Expedite the DD Form 553-1 entry into NCIC assigned FBI number, NCIC number, and LIN number.

(2) Provide a copy of the completed DD Form 553-1 to the ACPB.

(3) When the violator has been apprehended

(a) Complete the DD Form 616

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(b) Provide the DD Form 616 to the ACPB.

(c) Contact the appropriate Installation Military Police with area of responsibility to return the prisoner to Military Control upon notification from the ACPB.

(4) Upon notification from ACC that the violator has been returned to the designated correctional facility, remove the warrant from NCIC.

d. Installation Military Police, with area of responsibility designated by AR 190-45 will

(1) Complete and forward DD Form 616 to Chief, USADIP.

(2) Contact the confining civilian authorities and the Army correctional facility for returning the violator to military control and confinement.

(3) Provide the losing and gaining facilities with a transfer schedule which includes the arrival and departure times and escort name(s) and contact information.

e. The Correctional Facility will:

(1) Coordinate with the Installation Military Police to transfer the violator back to the designated correctional facility.

(2) Immediately notify ACC the day the prisoner physically arrives at the facility.

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Annex B Expedited Revocation Procedure

1. Provide procedures for Expedited Revocation Procedure (ERP).

2. A supervisee may waive a preliminary interview or a supervision violation hearing or both. The ACPB at any stage of investigating an alleged supervision violation may offer the supervisee an ERP. The offer will summarize what the ACPB concluded are the facts in the case and explain the ACPB believes it has the facts to determine appropriate action in the case; the general due process to which the supervisee is entitled in a preliminary inquiry or supervision violation hearing or both; the action the ACPB will take if the supervisee waives the due process; the waiver of the right to appeal the action of the ACPB if the ERP is accepted; the supervisee's consent shall not be deemed to create an enforceable agreement with respect to any action the ACPB is authorized to take by law or regulation, or to limit in any respect the normal consequences of a revocation of parole or MSR; and if the supervisee does not accept the ERP, the offer made in the ERP will not be binding on the ACPB.

3. When an analyst is assigned an alleged supervision violator case, the analyst shall review the case to determine if ERP may be in the best interest of justice, fairness, the supervisee, the Army and the public. If the analyst determines that the case may qualify for an ERP, the analyst shall brief the ACPB Chairman and request permission to offer the supervisee the opportunity for an ERP. If an ERP offer is authorized, the analyst shall take the following action
 - a. Determine the number of alleged violations and the dates they occurred.

 - b. Determine the exact credit (if any is due) for service of sentence while on supervision that the supervisee should receive and his/her approximate inoperative time while on supervision.

 - c. Contact the correctional facility managing the supervisee's records and request the facility to determine the new projected minimum release date (including any projected good conduct time) for the supervisee if supervision were revoked and the supervisee received the exact credit (if any is due) for service of sentence while on supervision that the analyst has determined is applicable and the amount of inoperative time and/or any other credit applicable.

 - d. Prepare a memorandum and an application for an ERP for the supervisee
 - (1) The memorandum shall inform the supervisee of the eligibility for an ERP; provide notice of the intention of the ACPB to revoke the supervision if the ERP is accepted and the supervisee waives the right to have an in-person revocation hearing; provide notice to grant exact credit (if any is due) for service of sentence while on

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supervision; provide notice of the new projected MRD if clear conduct in confinement is maintained; and provide notice that the supervisee must accept or decline the offer for an ERP within 5 days after receipt of the notification.

(2) The application for an ERP shall notify the supervisee that submission constitutes a waiver of a revocation hearing before the ACPB. It shall list in detail all violations for which the supervisee accepts responsibility and that the supervisee also accepts the offer of the ACPB to revoke supervision without benefit of an in-person revocation hearing. It shall also list the exact credit (if any is due) for service of sentence while on supervision that will be granted and notice of the new projected MRD if clear conduct is maintained in confinement. It will also notify the supervisee that submission of the ERP application constitutes waiver of the right to appeal the decision. Lastly, the application for an ERP offers the supervisee the right to decline the offer for an ERP and request an in-person revocation hearing but that the proposed decision set forth in the ERP offer will not be binding on the ACPB.

3. If the supervisee accepts the offer, the analyst will process the case in the ARBA module. If the supervisee does not accept the ERP offer, the analyst will proceed with a revocation hearing.

4. The supervisee consent shall not be deemed to create an enforceable agreement with respect to any action the ACPB is authorized to take by law or regulation, or to limit in any respect the normal consequences of a revocation of parole or MSR.

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Annex C Violation Hearing Coordination.

1. Hearing Officers when assigned a Parole/MSR Hearing Violation should:

- a. Ensure that the case file is complete with all pertinent documents.
- b. Read and study the case file and all enclosures to be fully knowledgeable of the violations alleged.
- c. Contact the USPO or the correctional facility to inform them that you will be conducting a violation hearing at their location, coordinate a date for the hearing, obtain administrative data i.e. mailing addresses, telephone or fax numbers, and inform them that required correspondence will be forwarded pertaining to a violation hearing.
- d. The Hearing Officer will provide a summary of the following actions to the ACPB Chairman: contact with the USPO or the Correctional Facility has been made, the hearing date and location selected, all correspondence has been forwarded, and if counsel has been requested and assigned. This requirement can be completed via email or telephone.
- e. Contact the USPO and counsel prior to the scheduled hearing to make sure that there are no last minute problems.
- f. Arrive at the hearing location the day before, contact the USPO to let him/her know you are in town, and make a reconnaissance of the actual location of the hearing site (i.e., Probation Office, Courthouse, or confinement facility). Also, be present at the hearing location at least one hour before the hearing starts in order to meet with the USPO and TDS Counsel, test and set up equipment, and finally, meet with parolee and conduct the hearing.
- g. Correspondence for the Violation Hearing should be prepared and forwarded to the supervisee as follows:
 - (1) Hearing Officer will prepare a letter notifying the supervisee of the date, time and location of the hearing. The letter of notification will also state the violations alleged, the supervisee's right to military or civilian counsel, and a copy of all the exhibits that pertain to the alleged violation.
 - (2) If military counsel is desired, the Hearing Officer will contact TDS and request legal representation for the supervisee. The following information will be provided to TDS: the purpose for the hearing and counsel's role; and the date, time, and place of the hearing. In addition, ask TDS to have the appointed attorney call you as soon as he/she has been assigned.

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(3) Upon appointment of counsel the Hearing Officer will a prepare a letter notifying the assigned counsel of the date, time and location of the hearing; the supervisee's name, address, and phone number; the USPO's name, address, and phone number; a copy of the alleged supervision violations, exhibits, and copy of AR 15-130. The Hearing Officer will communicate to counsel that the hearing is administrative, the purpose of the hearing, and attorney's role in the violation hearing process.

h. Making travel arrangements for the supervision revocation hearing. The Hearing Officer will:

(1) Prepare all travel arrangements through the Defense Travel System (DTS).

(2) Coordinate TDS counsel travel. Inform TDS counsel that travel will be prepared through the DTS. Inform TDS counsel to contact ARBA's Budget Officer, Cheryl Williams Cheryl.a.Williams92.civ@mailmil or (703) 545-5759 ASAP and submit the following information: Traveler's Name and SSN, TDY Dates, TDY Location, TDY Purpose, Airline Cost Estimate, Rental Car Cost Estimate, Total Estimated Cost, Name of DTA POC, Title, Phone Number, Email Address and budget POC information.

(3) Contact the ACPB Manager to confirm that hearing officer travel arrangements and the travel arrangements for the TDS counsel have been completed. This requirement can be completed via email.

(4) Upon completion of travel, submit travel voucher for payment in DTS.