

Army Clemency and Parole Board
Case Management Standing Operating Procedures

1. Purpose. To establish the standing operating procedures for the processing of cases for the Army Clemency and Parole Board (ACPB).
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 Case Management Standing Operating Procedures apply to all employees and Board Members who work full or part-time in the ACPB.
4. Policies. See ACPB Administrative SOP.
5. Responsibilities. See ACPB Administrative SOP.
6. Clemency and Parole Authority. See ACPB Administrative SOP.
7. Parole Eligibility. (2-1072)
 - a. The ACPB shall consider a prisoner for release on parole when the prisoner first becomes eligible and annually thereafter. If parole is denied, reasons for denial will be in the response letter to the prisoner. (2-1086) A prisoner is eligible for release on parole when parole is requested by the prisoner, and when:
 - (1) The prisoner has an approved unsuspended punitive discharge or dismissal or an approved administrative discharge or retirement; and
 - (2) The unsuspended sentence or aggregate sentence to confinement is 12 months or more; and
 - (a) In cases in which the sentence to confinement is less than 30 years, the prisoner has served one-third of the term of confinement, but in no case less than 6 months; or
 - (b) In cases in which the sentence to confinement is more than 30 years up to life, the prisoner has served at least 10 years of a sentence to confinement; or

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(c) In cases in which the prisoner has been sentenced to confinement for life, the prisoner has served at least 20 years of confinement. This paragraph affects only those prisoners in which any act with a finding of guilty occurred 30 days after 16 January 2000. For prisoners whose offenses with a finding of guilty occurred prior to that date, and with unsuspended, approved sentences of 30 years or more, including a sentence to confinement for life, consideration by the ACPB shall occur after a prisoner has served not more than 10 years from the date confinement began and at least annually thereafter.

b. A prisoner otherwise eligible for parole, with an approved sentence including a fine, with a provision for further confinement if the fine is not paid, shall be considered for parole by the ACPB based on the approved sentence to confinement. Confinement resulting from failure of the prisoner to pay a fine shall not be considered in computing eligibility for parole consideration by the ACPB.

c. A prisoner with an approved sentence that includes a fine and no confinement, but with a provision for confinement if the fine is not paid, shall be considered for parole by the ACPB if the fine is not paid, if otherwise eligible for parole.

d. Unless an earlier parole consideration of the prisoner is directed by the Secretary of the Army (SA), requested by the facility commander, or initiated by the ACPB on its own motion, the Board shall not reconsider a prisoner for parole, whose parole has been revoked, until the prisoner has served 12 months in confinement subsequent to return to military custody.

e. When exceptional circumstances exist or for other good cause, the ACPB may waive any prisoner's parole eligibility requirement, except for those prisoners sentenced to death or to life without parole. (2-1073)

f. The presence of a detainer does not bar a prisoner from parole. The ACPB will pursue the basis of the detainer and will release the offender on parole or to the detainer as appropriate. (2-1097)

g. A prisoner confined pursuant to a death sentence is ineligible for parole.

h. A prisoner with a sentence of life without parole is ineligible for parole unless the Secretary of the Army grants clemency to a sentence of life with parole or a number of years.

i. A prisoner who is a foreign national is eligible for parole consideration. (2-1098)

8. Parole Consideration Criteria. (2-1082)

a. Normally, the ACPB will not consider a case for parole unless all of the following conditions are met:

(1) The individual meets the parole eligibility criteria; and

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(2) The individual parole case file has been reviewed by a facility disposition board and by the correctional facility commander or the commander's designee, or by an appropriate Federal correctional or probation official; and

(3) Action on the adjudged sentence has been taken by the Court-Martial convening authority pursuant to Rule for Courts-Martial 1107, Manual for Courts-Martial, United States.

b. When considering a case for clemency or parole, the ACPB will consider each case on its own merits.

c. When applicable, the ACPB may consider the criteria listed in (1) through (8) below. Determination of the relevance and weight to be accorded any factor is within the broad discretion of the ACPB. In addition, the ACPB will use a salient factor score and evaluation guidelines when considering prisoners for parole suitability. The salient factor guidelines provide a customary range of time to be served in confinement before release on parole. The customary ranges determined by salient factors serve as guidelines only. The guidelines are not legal or regulatory mandates and the ACPB is not bound by them. The guidelines are established to identify and recognize good institutional adjustment and program progress. The salient factor guidelines assist the ACPB in determining parole prognosis. Mitigating or aggravating circumstances may justify decisions above or below the guidelines. The ACPB shall review the guidelines, including the salient factor score, annually and update as needed.

(1) The nature and circumstances of the offense shall be weighed to ensure that the consideration of parole would not depreciate the seriousness of the offense nor promote disrespect for the law. The following areas should be evaluated.

(a) The effect its decision may have on the deterrence of the offender and others from committing other or similar crimes.

(b) The protection and welfare of society.

(c) The need for good order and discipline within the Army.

(d) The rehabilitation of the offender.

(e) The extent and nature of any violence or the potential for violence, associated with the offense.

(f) If a weapon was involved, the type of weapon and how it was used.

(g) The physical, financial, social, psychological, and emotional harm done to or loss suffered by any victim of the offense.

(h) The motive of the offender.

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(i) Whether the offender received any gain from the offense.

(j) The extent of the offender's participation in the offense.

(k) The criminal or administrative disposition of any co-accused and the degree of that co-accused's complicity in the offense.

(l) Whether the offender committed other or similar offenses.

(2) The individual's civilian history and the quality of the prisoner's prior military service should be weighed when considering parole. The following areas should be considered.

(a) Prior honorable discharges.

(b) Combat service.

(c) Awards and decorations.

(d) Favorable personnel actions.

(e) Prior criminal activity or evidence of misconduct. In determining the probative value of prior criminal activity or evidence of misconduct, the ACPB may consider the nature and circumstances of the prior act and the lapse of time between that act and the current offense.

(3) The conduct and disciplinary records of the prisoner's confinement should be reviewed to determine whether the prisoner has achieved the degree of rehabilitation necessary to warrant parole. Prisoners are expected to comply with all institutional rules and to participate meaningfully in available correctional treatment programs. Relevant to this review are the following.

(a) Comments by institution counselors.

(b) Reports of institution boards.

(c) Evaluations by institution cadre.

(d) Evidence of enrollment in or completion of available education, vocational, and correctional treatment programs.

(e) Appellate court decisions or new evidence.

(4) Personal characteristics of the prisoner should be weighed including the following.

(a) The prisoner's age, education, experience, psychological profile, medical condition, and marital and family status.

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(b) The prisoner's need for specialized treatment.

(c) Whether the prisoner has recognized the wrongfulness of his/ her confining offense, shown genuine remorse, achieved a sense of purpose, demonstrated a desire for self-improvement, or exhibited self-discipline.

(5) The prisoner's parole plan should be evaluated before granting parole. Prisoners eligible for parole must agree to abide by a parole plan before their parole release. Such a plan should be tailored to motivate the prisoner for continued socialization. The parole plan will include, at a minimum, the following.

(a) A residence requirement stating where and with whom a parolee will live; and

(b) Except in the case of a medically disabled prisoner, a requirement that the prisoner have an offer of guaranteed employment, an offer of effective assistance to obtain employment, or acceptance in an accredited educational or vocational program.

(6) Input from any victim/witness of the prisoner's offense. The victim/witness or the victim's representatives may appear in person, submit matters in writing or other media formats such as cassette tape, Video Home System (VHS) tape, compact disk-read (CD-R), and digital video disc-read (DVD-R) for consideration by the ACPB. Digital file extensions accepted by the ACPB are limited to .doc, .docx, .rtf, .txt, .pps, .ppt, pptx, .xls, .xlsx, mp3, mpa, .ra, .wav, .wma, .mov, .mp4, ppg, .rm, .wmv, .bmp, .gif, .png, .jpg, .jpeg, .tif, .tiff, .zip, .zipx.

(7) Input from the community regarding the offender's potential release, including prosecuting attorney and sentencing judge. (2-1074).

(8) Previous ACPB Decisions. Analyst and Board Members will review previous board decisions. (1086-1).

d. Courts-martial findings. The Board shall refrain from developing conclusions as to guilt or innocence and shall accept the findings of Courts-Martial as approved or affirmed as final.

9. Clemency, Restoration, and Reenlistment Eligibility.

a. The ACPB shall normally consider an individual for clemency, restoration to duty or reenlistment when the court-martial convening authority has taken action on the sentence; the individual's case has been reviewed by a correctional facility disposition board or by an appropriate Federal correctional or probation official; and the individual meets the eligibility criteria. Individuals may waive consideration for clemency, restoration and reenlistment. Even if an individual waives consideration for clemency, the facility will submit and the ACPB will board and review his/her case. Prisoners sentenced to death are ineligible for consideration.

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(1) When a prisoner's approved unsuspended sentence includes no confinement or the approved unsuspended sentence to confinement is less than 12 months, normally there shall be no consideration by the ACPB.

(2) When a prisoner's approved unsuspended sentence to confinement is 12 months or more, initial consideration by the ACPB shall not be more than 9 months from the date that confinement began or within 90 days after the convening authority's action is received at the facility, whichever is later. This paragraph does not apply to those prisoners serving approved unsuspended sentences of confinement for life without parole adjudged for offenses committed on or after 30 October 2000; or for those prisoners whose adjudged sentence takes place on or after 10 April 2013.

(3) For those prisoners whose adjudged sentence takes place on or after 10 April 2013, the following rules apply:

(a) When a prisoner's approved unsuspended sentence to confinement is 12 months or more, but less than 10 years, initial consideration by the ACPB shall not be more than 9 months after the date confinement began or within 90 days after the convening authority's action is received at the facility, whichever is later.

(b) When a prisoner's approved unsuspended sentence is 10 years or more, initial consideration by the ACPB shall be at least annually, beginning when the prisoner would otherwise be eligible for parole, whether or not the prisoner had an approved unsuspended punitive or administrative discharge or dismissal or an approved retirement. This subparagraph does not apply to those prisoners serving an approved unsuspended sentence of confinement for life without eligibility for parole adjudged for offenses committed after 31 October 2000. Subsequent reviews will occur at least annually.

(c) The facility commander confining a prisoner with an unsuspended sentence to confinement of 10 years or more may recommend the ACPB review the prisoner for clemency due to extraordinary reasons before the prisoner would otherwise be eligible for an initial clemency review.

(d) A prisoner with an approved unsuspended sentence to confinement of 10 years or more may request the ACPB for a clemency review due to extraordinary reasons, before the prisoner would otherwise be eligible for an initial clemency review. The request should set out those extraordinary reasons and be sent to the ACPB through the facility commander. The request may be rejected by the ACPB Chairman. If the ACPB Chairman accepts the request for review by the ACPB, the ACPB Chairman will notify the facility in order for the facility to make appropriate Victim/Witness notifications, to initiate a review of the prisoner, and to provide the ACPB a complete clemency review packet in the ARBA module.

(e) Due to extraordinary reasons, the ACPB Chairman may direct an initial clemency review of a prisoner before the prisoner would otherwise be eligible for an initial clemency review. In such a case, the Chairman shall notify the facility to make

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appropriate Victim/Witness notifications and to initiate a review of the prisoner, and to provide the ACPB a complete clemency review packet in the ARBA module.

b. The following rules govern consideration by the ACPB after the initial review.

(1) When a prisoner's unsuspended sentence is 12 months or more, but less than 20 years, consideration by the ACPB shall be at least annually.

(2) When a prisoner's unsuspended sentence is 20 years or more, but less than 30 years, consideration by the ACPB shall be at least annually beginning 3 years from the date confinement began.

(3) When a prisoner's unsuspended sentence is 30 years or more, including confinement for life, consideration by the ACPB shall be at least annually beginning 10 years from the date that confinement began. This paragraph affects only those prisoners in which any act with a finding of guilty occurred on or after 16 January 2000. For prisoners whose offenses with a finding of guilty occurred prior to that date, and with unsuspended, approved sentences of 30 years or more, including a sentence to confinement for life, consideration by the ACPB, shall occur not more than 5 years from the date confinement began and at least annually thereafter. This paragraph does not apply to those prisoners serving approved unsuspended sentences of confinement for life without parole adjudged for offenses committed on or after 30 October 2000.

(4) When a prisoner's approved unsuspended sentence for an offense committed on or after 30 October 2000, includes confinement for life without parole, consideration by the ACPB shall be at least once every 3 years beginning 20 years after the date confinement began. Only the SA can grant clemency for approved sentences of life without parole. The DASA (RB) and the ACPB may deny clemency for approved sentences of life without parole.

c. Except in the case of prisoners sentenced to death, or to confinement for life or life without parole, an individual may, for cause, be granted special consideration by the ACPB for clemency, restoration, or reenlistment.

d. 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. 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.

e. When a prisoner is considered for parole, the Board may also consider the prisoner for clemency, and upon request, for restoration to duty or reenlistment.

10. Clemency and Restoration to Duty Consideration Criteria. (2-1082) The ACPB shall consider the following criteria when considering an individual for clemency, restoration to duty, or reenlistment.

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- a. The nature and the circumstances of the prisoner's offenses.
- b. The prisoner's military and civilian history.
- c. The prisoner's confinement record.
- d. The personal characteristics of the prisoner, including age, education, marital and family status, and psychological profile.
- e. The impact of the prisoner's offense on the victim and the prisoner's efforts to make restitution to the victim.
- f. The protection and welfare of society.
- g. The need for good order and discipline in the Service.
- h. Other matters, as appropriate.

11. Mandatory Supervised Release.

a. The supervised release of prisoners who are not granted parole prior to their Minimum Release Date (MRD) is a highly effective technique to provide an orderly transition to civilian life for released prisoners and to better protect the communities into which such prisoners are released. It shall be the policy of the Army to use Mandatory Supervised Release (MSR) when it is determined by the ACPB to be appropriate.

b. Eligibility. The only prisoners eligible for MSR are those with an approved finding of guilty of an offense that occurred on or after 16 August 2001, and are eligible for parole, but are not paroled. Prisoners who are returning to a military unit for continued duty (i.e., for retention on active duty, administrative discharge, etc.) shall not be reviewed by the ACPB for MSR. Prisoners who are returning to a military unit for out-processing/appellate leave and are otherwise eligible for parole shall be reviewed. Prisoners transferred from a military correctional facility to the Federal Bureau of Prisons (FBOP) are under the jurisdiction of the U.S. Parole Commission for supervised release.

c. Criteria

(1) A prisoner whose approved sentence (or adjudged sentence, if the convening authority has not acted) to confinement is less than 3 years shall not normally be reviewed by the ACPB for MSR, but shall be reviewed by the military correctional facility (MCF) commander. The ACPB may however at its discretion review cases with sentences less than three years. In the rare case where a MCF commander determines that MSR may be appropriate for such prisoner, the commander shall forward a recommendation to the ACPB for a decision at the prisoner's last ACPB board before his/ her minimum release date (MRD). The recommendation and case file shall be forwarded to the ACPB, whenever possible, no later than 4 months prior to the prisoner's MRD.

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(2) The ACPB shall review all prisoners with an approved sentence (or adjudged sentence, if the convening authority has not acted) to confinement of 3 years or longer.

(3) The ACPB may direct the review of any prisoner for MSR and can direct facilities to have any prisoner with less than a 3-year sentence provide a release plan for MSR review.

12. Case Files.

a. All reports, enclosures and case records of any variety or format are classified as protected information, For Official Use Only. Victim/Witness information is confidential.

b. Electronic cases received through the Centralized Operating Police Suite (COPS) are organized into set sections established by the ACPB. They include a facility section (file report), analyst section and enclosures. Prisoner hard copy files maintained in ARBA are organized by the date of the document. (2-1075)

c. ACPB Hardcopy Files.

(1) All ACPB files are to be organized to meet the Army filing standards of DA PAM 25-403 Army Records Information Management System.

(2) All ACPB records are considered For Official Use Only and the provisions of the Privacy Act and Freedom of Information Act apply. (2-1079)

(3) Release of any ACPB records are restricted and must be approved by the ACPB Chairman or Board Manager in accordance with the provisions of the ACPB Administrative SOP. (2-1079)

d. The ACPB staff and Board Members will be responsible to maintain and protect the confidentiality of reports and documentation. These reports will neither be left visible to offenders or visitors, nor left in unauthorized open or public places. (2-1079)

e. The ACPB Chairman, Board Members, and staff may discuss clemency or parole cases only with the following individuals consistent with the privacy rights of the individual concerned.

(1) The individual concerned.

(2) The individual's family, next of kin, or authorized representative.

(3) The victim, victim's family, next of kin, or authorized representative, in accordance with Department of Defense Directive 1030.1, which requires notice to victims and witnesses, who so request, whenever there is any change in prisoner status. Changes in status that may require such notification include clemency that results in parole or other release from confinement, including restoration to duty.

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(4) Any person having a need to know in the performance of his/ her official duties or having information required by the ACPB.

13. Notifications and Responsibilities.

a. Prisoners are notified in writing of their first legal eligibility date to be considered for clemency and parole within 90 days after prisoners are first received in the correctional facility by facility staff. Prisoners will acknowledge in writing with their signature and date that they received this notification. (2-1071)

b. All prisoners are briefed and clearly explained parole and clemency procedures during the admission process to the facility. Prisoners are provided timely assistance from facility parole officers to help prisoners understand clemency and parole procedures, prepare adequate parole plans, prepare for their personal appearances before facility boards and their representatives' personal appearances before the ACPB. Timely assistance is also provided to prisoners in filing appeals of parole denials. Prisoners will acknowledge in writing with their signature and date that they received this assistance. Prisoners who require a translator e.g., American Sign Language, will be afforded such. (2-1084)

c. 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. Change in status includes parole, clemency that results in parole, or other release from confinement, including restoration to duty. The facility Victim/Witness coordinator will ensure that victims/witnesses are notified of their right to personally appear before the ACPB, or to submit matters in writing or other media formats such as cassette tape, Video Home System (VHS) tape, compact disk-read (CD-R), and digital video disc-read (DVD-R) for consideration by the ACPB. Digital file extensions accepted by the ACPB are limited to .doc, .docx, .rtf, .txt, .pps, .ppt, pptx, .xls, .slsx, mp3, mpa, .ra, .wav, .wma, .mov, .mp4, ppg, .rm, .wmv, .bmp, .gif, .png, .jpg, .jpeg, .tif, .tiff, .zip, .zipx. (2-1074-1) Facilities are to notify victims and witnesses that the ACPB will conduct annual clemency reviews, and will provide the month of the anticipated annual review. Victims/witnesses are also to be advised that any victim/witness impact statements must be received a month prior to review. (2-1074-1)

14. Facility Boards.

a. Facility boards are held at the prisoner's correctional facility, and are conducted by facility staff as an extension of the ACPB.

b. The facilities will conduct the local parole hearing in time to have the case to the ACPB for a full review at a minimum of 30 days prior to the prisoner's parole eligibility date.

c. Prisoners are notified in writing 14 days in advance of the Board and provided information regarding the subject and purpose of the hearing. (2-1090)

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d. Hearings are conducted with careful attention to the prisoner, and with ample opportunity for the expression of his/her views. (2-1092)

e. No prisoner is denied parole or given a deferment unless a personal hearing is held before a facility disposition board (2-1088). The prisoner will be present at the Board unless he/she elects not to attend or their absence is unavoidable (i.e. not in facility or medical or legal reasons), which is documented in writing. Whether or not the prisoner is present at the hearing, he/she may always submit a letter for the Board and supporting documentation. If the prisoner is not present, the hearing will continue as normal. The Board documentation will state the prisoner was not present. There will be documentation of the reason the prisoner is not present at the Board. (2-1088, 2-1089)

f. Board hearing results are forwarded to the ACPB through COPS or in rare cases by paper copies by facilities not using COPS.

15. Case Scheduling.

a. The ACPB will meet normally at 0900 on Tuesday and Thursday of each week to hear clemency and parole cases. There will be no more than thirty cases of which only twenty cases will be parole cases (term setting, release consideration or revocation cases). (2-1070)

b. Personal appearance boards will normally be conducted on the first Thursday of each month. Normally there will be no more than eight personal appearance cases a day. Limited non-personal appearance cases will be heard on those dates. Additional personal appearance dates can be set if additional dates are needed in a month.

c. The Clemency Assistant will schedule all boards and the Board Manager will monitor to ensure no more than thirty cases are scheduled (2-1070). The Board Manager will ensure participating Board Members are representative of the Army's diversity at each hearing. (2-1037)

16. Case Receipt and Management Process of Electronic Cases through COPS. The Clemency Assistant processes board packets from the facilities for ACPB hearings in COPS. The Clemency Assistant processes each case by ensuring all required/referenced documents are provided in the ARBA module of COPS, assigns it a board date and appropriate analysts and Board Members, and then pushes the case to the analyst in the ARBA module. Specific instructions for operating in COPS can be found in "ACIS Parole Basic Instructions: Receptionists Section," or desk side instructions.

17. Case Preparation Process.

a. Analyst to process assigned cases shall perform the following functions.

(1) Log into COPS. Read the file report section to determine if information has

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been provided for all sections, check enclosures to determine if any pages have been omitted or are not legible or if there are any other problems with the enclosures. Ensure that each case has the minimum necessary information to process the case and that the case qualifies for review by the ACPB (i.e. the individual has an approved and eligible sentence; the convening authority has acted; the case has been reviewed by a disposition board and the commander of a military correctional facility or the commander's designee; or the case has been reviewed by an appropriate Federal correctional or probation official, etc.).

(2) Ensure that the case file is complete and includes all pertinent information and enclosures necessary to thoroughly review and analyze the case (i.e. legal documents including the General Court-Martial Order (GCMO), Convening Authority (CA) action, Discharge Order (if applicable), a Stipulation of Fact or Summarized Version of the Record of Trial or Article 32 Investigation or the Verbatim Record of Trial, DD Form 2715-3 (individual request forms), confinement treatment records, parole plan information, victim impact statements, risk assessments, disciplinary history, work evaluations, etc.).

(3) If the case does not qualify for review by the ACPB and/or is incomplete to the extent that the analyst cannot effectively review the case, the case should be promptly returned to the submitting correctional facility for correction and then resubmission when the case qualifies and/or is complete and ready for review. If the case has minor errors or is just missing a few items, the analyst should contact the facility for the additional information.

b. After determining that the case qualifies for review by the ACPB and is complete, analysts shall perform the following functions.

(1) Read and intensely study the case file and all enclosures to fully and thoroughly understand the offenses committed, the current sentence, all aggravating or mitigating factors, the individual's prior history, overall confinement record, degree and evidence of rehabilitation and progress in correctional rehabilitative treatment, specific clemency and parole requests and concerns of the individual, facility command and staff observations and recommendations, completeness of the parole plan, victim impact statements, risk to the community, need for continued community treatment and supervision, etc. For all cases that have been previously reviewed by the ACPB, check previous reviews, board decisions, member comments, victim impact statements, previous case file information, etc., to thoroughly and better understand all pertinent issues. This information can be found in ACPB files, ACIS and the ARBA module. For individuals who are on parole or under Mandatory Supervised Release (MSR), read and study progress reports from supervising parole officers, reports and evaluations of community treatment professionals, previous letters of warning or violation reports, and any other pertinent information.

(2) After thoroughly reviewing and analyzing the case and all available information, complete the *Analyst Template* in COPS. The analyst will conduct an independent evaluation of the case and provide a recommendation for restoration, clemency, parole and MSR. In each block, select (from the drop down menu box) a

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recommendation (if applicable) for each category request block (i.e. *Unfavorable, Favorable, Not Applicable*, etc.). Only one selection is allowed per category request block. Select *Not Applicable* for each category request block when any of the following is true: restoration is not desired; parole is not desired or the individual is not eligible or already on parole; and the individual is not eligible or already on MSR. Fill in each template section to provide a comprehensive written synopsis of the case with concise analyst recommendations for the ACPB Board Members. At a minimum, include a comprehensive summary of all areas listed in (1) above, positive and negative factors for ACPB Board Members to consider relative to granting or not granting clemency and/or parole, and specific recommendations with sound justifications relative to granting or not granting clemency and/or parole or MSR.

(3) For each individual who has requested parole, in addition to the above synopsis, prepare a risk assessment and Salient Factor Score Sheet (SFSS). Follow the procedures outlined in the "Instruction for Preparing Salient Factor Score Sheets." After preparing the SFSS, add the score sheet to the individual file as an enclosure and also record the customary range of time to be served in confinement before release on parole in the *Analyst Template*.

(4) After thoroughly reviewing a case and completing the above procedures, forward the completed case in the ARBA module to the Board Members assigned to hear the case at least one week before the actual board date. This will allow all Board Members sufficient time to thoroughly review the case and analyst recommendations and will enable the Board Members to contact the case analyst with any questions or concerns the Board Members may have regarding the case.

(5) Prepare and send via email (at least one week before the actual board date and at the same time the cases are forwarded) to Board Members an agenda sheet listing all the cases the analyst has been assigned and is presenting to the Board Members serving on the board date. Include the board date, the name of the analyst, the names of all individuals whose cases will be considered by the Board, the location of each individual, and the type of each case (i.e. parole, initial review, annual review, special, etc.) that will be considered by the Board.

c. Procedures for verification of documents are as follows:

(1) The authenticity of all documents submitted by facilities is verified by facility staff before entry into ACIS or for submission by paper copy. Any information not verified is so marked. In the facility parole section of ACIS, employment and residence will address whether or not they have been verified through written documents or other means.

(2) The ACPB staff will only enter documents not received through ACIS once the document has been verified. Statements received such as Victim/Witness letters will be verified with the Army Corrections Command or the facility Victim/Witness coordinator. Any information not verified is so marked.

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(3) When documents arrive unexpectedly, the ACPB staff will make appropriate coordination to verify authenticity. (2-1077)

d. Medical Input. Facility mental health sections will provide a write up with each parole packet to indicate the status of mental health treatment. If the parole analyst or any ACPB member requires more information, they can request an examination and/or opinion from a credentialed psychiatrist or psychologist servicing the facility. (2-1078)

18. Board Member Case Evaluations.

a. Analyzed cases are provided to Board Members a minimum of one week prior to the scheduled hearing date.

b. Board Members have access to all the information reviewed by the parole analyst, in addition to the parole analyst's analysis and recommendation. (2-1074)

c. Board Members are responsible for reviewing each case in detail prior to the hearing, making individual determinations regarding the recommendations to be made at the Board Hearing, and preparing cogent summaries of their reasoning.

d. ACPB members may request that correctional facility commanders arrange for a prisoner to be examined by a licensed and qualified psychiatrist or psychologist when any ACPB member feels that such an examination does not already exist and is necessary to render an appropriate parole and/or clemency decision. Correctional facility commanders will ensure that when a request is received from the ACPB for a prisoner to be examined by a licensed and qualified psychiatrist or psychologist, arrangements will be made for the prisoner to receive the requested examination in a timely manner. The examination and written opinion of the licensed and qualified psychiatrist or psychologist shall be provided to the ACPB members within seven (7) working days from the date the facility receives the report. (2-1078)

19. Board Hearings.

a. ACPB Parole Hearings are conducted in a manner conducive to a safe, secure, professional and dignified atmosphere. Hearings are not open to the public. (2-1091) The ACPB Chairman will ensure that anyone attending a Parole Hearing is associated with the case (i.e. victim/witness, prisoners designated representative) or is a part of the ACPB. (2-1093) Exceptions to this are only approved by the DASA (RB) or the ACPB Chairman. All hearings are to be conducted to ensure privacy for the offender and victims/witnesses and to establish an atmosphere conducive to a proper and dignified hearing.

b. ACPB Hearings are to be conducted in the ARBA Hearing Room, unless other facilities are required to accommodate those required to be in attendance, or in the event the ARBA Hearing Room is not usable. Security will be provided whenever necessary for ACPB Hearings to ensure the safety of all attendees at such hearings. (2-1091)

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c. Recusal Situations. (2-1080)

(1) Board Members or hearing examiners will withdraw in cases which represent a conflict of interest. In any case where a Board Member or hearing examiner has personal knowledge of a case or could in any way benefit from the outcome of a case, they will withdraw completely from the case.

(2) Any Board Member who feels they will not be able to render a fair and just decision in a specific case, will select recuse while in the ARBA module (which automatically locks out that specific case from the Board Member). (2-1080)

d. ACPB Hearing Process.

(1) Board Members are to review all case materials 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 the facts of the case which may be in question. (2-1094)

(2) Analyst responsibilities during the Board Hearing.

(a) Present each case to the Board for discussion and then decision. Provide a short verbal synopsis of the case to refresh Board Members' memories of the case. (2-1094)

(b) Be fully and thoroughly prepared to answer all questions pertaining to the individual case, the individual requests under consideration, all options available to the Board, and the rationale for recommended actions.

(c) Be available and fully prepared to provide expert advice on broad and general principles and philosophies of corrections, parole, rehabilitation, risk factors, public safety, justice, sentence equity, etc.

(d) Accurately capture the final votes of all Board Members and ensure that all Board Members are in agreement that a majority decision has occurred for each and every request under consideration. Verbally poll Board Members and write the majority decision for each and every request under consideration on the original analyst copy of the agenda sheet.

(3) The ACPB Chairman will facilitate the discussion and then ask for a vote. The ACPB Chairman manages the Board and ensures it is run IAW applicable SOP's and regulations.

(4) Board Members

(a) Shall use consideration criteria in this SOP as a guideline in the preparation of their decision. (2-1082)

(b) Will be allowed the opportunity to ask any question of the analyst or

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provide any comments or thoughts for other Board Members comments.

(c) Record vote as applicable and rationale for vote.

(d) If a prisoner is granted parole or MSR, the Board will then discuss parole/MSR conditions. Special release conditions, in addition to general conditions, will be discussed and approved. Special release conditions shall be related to previous offenses or other areas that could lead to further serious law violations by the individual supervisee. (2-1100)

(5) Recordkeeping of Hearing Results

(a) Hearing records are input into the ARBA module during the hearing and become the permanent record of the decisions and recommendations made by each Board Member, along with comments.

(b) The ARBA module records each individual Board Member's vote and justification and special parole conditions. The ACPB Chairman ensures Board Members' comments, votes, and findings in the hearing are recorded. (2-1081)

e. Board Decisions.

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

(2) At the discretion of the individual Board Member, a minority opinion may be included.

f. Personal Appearance before the ACPB. (2-1093)

(1) Individual prisoners being considered by the ACPB are not authorized to personally appear before the Board. However, family members, friends, professional associates or private attorneys, may at the request of the prisoner, and at no expense to the Government, appear as a representative to present information on behalf of an individual being considered for clemency or parole. (2-1092-1)

(2) In addition to personal appearances made on behalf of the individual being considered for clemency or parole, victims, victim's families, and their representatives may also appear, at no expense to the Government, to present information concerning the impact of the offenses committed by the individual being considered for clemency or parole on the victim or the victim's family.

(3) The ACPB may obtain the views of any victim of the prisoner's offense. The victim/witness, the victim's family members or the victim's representatives may appear in person, submit matters in writing or other media formats such as cassette tape, Video Home System (VHS) tape, compact disk-read (CD-R), and digital video disc-read (DVD-R) for consideration by the ACPB. Digital file extensions accepted by the ACPB are limited to .doc, .docx, .rtf, .txt, .pps, .ppt, pptx, .xls, .xlsx, mp3, mpa, .ra, .wav, .wma,

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.mov, .mp4, ppg, .rm, .wmv, .bmp, .gif, .png, .jpg, .jpeg, .tif, .tiff, .zip, .zipx for consideration by the ACPB. (2-1074-1)

(4) The Chairman, ACPB retains absolute authority to determine who may be permitted to appear, to limit the time of any presentation before the ACPB, and to ensure the orderly nature of the proceedings in connection with the victims and their families.

(5) The proceeding will be recorded and the recording will be retained by the Board for at least a year.

20. Analyst responsibilities after the Board.

a. Prepare response letters to all prisoners, supervisees and as applicable, facility commanders and USPOs, advising them of the decision(s) of the Board. Electronic cases will be completed in the ARBA module. Specific instructions can be found in desk side instructions.

b. For decisions approving parole or requiring MSR, advise all individuals (in the response letter template) of any special conditions of release and direct the Clemency Assistant to prepare and attach (after the certificate is signed) a copy of the release certificate as an enclosure to the file. Provide the Clemency Assistant the following information to facilitate the assistant in preparing the parole or MSR release certificate: name of releasing correctional facility, individual's social security number (only last four digits), maximum release date, all special conditions of supervision, and the date to be released under supervision. The releasing certificate shall contain all general and special conditions of release and other pertinent information. (2-1095)

c. For decisions denying parole, explain the Board's rationale for denying parole, suggestions for improvement and the procedure for appealing the parole denial decision including the right of the individual to appeal the parole decision through the Commander of the correctional facility within 60 days of receipt of the notification. It is important and the policy of the ACPB to explain to individuals the criteria that the Board views as important in making their parole decisions. (2-1095)

d. For decisions recommending clemency, prepare a draft response letter template and ensure that the recommendations of the Board are reviewed by, and the final approval decision is made by, the Deputy Assistant Secretary of the Army (Review Boards).

e. For decisions that deny clemency, prepare the response letter template and no additional explanation is needed.

f. When the case is finished and ready to forward for review, the analyst will forward the case to the ACPB Chairman for final review and comments before he/she signs the decision documents and pushes the case as a final action. (2-1096)

g. In the event the case is for final action as a favorable clemency recommendation,

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the decision documents are then forwarded to the DASA (RB) for action.

21. Board results to prisoner/supervisee.

a. The ACPB will approve or disapprove Army parole applications submitted to the Board, using ARBA Module/ACIS or DA Form 4459 (Parole Action Record) to record its determinations. A summary of that information will be included in the letter to the prisoner. (2-1096)

(1) The ACPB will make notification to the prisoner through the facility commander or designee upon receipt of notification of the results in ACIS, but no later than 21 days from the date of the decision is finalized. (2-1096) The facility commander or designee will inform the prisoner in writing of the Board's decision. (2-1085)

(2) Announcement of parole will include authenticated copies of a DD Form 2716-1 (Certificate of Parole).

(3) Prisoners who are denied parole will be provided written notification of the reason(s) their request was denied. The prisoner knows his/her MRD (tentative release date) and annual parole board month provided by the facility. (2-1086)

b. After the ACPB Chairman or DASA (RB) has rendered a decision the Clemency Assistant shall:

(1) Print a copy of the decision and parole certificate

(2) Push case final in COPS, which sends the case back to the facility

(3) File printed documents in the prisoner's hard copy file.

c. Facility staff or USPOs provide prisoners/supervisees the clemency and parole letter that explains why parole decisions were made. If parole was approved, the parole certificate and conditions are also attached. Prisoners 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 parole decisions. FOIA rules will apply in terms of what information will be provided due to classification and/or law enforcement sensitivity. (2-1095)

d. Using the response letter or DD Form 2716 (Parole Acknowledgement Letter), the facility commander will ensure that prisoners are informed of the denial, appeal process and given the opportunity to appeal the decision. The prisoner will sign and date the notification of parole denial, upon receipt. (2-1096-1)

e. A prisoner whose application for parole has been denied may submit an appeal through the facility commander, within 60 calendar days of receipt of written notification of the denial. For MSR decisions, a prisoner may submit a request for reconsideration through the facility commander, within 60 calendar days of receipt of written

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notification. New or additional material information, which was not previously considered, may be included in the appeal or reconsideration.

22. Appeals.

a. Parole denial appeal process.

(1) A prisoner who is denied parole may submit a written appeal within 60 calendar days of receipt of the written notification of the denial. New or additional material or information that was not previously considered by the ACPB may be included in the appeal.

(2) An appeal will be submitted by the prisoner through the commander of the correctional facility in which the prisoner is confined.

(3) The correctional facility commander will take the following actions:

(a) Review the appeal.

(b) Recommend an appropriate disposition and explain the basis for that recommendation.

(c) Forward the appeal to the ACPB for referral to the DASA (RB).

(4) The Clemency Assistant will assign the parole appeal to an analyst. The case will be processed in COPS or by exception, paper copy for those cases not in COPS.

(5) The analyst will:

(a) Log into COPS and follow all previous applicable guidance pertaining to thoroughly reviewing the file report, enclosures, and previous cases.

(b) The analyst will review the Commander's Appellate Submission comments, prisoner's appeal letter, and the original case file, including the comments from and the vote of the *BOARD* members, the *RESPONSE* and parole denial letter to the prisoner, and the *ARBA ANALYST* case synopsis.

(c) Review the appeal.

(d) Recommend an appropriate disposition and explain the basis for that recommendation.

(e) Complete the *Analyst Template*. Type in the synopsis and rationale for the recommendation. Draft an appeal response for the DASA (RB) using the appropriate template and responding to any issues raised by the prisoner.

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(f) Forward the proposed response to the Board Manager for review. Once the Board Manager has reviewed/approved the response, forward the response to the ACPB Chairman for review.

(6) The ACPB Chairman will review the case and forward the case to the DASA (RB) with a recommendation.

(7) The DASA (RB) will review the appeal case and make a decision. The DASA (RB), as delegated by the Secretary of the Army, will decide all appeals from military prisoners denied parole by the ACPB. (2-1083) The DASA (RB) will furnish the individual concerned with written notice of final action on a parole appeal.

(a) If the parole appeal is approved, a DA Form 1707 signed by the ACPB Chairman will accompany the notice.

(b) If the parole appeal is denied, the notice will state with particularity the reasons for the denial.

(8) The facility commander or a designee will inform the prisoner of the action on the appeal. (2-1085)

23. Conditions of Parole/MSR.

a. General conditions of parole are listed on DD Form 2716-1. At a minimum, general conditions will include that a supervisee observes the law, maintains contact with their USPO, has a viable means of support, and will notify the USPO of changes in residence (includes permission to temporarily leave the state). (2-1099)

b. Special conditions that are offense or treatment related may be added by the ACPB. Additional special conditions or amendments to conditions may be recommended by the prisoner, USPO or facility parole staff, and approved by the ACPB. (2-1104)

c. Removal and modifications of conditions of supervision can be requested by the prisoner, facility staff, or USPO. The staff shall list the reasons for the modification of conditions of supervision and/or special condition(s)/sanction(s) and discuss them with his/her unit supervisor prior to submission to the Board Chairman for consideration. The Board Chairman shall return the decision to the appropriate field facility and USPO. The offender shall be notified in writing of any modification. All conditions of supervision/special condition(s)/sanctions(s) shall remain in effect until the modification is approved or disapproved and a new condition of supervision form is signed (if applicable). (2-1101, 2-1102)

d. Facility staff or USPO shall review and explain to the offender the conditions of supervision and any special condition(s)/sanction(s) imposed by the ACPB. The staff shall require the offender to acknowledge receipt, in writing, by signing the Conditions of Supervision and provide a copy to the offender. (2-1102)

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24. Parole Rescission.

a. When an effective date for parole has been set, release on that date is conditional upon the continued satisfactory conduct by the prisoner. The ACPB will review any reported prisoner misconduct occurring while the prisoner is awaiting release on an approved parole. The ACPB may temporarily delay the release of a prisoner on parole, pending recommendations from the facility commander.

b. Correctional facility commanders will provide the ACPB with a report detailing the facts and circumstances of the prisoner misconduct. The report will include any relevant report of investigation or other documents. The correctional facility commander will recommend an appropriate disposition of the prisoner's case.

c. The correctional facility commander will provide the prisoner with the following:

(1) Written notice of the basis for the parole rescission proceedings, and

(2) A reasonable opportunity to present written matters in his/her behalf relevant to the parole rescission proceedings in mitigation or denial of culpability.

d. Upon review of the correctional facility commander's report and recommendation, the ACPB may take the following actions.

(1) Make no change to the original parole determination.

(2) Rescind parole and direct the date upon which the prisoner will next be eligible for parole consideration.

(3) Take any other appropriate parole determination action.

(4) In cases when a prisoner has been approved for parole and subsequently declines in writing such release, the prisoner's declination will be forwarded to the ACPB Chairman to rescind the parole.

e. Parole rescission actions by the ACPB are final and not subject to appeal.

f. The ACPB Chairman will furnish the prisoner concerned with a written decision notice concerning the final parole rescission action. If parole is rescinded due to misconduct, the notice will state the reasons for the rescission. (2-1087, 2-1088)



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