

Judge Jones and members of the Panel, thank you for the opportunity to address you today. My name is Steve Andraschko and I serve as Chairman of the U.S. Army Clemency and Parole Board in Arlington, Virginia. I would like to tell the panel about my background, my responsibilities, and provide you with a brief description of the Army's Clemency and Parole Board process.

I am a retired Army Colonel and I served over 29 years on active duty as a Military Police Officer with multiple assignments in support of the Army Corrections and Parole systems. From 1994-1996, I served as the Commander/Warden of the Army's Regional Correctional Facility and 704th Military Police Battalion at Fort Lewis, Washington. At that time, the facility was a medium security prison that housed 200 male and female Soldiers with sentences up to 3 years. I served two tours of duty at the United States Disciplinary Barracks, DoD's only maximum security prison, at Fort Leavenworth, Kansas. From 2000 to 2002, I served as Commandant/Warden of the USDB. My final active duty assignment was as a military board member on the Army Clemency and Parole Board. In 2007, I was hired as the initial Deputy Director of Army Corrections Command where I served for 4 and ½ years. In October 2011, I moved to my current position as the Chairman of the Army Clemency and Parole Board. I have a Bachelors degree in Sociology from South Dakota State University and a Masters degree in Criminal Justice from the University of Nebraska-Omaha. I am a graduate of the US Army Command and General Staff College and the US Air War College.

As Chairman of the Army Clemency and Parole Board, I am responsible for conducting clemency and parole board hearings for eligible Soldiers convicted at court-martials. Three of the slides that I provided to the panel illustrate clemency eligibility based on sentence length, date of offense, and/or the date the sentence was adjudged. In Fiscal Year 12, the Army Clemency and Parole Board conducted 657 clemency hearings and 13 prisoners were approved for clemency (less than 2%). In FY 13, 671 clemency hearings were conducted and 13 prisoners (less than 2%) were approved for clemency. In addition to conducting clemency and parole board hearings, the Army Clemency and Parole Board staff works closely with US Probation Officers in the Federal Districts nationwide who are supervising our prisoners released on parole or mandatory supervised release to ensure that they are remaining compliant with conditions of release.

The Army Clemency and Parole Board processes are based on policy guidance provided in Department of Defense Directive 1325.07, Administration of Military Correctional Facilities and Clemency and Parole. The Army's implementing regulation for the Army Clemency and Parole Board is AR15-130. The process begins with a prisoner or supervisees' signed request for consideration. The prisoner or supervisee indicates whether he/she wants to be considered for clemency and the type of clemency being requested such as: a reduction in the length of sentence, reduction or remission of a fine or forfeitures, substitution of an administrative discharge for a punitive discharge, remission of dismissal (for officers), mitigation of a dishonorable discharge to a bad conduct discharge, or restoration to pay grade. For confined Army prisoners, the DoD Correctional Facility staff will convene a 3-person disposition board to consider the prisoner's request for clemency, parole, and restoration. The Disposition Board recommendations will be sent to the facility commander for a recommendation and then entire packet will be transmitted to the Army Clemency and Parole Board for a hearing. For prisoners released on parole or mandatory supervised release, the US Probation Officer will provide the Army Clemency and Parole Board with the supervisees completed request form and the USPO's evaluation. The hearing packet will be analyzed and considered at a records review hearing or at a personal appearance hearing, if requested by the prisoner or supervisee. Although prisoners cannot appear in person before the Army Clemency and Parole Board, they can designate personal representatives including attorneys, family members, or friends to appear on their behalf. Registered victims and witnesses can also appear in person before the Army Clemency and Parole Board in Arlington, Virginia, or submit matters in writing for consideration by the board. Correctional facility victim-witness coordinators notify registered victims/witnesses by mail 45 days prior to a scheduled hearing. They are allowed to provide written testimony or appear in person before the Board in Arlington, Virginia at their own expense. Very few victims submit written materials to the Board and even fewer appear in person (less than 10 a year). A select few representatives of murdered Soldiers appear every year. For example, a Soldier shot up a physical training formation at Fort Bragg in October 1995, killing one Soldier and wounding 17 others. The widow of the murdered Major, and the Brigade Commander appear before our Board every year. I suspect that they will continue to appear as long as they are physically able to do so. Only two sexual assault victims appeared before our Board in FY13,

and one of them testified on behalf of the prisoner. When I addressed the Army's initial Special Victim's Counsel class last fall, I asked the Attorneys to emphasize to the victims that the Army Clemency and Parole Board welcomes their input/participation in the process, but I suspect that victims will continue to be deterred by the out of pocket expense to appear and/or a reluctance to relive their experience in front of strangers.

The Army Clemency and Parole Board consists of five members including myself, 3 active duty officers (Colonels/Lieutenant Colonels), and an attorney who are all assigned to the Army Review Boards Agency. We always have at least one female Board Member. Board Members review records provided by the DoD Correctional Facilities and our parole analysts, participate in the hearing, and provide recommendations on each request for restoration to duty, clemency, or parole. All recommendations for clemency must be approved by the Deputy Assistant Secretary of the Army (Review Boards) who has been delegated to act on behalf of the Secretary of the Army.

Regarding the Army Board for Correction of Military Records, that body will not review a clemency request until all other administrative avenues have been exhausted. Since a Soldier convicted at a court-martial remains eligible for clemency consideration by the Army Clemency and Parole Board until the sentence to confinement has been completed, the only clemency action that the Army Board for Correction of Military Records would consider is an upgrade of a punitive discharge (DD or BCD) after the sentence has been executed. The ABCMR rarely grants upgrades of punitive discharges adjudged by a court-martial. The ABCMR's involvement with clemency actions was significantly reduced when the governing statute, 10 U.S.C. 1552, was amended in 1983 to limit the Board's jurisdiction over courts-martial to taking favorable action on the sentence as a matter of clemency.

I welcome any questions from the panel members.