

Army Review Boards Agency

**Assistant Secretary of the Army
(Manpower and Reserve Affairs)**



U.S. Army Clemency & Parole Board



Army Clemency & Parole Board (ACPB)

Mission: Make independent, impartial decisions and recommendations for Army prisoners eligible for Parole (10 USC 952), Clemency (10 USC 953), Mandatory Supervised Release (DoDI 1325.07), Restoration to Duty, and transfer to the Federal Bureau of Prisons. In coordination with Federal, State, and local law enforcement and corrections partners, promote public safety, observe victims' rights, and through judicious administration of release and supervision of Army supervisees, minimize risk while supporting successful offender reentry.



**1 Civilian Chairman,
3 Colonels/Lt Colonels/Sr Civilians,
1 Legal Advisor**



Definition

Clemency options:

- 1) Remit or suspend the unexecuted portion of a court-martial sentence
- 2) Upgrade a dishonorable discharge to bad conduct discharge
- 3) Substitute an administrative discharge for a punitive discharge
- 4) Reduction or remission of a fine or forfeitures
- 5) Remission of dismissal (officers)
- 6) Restoration to pay grade



Clemency Eligibility

For offense(s) committed before 16 January 2000

Sentence	Date Eligible
<i>12 mo to 20 years</i>	<i>NLT 1 year</i>
<i>20 - 30 years</i>	<i>NLT 3 years</i>
<i>30 years - Life</i>	<i>NLT 5 years</i>

- May be waived
- Once considered, considered ANNUALLY
- Special clemency--considered anytime
- DASA(RB) may remit unexecuted portion of sentence; upgrade discharge
- ARMY retains clemency authority for Federal transferees
- Death Sentence – not eligible (except POTUS)



Clemency Eligibility

If offense(s) occurred on or after 16 January 2000

Sentence	Date Eligible
<i>12 mo to 20 years</i>	<i>NLT 1 year</i>
<i>20 - 30 years</i>	<i>NLT 3 years</i>
<i>30 years - Life</i>	<i>NLT 10 years</i>
<i>Life w/out parole</i>	<i>NET 20 years</i>

- May be waived
- Once considered, considered ANNUALLY
- Special clemency--considered anytime
- DASA(RB) may remit unexecuted portion of sentence; upgrade discharge
- ARMY retains clemency authority for Federal transferees
- **Life w/out parole -- SECARMY retains authority for clemency decisions**
- Death Sentence – not eligible (except POTUS)



Clemency Eligibility

For sentences adjudged on or after 10 April 2013

Sentence

Initial Consideration

<i>12 months or more but less than 10 years *</i>	<i>No more than 9 months after confinement begins; annually thereafter</i>
<i>10 years or more including Life with parole eligibility **</i>	<i>In conjunction with initial parole eligibility; annually thereafter</i>
<i>Life without parole</i>	<i>20 years after confinement begins; every 3 years thereafter</i>

* Initial consideration no more than 9 months from confinement date or within 90 days after Convening Authority action is received at correctional facility, whichever is later

** Prisoner may request clemency hearing earlier when “extraordinary reasons” exist; Facility Commander may recommend Clemency hearing earlier when “extraordinary reasons” exist; ACPB Chair may direct an initial clemency hearing earlier for “extraordinary reasons”



Army Clemency & Parole Board Clemency Hearing Outcomes

- FY 12: **657 considered/13 approved = 1.98 %**
- FY 13: **671 considered/13 approved = 1.94 %**

Backup Slides



Parole Consideration

Sentence	Date Eligible
<i>12 months to 30 years</i>	<i>1/3 of sentence, NET 6 months</i>
<i>30 years through Life</i>	<i>10 years</i>
<i>Life</i>	<i>20 years*</i>

***If offense(s) occurred at least 30 days after 16 January 2000**

- Prisoners may waive consideration
- Once considered, considered annually
- Federal transferees considered by US Parole Commission, not ARMY
- Life w/out parole--not eligible
- Death sentence—not eligible



ACPB Process

1. Once eligible, prisoner submits written request (DD Form 2715-3) for Restoration to Duty, and/or Clemency, and/or Parole.
2. Correctional Facility conducts in-person hearing; Facility Parole Officer, Disposition Board, and Commander provide recommendations to ACPB.
3. Case is forwarded to ACPB via the Centralized Operations Police Suite/Army Corrections Information System (COPS/ACIS) for scheduling.
4. ACPB Case Analyst prepares analysis with recommendation.
5. Case is available to Board Members in ARBA module 7 days prior to hearing.
6. Board Members enter preliminary votes and provide justification for votes.
7. Final Board Member votes are recorded after each hearing. Chairman forwards recommendations that require DASA action. Chairman signs responses for other cases.
8. Response is transmitted to facility in COPS/ACIS. Facility staff informs prisoner of result.



DoD Corrections System

Level III

USDB

Maximum Security Prison

Level II

Joint Regional Correctional Facilities

Minimum/Medium Security Prison

Pre-trial confinement



Level I

Army Regional Correctional Facilities,

Navy/USMC Brigs,

Air Force Correctional Facilities

Jail Operation

Pre-trial & short term post-trial confinement





DoD Correctional Facilities

Joint Base LEWIS-McChord, WA
- NWJRCF - Level II

Fort Leavenworth, KS
-USDB - Level III
-MWJRCF - Level II

CAMP PENDLETON, CA
-Level I

MIRAMAR, CA
-SWJRCF - Level II

CHESAPEAKE, VA
- MAJRCF - Level II

CAMP LEJEUNE, NC
- Level I

CHARLESTON, SC
-SEJRCF - Level II

USARCF
Korea

USARCF
Europe

Level I