

# Army Clemency and Parole Board

## Frequently asked questions:

### When will an individual's case be heard?

Clemency and parole eligibility dates are driven by the length of the adjudged sentence. Please refer to Army Regulation (AR) 15-130 and Department of Defense Instruction (DODI) 1325.7 for specific eligibility requirements. As a general rule of thumb, most cases are heard by the Army Clemency and Parole Board (ACPB) approximately six to eight weeks after the prisoner's Disposition Board, which is a preliminary hearing at the military facility.

### How do I find out the results of the review board hearing?

Once the Army Clemency and Parole Board has reviewed a case and made a final decision, that decision will be returned with the case file (in most cases electronically) to the correctional facility. Staff members will notify the prisoner, who in turn must be the one to inform family members/friends/representatives. Most cases are returned to the facility one to two weeks after the Army Clemency and Parole Board hearing. Victims/Witnesses in the Victim/Witness program are notified by the facility Victim/Witness Coordinator as required by AR 190-47.

*Please note: Staff members at the Army Clemency and Parole Board are not authorized to disclose any results directly to Victims/Witnesses, family members/friends.*

### What is the process for Victims/Witnesses, family members, friends, and representatives requesting a personal appearance before the Board? How do I apply?

Registered victims and witnesses will be initially contacted by the facility Victim/Witness coordinator of an upcoming board and the opportunity to provide victim impact statements and personal appearance board information. All subsequent board notifications will be coordinated by the designated correctional facility staff who will also notify the Army Clemency and Parole Board of requests for personal appearance. Army prisoners in military confinement facilities are advised about personal appearance procedures by a staff member at their facility. The staff members will assist the prisoner in filling out the required paperwork. A prisoner can request that up to three individuals attend the Army Clemency and Parole Board hearing on their behalf; however, they must designate one person to be their Primary Representative and Point of Contact (POC) for the appearance. When the Army Clemency and Parole Board receives the prisoner's case file, the request for personal appearance will be included in the file. A staff member at the Army Clemency and Parole Board will contact the prisoner's POC to verify their willingness to attend and to schedule an acceptable date.

Prisoners who have been transferred to the Federal Bureau of Prisons also have the right to request others, including family members, friends or professional associates, or private attorneys appear in person (at no expense to the Government) for clemency hearings at the Army Clemency and Parole Board on his/her behalf. If the Federal facility has not provided the prisoner with the proper form, the prisoner may write directly to the Army Clemency and Parole Board to request a personal appearance. Prisoners are not allowed to appear in person at the ACPB hearing.

Victims who are officially registered as such through the Victim/Witness Program will be notified of upcoming reviews by the Victim/Witness Coordinator. Victims will be advised to contact the Army Clemency and Parole Board directly to schedule a personal appearance.

The Army Clemency and Parole Board conducts Personal Appearance Hearings once a month, normally on the first Thursday of each month. However, due to scheduling conflicts and/or holidays, the Board occasionally moves the date to the second Thursday of the month.

### Does the Army Clemency and Parole Board release Army prisoners held in the custody of the Federal Bureau of Prisons on parole?

No, the Army Clemency and Parole Board only makes parole decisions on Army prisoners confined within Department of Defense correctional facilities. The US Parole Commission is responsible for supervised release decisions for military prisoners transferred to Federal Bureau of Prisons' facilities.

### How does MSR work?

MSR (Mandatory Supervised Release) is very similar to parole. Individuals released on MSR must adhere to the conditions of release and are under the direct supervision of a parole/probation officer. Individuals released via MSR remain under supervision and must abide by all conditions of release for the full length of their sentence unless a portion of the sentence has been remitted by the Board. After successful completion of MSR, individuals are released from supervision and have fully served their sentence. An individual who violates the conditions of MSR is subject to sanctions for misbehavior that range from warnings to revocation of MSR and return to military confinement.

### What is the difference between parole and MSR (Mandatory Supervised Release)?

The individual on parole and MSR is under the direct supervision of a United States Probation Officer (USPO) until the full sentence has been served or the Army Clemency and Parole Board remits the remaining portion of his sentence. The difference between the two is an individual is eligible for parole after serving one-third or more of his/her sentence, while an individual released on MSR is released when he has served until his minimum release date and has submitted an acceptable release plan. Failure to provide an acceptable release plan could require the individual to serve his full sentence in confinement.

### What can I do to help an individual get parole?

You can assist them in obtaining community residence, treatment programs if required, and employment opportunities. You can also provide character reference/support letters, all of which will be considered at the Board Hearing.

### What happens if an individual violates Parole or Mandatory Supervised Release?

The United States Probation Officer (USPO) will notify the Army Clemency and Parole Board (ACPB) of violations that have occurred and submit a request for action or sanctions; such as issuing a Letter of Warning, electronic monitoring, modification of parole conditions, or requesting a warrant for return to confinement. The ACPB analyst will weigh the severity of the violation(s) and recommend to the ACPB Chairman the action(s) that should be taken.

### What happens to an individual when released on supervision?

When an individual is released, s/he will be given transportation (bus/plane/train) to a pre-approved supervision destination and will be instructed to report to the local US Federal Probation Office within 72 hours of arrival at their destination. All special conditions of the release are noted to the Federal Probation Office and they will assign the individual to a US Probation Officer (USPO), who will spell out all details of supervision. The individual is expected to cooperate fully with all directives. Any problems or violations will be reported directly to the Army Clemency and Parole Board (ACPB) at Arlington, Virginia.

### What things can a prisoner/parolee/supervisee do to be in the most favorable position for their review before the Board?

While there is no magic and precise formula that will guarantee favorable action, certain actions will help an individual be in the best position possible for their board hearing. Some of the actions that the Board considers very important include:

Maintaining good conduct in confinement, on parole, or mandatory supervised release  
Active participation and completion of all recommended and available correctional treatment

