

**MEMORANDUM OF UNDERSTANDING  
AMONG  
DEPARTMENT OF DEFENSE  
SERVICE  
CLEMENCY AND PAROLE BOARDS  
AND  
CORRECTIONS HEADQUARTERS AGENCIES**

**SUBJECT:** Standardized Procedures for Management of Supervised Release

**1. PURPOSE**

a. This Memorandum of Understanding (MOU) establishes procedures for the administration and management of parole and mandatory supervised release (MSR), including cases where a Service Clemency and Parole Board (C&PB) directs suspension, revocation, or return of a military offender to confinement. Situations not covered under this MOU will follow respective Service regulations. Unless otherwise noted, the term "supervised release" hereafter refers to both parole and MSR.

b. This MOU is not intended to, and does not, create any entitlement, cause of action, or defense in favor of any person arising out of the failure to accord to prisoner, person under supervised release, victim, witness or any other person the procedures outlined in this MOU. No limitations are hereby placed on the lawful prerogatives of the Department of Defense or its officials. These guidelines do not provide rights to prisoners.

**2. REFERENCES.** See Appendix A.

**3. MANDATORY SUPERVISED RELEASE (MSR)**

a. **Eligibility.** The only prisoners eligible for MSR are those with an approved finding of guilty of an offense that occurred on or after August 16, 2001, and are eligible for parole, but are not paroled. In carrying out the provisions of DoDI 1325.7, paragraph 6.20, "Release of Prisoners at their Minimum Release Date (MRD) to Mandatory Supervision," the Service C&PB shall apply the following procedures.

(1) Military correctional facilities shall identify those prisoners who are candidates for MSR by reviewing their report of results of trial (ROT) and court-martial orders. Military correctional facilities shall inform all prisoners eligible for MSR in writing using Enclosure (1), *MSR Acknowledgement*, and ensure prisoners acknowledge such in writing during in-processing. The signed copy of the *MSR Acknowledgement* shall be filed in the prisoner's confinement record, e.g., Correctional Treatment File.

(2) 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 Service C&PB for MSR.

Prisoners who are returning to a military unit for out-processing/appellate leave and are otherwise eligible for parole shall be reviewed.

(3) 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.

b. 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 Service C&PB for MSR, but shall be reviewed by the military correctional facility (MCF) commander. 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 Service C&PB for a decision at the prisoner's last C&P board before his or her minimum release date (MRD). The recommendation and case file shall be forwarded to the Service C&PB, whenever possible, no later than 4 months prior to the prisoner's MRD.

(2) The Service C&PB 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. The Navy C&PB will review Coast Guard prisoners for MSR.

(3) Service C&PB's 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.

(4) To accommodate these reviews, the correctional facilities shall submit MSR documentation described in the "Submission Guidelines," paragraph 3c below.

(5) Prisoners who are eligible for MSR shall not be released at their MRD without first being considered and approved or disapproved for MSR in writing by the Service C&PB. If the facility has not received a decision from the respective Service C&PB on a prisoner's MSR 90 days prior to his or her MRD, the correctional facility commander or designee will telephonically contact the Service C&PB for guidance and resolution. The Service C&PB will provide by fax, or by a similarly prompt written communication, a MSR decision NLT 60 days before the prisoner's MRD. If the facility has not received a decision 60 days prior to the prisoner's projected MRD, the correctional facility commander shall contact its correctional headquarters and/or correctional oversight office, as appropriate, for assistance, immediate action, and resolution. If the USPO has not approved the release plan 15 days before the prisoners MRD, the facility commander or designated representative will notify the respective Service C&PB. If through no fault of the prisoner, a release plan has not been reviewed or a prisoner is unable to provide an acceptable release plan, the prisoner will not be held past the prisoner's projected MRD. The Service C&PB will determine NLT 10 days prior to MRD whether or not it was through a prisoner's fault a prisoner was unable to provide an acceptable plan.

c. Submission Guidelines:

(1) A case file shall be submitted to the Service C&PB on each prisoner eligible for MSR under paragraph 3b above. The case file shall be created in the same manner as a request for parole consideration. It shall include a MSR Plan (verified residence; verified employment, effective employment assistance, or acceptance into a valid educational or vocational program; and, if applicable, a restitution plan). A prisoner's willful failure to prepare an acceptable MSR Plan may result in a Discipline and Adjustment (D&A) Board and loss of Good Conduct Time (GCT) and any abatements (earned time (ET) or special acts abatement (SAA)), for failure to follow an order or dereliction of duty. For prisoners whose award of GCT, ET, or SAA is conditioned, as outlined in the Under Secretary of Defense, Personnel and Readiness Memorandum of September 17, 2004, concerning abatement of sentences to confinement, on an acceptable release plan, the correctional facility commanders shall not award the abatement until such a plan is accepted by the Service C&PB. If the Service C&PB decides not to place a prisoner on MSR, the correctional facility commander shall award the abatement to the prisoner.

(2) A prisoner's MSR Plan and case file will be considered at the prisoner's last Disposition Board before his/her MRD.

(3) Those prisoners not scheduled for a Disposition Board prior to his/her MRD or who waive their last Disposition Board are still required to be reviewed for MSR by the Service C&PB. MCF commanders shall forward to the Service C&PB a MSR Plan and case file on eligible candidates, whenever possible, no later than 4 months prior to the MRD.

d. Service C&PB Response Guidelines:

(1) The Service C&PB will promptly review (within 45 days) each MSR Plan and case file.

(2) If a prisoner is approved for MSR, the Service C&PB shall promptly fax the Supervision Certificate and mail the original Certificate to the correctional facility.

(3) If the Service C&PB should reject an MSR plan, the plan shall be returned promptly to the submitting correctional facility with an explanation of the plan's deficiency(s) for expeditious review, revision, and resubmission by the prisoner through the facility staff.

e. MCF Procedures:

(1) Upon notification that a prisoner has been ordered onto MSR, the correctional facility shall notify the prisoner and coordinate the MSR Plan with the appropriate U.S. Probation Officer (USPO).

(2) The prisoner shall acknowledge receipt of the provisions of the terms and conditions of MSR in writing, and any modifications.

(a) Provide (preferably by fax, e-mail or automated corrections system) the Service C&PB a copy of the signed supervised release certificate and signed attachments.

(b) Upon the USPO's acceptance of a supervisee, provide (preferably by fax, e-mail or automated corrections system) the Service C&PB the supervising USPO's name, telephone number, fax number, and address.

(3) If the prisoner refuses to acknowledge receipt in writing, the notification will be witnessed, certifying that the prisoner was advised of the terms and conditions of MSR and of the provisions of the Under Secretary of Defense, Personnel and Readiness Memorandum of September 17, 2004, concerning the loss of GCT, ET, and SAA for failure to fully cooperate with all aspects of the DoD MSR program.

(4) The departure of the prisoner from the correctional facility constitutes acceptance of the terms and conditions of MSR.

(5) If the prisoner refuses to depart the correctional facility, the prisoner may be charged with failure to follow an order or dereliction of duty, and shall be referred to a D&A Board. For prisoners whose award of GCT, ET, or SAA is conditioned, as outlined in the Under Secretary of Defense, Personnel and Readiness Memorandum of September 17, 2004, concerning abatement of sentences to confinement, on an acceptable release plan, the correctional facility commanders shall not award the abatement until such a plan is accepted by the Service C&PB. A prisoner who refuses to accept the conditions of supervision may forfeit all earned GCT, ET, and SAA.

#### 4. RELEASING PROCEDURES FOR SUPERVISED RELEASE

##### a. MCF Responsibilities:

(1) Upon notification that a prisoner has been approved for supervised release, the correctional facility will notify the prisoner and coordinate the release plan with the appropriate U.S. Probation Officer (USPO). The prisoner shall acknowledge receipt in writing of the provisions of the terms and conditions of supervision.

(a) Provide (preferably by fax, e-mail or automated corrections system) the Service C&PB a copy of the signed supervised release certificate and signed attachments.

(b) Upon the USPO's acceptance of a supervisee, provide (preferably by fax, e-mail or automated corrections system) the Service C&PB the supervising USPO's name, telephone number, fax number, and address.

(2) Maintain prisoner records and perform all administrative responsibilities for all DoD offenders assigned to supervised release from that facility.

(3) Ensure Victim/Witness Assistance Program (V/WAP), DNA sample collection, and sex offender registration and notification requirements are met per applicable regulations. Notify victims and witnesses that the Service C&PB will conduct annual clemency reviews, provide the month of the anticipated annual review and advise them that any V/W impact statements must be received a month prior to review.

(4) Prepare and submit FBI Form I-12 (Flash - Cancellation Notice) on each prisoner released on supervised release.

b. Service C&PB Responsibilities:

- (1) Provide the conditions of supervised release.
- (2) Assist, if needed, the correctional facility with coordination of the prisoner's supervision plan with the respective US Probation Officer.
- (3) Maintain a case file on all supervisees.

5. MONITORING PROCEDURES DURING SUPERVISED RELEASE

a. MCF Roles and Responsibilities:

- (1) Maintain prisoner confinement records for all DoD offenders placed on supervised release from that facility for two years beyond expiration of the full term of confinement (completion of sentence) or clemency action by the Service C&PB that terminates the supervised release.
- (2) Ensure V/WAP requirements are met per applicable regulations, to include when notified of Service C&PB actions.
- (3) Upon request from a Service C&PB, promptly forward prisoner records to that C&PB.
- (4) Follow service regulations when notified of the termination of supervised release for cases involving expiration of the term of confinement (completion of sentence) or clemency action by the Service C&PB that terminates the supervised release.

b. Service C&PB Roles and Responsibilities:

- (1) Coordinate directly with the supervising USPO any modifications to the release plan, release conditions, and violations of the conditions of supervision. The Service C&PB shall provide copies of the decisional documents for such actions to the MCF for inclusion in the prisoner's records.
- (2) Receive clemency review matters from the supervisee and the supervising USPO for clemency review.
- (3) Coordinate with facility V/W coordinators for V/W notification if there is a change in the supervisee status requiring V/W notification.
- (4) Maintain a case file on all supervisees.

## 6. SUSPENSION AND REVOCATION PROCEDURES FOR SUPERVISED RELEASE

### a. MCF Responsibilities:

(1) Forward to the appropriate Service C&PB any report or allegation of a supervisee's violation of a condition of supervision and maintain a copy in the prisoner's records.

(2) If a Preliminary Interview (PI) or Supervision Revocation Hearing (RH) is directed by the Service C&PB, cooperate as needed with the Service C&PB and supervising USPO and ensure V/WAP requirements are met per applicable regulations.

(3) If the supervisee is returned to a military correctional facility, the PI or RH shall be conducted by use of the facility and local resources. Guidelines for the conduct of the hearings shall be provided in advance by the Service C&PB.

(4) If parole or MSR is revoked, recompute the supervisee's sentence, update applicable records, and provide the new maximum release date (MXRD) to appropriate parties.

### b. Service C&PB Responsibilities:

(1) Upon receipt of information that a supervisee may have violated a condition of supervised release, the Service C&PB shall determine the appropriate response to that allegation.

(2) Coordinate directly with the supervising USPO to effect the response to alleged violations or changes in the conditions of supervision.

(3) Direct and coordinate a PI or RH for any supervisee in appropriate cases.

(a) Ask the District Court's Chief USPO to coordinate, conduct, and report the results of a PI in the supervisee's community or ask the MCF if the supervisee has been returned to confinement.

(b) If the supervisee is not returned to a military correctional facility, the Service C&PB will conduct or arrange for a RH to be conducted.

(c) If the offender is returned to a military correctional facility, assist the facility in conducting the PI or RH using the facility and local resources.

(d) Provide guidelines for conducting the PI or RH in advance.

(4) After determining that a supervisee should be returned to military confinement, the Service C&PB will initiate preparation of a DD Form 553, *Deserter/Absentee Wanted by the Armed Forces*, and the offender's entry as "Wanted Person" into the Federal Bureau of Investigation (FBI) National Crime Information Center (NCIC) in accordance with service procedures.

(5) When the Service C&PB revokes supervision, it shall promptly provide the MCF commander with formal documentation (normally within 3 workdays after a decision is made) indicating credit, if any, for time served while on supervised release (e.g., Street Time Credit), even if the decision is to grant no "Street Time."

c. Service Corrections HQ Agency Responsibilities

(1) When notified by the Service C&PB that a supervisee should be returned to military confinement, designate the place of confinement, and coordinate, when necessary transfer of prisoner confinement records. In most cases, supervisees shall be returned to the correctional facility from which they were released.

(2) Coordinate the completion of DD Form 553, *Deserter/Absentee Wanted by the Armed Forces*, per applicable Service procedures, and coordinate with Service Deserter Information Point (DIP) to ensure entry of "Wanted Person" into the Federal Bureau of Investigation (FBI) National Crime Information Center (NCIC) for the supervisee in accordance with Service procedures.

(3) Coordinate with Service DIP to cause the offender's apprehension and return to military control.

(4) Effect the return of the parolee or MSR supervisee to the facility he was released from or one designated by the Service Corrections HQ.

(5) Upon the return of a supervisee to military custody, the Service Correctional HQ shall ensure the appropriate service agency prepares and distributes the DD Form 616, *Report of Return of Absentee*, removes the supervisee as a "Wanted Person" from the FBI NCIC and makes other appropriate notifications.

7. FUNDING. Cost of activities outlined within the MOU will be funded by the O&M funds of those with the responsibility to carry out an activity.

8. EFFECTIVE DATE

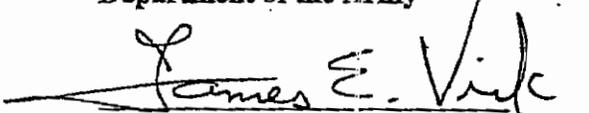
a. This agreement is effective 30 days following the latest date upon which all Service representatives listed in paragraph 9 sign. OSD (P&R) will initiate a change to DoDI 1325.7, *Administration of Military Correctional Facilities and Clemency and Parole Authority*, 17 Jul 01 (Incorporating Change 1, 10 Jun 03) to reflect the policies set out in this MOU.

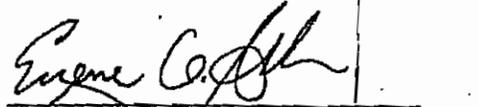
b. This agreement may be modified or terminated at any time by mutual written agreement of the parties. Additionally, this agreement will be modified by any DoD directive or instruction that contradicts a provision of the agreement. Moreover, this agreement will be superseded by any DoD directive or instruction that incorporates this agreement's provisions and this MOU will be incorporated into the next revision thereof. Finally, this agreement will be reviewed every three years, or at such other time periods as mutually agreed between the parties, to determine whether or not it should be modified.

9. ACKNOWLEDGEMENT

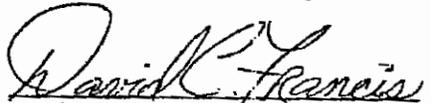
The undersigned Service representatives agree to the foregoing procedures to implement the MSR provisions of DoDI 1325.7.

**Department of the Army**

  
 James E. Vick 2 MAR 2006  
 Chairman  
 Army Clemency and Parole Board

  
 Eugene A. Smith  
 Colonel, USA  
 Chief, Operations Division  
 Office of the Provost Marshal General

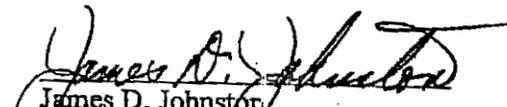
**Department of the Navy**

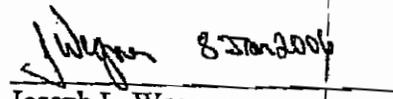
  
 David C. Francis  
 Lieutenant Colonel, USMC  
 President  
 Naval Clemency and Parole Board

  
 William E. Peck  
 Director  
 Corrections and Programs Division, PERS 68  
 Navy Personnel Command

  
 Gregory J. Stroebel  
 Chief Warrant Officer 5, USMC  
 Security Division  
 PSL Corrections

**Department of the Air Force**

  
 James D. Johnston  
 Chair/Executive Secretary  
 Air Force Clemency and Parole Board

 8 MAR 2006  
 Joseph L. Wegner  
 Lieutenant Colonel, USAF  
 Director, Air Force Corrections

Appendix A  
References

U.S. Code, Title 10  
Subtitle A, Part II, Chapter 48, Section 956 (*Deserters, prisoners, members absent without leave: expenses and rewards*)

DoD 7000  
*14-R Financial Management Regulation, Volume 10, Chapter 12, Miscellaneous Payments, Feb 96*

DoDD 1030.1  
*Victim and Witness Assistance, 13 Apr 04*

DoDD 1325.4  
*Confinement of Military Prisoners and Administration of Military Correctional Programs and Facilities, 17 Aug 01*

DoDI 1030.2  
*Victim and Witness Assistance Procedures, 23 Dec 94*

DoDI 1325.7  
*Administration of Military Correctional Facilities and Clemency and Parole Authority, 17 Jul 01 (Incorporating Change 1, 10 Jun 03)*

DoDI 1325.7-M  
*DoD Sentence computation Manual, 27 Jul 04*

AR 15-130  
*Army Clemency and Parole Board, 23 Oct 98*

AR 190-47  
*The Army Corrections System, 5 Apr 04*

AR 633-30/AFR 125-30  
*Military Sentences to Confinement, dated 6 Nov 64 (Changes 1-10)*

SECNAVINST 1640.9B  
*Department of the Navy Corrections Manual, 2 Dec 96*

SECNAVINST 5815.3J  
*Department of the Navy Clemency and Parole Systems, 12 Jun 03*

Air Force Instruction 31-205  
*The Air Force Corrections System, 7 Apr 04*

## Glossary

### Section I Abbreviations

AMXRD. Adjusted Maximum Release Date

C&PB. Clemency and Parole Board

D&A. Discipline and Adjustment

DIP. Deserter Information Point

DoD. Department of Defense

ET. Earned Time

FBI. Federal Bureau of Investigation

GCT. Good Conduct Time

MCF. Military Correctional Facility

MRD. Minimum Release Date

MOU. Memorandum of Understanding

MSR. Mandatory Supervised Release

MXRD. Maximum Release Date

NCIC. National Crime Information Center

ORI. Originating Agency Identifier

PI. Preliminary Investigation

RH. Revocation Hearing

SAA. Special Acts Abatement

USPO. U.S. Probation Officer

V/WAP. Victim/Witness Assistance Program

### Section II

## Terms

Adjusted Maximum Release Date (AMXRD). The AMXRD is computed by taking the MXRD and adjusting it for administrative credit, judicial credit, inoperative time, and the adjustment for crossing the International Date Line.

Detainer. A formal request by the military Service to a criminal justice agency to detain lawfully a military member until custody can be assumed by the military Service.

Mandatory Supervised Release (MSR). A form of conditional release granted to qualifying individuals who have served their sentence to confinement up to their minimum release date (MRD). This form of release is served until the adjusted maximum release date (AMXRD) unless otherwise revoked or remitted by the respective Service C&PB.

Maximum Release Date (MXRD). The sentence or sentences to confinement without reductions, but less 1 day for the day of confinement or release.

Minimum Release Date (MRD). The AMXRD adjusted for credit or forfeiture of GCT and abatements.

Parole. A form of conditional release from confinement prior to MRD when a prisoner is under the guidance and supervision of a U.S. Probation Officer (USPO).

Parole/MSR Violator Term. Unexpired term of the sentence to be served by a supervised release violator.

Preliminary Interview. A proceeding generally conducted by a USPO other than the offender's USPO to determine whether probable cause exists to believe that the offender has materially violated a condition of supervised release and to provide a basis upon which to recommend to the Service C&PB whether a supervised release revocation hearing should be ordered.

Prisoner. A person sentenced by a court-martial to confinement or death and ordered into confinement by competent authority, whether or not the sentence has been approved by the convening authority. A person placed into confinement by competent authority pending trial by court-martial is a pre-trial detainee.

Revocation. The formal termination of supervised release by the Service C&PB.

Street Time Credit. Credit for time served against a sentence to confinement while on supervised release determined by the Service C&PB.

Supervisee. An inmate under parole supervision or mandatory supervised release.

Supervision. Parole or mandatory supervised release.

Supervised Release Hearing. A hearing to determine whether an offender has violated a condition of supervised release, and whether supervised release should be revoked.

Suspension. The temporary discontinuance, in whole or in part, of the service of the unexecuted portion of an approved court-martial sentence.

Return to Military Control (RMC). The date and hour a military member (e.g., prisoner, absentee or deserter) (1) surrenders to, is delivered to, or is apprehended by/or for military authorities; or (2) a civilian authority holding the military member for some reason other than at the request of the military informs the military of his or her availability; or (3) a military member otherwise comes under the control of military personnel.

U.S. Parole Commission. An independent agency of the Department of Justice with authority to promulgate rules and regulations establishing guidelines for making decisions to grant or deny supervised release to federal offenders.

U.S. Probation Officer (USPO). Federal official of the Probation Division, Administrative Office of the United States Courts, having immediate supervisory cognizance over an offender paroled or placed on supervised release from a military correctional facility or federal correctional facility.

Victim. A person who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime. When a victim is under 18 years of age, incompetent, incapacitated, or deceased, the term includes one of the following, in order of precedence: a spouse, legal guardian, parent, child, sibling, another family member of an actual victim, or another person designated by the court or the Secretary of the Military Service.

Witness. A person who has information or evidence about a crime within the investigative jurisdiction of a DoD component who provides that knowledge or evidence to a DoD component. When the witness is a minor, that term includes a family member or legal guardian. The term witness does not include a defense witness or an individual in the crime as a perpetrator or accomplice.

Subj: **ACKNOWLEDGEMENT OF MANDATORY SUPERVISED RELEASE (MSR)  
BRIEFING**

1. Per DODI 1325.7, *Administration of Military Correctional Facilities and Clemency and Parole Authority* (July 17, 2001): If you are not approved for and/or you have not accepted parole, you may be reviewed by your Service Clemency and Parole Board (C&PB) for release at your Minimum Release Date under Mandatory Supervised Release (MSR). MSR is similar to parole. Prisoners released on MSR through good conduct time (GCT) and abatement credits are subject to supervision by a U.S. Probation Officer up to the full-term of the sentence imposed. Military prisoners transferred from a DoD correctional facility to the Federal Bureau of Prisons (FBOP) fall exclusively under the U.S. Parole Commission for parole and MSR.

2. If placed on MSR, you will be under the supervision of a U.S. Probation Officer with specific release conditions. You will remain on supervised release provided you comply with conditions of release. You will continue to be entitled to an annual clemency review by your Service C&PB. The Service C&PB may, at its discretion or upon request of the supervising probation officer, modify any terms or conditions of supervision or may release you from supervision entirely. Violations of MSR conditions may lead to revocation of MSR and possible return to confinement.

3. Information required to complete your MSR plan includes a letter of residence, letter of employment or employment assistance or acceptance into an educational or vocational program, and, if applicable, a letter documenting aftercare therapy, and/or restitution plan. Obtaining this information in a timely manner will assist in your transition to MSR. These letters can be sent directly to a correctional facility or can be sent to you and then delivered to the facility staff. They do not have to be notarized or in a special format. Failure to prepare an acceptable MSR Plan could result in a Discipline and Adjustment (D&A) Board and loss of GCT and abatements or disciplinary action for failure to follow an order or dereliction of duty, thus delaying your release or requiring you to serve your entire sentence (to your maximum release date) in confinement. For prisoners who have an approved finding of guilt for an offense that occurred after 1 October 2004, GCT, ET, or SAA, which was conditioned on an acceptable release plan, will not be awarded until such a plan is accepted.

4. It is to your advantage to prepare yourself for release through good behavior, program participation, preparation of a viable release plan, and acceptance of parole, if offered. In either parole or MSR, you will be under some sort of supervision upon release. Parole will be an earlier release from confinement than MSR.

5. I, \_\_\_\_\_, have been briefed and provided a copy of this document concerning MSR.

Prisoner signature: \_\_\_\_\_ Date: \_\_\_\_\_

Briefed and served by: \_\_\_\_\_ Date: \_\_\_\_\_