# NAVAL CLEMENCY AND PAROLE BOARD

## FREQUENTLY ASKED QUESTIONS

**Q: What is the Naval Clemency and Parole Board (NC&PB)?**

***A:*** *NC&PB is the Secretary of the Navy's executive agent for issues of clemency and parole.*

**Q: What is the Mission of the NC&PB?**

***A:*** *The Mission of the NC&PB is to review case files of selected Navy and Marine Corps offenders to determine eligibility for clemency or parole; to deny, grant or recommend clemency or parole to the Secretary of the Navy, as appropriate.*

**Q: What instructions govern the NC&PB?**

***A:*** *The principal instructions that govern NC&PB are Department of Defense (DOD) Directive 1325.4, DOD Instruction 1325.4 and Secretary of the Navy (SECNAV) Instruction 5815.3J. More comprehensive lists of regulations and instructions that bear upon the operation of the NC&PB are contained within the SECNAV Instructions.*

**Q: What cases does the NC&PB have jurisdiction over?**

***A:*** *NC&PB has jurisdiction over all cases where the offender was subject to the authority of SECNAV at the time of the offense and who were convicted by court-martial. The NC&PB must review all cases where the offender received a sentence to confinement of one year or more, unless the review is waived by the offender. NC&PB cases include Navy officer and enlisted members, Marine Corps officer and enlisted members, both active duty and reserve. The Board assumes similar authority over Coast Guard officer and enlisted members. The NC&PB can consider other Naval Service offenders for clemency if the Offender requests a review in writing.*

**Q: Are there any Navy or Marine Corps offenders that the NC&PB does not have clemency and parole authority over?**

***A:*** *The NC&PB has authority over any unexecuted portion of the sentence. Once the sentence (for instance, a punitive discharge) is executed, the NC&PB has no further authority. Also, the Federal Parole Commission exercises authority over parole decisions for military prisoners confined within the Federal Bureau of Prisons (FBOP). The NC&PB retains clemency authority in those cases for as long as the offender is confined or on parole.*

**Q: Does NC&PB make the final decision in all clemency and parole cases?**

***A:*** *NC&PB does not make the final decisions in all clemency and parole cases. In several instances, SECNAV retains decision authority: When the case is one in which the Secretary has stated a special interest and when it involves an officer or midshipman or issues of national security, SECNAV will make the final decision to deny or grant clemency or parole. Additionally, when the offender is an enlisted member, the NC&PB recommends clemency or parole and:*

- *Any single offense warrants a maximum (not awarded) punishment of more than 10 years, or*
- *Any victim that was 16 years or younger or the offender's spouse, or*

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- *Grant or denial of clemency or parole could be the subject of significant Congressional or media interest or*
- *The cases are referred to SECNAV by the Director, Secretary of the Navy Council of Review Boards (CORB), or any members of the NC&PB.*

*The Secretary of the Navy will make the final determination for clemency and or parole.*

***Q:* Does *the* NC&PB *permit personal appearances?***

***A:*** *Yes, personal appearances are permitted by interested parties including Appellate Defense Lawyers.*

**Q: Whom do I contact if I am a victim/witness/family member and I wish to appear or to submit something before the Board?**

***A:*** *You can contact the Personal Appearance Coordinator by telephone (202) 685-6338 between 7am and 3pm Eastern Time, weekdays, by e-mail NCPBmailbox@navy.mil ,or, of course, by letter.*

**Q: How do interested parties find out the results of the Board?**

**A:** *Board decisions are mailed to the brig or confining facility where the member is confined or to the supervising U.S. Probation Officer (if on parole). The appropriate authority then advises the member of the decision.*

- *The member should notify family members or witnesses who appeared on his or her behalf.*
- *Victims who express an interest in knowing the status will be contacted by the Victim/Witness coordinator located at each confining facility.*
- *Others may submit a written request for information from the NC&PB under the Freedom of Information Act (FOZA).*

**Q: Where is the NC&PB physically located?**

**A:** *The NC&PB is located aboard the Washington Navy Yard in southeast Washington, D.C. The street address is 720 Kennon Street SE, Rm. 322, Washington Navy Yard, D.C. 20374-5023.*

**Q: What are the NC&PB's current clemency and parole rates?**

**A:** *The NC&PB overall clemency rate for 2009 was approximately 3%. The current parole rate is 21%.*

**Q: Why is the clemency rate so low?**

**A:** *In considering the annual clemency rate, it should be noted that the NC&PB reviews all eligible cases annually (except those executing a waiver of their annual review); beginning shortly after the convening authority (CA) completes a review of any action. This first review occurs in most cases 9 to 11 months after the end of the court-martial. The NC&PB continues these reviews annually until the member reaches Minimum Release Date (if not given parole, or MSR) or Full Term Date (if parole or places on MSR).*

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**Q: How often does the Board meet?**

**A:** The *board* usually *meets once a month,* but *adjusts its meeting schedule to avoid weeks with* holidays.

Q: **How many cases are reviewed each year?**

**A:** *The NC&PB reviews approximately 1200 cases every year. However the* total *number of cases* fluctuates either *100 cases* plus *or minus each year.*

**Q: How is the Board comprised?**

***A:*** *The Board is chaired by the President, a Navy captain or Marine Corps colonel, and is comprised of the president and four other members. The president is permanently assigned to the Secretary of the Navy Council of Review Boards and is designated by the Director. The other four members are all serving military officers assigned to other area commands and perform their Board task in addition to their normally assigned duties. The Bureau of Naval Personnel assigns a Navy line officer; the Commandant of the Marine Corps assigns a Marine line officer; the Office of the Chief, Bureau of Navy Medicine and Surgery appoints a medical officer, either a psychiatrist or a psychologist. All five members are required for a quorum.*

**Q: When is a member eligible for clemency?**

***A:*** *A member is eligible for mandatory clemency review if he or she is sentenced to 12 months or more in confinement. A member who is not eligible for mandatory review but whose sentence includes a punitive discharge can request the NC&PB review his or her case.*

**Q: Can a member sentenced to 12 months or more in confinement be discharged or removed from appellate leave prior to the mandatory clemency review being completed by NC&PB?**

**A:** *No. By law,* all *members who receive an adjudged* sentence *of 12 months or more are required* to be *reviewed by* the NC&PB *prior to* being *discharged from the service.*

**Q: When is a member eligible for parole?**

**A:** As a *general rule, a member is eligible for parole after serving 1/3 of* the *approved sentence to confinement. The minimum* time *served before a member* is *eligible for parole is 6 months. Members serving sentences of 30 years up to and including* life *become eligible for* parole at *10 years.*

**Q: Who monitors military prisoners on parole?**

***A:*** *A U.S. Parole Officer.*

***Q:*** **Are military sex offenders subject to the same rules (registration/ verification} as civilian offenders?**

***A: Yes.*** *Navy/Marine recidivism rate on average is roughly 14%. The Department of Justice recidivism rate for 2008 was approximately 48%. It should be noted that few members are returned to confinement for committing new crimes; most are returned for technical violations of their conditions of parole.*

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**Q: What are some common conditions of parole/MSR?**

***A:*** *Common conditions of parole include:*

- *Parolee must remain within the geographic limits indicated by the Certificate of Parole;*
- *Parolee cannot change residence or employment without prior permission of the U.S. Parole Officer;*
- *Parolee will answer all inquiries by SECNAV, the NC&PB, the supervising U.S. Parole Officer, or other military or civilian authorities;*
- *Parolee will complete a specific number of hours of community service;*
- *Parolee report directly to the U.S. Parole Officer within 24 hours and comply with his/her direction thereafter;*
- *All sex offenders are required to attend, participate and enroll in sex offenders maintenance/aftercare treatment programs. All are required to register as sex offenders. Additionally, common stipulations will include no visiting adult book/video stores, strip/night clubs, no viewing pornography of any form and no access to computers/internet.*

*Other conditions may be added, depending upon the nature of the offense(s) of which the member was convicted.*

**Q: What is MSR?**

***A:*** *Mandatory Supervised Release (MSR) was implemented 2 Jul 2003. Through a Memorandum of Understanding between the Office of probation and Pretrial Services of the Administrative Office of the United States Courts and the Department of Defense (DOD), the United States Probation Office provides assistance to military prisoners released from military confinement facilities through parole and supervised release. The only prisoners eligible fore MSR are those with an approved finding of guilty of an offense that occurred on or after 16 Aug 01 and are eligible fore parole, but are not paroled. All military prisoners prior to being released from confinement on their MRD will be reviewed by the NC&PB for MSR. All prisoners who fall under the rules of MSR are required to submit an adequate release plan to include employment, residence and aftercare treatment as required.*

**Q: What is considered by the NC&PB and adequate release plan?**

***A:*** *An adequate release plan includes a residence, job, and aftercare treatment that is approved by the NC&PB, Brig CO and USPO.*

**Q: Can an inmate lose all Good Conduct/Earned Time Abatement for failing to provide an approved adequate release plan?**

***A:*** *Yes. Either portions or all GCT/ET will be taken from a prisoner who fails to provide an approved plan.*

**Prepared by:**
President
R. Lamoureux
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