



DEPARTMENT OF THE NAVY
CHIEF OF NAVAL PERSONNEL
WASHINGTON, D.C. 20370-5000

1640
Ser 84B/171
2 Jul 03

From: Deputy Chief of Naval Personnel
To: Distribution

Subj: MANDATORY SUPERVISED RELEASE (MSR)

Ref: (a) DODI 1325.7 of 17 Jul 01
(b) Clemency and Parole Boards Mandatory Supervised Release Guidance of May 03
(c) SECNAVINST 5815.3H of 5 Oct 93
(d) SECNAVINST 1640.9B of 2 Dec 96

Encl: (1) Violent and Sexual Offenses List
(2) Prisoner's Acknowledgement of Mandatory Supervised Release Briefing
(3) Mandatory Supervised Release Policy for Inclusion in Prisoner Rules and Regulations

1. Purpose. To implement mandatory supervised release (MSR) at Navy shore briggs as required by references (a) and (b).

2. Background

a. Supervised release of prisoners who are not granted parole prior to their minimum release date (MRD) is a highly effective technique to provide an orderly transition to civilian life and to better protect communities into which such prisoners are released.

b. 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. Prisoners released on MSR through good conduct time (GCT) credits are subject to supervision up to the full-term sentence imposed, when their sentence officially ends. Such provision is consistent with 18 U.S.C. §§ 4164 under which U.S. Code prisoners who are given early release through GCT credits are placed on supervision "as if on parole."

c. In accordance with reference (a), it is DoD policy to use supervised release in all cases except where determined by Service Clemency and Parole Boards (C&PBs) to be inappropriate. To promote uniformity within DoD, Service C&PBs established guidelines and procedures in reference (b).

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3. Discussion

a. Eligibility

(1) All prisoners who have an approved finding of guilty for any offense that occurred or was committed on or after 16 August 2001, and are not paroled are eligible for MSR.

(2) By reviewing court-martial orders, brig COs/OICs/CPOICs shall identify those prisoners who meet the above eligibility criteria and are therefore candidates for MSR.

(3) Prisoners who are returning to a military unit for action other than out-processing/appellate leave, i.e. for retention on active duty, for administrative discharge, etc., shall not be reviewed by the Service C&PB for MSR.

(4) Prisoners transferred from a DoD confinement facility to the Federal Bureau of Prisons fall exclusively under the U.S. Parole Commission for parole and MSR purposes.

b. Criteria for MSR Candidates

(1) When evaluating a sentence to determine how the following criteria applies to a specific prisoner, use the sentence approved by the convening authority (CA). If the CA has not yet taken action on the sentence, use the adjudged sentence.

(2) Prisoners whose approved sentence (or adjudged sentence in the case where the CA has not yet acted) to confinement is less than one year shall not be reviewed by the Service C&PB for MSR, but shall be reviewed by the brig CO/OIC/CPOIC. In the rare case where COs/OICs/CPOICs determine that MSR is appropriate, the recommendation shall be forwarded to the Service C&PB for decision.

(3) Pursuant to reference (c), the Service C&PB will consider whether MSR is appropriate when it conducts its annual review of the prisoner for clemency. Brigs shall submit MSR documentation only for prisoners described in paragraphs (a)-(c) below.

(a) Any prisoner with an approved sentence to confinement that is three years or longer.

(b) Any prisoner with an approved sentence to confinement less than three years, but is considered an appropriate MSR candidate by the brig CO/OIC/CPOIC or by the Service C&PB during a prior review of the prisoner's case.

(c) Any prisoner with an approved sentence to confinement of one year or longer who was convicted of a violent offense or a sexual offense per enclosure (1).

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(3) Prisoners, who are required to be reviewed by the Service C&PB 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. Discussion of these cases with the C&PB by the most expedient means possible will be necessary.

c. Submission Guidelines

(1) A case file should be submitted on each candidate to be considered for MSR under paragraphs 3b above. The case file should be created in the same manner as a request for parole consideration. It should include an MSR Plan (letter of residence, letter of employment or employment assistance, promise of USPO assistance, acceptance into an educational or vocational program, and, if applicable, a letter documenting aftercare therapy, and a restitution plan). A prisoner's failure to prepare an acceptable MSR Plan could result in a Discipline and Adjustment (D&A) Board and loss of GCT or disciplinary action for failure to follow an order or dereliction of duty, thus delaying a candidate's release.

(2) A candidate's MSR Plan and case file shall be considered at the prisoner's last Disposition Board (e.g., parole review) before his/her MRD. Whenever possible, the brig should annotate a prisoner's last scheduled board in the confinement case file.

(3) Those candidates not scheduled for a Parole Review Disposition Board prior to MRD or who waive their last Disposition Board are still required to be reviewed for MSR by the Service C&PB. Brigs shall submit an MSR Plan and case file no later than three months prior to MRD, whenever possible.

d. Service C&PB Response Guidelines

(1) Service C&PBs have agreed to promptly review each MSR plan.

(2) If a candidate is approved for MSR, the Service C&PB shall fax the MSR certificate and mail the original certificate to the brig.

(3) If the Service C&PB should reject the MSR plan, the plan shall be returned to the submitting confinement facility for expeditious review, revision, and resubmission.

e. Brig Procedures

(1) Upon notification that a prisoner has been directed to MSR, the brig shall notify the prisoner and coordinate the MSR plan with the appropriate U.S. Probation Officer.

(2) The prisoner shall acknowledge by signature receipt of the terms and conditions of MSR.

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(3) If the prisoner refuses to acknowledge receipt, the notification shall be witnessed, certifying the prisoner was advised of the terms and conditions of MSR and that he/she was advised that departure of the prisoner from the brig constitutes acceptance of the terms and conditions of MSR.

4. MSR Planning

a. Brig COs/OICs/CPOICs must recognize the need for early planning and intervention during the period of confinement to address and resolve problems in time for the offender's eventual release to the community and to ensure a smooth and successful transition from confinement. Failure to effectively develop and verify release plans for MSR candidates not only jeopardizes their reentry plans, but also places the community at substantial risk. The procedures listed below shall be followed when military prisoners are released from brig through supervised release.

b. Brigs have the responsibility to provide all pertinent information to the Service C&PB and hence the supervising probation officer that has an impact on the safe and effective re-entry and supervision of the offender. This information includes, but is not limited to, behavior in confinement, any information of medical, psychiatric, psychological, or substance abuse treatment, and other rehabilitation programs. Generally, a confidential release form does not need to be signed by the prisoner for dissemination of this information to the Service C&PB.

c. Suitable release plans are to be developed by the prisoner and submitted to appropriate brig staff, Service C&PB, and supervising probation officer well in advance of release (i.e., months in advance, where possible).

d. It is extremely important that the brig and supervising probation officer have ongoing communication early in the release process, since re-entry plans for these prisoners need careful consideration and verification before they can be successfully implemented. USPOs do not generally support cases where supervision does not last at least six months, so care must be taken to ensure justification in recommending any such cases for MSR.

e. During final release planning before a scheduled release directly to the community, the brig shall forward release-planning documentation to the district of supervision as early as possible, preferably no less than 60 days prior to release, but at least 30 days prior to release. If offenders have special needs, such as serious medical or mental health conditions or lack of residence or means of support, it is important that the brig make every effort to forward release planning documentation to the district of supervision well in advance of 30 days before release. This shall allow for more effective release planning between the brig and probation staff and successful reintegration of the offender into the community.

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f. To facilitate planning for serious medical and mental health conditions, the brig should call the receiving district as early as possible to discuss transitional planning to the community with the supervising probation officer. The brig shall then send the supervising probation officer, at a minimum, release planning documentation, pertinent medical documentation, sentencing computation sheet and, when applicable, any material required for transitional drug abuse treatment. The brig should also forward a copy of the court-martial order. Confidential release of information forms is not necessary to share mental health, medical, or drug/alcohol treatment information.

g. Successful reentry of offenders to the community depends on a variety of factors which generally include, but are not limited to: suitable residence and employment (or valid educational/vocational program); no contact with past victims (most often the case) or negative criminal influences; family and community support; and availability of treatment resources. Release planning that takes place in the district/community yields the higher probability of a complete and productive reintegration of the offender into the community. The supervising probation officer is tasked to make every effort to verify and implement the plan to address the offender's needs and conditions of supervision.

5. Policy

a. Brigs shall inform all prisoners who meet MSR eligibility criteria of DoD MSR requirements. All prisoners shall be briefed on MSR and acknowledge such MSR briefing by signature per use of enclosure (2). The signed copy of MSR acknowledgement shall be filed in the prisoner's confinement record.

b. All Navy shore brigs shall include provisions of MSR within Prisoner Rules and Regulations and ensure eligible prisoners are aware that departure of the prisoner from the brig constitutes acceptance of terms and conditions of MSR and that failure to prepare an acceptable MSR Plan could result in a D&A Board and loss of GCT or disciplinary action for failure to follow an order or dereliction of duty. MSR policy for inclusion into prisoner rules and regulations is provided as enclosure (3).

c. Based on a prisoner's request to voluntarily forfeit GCT in order to complete offense-specific treatment, PERS-84 has the authority to waive the use of MSR and approve the forfeiture of GCT. All such requests shall be forwarded to PERS-84 via the chain of command.

6. Applicability. This policy applies throughout the Navy corrections system and is applicable to all eligible prisoners, regardless of Service affiliation.

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7. Implementation. This policy shall be implemented immediately. Further, the above policies and guidelines shall be coordinated for inclusion in the next change to reference (c) and (d). As an interim measure, a file copy of this letter shall be retained with reference (c) and (d) as applicable.

8. Point of Contact. Further information is available from Mr. Tim Purcell, NAVPERSCOM (PERS-84B), at (901) 874-4452, DSN 882.



S. J. TOMASZESKI
Rear Admiral, U.S. Navy

Distribution:

COMLANTFLT (N16)

NETC (N00JC)

COMPACFLT (N16)

All Navy shore brigs and PCFs

NPC (06L)

USMC (PSL Corrections)

OJAG (20)

Army C&P Board

Naval C&P Board

Air Force C&P Board

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Violent and Sexual Offenses List

UCMJ Article Description

Violent Offenses

Murder

118-A Murder: premeditated
118-B Murder: intent to kill/inflict great bodily harm
118-C Murder: act dangerous to others
118-D Murder: with specified offenses

Voluntary Manslaughter

119-A Manslaughter: voluntary
 Negligent manslaughter
119-B1 Manslaughter: involuntary
119-B2 Manslaughter: involuntary with specified offenses
134-C9 Homicide: negligent

Kidnapping

134-S1 Kidnap-minor/not parent

Robbery

122-A Robbery: with firearm
122-B Robbery: other cases
134-C5 Assault: intent to rob

Assault

090-A1 Assault: officer executing duty
091-A1 Assault: CWO
091-A2 Assault: superior NCO/PO
091-A3 Assault: other NCO/PO
124 Maiming
128-A Assault: simple
128-B Assault: by battery
128-C Assault: commissioned officer
128-D Assault: CWO
128-E Assault: NCO or PO
128-F Assault: military/civilian law enforcer
128-G Assault: child under 16
128-H1 Assault: harm intended, firearm
128-H2 Assault: harm intended, other
128-J1 Assault: harm inflicted, firearm
128-J2 Assault: harm inflicted, other
134-C2 Assault: intent to murder
134-C3 Assault: intent to manslaughter
134-C7 Assault: intent to housebreak

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134-C8 Assault: intent arson/burglary
134-X1 Threat: bomb
134-X2 Threat: communicate

Sexual Offenses

Rape w/adult

120-A Rape
134-C4 Assault: intent to rape

Other sexual offenses w/adult

125-A Sodomy: force
125-C Sodomy: other
133-D Conduct unbecoming an officer: involving any sexually violent offense
134-C1 Assault: indecent
134-C6 Assault: intent to sodomize
134-R2 Indecent exposure
134-R5 indecent acts: with others
134-Y2 assimilated crimes act
134-Z other sexual offenses
134Y2D Spec 3/DNA aca pander

Rape sodomy w/child

125-B1 Sodomy: child 12 to 16 yrs old
125-B2 Sodomy: child under 12 yrs old
134-R1 Indecent acts/liberties with child

Other sexual offenses w/child

120-B1 Carnal knowledge: child 12 to 16 yrs old
120-B2 Carnal knowledge: child under 12 yrs old
134-B6 Prostitution/with a minor
134-R3 Indecent language to child under 16

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) 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 confinement 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 receive an annual review by the facility you were released from and your Service C&PB. The Service C&PB may, at their discretion or upon request of the supervising probation officer, modify any terms or conditions of supervision or may terminate 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, letter documenting aftercare therapy, and, if applicable, a restitution plan. Obtaining this information in a timely manner will assist in your transition to MSR. These letters can be sent directly to the brig or can be sent to you and then delivered to the brig 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 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.

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: _____

Subj: MANDATORY SUPERVISED RELEASE (MSR)

Mandatory Supervised Release (MSR) Policy
for Inclusion in
Prisoner Rules and Regulations

1. Background

a. Supervised release of prisoners who are not granted parole prior to their minimum release date (MRD) is a highly effective technique to provide an orderly transition to civilian life for select released prisoners and to better protect the community.

b. Through 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. As such, prisoners released on MSR through good conduct time (GCT) credits are subject to mandatory supervision up to the full-term sentence imposed. Such provision is consistent with 18 U.S.C. §§ 4164 under which U.S. Code prisoners who are given early release through GCT credits are placed on supervision as if on parole.

c. Per Department of Defense Instruction (DODI) 1325.7, Administration of Military Correctional Facilities and Clemency and Parole Authority (July 17, 2001), it is DoD policy to use supervised release in all cases except where determined by Service Clemency and Parole Boards (C&PBs) to be inappropriate.

2. Eligibility

a. All prisoners who have an approved finding of guilty for any offense that occurred [or was committed] on or after 16 August 2001, and are not paroled, are eligible for MSR.

b. Brigs shall identify those prisoners who meet the above eligibility criteria and are therefore candidates for MSR.

c. Prisoners who are returning to a military unit for action other than out-processing/appellate leave, i.e. for retention on active duty, for administrative discharge, etc., shall not be reviewed by the Service C&PB for MSR.

d. Prisoners transferred from a DoD correctional facility to the Federal Bureau of Prisons fall exclusively under the U.S. Parole Commission for parole and MSR purposes.

3. MSR Planning

a. If you are not approved for and/or you have not accepted parole, you may be reviewed by your Service C&PB to be released at your MRD under MSR. All prisoners are potentially subject to parole supervision up to the full-term of the sentence imposed.

Enclosure (3)

Subj: MANDATORY SUPERVISED RELEASE (MSR)

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

c. Information required to complete a MSR plan includes a letter of residence, letter of employment or employment assistance or acceptance into an educational or vocational program, letter documenting aftercare therapy, and, if applicable, a restitution plan. Obtaining this information in a timely manner will assist in your transition to MSR. These letters can be sent directly to the brig or they can be sent to you and then delivered to the brig 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 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 (your maximum release date) in confinement.

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

e. When deemed applicable, your MSR Plan and case file shall be considered at your last Disposition Board before your MRD.

f. Prisoners not scheduled for a Disposition Board prior to their MRD or waive their last Disposition Board are still required to be reviewed for MSR by the Service C&PB. If you depart prior to the full expiration of your sentence, your departure will mean you accept the conditions of the MSR prescribed by the C&P Board. Brigs shall submit the MSR Plan and case file no later than three months prior to MRD, whenever possible.

g. Upon notification that you been directed MSR, the brig shall notify you, brief you on the terms and conditions of MSR, and coordinate the MSR Plan with the appropriate U.S. Probation Officer.

MEMORANDUM FOR DEPUTY CHIEF OF NAVAL PERSONNEL

FROM: CAPT T. E. Broderick *T.E. Broderick* 6/12/03
Director, Personnel Progression, Performance and Security
Prepared by: Mr. William Peck, PERS-84, (901) 874-4442

SUBJECT: Mandatory Supervised Release (MSR) of Navy Prisoners
- ACTION MEMORANDUM

PURPOSE: To implement MSR at Navy shore brigs.

DISCUSSION: In the past, only DoD prisoners who received parole were supervised. Prisoners who were released at the end of their sentence (after earning good conduct time) were not supervised. Supervision of these prisoners not granted parole is a highly effective technique to provide an orderly transition to civilian life and to better protect communities into which they are released.

Through MOU between the U.S. Courts and the DoD, the U.S. Probation Office provides assistance to military prisoners released from military confinement. Prisoners released on MSR through good conduct time credits are subject to parole supervision up to the full-term sentence imposed. Such provision is consistent with 18 U.S.C. § 4164 under which U.S. Code prisoners who are given early release through good time credits are placed on supervision as if on parole.

Per DODI 1325.7, Attachment 1, new DoD policy is to use supervised release in all cases except where determined inappropriate by Service Clemency and Parole Boards (C&PBs). To promote uniformity within DoD, Service C&PBs established guidelines and procedures (Attachment 2).

The draft policy, Attachment 3, implements MSR at Navy shore brigs.

This policy has been staffed through COMLANTFLT (N16), COMPACFLT (N16), and the Naval C&PB who each concur.

RECOMMENDATION: Sign Attachment 3.

Attachments:

1. DODI 1325.7, Administration of Military Correctional Facilities and Clemency and Parole Authority (17 July 2001), Article 6.20
2. Clemency and Parole Boards Mandatory Supervised Release Guidance of May 2003
3. Mandatory Supervised Release Policy

CHOP	PERS-06L				
DATE	H/S 6/29				

6.18.6.1.4. The Secretaries of the Military Departments will establish a system to verify that required notifications have been made for prisoners, military members whose sentences do not include confinement, and those members who were sentenced to confinement but are no longer confined.

6.18.6.1.5. Notice about a subsequent change of residence by a prisoner falling within this subsection during any period of supervised release or parole shall also be provided to the agencies and officers specified in subparagraph 6.18.6.1. In the case of parolees falling under supervision of the U.S. Parole Commission, the notice of changes in parolee residence while on parole shall be made by the U.S. Parole Commission.

6.18.6.1.6. Notification to State officials is not required for prisoners transferred to another correctional facility. However, upon the transfer of a military prisoner who is subject to this paragraph to a facility under the control of the FBOP, the Military Service of the prisoner concerned shall provide written notification to the FBOP that the prisoner has been convicted of a sexually violent offense or an offense against a victim who is a minor. If a military prisoner remains confined in a facility under the control of the FBOP until the time of release, the FBOP shall provide notice of release and inform the prisoner concerning registration obligations.

6.19. Victim and Witness Assistance Requirements

6.19.1. The Victim and Witness Assistance Programs established by each Service shall include procedures to provide timely advance notice to all of those victims and witnesses indicating a desire to be so notified of any significant change in the status of a prisoner confined in military correctional facilities. Notifications and procedures shall be consistent with DoD Directive 1030.1 and DoD Instruction 1030.2 (references (e) and (f)).

6.19.2. The Military Services shall establish and administer a central repository to serve as a clearinghouse of information on prisoner status and to collect and report data on victim and witness assistance, including notification of changes in prisoner confinement status.

6.20. Release of Prisoners at their Minimum Release Date (MRD) to Mandatory Supervision

6.20.1. The supervised release of prisoners who are not granted parole prior to their MRD is a highly effective technique to provide an orderly transition to civilian life for released prisoners and to better protect the communities into which such

prisoners are released. Accordingly, it shall be the policy of the Department of Defense to use supervised release in all cases except where it is determined by the Service Clemency and Parole Boards to be inappropriate.

6.20.2. Military confinement facilities will submit the prisoners release plan and all other relevant information on cases approaching MRD to the appropriate Service Clemency and Parole Boards. Military confinement facilities will provide timely and advance notice to all those victims and witnesses indicating a desire to be so notified. Responses by victims and witnesses will be forwarded with the release plan to the Service Clemency and Parole Boards. Information should be provided in sufficient time, but no later than four months prior to the anticipated MRD, to permit the Service Clemency and Parole Board to consider all pertinent information in its mandatory supervision decision. Military confinement facilities will provide timely advance notice to all victims and witnesses indicating a desire to be so notified. The prisoners written release plan shall include, at a minimum, the same provisions required of a parole plan under subparagraph 6.17.9.2. of this Instruction. The Board may impose any additional reasonable supervision conditions to the release plan that would, in the judgment of the Board, further an orderly and successful transition to civilian life for released prisoners, and which would better protect the communities into which prisoners are released.

6.20.3. The terms and conditions of supervised release, as determined by the Service Clemency and Parole Board and identified in the release plan, will be communicated to the releasee using DD Form 2716-1, "Department of Defense Certificate of Parole"(enclosure 20). The releasee will acknowledge receipt of the provisions of the terms and conditions of supervised release. If the releasee refuses to acknowledge receipt, the notification will be witnessed, certifying that the releasee was advised of the terms and conditions of supervised release.

6.20.4. The departure of the releasee from the confinement facility constitutes acceptance of the terms and condition of supervised release.

6.20.5. The Service Clemency and Parole Boards may, at their discretion or upon the request of the supervising U.S. probation officer, modify or release any terms or conditions of supervision or may terminate supervision entirely.

6.20.6. A violation of the terms of supervised release will be considered equivalent to a violation of the terms and conditions of parole and processed in accordance with the procedures specified in subparagraphs 6.17.10. and 6.17.11. of this Instruction.

6.20.7. All paragraphs in this Instruction, which relate to the release of prisoners at their MRD to mandatory supervision affect only those prisoners who have an approved finding of guilty for an offense that occurred 30 days or more after the date of the change to this Instruction.

6.20.8. Military prisoners who have been transferred to the FBOP and are given early release through good time credits may be placed under mandatory supervision "as if on parole." The U.S. Parole Commission will determine the terms and conditions of any such mandatory supervision. In deciding whether or not to place a military prisoner on mandatory supervision, the U.S. Parole Commission should consider the criteria set out in this Instruction for use by the Military Service Clemency and Parole Boards. This paragraph affects only those prisoners who have an approved finding of guilty for an offense that occurred 30 days or more after the date of the change to this Instruction.

7. INFORMATION REQUIREMENTS

7.1. All forms identified in this Instruction are operating documents and exempt from licensing in accordance with paragraph C4.4.2., of DoD 8910.1-M (reference (g)) with the exception of the forms identified in subparagraphs 7.3.1. and 7.3.2., below. All forms have been cleared in accordance with DoD 7750.7-M (reference (h)).

7.2. The Military Services shall develop procedures to ensure that correctional facilities complete, submit, and update the corrections segment of the Defense Incident-Based Reporting System as required under DoD Directive 7730.47 and DoD 7730.47-M (references (i) and (j)).

7.3. Annual Confinement and Clemency/Parole Reports shall be submitted to the Office of the Under Secretary of Defense (Personnel and Readiness) no later than 16 February for the preceding calendar year.

7.3.1. Military Services shall submit an annual Confinement Report using DD Form 2720, "Annual Confinement Report" (enclosure 24). The Service central office for corrections matters shall approve the data on the DD Form 2720 before submission to Office of the Under Secretary of Defense for Personnel and Readiness, Attention: Legal Policy, 4000 Defense Pentagon, Washington, DC 20301-4000. The "Annual Confinement Report" has been assigned Report Control Symbol DD-P&R(A)2067 in accordance with reference (g).

CLEMENCY AND PAROLE BOARDS

MANDATORY SUPERVISED RELEASE POLICY

A. MANDATORY SUPERVISED RELEASE (MSR) ELIGIBILITY:

1. Only inmates, who have an approved finding of guilty of any offense that occurred on or after August 16, 2001 and are not paroled, are eligible for MSR. 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 Clemency and Parole Boards (C&PB) will apply the following procedures. These guidelines do not provide rights to inmates.

2. Inmates, whose approved findings of guilty are only for offenses that occurred before August 16, 2001, are not eligible for and cannot be placed on MSR.

3. Military correctional facilities will identify those inmates who meet the above eligibility criteria, and are therefore *candidates* for MSR by reviewing their court-martial orders.

4. Inmates, who are returning to a military unit for action other than out-processing/appellate leave, i.e. for retention on active duty, for administrative discharge, etc., will not be reviewed by the C&PB for MSR.

5. Inmates transferred from a DoD correctional facility to the FBOP fall exclusively under the US Parole Commission for parole and MSR purposes.

B. CRITERIA FOR MSR CANDIDATES:

1. Inmates whose approved sentence to confinement is less than one year will not be reviewed by the C&PB for MSR, but shall be reviewed by the facility commander.

2. The C&PB will review any inmate with an approved sentence (or adjudged sentence, if the convening authority has not acted) to confinement of one year or longer, when it conducts its review of the inmate for clemency at the last board before the inmate's minimum release date. The correctional facilities shall submit MSR documentation described in the "Submission Guidelines," paragraph C below for these inmates described in paragraphs 2a, b, and c, below.

2a. Any inmate with an approved sentence to confinement of one year or longer, who was convicted of a violent offense or a sex offense (see sex offense list at Enclosure 27, DoDI 1325.7).

2b. Any inmate with an approved sentence to confinement less than 3 years, who is not described by paragraph 2a, but is considered an appropriate MSR candidate by the confinement facility commander/commandant or the C&PB during a prior review of the inmate's case.

2c. Any inmate whose approved sentence to confinement is 3 years or longer.

3. Inmates, who are to be reviewed by the C&PB for MSR, will not be released at their

Minimum Release Date without first being considered and approved or disapproved for MSR in writing by the C&PB.

C. SUBMISSION GUIDELINES:

1. A case file should be submitted on each candidate eligible for MSR under paragraphs B2 above. The case file should be created in the same manner as a request for parole consideration. It should include a MSR Plan (verified residence; verified employment, employment assistance, or acceptance into an educational or vocational program; and, if applicable, a restitution plan). An inmate's failure to prepare an acceptable MSR Plan could result in a D&A Board and loss of Good Conduct Time or court-martial for failure to follow an order or dereliction of duty, thus delaying a candidate's release.

2. A candidate's MSR Plan and case file will be considered at the inmate's last Disposition Board before his/her Minimum Release Date. Whenever possible, a facility should annotate an inmate's last scheduled board in the confinement case file.

3. Those candidates not scheduled for a Disposition Board prior to his/her Minimum Release Date or waive their last Disposition Board, are still required to be reviewed for MSR by the C&PB. Facilities will submit a MSR Plan and case file no later than three months prior to the Minimum Release Date, whenever possible.

D. C&PB RESPONSE GUIDELINES

1. The C&PB will promptly review each MSR Plan.

2. If a candidate is approved for MSR, the C&PB will fax the MSR certificate and mail the original certificate to the confinement facility.

E. CONFINEMENT FACILITY PROCEDURES

1. Upon notification that an inmate has been ordered onto MSR, the confinement facility will notify the inmate and coordinate the MSR Plan with the appropriate U.S. Probation Officer.

2. The inmate will acknowledge receipt of the provisions of the terms and conditions of MSR.

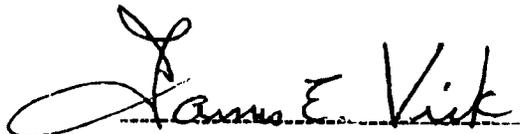
3. If the inmate refuses to acknowledge receipt, the notification will be witnessed, certifying that the inmate was advised of the terms and conditions of MSR.

4. The departure of the inmate from the confinement facility constitutes acceptance of the terms and conditions of MSR.

5. If the inmate refuses to depart, he/she may be charged with failure to follow an order or dereliction of duty, and shall be referred to a D&A Board and/or court-martial, if appropriate, as a result of his/her actions.

F. ACKNOWLEDGEMENT

The undersigned Clemency and Parole Board representatives agree to the foregoing procedures to implement the Mandatory Supervised Release provisions of DoDI 1325.7.



James E. Vick
Chairman
Army Clemency and Parole Board



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



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

MANDATORY SUPERVISED RELEASE (MSR) OF NAVY PRISONERS ROUTING AND CONTROL SHEET

(Click on each document to open)
When you have completed reviewing
package, close this route sheet by
clicking 'X' in upper right corner.

BUREAU OF NAVAL PERSONNEL					
	84	8B	8	P06L	CNPC
Initials	TP	AMB	TEB	MMP	
Chop date	9-Jun-03	10-Jun-03	12-Jun-03	27-Jun-03	
Target due date		11-Jun-03	12-Jun-03	27-Jun-03	4-Jul-03

CNP DECISION: Approved
DATE: _____ Disapproved

BUPERS STATISTICS

	8B	8	P06L	CNPC
# of days allotted for chop	2	2	7	2
# of days taken to chop	1	2	15	
Target time from start of package	2	4	11	13
# of days from start of package	1	3	18	

Rivera, Stephanie Anne

From: Pettit, Michelle Montgomery LT
Sent: Friday, June 27, 2003 5:14 PM
To: Rivera, Stephanie Anne
Cc: Mullen, Eunice O CIV
Subject: FW: FW: MANDATORY SUPERVISED RELEASE (MSR) OF NAVY PRISONERS

ROUTING CONTROL FORM

Cover Sheet  msr.route.sheet.xls	ESM  PERS8 ESM to DCNP.doc	Attachment 1  DODI 1325.7 of 17 Jul 01, Arti...	Attachment 2  Clemency and Parole Boards MSR..	Attachment 3  Mandatory Supervised Release P.
Enclosure 1  Violent and Sexual Offense Lis...	Enclosure 2  Prisoner's Acknowledgement of	Enclosure 3  MSR Policy for inclusion in pr...		

Route Chain - - pls always cc: Action Officer - Mullen, Eunice O Civ when forwarding.

Code/ Name	Comments
Purcell, Timothy CIV	
Burkhardt, Ann Margareta LCDR	
Broderick, Thomas Edward CAPT	
Pettit, Michelle Montgomery LT	
Rivera, Stephanie Anne	
Lucas, Allan Jay	

When you have finished your review of the documents:
 1) Place your initials on the Cover Sheet and Sign ESM/ Staffing Sheet as appropriate. Make sure changes are saved.
 2) Since these documents are NOT hyperlinked to a common drive, always CC: the action officer when forwarding to next routing recipient

Action Officer Information:
 Mullen, Eunice O CIV E-mail: eunice.mullen@navy.mil DSN: 882-4445 Comm: 901-874-4445 FAX: 2626

Thank you.

-----Original Message-----

From: Johnson, Charles Earnest LT
Sent: Monday, June 09, 2003 13:42
To: Burkhardt, Ann Margareta LCDR
Subject: FW: MANDATORY SUPERVISED RELEASE (MSR) OF NAVY PRISONERS
Importance: High

CDR: As we discussed.

v/r Charles

-----Original Message-----

From: Mullen, Eunice O CIV
Sent: Monday, June 09, 2003 9:42

To: Johnson, Charles Earnest LT
Cc: Mullen, Eunice O CIV
Subject: MANDATORY SUPERVISED RELEASE (MSR) OF NAVY PRISONERS
Importance: High

LT Johnson, please forward to CAPT Broderick for signature, then forward to LT Pettit 06L for chop. LT Pettit forward to CNPC Secretariat for signature.



DODI 1325.7 of 17
Jul 01, Arti...



PERS8 ESM to
DCNP.doc

Sincerely,

Eunice O. Mullen
Administrative Officer
Corrections and Programs Division (PERS-84A)
DSN: 882-4445 Comm: 901-874-4445
FAX: 2626 Email: eunice.mullen @navy.mil