



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

August 19, 2020

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP (SEE DISTRIBUTION)
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Directive-type Memorandum (DTM) 20-003 – “DoD Parole Authority for Service Members Transferred to Federal Bureau of Prisons Facilities”

References: DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
DoD Instruction 1325.07, “Administration of Military Correctional Facilities and Clemency and Parole Authority,” March 11, 2013, as amended

Purpose. In accordance with the authority in DoD Directive 5124.02, this DTM:

- Clarifies parole procedures for military prisoners transferred to the Federal Bureau of Prisons (FBOP) following the discontinuation of parole or revocation hearings by the United States Parole Commission for Service members transferred to the FBOP.
- Establishes the Military Department clemency and parole boards’ (C&PB) authority to determine the terms and conditions of any clemency, parole, and mandatory supervised release (MSR) for military prisoners transferred to the FBOP.
- Updates responsibilities for the United States Disciplinary Barracks to coordinate with FBOP officials for input in making clemency, parole, and MSR reviews, which it will in turn provide to the Military Departments’ C&PB.
- Supersedes any inconsistent guidance in DoD Instruction (DoDI) 1325.07.
- This DTM is effective August 19, 2020; it must be incorporated into DoDI 1325.07. This DTM will expire effective August 19, 2022.

Applicability. This DTM applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense.

Policy.

- The clemency and parole programs will be administered by the Military Departments to foster the safe and appropriate release of military offenders, including those transferred to FBOP custody, under terms and conditions consistent with the needs of society, the rights and interests of victims, and the rehabilitation of the prisoner.
- The United States Disciplinary Barracks will coordinate with the FBOP to obtain input for clemency, parole, and MSR reviews. FBOP input will be forwarded to the Service C&PBs for Service members confined in FBOP facilities.

Responsibilities.

- Under Secretary of Defense for Personnel and Readiness. The Under Secretary of Defense for Personnel and Readiness:
 - Serves as the point of contact in the OSD for military parole and clemency policy.
 - Will revise DoDI 1325.07, as shown in the attachments to this DTM. If DoDI 1325.07 is inconsistent with this DTM, this DTM will govern.
- Secretaries of the Military Departments. The Secretaries of the Military Departments ensure the clemency and parole programs administered by their respective Military Departments foster the safe and appropriate release of military offenders, under terms and conditions consistent with the needs of society, the rights and interests of victims, and the rehabilitation of the prisoner. In addition, the Secretaries of the Military Departments:
 - Retain clemency and parole authority over a Service member in that Military Department, including when the Service member is located in a correctional facility operated by another Military Department or another federal facility.
 - Issue regulations on the confinement of military prisoners and administration of military corrections programs and facilities that are consistent with this DTM.

Releasability. Cleared for public release. Available on the Directives Division Website at <https://www.esd.whs.mil/DD/>.



Matthew P. Donovan

Attachments:
As stated

DISTRIBUTION:

Chief Management Officer of the Department of Defense
Secretaries of the Military Departments
Chairman of the Joint Chiefs of Staff
Under Secretaries of Defense
Chief of the National Guard Bureau
General Counsel of the Department of Defense
Director of Cost Assessment and Program Evaluation
Inspector General of the Department of Defense
Director of Operational Test and Evaluation
Chief Information Officer of the Department of Defense
Assistant Secretary of Defense for Legislative Affairs
Assistant to the Secretary of Defense for Public Affairs
Director of Net Assessment

ATTACHMENT 1

REVISION TO DODI 1325.07

Revisions to Enclosure 2 of DoDI 1325.07.

- Paragraph 9.b is changed to: “Disposition Boards. Each MCF will establish a disposition board (in person, telephonic, or via video teleconference) to make recommendations for a prisoner’s clemency, parole, and mandatory supervised release (MSR). Parole, clemency, and MSR requests will be forwarded along with the disposition board’s recommendation through the MCF commander to the appropriate Military Department clemency and parole board (C&PB). For Service members transferred to FBOP facilities, the Commandant, USDB, will coordinate with the FBOP to obtain input beforehand and the applicable MCF commander will make clemency, parole, and MSR recommendations to the Military Department C&PBs.”
- Paragraph 14.b.(1) is changed to: “Possess a high degree of maturity.”
- Paragraph 16.a.(3) is changed to: “Parole military prisoners.”
- Paragraph 16.a.(4) is changed to: “Direct release of prisoners on MSR.”
- Paragraph 16.d.(1) is changed to: “May consider a prisoner confined at the FBOP for parole, clemency, MSR, restoration to duty, and reenlistment, as eligible.”
- The portion of Paragraph 17 preceding Subparagraph 17.a. is changed to: “ELIGIBILITY AND PROCEDURES FOR CONSIDERATION FOR CLEMENCY, RESTORATION, AND REENLISTMENT. The Military Department C&PB shall consider a prisoner for clemency, restoration to duty, or reenlistment when the court-martial convening authority has taken action on the sentence; the prisoner’s case has been reviewed by an MCF, disposition board, or probation official; and the prisoner meets the eligibility criteria. Prisoners may waive consideration by the Military Department C&PB IAW instructions issued by the Military Department C&PB concerned. A prisoner sentenced to death is ineligible for consideration by a Military Department C&PB.”
- The portion of Paragraph 18.a. preceding Subparagraph 18.a.(1) is changed to: “The Military Department C&PB will consider a prisoner for parole when the prisoner first becomes eligible and annually thereafter. Military prisoners confined in FBOP facilities as of the publication date of DTM-20-003 will be considered annually based on the date that the United States Parole Commission would have next considered the prisoner for parole. A prisoner is eligible for release on parole when requested by the prisoner, and when:”
- Paragraph 18.h is changed to: “When considering a prisoner for release on supervision, the FBOP’s Victim/Witness Notification Program office and/or the MCF

commander shall provide all victims listed on the DD Form 2704 who indicated a desire to be notified an opportunity to provide information to the Military Department C&PB in advance of its determination, as documented in the confinement file.”

- Paragraph 19.b.(3) is rescinded.
- Paragraph 19.c.(3) is changed to: “When considering a prisoner for release on supervision, the MCF commander shall provide all witnesses listed on the DD Form 2704 who indicated a desire to be notified an opportunity to provide information to the Military Department C&PB in advance of its determination, as documented in the confinement file.”
- Paragraph 22.a. is changed to: “On receipt of credible information that a supervisee may have violated a condition of supervision, the Military Department C&PB concerned may suspend the supervision, determine the supervisee violated a condition of supervision, and, if so, revoke the supervisee’s supervision. The Military Department C&PB may also order the supervisee’s return to military custody pending resolution of the alleged violation. A supervisee released from FBOP will not be returned to military custody but will be returned to the designated federal facility assigned by the FBOP.”
- Paragraph 22.a.(2)(d) is changed to: “When requested by a supervisee not represented by a civilian attorney, a military attorney shall be provided, as designated by defense services of the appropriate Military Department; however, the supervisee has no right to a military attorney of his or her choice.”
- Paragraph 22.c. is changed to: “The computation of any sentence to be served will be done IAW Reference (l) [of DoDI 1325.07] for a prisoner’s sentence adjudged after July 26, 2004, or Service regulations for a prisoner with a sentence adjudged before July 27, 2004.”
- Paragraph 23.f.(5) is changed to: “Notice about a subsequent change of residence by a prisoner falling within this paragraph during any period of supervised release or parole will be provided to State, tribal, territorial, or local authorities as well as the U.S. Marshals Service National Sex Offender Targeting Center.”
- Appendix 2 to Enclosure 2 of DoDI 1325.07 is changed, see Attachment 2.

ATTACHMENT 2

APPENDIX 2 TO ENCLOSURE 2 OF DODI 1325.07

TEMPLATE FOR ACKNOWLEDGEMENT OF MANDATORY SUPERVISED RELEASE (MSR) BRIEFING

Figure. Template for Acknowledgment of MSR Briefing

Subject: Acknowledgement of Mandatory Supervised Release (MSR) Briefing

1. In accordance with DoD Instruction 1325.07, "Administration of Military Correctional Facilities and Clemency and Parole Authority": If you are not approved for or you have not accepted parole, you may be reviewed by your Military Department Clemency and Parole Board (C&PB) for release at your minimum release date under MSR. MSR is similar to parole. A prisoner released on MSR through good conduct time (GCT) and abatement credits is subject to supervision by a U.S. probation officer up to the full-term of the sentence imposed.

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 terminate supervision entirely. Violations of MSR conditions may lead to revocation of MSR and possible return to confinement.

3. You are required to complete a release plan. Information required to complete your MSR plan includes where and with whom you will live and, except in the case of being medically disabled, either guaranteed employment, an offer of effective assistance to obtain employment, or acceptance in a valid educational or vocational program. Obtaining this information and these documents in a timely manner will assist in your transition to MSR. These documents 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. GCT, earned time (ET), or special acts abatement (SAA) earned but held in abeyance will be awarded upon approval of an acceptable MSR plan. Failure to prepare an acceptable MSR plan may result in no award of GCT, ET, and SAA or, for those inmates with vested abatement, forfeiture of abatement through a discipline and adjustment board process. Upon release on MSR, all GCT, ET, and SAA will be waived.

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: _____

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ACRONYM	MEANING
C&PB	Clemency and Parole Board
DoDI	DoD instruction
DTM	directive-type memorandum
ET	earned time
FBOP	Federal Bureau of Prisons
GCT	good conduct time
IAW	in accordance with
MCF	military corrections facility
MSR	mandatory supervised release
SAA	special acts abatement
USDB	United States Disciplinary Barracks