



COMDTINST 5814.1
11Dec2013

COMMANDANT INSTRUCTION 5814.1

Subj: COAST GUARD CLEMENCY BOARD

Ref: (a) Uniform Code of Military Justice (UCMJ), 10 U.S.C. §801-946
(b) Discipline and Conduct, COMDTINST M1600.2 (series)
(c) Manual for Courts-Martial (MCM), United States (2012)

1. PURPOSE. This Instruction establishes procedures for the Coast Guard Clemency Board (CGCB) and for the Director, Reserve & Military Personnel, Commandant (CG-13), to review petitions for residual clemency as it pertains to reference (a), article 74(a), 10 U.S.C. §874(a). This Instruction establishes the normal method for residual clemency processing and the administrative review of punitive discharges. Additionally, the Commandant may direct a separate procedure to be used in a specific case. Reference (b) contains the policy for residual clemency considered by the Secretary, Department of Homeland Security (DHS); the Officer Exercising General Courts-Martial Jurisdiction over the member; or the member's immediate commanding officer.
2. ACTION. Director of Reserve and Military Personnel, Commandant (CG-13) and the Judge Advocate General of the Coast Guard, Commandant (CG-094), will monitor compliance with this Instruction. The Office of Military Personnel, Commandant (CG-133), will provide copies of this Instruction to CGCB members. Internet release is authorized.
3. DIRECTIVES AFFECTED. Coast Guard Clemency Board, HQINST 5814.1, is hereby cancelled.
4. DISCUSSION.
 - a. Clemency is an action taken by duly constituted authority to reduce the amount or severity of a Court-Martial sentence.

DISTRIBUTION – SDL No. 162

	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
A	X	X	X	X	X	X	X		X	X		X	X	X	X	X	X		X		X					
B		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
C	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
D	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
E	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X		X	X			X	X		
F																	X	X	X							
G		X	X	X	X																					
H																										

NON-STANDARD DISTRIBUTION:

- (1) It is the Commandant's policy to extend to persons convicted by courts-martial whatever clemency may represent the best interests of the Coast Guard and the individual.
- (2) Clemency may consist of mitigation (reduction), remission (cancellation), or suspension (stayed until probation completed) of all or any part of the unexecuted portion of a sentence. More detailed definitions of mitigation, remission, and suspension are located in reference (b), article 1.F.6.d.(1).

NOTE: Clemency is not a constitutional, statutory, or regulatory right, but a discretionary decision of the Secretary or designee. This Instruction does not create any substantive rights or other entitlement for any person.

- b. A CGCB assists the Commandant in exercising delegated authority under reference (a), article 74(a). The CGCB reviews petitions for clemency after the appellate review process is completed, then renders nonbinding recommendations to the Commandant. The composition of the CGCB is described in paragraph 13.b. of this Instruction.
5. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide operational guidance for Coast Guard personnel and is not intended to nor does it impose legally-binding requirements on any party outside the Coast Guard.
 6. MAJOR CHANGES. The information in this Instruction was previously contained in the headquarters instruction that is canceled per paragraph 3. above. This Instruction is a complete revision of the previous policy on clemency boards with the following major policy updates:
 - a. The definition of clemency in paragraph 4 of this Instruction;
 - b. The cases that are not in the jurisdiction of the CGCB per paragraph 11.d. of this Instruction;
 - c. The clemency board makeup in paragraph 13.b. of this Instruction; and
 - d. The creation of a rotating panel of CGCB members per paragraph 13.b.(2) of this Instruction.
 7. IMPACT ASSESSMENT. This Instruction creates no new personnel resources, training, or funding requirements.
 8. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.
 - a. The development of this Instruction and the general policies contained within it have been thoroughly reviewed by the originating office and are categorically excluded under current USCG categorical exclusion (CE) #33 from further environmental analysis, in accordance with Section 2.B.2. and Figure 2-1 of the National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series).
 - b. This directive will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating

to the environment. All future specific actions resulting from the general policies in this Instruction must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), Council on Environmental Policy NEPA regulations at 40 CFR Parts 1500-1508, DHS and Coast Guard NEPA policy, and compliance with all other environmental mandates.

9. **DISTRIBUTION.** No paper distribution will be made of this Instruction. An electronic version will be located on the following Commandant (CG-612) web sites. Internet: <http://www.uscg.mil/directives/>, Intranet: <http://cgweb.comdt.uscg.mil/CGDirectives/Welcome.htm>, and CGPortal: <https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>.
10. **RECORDS MANAGEMENT CONSIDERATIONS.** This Instruction has been thoroughly reviewed by the USCG, and the undersigned have determined this action requires further scheduling requirements, in accordance with Federal Records Act, 44 United States Code (U.S.C.) 3101 et seq., National Archives and Records Administration (NARA) requirements, and the Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This policy has significant or substantial change to existing records management requirements, or inconsistencies with existing determinations relating to documentation requirements.
11. **BACKGROUND.**
 - a. Residual Clemency authority is derived from reference (a), article 74(a), which provides, in pertinent part: “The Secretary concerned and, when designated by him [or her], any Under Secretary, Assistant Secretary, Judge Advocate General, or commanding officer may remit or suspend any part or amount of the unexecuted part of any sentence, including all uncollected forfeitures other than a sentence approved by the President.”
 - b. The Secretary delegated residual clemency authority to the Commandant in DHS Delegation Memo Number 0170.1. Under this authority, the Commandant may remit or suspend any part or amount of the unexecuted part of any sentence. Residual clemency may not be granted while a case is being reviewed by the Coast Guard Criminal Court of Appeals (CGCCA), the Court of Appeals for the Armed Forces (CAAF), or the Supreme Court of the U.S. (SCOTUS).
 - c. CGCB shall automatically review all Courts-Martial cases in which the approved sentence includes an unsuspended punitive discharge, confinement for one year or more, or the service member submits a petition for clemency review.
 - d. The following cases are not within the jurisdiction of the CGCB:
 - (1) Cases in which no approved unexecuted portion of the sentence remains to be suspended or remitted;
 - (2) Cases in which the approved sentence does not include either an unsuspended punitive discharge or confinement for one year or more;

- (3) Cases in which the approved suspended punitive separation is to be executed as a result of vacation proceedings held under reference (a), article 72, and reference (c), Rule for Courts-Martial [R.C.M.] 1109;
- (4) Cases where the sentence was set aside by the CGCCA, the CAAF, or the SCOTUS; or
- (5) Cases where the convicted service member waives appellate review of his or her Court-Martial and affirmatively withdraws his or her case from residual clemency consideration.

12. RESIDUAL CLEMENCY REVIEW.

- a. The general procedures for residual clemency review processing are located in reference (b), article 1.F.6.d.(4)(a).
- b. Commandant (CG-0946) shall respond to residual clemency petitions that are not ripe for review or not within the Commandant-delegated authority.
- c. The CGCB will review each Court-Martial record forwarded by Commandant (CG-0946) that meets the threshold jurisdictional requirements listed in paragraph 11.c. of this Instruction (see enclosure (1)). The CGCB shall determine whether to recommend that portions of the member's sentence be remitted or suspended.

13. COAST GUARD CLEMENCY BOARD PROCEDURES.

- a. A CGCB may be convened to consider one or more cases referred for consideration by Commandant (CG-13).
 - (1) The Office of Military Personnel, Commandant (CG-133) prepares the draft CGCB convening order for Commandant (CG-13) within thirty days of either:
 - (a) The date a petition of residual clemency is received; or
 - (b) The date the Court-Martial record and forwarding memo is received from Commandant (CG-0946).
 - (2) A CGCB will normally review and return a recommendation on residual clemency cases within thirty days of referral.
- b. Each CGCB shall consist of three commissioned officers: the designated CGCB President must be at least a lieutenant commander (O-4) and typically no higher than a captain (O-6), and must be senior to the convicted service member. The other two officers should, when practicable, be senior to the convicted service member. All members of the CGCB shall be selected based on breadth of military experience, level of education and training, length of service, and judicial temperament.
 - (1) Commandant (CG-133) maintains a list of eligible CGCB members, a standing CGCB President, and an alternate CGCB President, most of whom are assigned to the Assistant

Commandant for Human Resources, Commandant (CG-1). Other officers may be appointed by Commandant (CG-133) as necessary to ensure the appropriate makeup of the CGCB.

- (2) Commandant (CG-133) will select a panel for each CGCB per the example in enclosure (2) and shall contact the panel members to determine availability. If members of one panel are not available, they will be considered for future CGCB convenings, and another panel shall be contacted.
- c. CGCB proceedings are administrative and non-adversarial.
 - d. Prior to convening, the CGCB President may seek counsel from Commandant (CG-0946). However, Commandant (CG-0946) shall not offer or make any comment, opinion, or recommendation concerning the appropriateness of clemency in the case.
 - e. The CGCB will meet as a body on a date determined by Commandant (CG-133).
 - (1) Commandant (CG-133) will formally notify selected CGCB members on a panel of the date and location of the CGCB convening per enclosure (3).
 - (2) Commandant (CG-133) will provide read-ahead materials regarding the Court-Martial to be reviewed by the CGCB.
 - (3) Each member of the CGCB must review any petition for clemency, if submitted, and the information noted and tabbed for review by Commandant (CG-0946).
 - (4) The CGCB may obtain additional information from the applicant, person in the chain of command, or other relevant source including, if applicable, a confinement or medical facility.
 - (5) The CGCB shall ensure all matters considered are identified and, if not contained in the Court-Martial record, appended to the CGCB recommendation.
 - f. CGCBs are not bound by the formal rules of evidence used in Courts-Martial or other court proceedings. They may consider any evidence determined by the CGCB to have probative value concerning the application or record before the CGCB.
 - g. Neither applicants, nor their representatives, may appear before the CGCB.

14. MATTERS TO BE CONSIDERED BY A COAST GUARD CLEMENCY BOARD.

- a. CGCB members shall make clemency recommendations on the basis of equity and good conscience. Factors to be considered include as applicable:
 - (1) The nature and circumstances of the member's offense(s);
 - (2) The member's military and civilian service, with emphasis on wartime combat or lifesaving experience;
 - (3) The member's potential value to the Coast Guard or society at large;

- (4) The member's conduct in confinement;
 - (5) Evidence of the member's contrition and sincerity towards rehabilitation, including the payment of restitution made to the victim(s);
 - (6) Social factors affecting the member including hardship;
 - (7) Psychiatric or psychological evaluations;
 - (8) Sentence disparity compared with offenses and sentences of co-accused and/or the sentences of other offenders whose convictions and sentences were under similar circumstances;
 - (9) Statements by any victim (including a military unit or government agency) or family of the victim concerning the financial, social, psychological, and emotional impact done to or loss suffered by such victim; and
 - (10) Mercy.
- b. Generally, it is required, and should be sufficient, for the CGCB members to review and consider the following matters and documents, as available, in assessing a case for clemency:
- (1) Any petition for clemency and supporting materials submitted by the member or the member's counsel;
 - (2) All materials submitted for consideration by the accused pursuant to reference (c), R.C.M. 1105;
 - (3) The Staff Judge Advocate's (SJA's) advice per reference (c), R.C.M. 1106 (which will include the offenses of which the member was found guilty, the sentence adjudged, any pretrial agreement in effect, and a summary of the accused's service record);
 - (4) All materials submitted by the accused for consideration pursuant to reference (c), R.C.M. 1106 in response to the SJA's advice per reference (c), R.C.M. 1106;
 - (5) Convening authority action(s);
 - (6) Action or opinion of any subsequent reviewing authority(ies) (may include any or all of the following):
 - (a) Review or action of The Judge Advocate General of the Coast Guard [TJAG] or Commandant (CG-094) on behalf of TJAG;
 - (b) Review or action of the CGCCA;
 - (c) Review or action of the CAAF;
 - (d) Review or action of the SCOTUS;

- (e) Material, if any, submitted by the member's confinement facility(ies), the Navy Clemency and Parole Board, or by the member's subsequent commanding officers or supervisors; and
- (f) Any prior petition or request from the member for clemency and the review and action taken on such request; and

(7) Any other matters specified by Commandant (CG-0946)'s forwarding memo.

- c. The CGCB shall follow the procedures contained in enclosure (3).

15. SUBMISSION OF FINDINGS.

- a. The CGCB shall submit a specific residual clemency recommendation to Commandant (CG-13) substantially in the form of enclosure (4).
- b. In cases where the CGCB recommends granting residual clemency, the CGCB shall submit a specific recommendation via Commandant (CG-13) to the Commandant. The CGCB will state the basis for the recommendation and attach a copy of the documents relied on in reaching the decision. The CGCB shall append to its report a copy of documents relied on when recommending clemency even if the document(s) are part of the Court-Martial record so that the recommendation stands on its own without reference to other materials.

16. REVIEW AND ACTION ON COAST GUARD CLEMENCY BOARD RECOMMENDATIONS.

- a. Commandant (CG-13) (or Acting Commandant (CG-13), if no Flag officer is assigned) shall make a decision or recommendation on the basis of sound discretion using the factors in paragraph 14.a. of this Instruction as a guideline. Commandant (CG-13) is not required to review the Court-Martial file or record of trial in making a clemency decision or recommendation but must minimally review a member's petition for clemency, if any, and the CGCB recommendation. Commandant (CG-13) may review any relevant information in making a decision or recommendation. Commandant (CG-13) shall review recommendations from each CGCB and take one of the following actions:
 - (1) Recommend "No Clemency." If a majority of the CGCB recommends no residual clemency action, and Commandant (CG-13) concurs that no residual clemency action is appropriate, Commandant (CG-13) shall deny residual clemency action and forward the case with appropriate endorsement to Commandant (CG-0946) for final processing. *See e.g.*, enclosure (5). Such denial shall be considered final agency action; or
 - (2) Forward the following cases for final review and action by Commandant:
 - (a) If a majority of the CGCB recommends no residual clemency action and Commandant (CG-13) does not concur; or
 - (b) If a majority of the CGCB recommends clemency action.

- b. Commandant (CG-13) shall explain the basis for his or her recommendation to Commandant in an endorsement to the CGCB recommendation, per enclosure (5). Commandant (CG-13) shall attach to the endorsement materials submitted by the CGCB in support of the CGCB recommendation, any petition for clemency submitted by the member, and a copy of any documents relied on by Commandant (CG-13) in arriving at the recommendation. The entire clemency package, including the Court-Martial record, shall be forwarded to Commandant.
- c. Upon receipt of the clemency package and recommendation, the Commandant shall review the recommendations of the CGCB and Commandant (CG-13) along with the petition for clemency. Commandant may, but is not required to, review the Court-Martial file or record of trial in making a final clemency decision. Commandant shall make the final decision on the basis of sound discretion using the factors in paragraph 14.a. of this Instruction as a guideline.

17. FURTHER PROCESSING. The final action and record of trial will be forwarded to Commandant (CG-0946) for further processing.

18. FORMS/REPORTS. None.

19. REQUEST FOR CHANGES. Recommendations for changes should be e-mailed to Commandant (CG-1331) at HQS-PolicyandStandards@uscg.mil.

S. E. Day /s/
Rear Admiral, U. S. Coast Guard
Director of Reserve and Military Personnel

- Encl: (1) Sample Memorandum from Commandant (CG-0946) to Commandant (CG-133)
(2) Sample Panel Assignments on the Coast Guard Clemency Board (CGCB)
(3) Sample Residual Clemency Review Memorandum to CGCB members (with procedures)
(4) Sample Residual Clemency Review Recommendation Memorandum to
Commandant (CG-13)
(5) Sample Clemency Action by Commandant (CG-13)

Sample Memorandum from Commandant (CG-0946) to Commandant (CG-133)

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

Stop 7907
2703 Martin Luther King Jr Ave SE
Washington, DC 20593-7907
Staff Symbol: CG-13
Phone: 202-475-5374
E-Mail: HQS-PolicyandStandards@uscg.mil

5814
DD Mmm YYYY

MEMORANDUM

From: COMDT (CG-0946)

Reply to CG-0946
Attn of:

To: COMDT (CG-133)

Subj: RESIDUAL CLEMENCY REVIEW IN *UNITED STATES V.* _____

Ref: (a) Coast Guard Clemency Board, COMDTINST 5814.1 (series)
(b) Discipline and Conduct, COMDTINST M1600.2 (series)

1. A copy of subject Court-Martial record of trial is submitted for action in accordance with references (a) and (b). Member's Court-Martial conviction became legally final on __ Month Year.
2. The member, or his/her counsel on his/her behalf, had until __ Month Year to submit a petition for clemency that, if submitted, must be considered by the Coast Guard Clemency Board (CGCB). Residual clemency review may take place on or after __ Month Year unless the member waives the right to residual clemency review or submits a request for residual clemency prior to that date.
3. Reference (a) requires the CGCB to review certain portions of the record of trial. For convenience, these sections are indexed and tabbed in the electronic shared drive.

#

Sample Panel Assignments on the Coast Guard Clemency Board (CGCB)

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

Stop 7907
2703 Martin Luther King Jr Ave SE
Washington, DC 20593-7907
Staff Symbol: CG-13
Phone: 202-475-5374
E-Mail: HQS-PolicyandStandards@uscg.mil

5814
DD Mmm YYYY

MEMORANDUM

From: Commandant (CG-13)

Reply to CG-133
Attn of:

To: Commandant (CG-133)

Subj: PANEL ASSIGNMENTS ON THE COAST GUARD CLEMENCY BOARD

Ref: (a) Coast Guard Clemency Board, COMDTINST 5814.1 (series)

1. This Memorandum establishes the Coast Guard Clemency Board (CGCB) panel assignments. These assignments will remain in effect until superseded by another Memorandum and will be reviewed every 6 months for update.
2. Commandant (CG-133) will inform panels if there are upcoming clemency cases to be reviewed. Panel members shall update Commandant (CG-133) if they have professional or personal conflicts with an upcoming CGCB.
3. Commandant (CG-133) will assign cases to a panel per enclosure (2) of reference (a).
4. The assigned CGCB President may consult with the Office of Military Justice, Commandant (CG-0946).
5. The CGCB panel assignments are:

Panel One

Board President 1 (O-4 to O-6)
Member 1 (CWO2 to O-5)
Member 2 (CWO2 to O-5)

Panel Two

Board President 1 (O-4 to O-6)
Member 3 (CWO2 to O-5)
Member 4 (CWO2 to O-5)

Panel Three

Board President 1 (O-4 to O-6)
Member 5 (CWO2 to O-5)
Member 6 (CWO2 to O-5)

Panel Four

Board President 2 (O-4 to O-6)
Member 2 (CWO2 to O-5)
Member 3 (CWO2 to O-5)

Panel Five

Board President 2 (O-4 to O-6)
Member 4 (CWO2 to O-5)
Member 5 (CWO2 to O-5)

Panel Six

Board President 2 (O-4 to O-6)
Member 1 (CWO2 to O-5)
Member 6 (CWO2 to O-5)

#

Sample Residual Clemency Review Memorandum to CGCB members (with procedures)

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

Stop 7907
2703 Martin Luther King Jr Ave SE
Washington, DC 20593-7907
Staff Symbol: CG-13
Phone: 202-475-5374
E-Mail: HQS-PolicyandStandards@uscg.mil

5814
DD Mmm YYYY

MEMORANDUM

From: COMDT (CG-13)

Reply to CG-1331
Attn of: (202) 475-5374

To: Clemency Board Members

Subj: RESIDUAL CLEMENCY REVIEW IN *UNITED STATES V. _____*

Ref: (a) Discipline and Conduct, COMDTINST M1600.2 (series)
(b) Coast Guard Clemency Board, COMDTINST 5814.1 (series)

1. Welcome to the Coast Guard Clemency Board (CGCB). Because your decisions may have a lifelong impact upon the person whose case you will review, I cannot overemphasize the significance of your duty while assigned as a CGCB member. It is important that you proceed in an organized, thorough, and deliberate manner. This memo outlines the procedures you should employ as you perform these important duties.

2. Duties. You are to review the petition for clemency, if submitted, and conduct an administrative review of all punitive discharges. You are not required to review the entire Court-Martial record or record of trial in arriving at your recommendation but should consider the documents listed below in your review.

a. You should become familiar with the CGCB process and procedures by reading section 1.F.6.d. of reference (a) and reading reference (b).

b. Before the CGCB convenes, you are to review the following documents which are provided by Commandant (CG-0946) [*list of documents should be amended as applicable to this case*]:

- (1) Member's Residual Clemency Petition;
- (2) Member's Rules for Courts-Martial (R.C.M.) 1105 Clemency Materials;
- (3) Staff Judge Advocate's (SJA) R.C.M. 1106 Advice to Convening Authority;
- (4) Member's Response to SJA's R.C.M. 1106 Advice to Convening Authority;
- (5) Convening Authority's Action(s)/Promulgating Order(s);

(6) Review or action of the Officer Exercising General Courts-Martial Jurisdiction over the member (if different from the Convening Authority);

(7) Action or opinion of subsequent reviewing authority:

(a) Review or action of The Judge Advocate General of the Coast Guard, Commandant (CG-094);

(b) Review or action of The Judge Advocate General of the Coast Guard;

(c) Review or action of the Coast Guard Court of Criminal Appeals;

(d) Review or action of the Court of Appeals for the Armed Forces; and

(e) Review or action of the SCOTUS;

(8) Additional materials submitted by:

(a) Confinement Facility;

(b) CGCB and/or Parole Board; and

(c) Member's subsequent Supervisor/Commanding Officer;

(9) Member's Prior Petition or Request for Clemency; and

(10) Other relevant documents.

c. Prior to convening, the CGCB President may seek counsel from Commandant (CG-0946). However, Commandant (CG-0946) shall not offer or make any comment, opinion, or recommendation concerning the appropriateness of clemency in the case.

d. You are to meet at a time and location that will be coordinated by Commandant (CG-133) to discuss the clemency request with the other CGCB members. The CGCB President will preside over this convening. In your discussions as a CGCB, you:

(1) Are not bound by the formal rules of evidence used in Courts-Martial or other court proceedings;

(2) May consider any evidence that you determine has probative value with respect to the application; and

(3) May not hear arguments from the applicant, his or her representative(s), or any witness(es) during your convening.

e. You are to make a recommendation based on **equity** and **good conscience** by considering the following factors:

(1) The nature and circumstance of the member's offense(s);

(2) The member's military and civilian service;

(3) The member's potential value to the Coast Guard or society at large;

(4) The member's conduct in confinement;

- (5) Evidence of the member's contrition and sincerity towards rehabilitation;
- (6) Social factors affecting the member including hardship, psychological, or personality factors;
- (7) Sentence disparity; and
- (8) Mercy.

f. As a CGCB, you shall submit a specific residual clemency recommendation to Commandant (CG-13) in the form of enclosure (3). The recommendation shall clearly state:

(1) If you, the CGCB, recommend clemency be granted or denied;

(2) Whether the recommendation is unanimous or majority. If a majority recommendation, the minority should state if he or she is including a minority recommendation;

(3) If recommending clemency, your recommendation shall indicate the particular punishment(s) for which you recommend granting clemency, the amount of the punishment on which to grant clemency, and the type of clemency to grant with respect to the punishment (i.e., suspension, mitigation, remission, etc.); and

(4) Additionally, if recommending clemency, your recommendation shall note the basis of clemency and cite appropriate documentation.

3. If you have any questions about your duties or the CGCB process, please contact Commandant (CG-133) or Commandant (CG-0946).

#

Sample Residual Clemency Review Recommendation Memorandum to Commandant (CG-13)

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

Stop 7907
2703 Martin Luther King Jr Ave SE
Washington, DC 20593-7907
Staff Symbol: CG-13
Phone: 202-475-5374
E-Mail: HQS-PolicyandStandards@uscg.mil

5814
DD Mmm YYYY

MEMORANDUM

From: Coast Guard Clemency Board

Reply to
Attn of:

To: Commandant (CG-13)

Subj: RESIDUAL CLEMENCY REVIEW IN *UNITED STATES V.* _____

Ref: (a) Your memo 5814 of DD Mmm YY
(b) Coast Guard Clemency Board, COMDTINST 5814.1 (series)
(c) Commandant (CG-0946) memo 5814 of DD Mmm YYYY
(d) Discipline and Conduct, COMDINST 1600.2 (series)

1. In accordance with references (a) through (d) the Coast Guard Clemency Board (CGCB) recommends clemency be [granted/denied] in the case of *United States v.* _____. This is a [unanimous/majority] decision. [A minority recommendation is/is not attached.]
2. [*If clemency is recommended:*] The CGCB recommends the punishment of _____ be [suspended for (state period of suspension and indicate if that punishment should be remitted following the suspension period)/mitigated to (state with particularity the nature and amount of punishment to which the specific punishment should be mitigated)/remitted]. [*Repeat prior sentence structure if clemency is recommended for more than one punishment, for each recommended clemency.*]
3. [*If clemency is recommended:*] The basis for this clemency recommendation is [state the reason(s), citing to the appropriate documents that support the recommendation; enclose a copy of each document determined to be important in arriving at the clemency recommendation.]
4. In arriving at [this/these] recommendation[s], each member of this CGCB has reviewed the documents identified in reference (c). The CGCB considered such other information from the Court-Martial record as was deemed relevant. [Additional information not included in the forwarded Court-Martial record or member's petition for clemency was/was not considered by the CGCB and is attached as enclosure(s) (___) – (___).] [Commandant [(CG-133), (CG-0946)] response(s) to our request for procedural advice is attached as enclosure(s) (___) – (___).]

CGCB President

CGCB Member 1

CGCB Member 2
[Do not use if a signed minority report is included]

Sample Clemency Action by Commandant (CG-13)

**U.S. Department of
Homeland Security**

**United States
Coast Guard**



Commandant
United States Coast Guard

Stop 7907
2703 Martin Luther King Jr Ave SE
Washington, DC 20593-7907
Staff Symbol: CG-13
Phone: 202-475-5374
E-Mail: HQS-PolicyandStandards@uscg.mil

5814

CLEMENCY ACTION UNDER ARTICLE 74(a), UCMJ IN THE GENERAL COURT-MARTIAL
CASE OF _____

The record and all of the proceedings thereafter in the case of _____, xxx-xx-xxxx, USCG, were reviewed in accordance with article 74 (a), UCMJ, and article 1.F.6.d.(4) of Discipline and Conduct, COMDTINST M1600.2. Clemency [denied/granted in the form of the applicant's punishment of _____ is suspended to _____/mitigated to _____/remitted. (Add lines if clemency is granted for more than one punishment.)]

Commandant (CG-13)