



The Military Correctional System: An Overview

By David K. Haasenritter

May 15, 2003, marked the 128th anniversary of the establishment of the U.S. Disciplinary Barracks (USDB) at Fort Leavenworth, Kan., originally designated the U.S. Military Prison, and the start of a military correctional system. Although many are not aware, the military does have inmates and its own correctional system. The military correctional system was established by Congress in 1873 and evolved from the first meeting of the American Prison Association (forerunner of today's American Correctional Association) in 1870. What was sought was a correctional system with ACA-accredited facilities throughout the world with a mission to confine and rehabilitate U.S. military inmates. Correctional specialists in the Army and Marine Corps also have the mission of operating prisoner of war camps and terrorist/detainee facilities. The military correctional system is not as it is portrayed in the movies *The Dirty Dozen* and *The Last Castle*, but it does have a rich and interesting history. From the beginning, military corrections has shown flexibility and ingenuity that has helped maintain military discipline, protect society and rehabilitate offenders, while providing a standard for civilian correctional facilities.

The Beginning

Prior to the establishment of the first military prison in 1875, the military disciplinary system relied heavily on corporal punishment or acts of public humiliation to deter others and maintain strict discipline. Punishment included forfeiture of pay and allowances, flogging, branding, keel-hauling (offenders tied to a rope looped beneath the vessel, dragged under the keel and up the other side, causing their skin to be scraped raw), confinement, solitary confinement with bread and water, and the death penalty. This approach to punishment reflected the era's prevailing attitude toward crime and punishment. If confinement was needed, military inmates were housed in various state prisons and military stockades. Military inmates sentenced to long terms of confinement were usually incarcerated in state or local jails and prisons. Military stockades, which were comparable to civilian jails, were in poor physical condition and were designed to be punitive and not reha-

bilitative. Confining military inmates in civilian and military facilities resulted in inmate abuse, lack of uniform treatment and limited military control of inmates. Today, the military correctional system is organized in a three-tiered system consisting of 59 facilities designed to confine inmates based on sentence length, geographical location and treatment programs. The goal is to develop inmates so that they are successfully prepared to return to active military service or to the civilian community.

Present-Day Military Corrections

The Department of Defense Corrections Council, made up of each service's corrections director and chair of the respective clemency and parole board, provides oversight and guidance to the services. Each service headquarters develops policies and budgets and provides oversight to the facilities they operate. The Army is the executive agent for Level 3 corrections. The Army and Marine Corps are the only services that possess active-duty service members with a career military occupation of correctional officer.

The military's 59 facilities have a design capacity of 4,166 and an operational capacity of 3,249. The total population in military facilities at year-end 2002 was 2,377, comprising 57 percent of its design capacity and 73 percent of its operational capacity. While the Federal Bureau of Prisons and most states battle crowding issues, the military in 2002 had the lowest percentage of its capacity used, according to a comparison of the departments of Justice and Defense 2002 annual reports. The military has the fifth lowest inmate population in the country and confines 170 inmates per 100,000 service members, compared with the national average of 701 inmates per 100,000 residents. The Army operates six facilities, confining the most military inmates (41 percent), while the Navy operates 11 facilities that confine 34 percent of the military inmate population; the Marine Corps operates six facilities, confining 20 percent of the inmate population; and the Air Force operates 36 facilities, confining 5 percent of the military inmate population.

Level 1 is the lowest tier in the correctional system and is used to confine pretrial and post-trial inmates with sen-

tences of up to one year. The facilities are equivalent to local jails and have limited programs. The Navy operates six Level 1 facilities, the Marine Corps operates two, and the Air Force operates 36. The Army does not operate Level 1 facilities but uses other service facilities or contracts with local jails for confinement of pretrial or post-trial Army inmates with a sentence of less than 30 days.

Level 2 is the middle tier that confines pretrial and post-trial inmates sentenced up to seven years. The majority (65 percent) of military inmates are confined in Level 2 facilities. Educational, vocational and mental health treatment programs are available at these facilities. In addition, certain facilities, such as Miramar Naval Consolidated Brig in San Diego and Charleston Naval Consolidated Brig in South Carolina, have specialized sex offender programs. The Army operates three Level 2 facilities, which it calls regional correctional facilities, the Marine Corps operates three Level 2 briggs, and the Navy operates three Level 2 briggs. Since 2000, the Miramar Naval Consolidated Brig has been designated the Level 3 facility for females in order to standardize treatment and consolidate space and assets. The Air Force operates no Level 2 facilities, so the majority of its inmates are confined at the two naval consolidated briggs. Army and Marine Corps facilities are staffed with military correctional officers, along with military and civilian personnel with medical, religious and other support specialties. At the Navy facilities, the security personnel consist predominantly of Navy-enlisted personnel on shore duty status who are not correctional officers but are screened and provided a basic corrections course prior to assignment at the facility. In addition, there are correctional specialists from the Army and Marine Corps as well as Air Force law enforcement and clinical staff. The staff also includes a civilian cadre that provides long-term continuity and expertise.

USDB at Fort Leavenworth is the only facility in the third and highest tier of the military correctional system and is the only Department of Defense maximum-security confinement facility. For the most part, all male military inmates with sentences longer than seven years are confined at Fort Leavenworth. Inmates with shorter sentences but who are national security-related offenders, escape risks or unmanageable offenders at other facilities are also confined there. USDB does not confine pretrial inmates. USDB's motto is "Our Mission, Your Future." The focus is on punitive correction and rehabilitation. Rehabilitative programs include an extensive array of counseling services. The foundation group for all treatment programs is the reasoning and rehabilitation (cognitive skill building) group. Other programs include anger and stress management, substance abuse and sex offender assessment and treatment, and self-growth. In addition, individual treatment plans are used with offenders. A majority of the staff are Army correctional specialists working in the security/custody positions. Also, there are Department of Defense civilian and service members with other military occupational skills from the Army, Marine Corps, Navy and Air Force filling the administrative, vocational and treatment staff positions.

The military operates 11 overseas facilities that are not classified in the three-tiered system. Pretrial and post-trial inmates awaiting transfer back to facilities in the United

States are confined there. There are limited programs at the overseas facilities that are based on the short time inmates are confined there. In 2002, there were 142 inmates confined in overseas facilities. The total capacity is 618, with major facilities in Mannheim, Germany (Army); Pyongtaek, Korea (Army); Okinawa, Japan (Marines); and Hawaii (Navy).

Military Correctional Highlights

- In 1870, while attending the first conference of the American Prison Association, Maj. Thomas A. Barr (known as the father of USDB), became aware of military inmate abuse and a lack of uniform treatment for military inmates.
- In 1871, the military evaluated the treatment of military inmates in civilian jails and the British Military Prison System in Canada. The investigation confirmed inmate abuse, lack of uniform treatment and limited Army control of inmates in state penitentiaries.
- In 1873, Congress authorized the establishment of a military prison to confine military offenders sentenced to a period of confinement in excess of 60 days.
- In 1875, the U.S. Military Prison was built and became the first military prison.
- In 1877, U.S. Military Prison inmates were employed making boots, shoes and similar products in the first vocational training program for inmates in the United States.
- In 1895, the U.S. Military Prison was transferred to the control of the Department of Justice and became the first penitentiary operated by the federal government. It was later returned to military control in 1906.
- In 1907, a prison facility at Alcatraz, Calif., opened as the USDB, Pacific. In 1934, control was transferred to the BOP.
- In 1908, Portsmouth Naval Prison in New Hampshire was opened under the command of Col. Kelton of the U.S. Marine Corps.
- In 1915, mandated by a congressional act, the name of U.S. Military Prison changed to United States Disciplinary Barracks.
- In 1917, Lt. Cmdr. Thomas Osbourne (considered the father of naval corrections) assumed command of Portsmouth Naval Prison. Osbourne and two others went undercover in the prison to see what changes needed to be made.
- In 1929, control of USDB at Fort Leavenworth transferred to the BOP for the second time until 1940.
- In 1945, Pvt. Eddie D. Slovic became the last deserter (absence without leave (AWOL) for more than 30 days) to be executed.
- In 1945, the military conducted executions of 14 prisoners of war at USDB.
- In July 1950, Department of Defense instruction mandated corrective rather than punitive treatment of inmates and declared that convicted servicemen could be restored to active duty. In October 1951, the

Air Force began carrying out that mandate by activating the 3,320th Retraining Group at Amarillo Air Force Base in Texas. The motto was “Fieri Potest: It can be done.”

- In 1961, the last military execution was conducted. (A 1973 Supreme Court ruling resulted in the commutation of those on death row, and since then no military executions have been conducted.)
- In 1968, the Army Correctional Training Facility was established at Fort Riley, Kan. Its mission was to return military inmates to duty with improved attributes and motivation through intensive training, supervision and correctional treatment. It has been described as the first boot camp or “shock incarceration” program.
- In 1974, a five-building rehabilitation complex was completed on Lowry Air Force Base in Colorado to include the first Air Force female confinement and rehabilitation unit. Also that year, the Department of Defense developed a regional military correctional facility plan. This decision led to the confinement at USDB of inmates from all the services sentenced to punitive discharge and long terms. Prior to this, all services either housed their own long-term inmates or contracted with the BOP.
- In 1988, USDB became the first Army and military correctional facility to receive ACA accreditation.
- In 1992, the Charleston Naval Consolidated Brig became the first naval correctional facility to receive ACA accreditation.
- In 1994, the military established an agreement with the BOP to house up to 500 inmates of various custody levels in federal facilities in exchange for property at two military installations.
- In 2001, the Camp Pendleton Brig in California became the first Marine Corps correctional facility to be accredited.
- In 2002, the new USDB opened at Fort Leavenworth, replacing the original “castle” (a reference to its design), the longest operating federal facility. Also in 2002, Col. Colleen McGuire became the first female commandant of USDB, Fort Leavenworth. In addition, the U.S. Army Confinement Facility, Europe, in Mannheim, Germany, became the first overseas facility of any type — civilian or military — to receive ACA accreditation.

Military Versus Civilian Inmates

Today’s military inmates are very different from those of yesteryear. Common offenses in the late 1700s were disrespect, disobedience, desertion and alcohol abuse, which were punishable by various sanctions, including solitary confinement or execution. During times of war up to 1970, the most common offenses for inmates were desertion and AWOL. However, the 1970s saw a change in convicted offenses, shifting from mainly desertion and AWOL to a split between military-unique offenses and civilian offenses. Through the 1980s and 1990s, the pendulum continued to swing more toward civilian violent offenses.

According to Department of Defense confinement reports, at year-end 2002, the average military inmate was male (97 percent), white (61 percent), a high school graduate (99 percent), most likely committed a crime against a person (38 percent) and was released from military prisons at the end of his sentence. At year-end 2002, the most commonly committed offense by military inmates was rape, followed by drug possession and then drug trafficking. The most common property offense was larceny. Military offenses of desertion, AWOL, disrespect, malingering, adultery and other crimes that are unique to the military made up only 12 percent of the post-trial population. Inmate sentences range up to life, life without parole and death. Inmates can be sentenced to death, which is carried out by lethal injection, by committing such offenses as desertion during time of war or treason. Sixty-six percent of the post-trial population had a sentence of more than one year at year-end 2002, while 19 inmates had a sentence between 50 to 99 years, 44 were sentenced to life, six to life without parole and seven to death.

A comparison in 2002 of the departments of Defense and Justice reports revealed that state and federal inmates were most likely to be black males (45 percent), while military inmates were white males (61 percent). Females make up only 4 percent of the military inmate population and 6 percent of the state and federal inmate population. In both populations, a majority of the inmates are between the ages of 20 and 35. In 2001, the military inmate was more likely than a state and federal inmate to be confined for a drug offense (33 percent versus 24 percent) but less likely to be incarcerated for a violent crime (38 percent versus 45 percent) or a property crime (14.5 percent versus 18 percent). In 2002, military inmates confined for drug offenses dropped to 28 percent, while the number of violent offenders rose to 44 percent of the population and property offenders increased slightly to 16 percent.

Return-to-Duty Program

Before the Gulf War, the most frequent offense committed during previous wars was desertion. In response, an effort was made to retrain as many inmates as possible to return to duty during and/or after they have served their sentence. Unlike those in *The Dirty Dozen*, these were not soldiers sentenced to death being sent on a secret mission to win the war — these were soldiers with minor military-unique offenses. Those who were selected and completed the return-to-duty program returned to active duty to complete the remainder of their service obligation with an opportunity to serve honorably and receive an honorable discharge. This restoration program provided a valuable manpower source during the wars and saved thousands of soldiers from having a black mark (dishonorable discharge) follow them throughout their civilian life. During World War II, 42,373 of 84,245 inmates were returned to duty either during or after confinement, while during the Korean War, 4,800 of the 18,653 inmates were returned to duty. Today, due to downsizing of the military, the return-to-duty program is very small, with only the Air Force having an active, structured facility and program. The other services have determined operating a return-to-duty unit is

not cost-effective for the low number of service members returned to duty.

Conclusion

The military correctional system is a model system that has evolved over the years since the first meeting of the American Prison Association. It has been forward thinking, developing innovative programs, such as vocational training and prison alternatives (boot camps), which were later adapted in civilian correctional systems. Those released from military prisons under supervision have a lower recidivism rate than the national average. The skills developed in operating military prisons have become critical in operating detention camps throughout the world during military conflicts (enemy prisoners of war) and the global war on terrorism (detention camps in Guantanamo Bay, Cuba, and Bagram, Afghanistan). Despite all this, as are state and federal systems, the military correctional system is under scrutiny for divestiture and privatization, and its future is uncertain. This is not the first time the military has looked at getting out of the prison business, and it comes at a time when the military occupational specialty of correctional specialists not only ensures a safe and effective prison operation but also provides commanders in the field key expertise to operate prisoner of war camps and detention facilities for other personnel in an operational environment. The question must be asked, can the military afford to lose this key skill set that is gained through training and experience from operating correctional facilities?

The military correctional system has a proud history, is effective in securing and training inmates for release back to the military or civilian life as productive citizens, and provides the necessary skills to fight in the global war on terrorism.

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