



Military Parole:

The Final Steps Toward Responsible Citizenship



By James D. Johnston

Author's Note: Points of view expressed in this article do not necessarily represent the official position or policies of the U.S. Department of Defense.

Each inmate entering the U.S. Disciplinary Barracks (USDB) at Fort Leavenworth, Kan., the Department of Defense's maximum-security correctional facility, sees the command shield that reads, "Our Mission, Your Future." This insignia could just as well announce the guiding principle of the military services, as they provide a system of parole for military offenders confined in military correctional facilities worldwide.

The military's system of parole involves the three military clemency and parole boards, working with the military correctional facilities to solve a significant challenge unique to the armed forces. Specifically, the clemency and parole boards of the Army, Navy (which also serves the Marine Corps) and the Air Force must carry out the congressional mandate that confinement, in all its forms, including discretionary parole, should return offenders to duty or civilian life as useful citizens. Moreover, the boards must provide a parole process that addresses the worldwide deployment of military personnel. Given human nature, a small number of these military personnel will commit crimes during those worldwide deployments. Therefore, the military parole system must solve the challenge of communicating with the worldwide location of military inmates, victims, witnesses and other interested parties, all of whom may be located anywhere military personnel are deployed. No other paroling authority — not a state parole board nor the U.S. Parole Commission — has such a worldwide challenge.

The solution to this challenge has resulted in a military parole system that is intimately involved with the whole confinement system from sentencing to release. Much of this intimacy, this cooperation, is driven by the need for efficient use of resources to accomplish a mission common to all the services, which is to provide a correctional system to handle military service members who commit crimes anywhere in the world. The efficient use of resources also has driven a general uniformity of processes among the three boards, but with some differences based on each service's military mission, organizational design and personnel requirements.

Most board members are relatively senior officers (colonels and lieutenant colonels as well as civil-service equivalents) and most perform these duties on a part-time basis. The Army

board is composed of approximately 14 active-duty and civilian members of the Army Review Boards Agency located in Northern Virginia. They sit in panels of five that reflect a diversity of experience: judge advocate, personnel, medical, reserve, combatant commands, etc. The Naval board's five members (and alternates) are active-duty Navy and Marine officers stationed in the Washington, D.C., area. They have experience similar to the Army board's members. The Air Force board has one panel of five members (with alternates) from the offices of the General Counsel, Judge Advocate General, Chief of Security Forces, and Air Force Personnel Council. The members have extensive judge advocate, law enforcement or command experience.

Intimate Involvement

The collaboration among the three boards and between them and the correctional facilities begins with the Department of Defense directive that organizes the military corrections community. It specifically incorporates the service secretaries' parole and clemency processes into its overall correctional programs and facility administration. For example, the parole and correctional communities are given equal representation on the Department of Defense Corrections Council that, among other things, considers correctional and parole policies, and reviews issues arising out of the administration and use of correctional facilities. An illustration of this cooperation was the Corrections Council working group of service parole board members and facility administrators, who collaborated on the implementation of the recently established mandatory supervision program. The program authorized the boards to place inmates who are not paroled but released due to good conduct abatement on mandatory supervision, as if on parole. As the parole boards constructed their mandatory supervision policies, the facility administrators played a crucial role in advising how best to incorporate facility resources to select the most suitable candidates for supervision.

The cooperation continues as the services use each other's confinement facilities. For example, USDB, an Army facility, is the maximum-security facility for all long-term male military inmates, and the Naval Consolidated Brig Miramar in San Diego houses all female military inmates regardless of sentence length. Despite the cross-service use of confinement facilities, each military service retains parole authority over its own military members. As a result, the parole boards are partners with

correctional staff at all facilities that confine their members, even if they are operated by other services.

The service boards and confinement facilities work together to transform inmates into responsible citizens. Inmates' progression from the first days of incarceration through parole supervision illustrates this partnership.

The Parole Process

Each facility commander is ultimately responsible for all aspects of the correctional facility's administration. While the most important responsibility is the security of the facility and inmates, the commanders also recognize that a facility's major goal is the successful re-entry of each inmate. Therefore, each facility designs treatment programs to reduce recidivism and tries to have inmates complete treatment before they are parole eligible. To be eligible for parole consideration, an inmate usually must have a sentence of a year or more of confinement. Generally, an inmate is parole eligible after six months or one-third of the confinement sentence, whichever is later. In any event, most inmates with a sentence of 30 years or longer are eligible for parole after 10 years. Only inmates sentenced to death or life without parole are ineligible for parole.

To address each board's inability to meet with inmates, each facility has a disposition board, which acts as the clemency and parole boards' "eyes and ears."

Shortly after an inmate arrives at a confinement facility, counselors interview the inmate and evaluate the inmate's treatment needs and, within the resources of the facility, offer appropriately timed rehabilitation programs to the inmate. Similarly, counselors begin working with inmates within a few weeks of their arrival at a facility to prepare comprehensive, effective and realistic parole (or mandatory supervision) plans. Parole release plans must include written offers of residence and either employment or employment assistance or acceptance at school. Inmates identified for mandatory supervision must prepare similar release plans or potentially lose their good conduct time abatement and remain confined.

Most inmates confined for more than a year are housed in facilities with superior rehabilitation programs provided by clinical psychologists, licensed social workers and other treatment providers. Inmates in USDB and the Naval Brigs at Charleston, S.C., and Miramar, for example, are offered a wide variety of services, such as education and rehabilitation programs, as well as intensive, crime-specific, cognitive-behavioral modification programs to address substance abuse, violence and sex offenses. These programs last from weeks or months to years, depending on the nature of the crime and inmate.

When an inmate becomes parole eligible, the facility supervisors, counselors, treatment providers and commanders make recommendations on the appropriateness of parole. Since the facility staff have a vested interest in an inmate's success, if paroled, they suggest appropriate parole conditions

designed specifically for each inmate.

When the board reviews an inmate for parole, its guiding principle is determining whether granting parole will ultimately protect society. The board members realize that most inmates will eventually return to a civilian community. Therefore, the board considers whether the inmate is ready to be a responsible citizen under re-entry/community supervision. In other words, the members ask themselves whether a particular inmate is ready to be a responsible citizen, whether parole supervision will assist the inmate's transition into civilian life and what conditions of parole will further the success of that transition. The boards do not use parole to manage confinement facility population.

Finally, if an inmate is paroled, the facility informs the U.S. Probation Office where the parolee will reside, and provides the designated U.S. probation officer the parole plan, conditions of parole and relevant portions of the confinement records. In such cases, facility staff act as the agents of the boards, answering the probation officers' routine questions concerning an inmate's parole plan and conditions of parole, which usually include community-based treatment programs begun during confinement. Significant issues, such as a probation officer's request for modified or new conditions of parole, are referred to the appropriate service board for decision. Frequently, conditions of parole are discussed among the board members, facility treatment providers and counselors, and the probation officer, tapping into the expertise of each to create a plan that will enhance the parolee's chances of a successful transition.

Case File Reviews

The boards also have developed decision-making processes to accommodate the far-flung dispersal of the confinement facilities, victims and other interested third parties, and the probation officers. The process recognizes that inmates are confined in facilities throughout the United States and in locations from Europe to Asia. Therefore, it is impractical for board members to meet the inmates personally, so the boards conduct case file reviews.

To address each board's inability to meet with inmates, each facility has a disposition board, which acts as the clemency and parole boards' "eyes and ears." These boards include facility staff members. Their independent report evaluating an inmate's remorse, maturity and re-entry preparation is invaluable to the service boards.

In addition to the disposition board's recommendation, case files contain much of what might be in a civilian parole board's file: information about the offenses, recommendations from various correctional facility departments (mental health, rehabilitation treatment, housing and work supervisors, retraining and parole advisers), written input from victims and witnesses, and the inmate's own submission of a parole plan and a wide variety of recommendations from confinement staff members, family and acquaintances who explain the inmate's suitability for community supervision.

Again, because the inmates are spread throughout the United States and foreign countries, the military boards decentralized one part of the administration of an inmate's parole consideration. Due to the intimacy with the correctional facility personnel, the boards confidently rely on the facilities to send an inmate case file to the appropriate board at the right time.

Remarkably, despite the physical and bureaucratic distance between the facilities and each board, the cases are rarely considered later than the regulatory standard.

When a case file arrives in Washington, D.C., the appropriate service board matches it with any correspondence received directly from third parties such as victims, witnesses, family and friends of the inmate, and members of the public. All third-party correspondence is particularly important to the service boards because the board members are unfamiliar with the communities into which an offender will be paroled. The quantity and persuasiveness of adverse comment, especially in a notorious case, signal potential hurdles for a parolee to work and live successfully in a particular community. Victims' correspondence also regularly generates special parole conditions to protect victims and their families. On the other hand, an inmate's request for parole can be greatly strengthened by third-party submissions that illustrate pervasive family and community support for a parolee's successful re-entry.

Because third-party information is very important, the three service boards also have attempted to accommodate third parties, keeping in mind that most crimes occurred vast distances from Washington, D.C., and that interested parties, especially victims, may be located all over the world. To address this issue, the confinement facility liaison for the Department of Defense Victim/Witness Program first notifies interested parties of upcoming clemency and parole hearings, noting that they may provide comments to the board. (They will also be notified of the board's decision.) In addition, all three service boards allow written submissions by third parties.

When deciding whether to allow third parties to make personal appearances before their board, the services arrived at different conclusions. The Army and the Naval boards, in an effort to maximize third-party access to the board, allow personal appearances by the victims, witnesses and the inmate's family and friends. In contrast, the Air Force board concluded that only third parties with the financial means or who live in the Mid-Atlantic area have a reasonable opportunity to make personal appearances before the board. Therefore, in order to put all interested parties on equal footing, the Air Force board's proceedings are not open to the public, and the board does not permit personal appearances. However, it does permit audio and video submissions.

Military Inmates on Parole

Of course, if an inmate is paroled, the personal characteristics of a typical military inmate significantly contributes to the success of the treatment programs, counseling, re-entry plans, parole supervision and, ultimately, his or her successful return to society as a responsible citizen. Although there are exceptions, most military inmates are literate, have at least a high school education and good job skills, are disciplined in their work habits and do not have long criminal histories. All these factors, combined with rehabilitation programs and parole supervision, contribute to a low recidivism rate. (Although recidivism is an ambiguous term due to varying definitions, at any one time the services have about 350 inmates on parole. During a year, the services parole about 175 inmates and conduct about 25 parole violation hearings. Some of the hearings conclude that a parole violation did not occur. Of those concluding that violations did occur, many are technical violations not resulting in the inmates' return to confinement, but only

loss of “street time” and continued parole.)

Yet, like their civilian counterparts, some military parolees violate their conditions of parole. The services’ parole boards most often respond to parole violations with a number of tools other than reincarceration. Rather than returning a parolee to confinement, the boards usually reorient a parolee’s behavior with warning letters, modified conditions of parole or the extension of parole supervision by discounting part of time served under parole supervision toward the serving of the sentence. In the military parole system, this last sanction, the loss of street time, involves significant due process: a parole revocation hearing to determine whether a violation of parole occurred; whether parole should be revoked; whether the parolee should lose some or all of his or her street time, and whether the parolee should be immediately reparaoled or returned to confinement. The option of losing street time and the immediate reparole allows the parole board to extend the period of parole supervision and the conditions of parole benefiting the inmate and society, for example an ongoing community-based drug abuse rehabilitation.

The logistics of conducting a parole violation hearing without bringing the parolee back to confinement is often daunting. It entails having a system to conduct a parole violation hearing anywhere in the country, so the service board minimizes the disruption reincarceration would have on the parolee’s re-entry progress. This allows a parolee to continue working, supporting his or her dependants, participating in community-based rehabilitation, etc. Therefore, parole violation hearings are normally held at or near the place of the parolee’s residence, instead of Washington, D.C.

In other words, parole violation hearings may be conducted anywhere in the country, a far more vast area compared with an individual state parole board. As a result, each board appoints and sends a board staff member or another person the board believes has the requisite judicial temperament and knowledge about parole. Such “local” parole violation hearings stretch the resources of the individual service boards, which have relatively small administrative staffs — from two for the Air Force board to six or more in the other services.

Nonetheless, sometimes it is necessary to return a parolee to confinement to protect the community. In such situations, the boards’ extensive prior collaboration with the confinement personnel simplifies the logistics of conducting a parole violation hearing. The service board appoints an appropriate facility staff member to conduct the hearing and asks a member of the facility legal staff to act as defense counsel.

Hopefully, this brief description of the military parole system has provided a better understanding of the service boards’ administration of a worldwide parole system to address the worldwide deployment of armed forces personnel. The board members recognize that they are located great distances from the key elements (the inmates, facilities, victims and other third parties) of good parole decisions and the inmates’ successful re-entry into society as responsible citizens. Nonetheless, the process has achieved success through the collaboration between the service clemency and parole boards and the various service confinement facilities. The military corrections and parole communities have maintained collaboration by being jointly committed to the motto, “Our Mission, Your Future.”

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