

Refer to

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DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL

Cancelled by 1325.4; 19 May 1988

NUMBER 1325.4 - Ch 1	DATE June 7, 1974	DISTRIBUTION 1300 series
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ATTACHMENTS

Pages 1 & 2, 5 & 6, and 13 & 14

*posted
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INSTRUCTIONS FOR RECIPIENTS

The following page changes to DoD Instruction 1325.4, "Treatment of Military Prisoners and Administration of Military Correction Facilities," dated October 7, 1968, have been authorized:

PAGE CHANGES

Remove: Pages 1 & 2, 5 & 6, 13 & 14

Insert: Attached replacement pages

Changes appear on pages 1 & 2, 5 & 6, and 13 and are indicated by marginal asterisks.

EFFECTIVE DATE AND IMPLEMENTATION

The above changes are effective immediately. Two copies of revised implementing regulations shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within 60 days.

Maurice W. Roche
MAURICE W. ROCHE, Director
Correspondence and Directives
OASD(Comptroller)

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Reference

DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL

NUMBER 1325.4 - Ch 2	DATE October 23, 1974	DISTRIBUTION 1300 series
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ATTACHMENTS
Pages 21&22 to DoD Instruction 1325.4, 10/7/68

posted
OC

INSTRUCTIONS FOR RECIPIENTS

The following page changes to DoD Instruction 1325.4, "Treatment of Military Prisoners and Administration of Military Correction Facilities," dated October 7, 1968, have been authorized:

PAGE CHANGES

Remove: Pages 21&22
Insert: Attached replacement pages

Changes appear on page 21 and are indicated by marginal asterisks.

EFFECTIVE DATE AND IMPLEMENTATION

This change is effective December 23, 1974. Two copies of revised implementing regulations shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within 90 days.

Maurice W. Roche
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OASD(Comptroller)

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Cancelled 200 10000 7
194 May 1988

NUMBER 1325.4
DATE October 7, 1968#

ASD(M&RA)

Department of Defense Instruction

SUBJECT Treatment of Military Prisoners and Administration
of Military Correction Facilities

- Refs.:** (a) DoD Instruction 1325.4, "Uniform Policies and Procedures
Affecting Military Prisoners and Places of Confinement,"
January 14, 1955 (hereby cancelled)
(b) Manual for Courts-Martial, United States
(c) Uniform Code of Military Justice
(d) DoD Directive 1330.5, "American Red Cross," August 16, 1969
(e) Table of Contents (Enclosure (1))

I. REISSUANCE AND PURPOSE

This Instruction reissues and revises reference (a) and establishes uniform Department of Defense policies and procedures governing the treatment of military prisoners and the administration of places of correction. Reference (a) is hereby superseded and cancelled.

II. APPLICABILITY AND SCOPE

The provisions of this Instruction apply to the Military Departments and cover military prisoners and places of correction worldwide.

III. POLICY

The Secretaries of the Military Departments shall issue uniform regulations consistent with the following, subject to limitations imposed by operating conditions, personnel, or facilities in certain areas:

A. Principles Governing Confinement of Military Personnel

1. General. Discipline should be administered on a corrective rather than a punitive basis, and military correction facilities should be administered on a uniform basis. It is desirable for persons under sentence of courts-martial or other military tribunals to be accorded uniform treatment, in furtherance of equality within the Department of Defense and in justice to individuals concerned.
2. Pre-trial Confinement.
 - a. Who may be confined. A person will not be placed in confinement based solely on the pendency of administrative discharge proceedings. Confinement other than that adjudged by a court-martial or imposed as non-judicial punishment will not be imposed pending trial unless

#First amendment (Ch 1, 6/7/74)

Continuation of III.A.2.a.

deemed necessary to insure the presence of the accused at the trial, or because of the seriousness of the offense charged (see paragraph 20.c. of reference (b)). ~~or the presence of factors making it probable that failure to confine would endanger life or property.~~

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- b. Informing accused of charges; expeditious disposition of charges. When a person is placed in confinement immediate steps shall be taken to inform him of the specific wrong of which he is accused and try him or to dismiss the charges and release him (Article 10, reference (c)). As a general rule, a person should be informed of the accusation against him within 48 hours after he is placed in confinement. Pre-trial confinement in excess of thirty (30) days will be permitted only when approved in each instance by the officer exercising General Court-Martial jurisdiction over the command which ordered the investigation of the alleged offenses.

B. Specialized Personnel Requirements for Military Correctional Institutions.

- 1. **Policy.** The specialized nature of duty at military correction facilities requires that personnel assigned shall be selected in accordance with uniform standard criteria and specifically trained in the control, management, and correction of prisoners. Personnel assigned to correctional work will be assigned a specific occupational specialty code.

2. Procedures.

- a. **Training of personnel.** Knowledge of control, management, and correction of prisoners may be obtained from previous experience, special training, or a combination of both. Therefore, for military correction facilities, custodial personnel may be obtained from the following sources:

- (1) Special schools.
- (2) Military personnel with previous military or civilian experience in correctional type assignments.
- (3) Trained on the job; in-service training.
- (4) Qualified civilian specialists.

- b. **Categories of personnel.** Specialized personnel are required in all of the following categories at all military correction facilities.

#First amendment (Ch 1, 6/7/74)

Continuation of III.B.2.b.

- (1) Custodial - personnel trained specifically in the security and control of prisoners.
- (2) Chaplains - personnel directly responsible to the commanding officer for providing religious instruction, guidance, and services for prisoners.
- (3) Medical/Dental - personnel responsible directly to the commanding officer for the health of prisoners and the sanitary conditions of the command.
- (4) Neuropsychiatric - psychiatrist, clinical psychologist, psychiatric social workers, and psychiatric social work technicians for the diagnosis and treatment of prisoners presenting special personality problems or psychiatric disorders.
- (5) Correctional treatment personnel.
 - (a) Classification specialists - supervisory personnel and trained interviewers to compile case histories and other background data required to plan the confinement program for individual prisoners and to furnish a basis for recommendations as to clemency, restoration to duty, or other appropriate disposition.
 - (b) Training - supervisory personnel and instructor personnel qualified to conduct general and vocational training programs for prisoners.
 - (c) Employment - maintenance, construction and industrial personnel qualified to conduct and supervise work progress and vocational training projects for prisoners.
 - (d) Counselors - correctional supervisors or specialists with training and experience in counseling.

c. Criteria for selection of personnel.

- (1) Personnel assigned to key positions involving administration, management, and operation should have served a minimum of two years of active duty, or have attained such level of professional qualifications by reason of civilian occupation, as to warrant assignment with the minimum of indoctrination and training.

- (2) Other personnel assigned to military correction facilities, when practicable, should meet the following general criteria:
 - (a) Be over twenty (20) years of age and possess a high degree of maturity and emotional stability.
 - (b) Have no record of convictions by a court-martial during current enlistment.
 - (c) Score at least average on standard classification test.
 - (d) Have no record of civil court conviction which resulted in confinement.

d. Assignment of personnel. Personnel should be regularly assigned to military correction facilities for normal tours of duty if possible. Transient personnel should not be used except when regularly assigned personnel are not available.

C. Administrative Discipline and Close Confinement Measures

1. Policy. In addition to or in lieu of punishments prescribed by law for persons under military jurisdiction, commanding officers are authorized to (a) impose administrative disciplinary measures upon persons confined under their jurisdiction, and (b) segregate and restrict the movement and activity of such persons as may be necessary for their control and the safe operation of the military correction facility. The authorized administrative disciplinary measures and standards for close confinement will be uniform for all Services.

2. Procedure.

a. Administrative disciplinary measures

(1) Commanding officers are authorized to impose one or more of the following administrative disciplinary measures upon persons confined under their jurisdiction for misconduct or infraction of regulations: reprimand or warning; deprivation of one or more privileges; extra duty; reduction in conduct grade or class; segregation on regular or restricted diet; and forfeiture or withholding of good time allowance.

(a) Neither segregation nor restricted diet should

* be imposed as disciplinary measures unless the medical *
* officer certifies in writing that a deterioration of *
* the prisoner's health is not anticipated as a result of *
* such action. *

(b) The extent and nature of disciplinary action taken should be corrective rather than punitive.

(2) The imposition of administrative disciplinary measures will be made subject to approval of the commanding officer. To carry out this responsibility, Discipline and Adjustment Boards, composed of three (3) members without direct personal interest, at least two (2) of whom shall be officers, and no more than two (2) of whom shall be from the custodial staff, may be established to consider and recommend to the commanding officer action to be taken against prisoners for misconduct or infraction of regulations and to consider prisoner adjustment problems. Enlisted personnel are eligible to serve on the Discipline and Adjustment Board but are limited to those personnel serving on active duty and in the grade of E-6 or higher. *

b. Administrative control

(1) Administrative segregation, separate quartering, or restriction of the movement and activity of prisoners are authorized for purposes of control, safekeeping, to prevent injury to the prisoner or others, or for other purposes of safe administration.

(2) Prisoners in administrative segregation or those segregated for disciplinary reasons will be kept under close custodial supervision. Special precautions will be taken in the preparation, equipping, inspection, and supervision of close confinement quarters to prevent escapes, self-injury, and other serious incidents or unhealthy conditions of confinement.

(a) Cells or rooms will be at least 6 feet wide, 8 feet long, and 8 feet high (inside measurements). Quarters will be adequately lighted, heated, and ventilated. Close confinement cells will be fully lighted during daylight hours. Means for artificial lighting (a minimum of 10-foot candles) will be provided to the extent provided prisoners in the main population and will be lighted during the same period of time.

(b) A minimum of 15 CFM (cubic feet of air per minute) will be circulated per cell. Means will be provided to heat the air during heating season to maintain approximately 70 degrees.

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(c) Prisoners in close confinement will be visited daily by a member of the medical facility to observe the prisoners' health and the sanitary conditions of the confinement facilities. Such prisoners will be visited at least once every five days by a medical officer while in close confinement. The commanding officer shall be immediately informed of all unhealthy or unsanitary conditions. Prisoners will also be visited daily by the custodial officer in charge or, in his absence, by his delegated relief.

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D. Correspondence of Prisoners and Visits to Prisoners.

1. Policy. Since the maintenance of wholesome and frequent contacts with their families and others genuinely interested in their welfare is a vital factor in rehabilitation of personnel in confinement, the right of prisoners to mail and visiting privileges will be limited only by security requirements and the facilities available.

2. Procedure. Incoming and outgoing mail, except privileged correspondence, will be inspected to assure that monies, stamps, personal property, and valuables are brought under proper controls and that unauthorized articles are not received. Outgoing mail, except privileged correspondence, may be inspected if required in individual cases. Visits will be supervised.

a. Authorized correspondents and visitors. No limitation will be imposed as to the number of persons who may be approved for the purpose of visiting or corresponding with a prisoner except as necessary to maintain security and control. The prisoner's wife, children, parents, brothers, and sisters should uniformly be approved unless disapproval is required in the interest of safe administration or the prisoner's welfare. Other persons may be approved as correspondents and visitors when this appears to be in the best interest of the prisoner.

b. Mailing

(1) No restrictions will be placed on the number of letters to and from authorized correspondents, except as necessary to maintain security and control, or prevent unreasonable individual excesses and delays in processing mail. Mail privileges for unsentenced prisoners will be as liberal as operating conditions and facilities permit.

(a) The following types of correspondence will be considered "privileged" and not subject to inspection, except when there is a reasonable basis for doubting the authenticity or identity of the sender.

1. All correspondence between a prisoner and the President, Vice President, members of Congress, Attorney General, the Judge Advocates General of the Military Departments or their representatives, the defense counsel, and any military or civilian attorney of record.
 2. Initial correspondence with any other attorney listed in professional or other directories for the purpose of establishing an attorney-client relationship.
 3. All correspondence between a prisoner and his clergyman (when recommended by the installation chaplain).
 4. Other special purpose correspondence may be permitted in the discretion of the commanding officer.
- (b) Letters containing accusations, charges, or complaints will be forwarded through proper channels to officials who have the authority to correct the complaint or alleged wrong, except that letters to members of Congress and petitions or writs for release to proper authority shall not be forwarded through official channels.
- (2) Vulgar or obscene language or any violations of postal laws will not be permitted.
 - (3) Postage for all authorized mail will be furnished, as a regular item of the health and combat issue.
- c. Visits. Restrictions on the number and length of visits and the number of authorized persons permitted to visit at any one time will be limited to those which are necessary for the safe handling of visits, prisoner control, and those made necessary by operational routines or limited facilities.
- (1) Normally, sentenced prisoners should be permitted to receive visits of one to two hours' duration on non-work days (weekends and holidays) at least twice monthly. However, in determining the need for exceptions, consideration should be given to the distance traveled by visitors, the frequency of visits, and other pertinent factors.

(2) Visits for unsentenced prisoners will be as liberal as operating conditions and facilities permit. Reasonable exceptions as to time and length of visits will be made for attorneys to interview their clients regarding pending legal affairs.

d. Other. The receiving of articles other than correspondence may be authorized by commanding officers. Telegraphic communications may be authorized only when warranted by existing circumstances. Telephone calls to or by prisoners, at the expense of the caller, will be permitted when it is considered to be in the best interest of the prisoner's morale and will aid in the resolution of immediate problems. The monitoring of calls is not mandatory, however, when deemed appropriate, a call may be monitored.

E. Uniform Prisoner Classification Records Including Format and Methods of Establishing Valid Case Histories

1. Policy. Classification data, when obtained for case histories of military prisoners, will be reported in a uniform manner for all of the Armed Forces and will be verified as required.

2. Procedures.

a. Classification data, when reported, will include a summary of all available information regarding the prisoner together with staff evaluations and recommendations and will be reported on standard Department of Defense forms.

b. The American Red Cross will be used in accordance with existing agreements (see reference (d)) as the primary agency to furnish information concerning the prisoner's community and family background.

c. Reports will be obtained from the Federal Bureau of Investigation on prisoners committed to disciplinary barracks and on other prisoners as necessary.

d. Additional verification inquiries will be made on a selective basis as required in the individual case. Inquiries to individuals and agencies of the community will not be made indiscriminately or routinely.

F. Uniform Reporting Procedures Including Statistical and Strength Accounting of Prisoners

1. Policy. Uniform statistics on military prisoners will be

maintained by the Armed Forces. For this purpose, internal reporting procedures which will permit the compilation of uniform statistics will be established.

2. Procedure

- a. Uniform statistical reports. The periodic publication of statistical reports concerning military prisoners will be coordinated between the Armed Forces and will include uniform data statistically comparable for all Services.
- b. Uniform reporting. Military correction facilities on shore will submit periodic reports giving sufficient uniform strength accounting data, which, together with data maintained by the Military Departments, will provide comparable information for compilation of uniform statistical reports.
- c. Prisoner strength accounting. Strength accounting will include information concerning the commitments, releases, population loads, and types of military prisoners, and such other data as may be agreed upon.

G. Policies and Procedures Governing Restoration Leave (Delay in Reporting) for Prisoners Restored to Duty

1. Policy. It is considered desirable, when the conditions of the particular case warrant, to grant leave to prisoners on restoration to duty; provided that such leave is not in excess of that authorized by law and regulations.

2. Procedure

- a. Restoration leave or delay in reporting may be granted prisoners restored to duty.
- b. The purpose of this leave is to enable the prisoner to visit his family or others interested in his welfare and to handle any personal problems requiring his personal attention. The granting of this privilege will be based upon full consideration of all the facts in each individual case, including the home and family situation.
- c. Leave may be granted for any period provided that such leave is not in excess of that authorized by law and regulations.

H. Expenditure of Personal Funds by Prisoners Confined in Military Installations

1. Policy. Prisoners will be permitted to expend personal funds

in limited amounts. The criteria for the expenditure of personal funds by prisoners and any limitations upon the amount of said expenditures will be uniform for all Services.

2. Procedure

- a. Personal funds of prisoners will be held in safekeeping for them while under confinement and prisoners will not be permitted to have money in their personal possession.
- b. In addition to the authorized allowance for health and comfort items, prisoners will be permitted to expend personal funds held in safekeeping for them for other authorized items not to exceed an amount equal to the authorization for health and comfort supplies and may be permitted to make additional expenditures from personal funds for special purposes, such as purchase of educational materials, remittances to dependents, payment of debts or attorney's fees, etc.
- c. Expenditures of personal funds will be subject to the approval of the commanding officer of the military correction facility concerned.

I. Policies and Procedures Governing Designation and Transfer to Federal Institutions and Between Military Installations

1. Policy. Uniform policies and criteria will be used by all Services in determining the type of correction facility for a prisoner under the provisions of Article 58 of the Uniform Code of Military Justice (reference (c)).

2. Procedure

- a. Except in those instances where suitable military correction facilities are not available, all military prisoners will be initially confined in military correction facilities.
- b. Military prisoners whose sentence or sentences as finally approved include confinement for more than one year and who have at least one year remaining to be served upon arrival may be transferred to a Federal penal or correctional institution when --

- (1) The sentence includes dismissal or a punitive discharge and the prisoner initially is considered to be unfit for further honorable duty; and

(2) The prisoner is convicted of a crime or offense attended by aggravated or reprehensible circumstances, which generally is punishable by imprisonment in a penitentiary, serious military offense, or, irrespective of the offense of which convicted, if his past military, civilian, or confinement record, personality characteristics, or other factors indicate his need for confinement and treatment in a Federal institution.

c. Prisoners transferred to a Federal penal or correctional institution for confinement and who are later determined to be of possible future value to the service may be returned to a military confinement facility in preparation for their return to military service.

d. Military prisoners should be confined in any correction facility under the jurisdiction of any of the Military Departments where economy and more efficient military administration will result.

J. Type and Allowances of Prison Uniform Clothing

1. Policy. Uniform and distinctive outer clothing may be prescribed for persons confined in a military correction facility if considered necessary for safe and economical operation of the facility.

2. Procedure

a. Uniform and distinctive outer clothing may be provided for all prisoners while confined in disciplinary barracks and other facilities deemed necessary by the department concerned.

b. All necessary items of clothing for prisoners, while confined in a nonpay and allowance status, will be furnished at government expense.

c. If distinctive clothing is prescribed, it will be furnished at the expense of the government.

d. The distinctive types of prisoner outer clothing, and clothing allowances, may be prescribed by each service for use by its places of correction. All prisoners confined therein will wear the prisoner uniform or appropriate service work uniform prescribed for that place of correction.

e. Unsentenced prisoners will wear the work uniform of the

place of correction, but will be permitted to wear their prescribed service uniforms during appearances before courts-martial, and may be permitted to do so during visits or on other appropriate occasions.

- f. For prisoners confined without essential clothing, emergency issue will be made by the commanding officer of the correction activity. Such issue, except for distinctive clothing, shall be subject to pay checkage if the prisoner is in a pay and allowance status. In cases requiring issue to members of other services, reimbursement will be made on a cross-service basis.

K. Detention and Segregation of Female Prisoners

1. Policy. Existing rules and regulations regarding apprehension, arrest, restriction and confinement provided for male personnel apply to women personnel, except as stated below.

2. Procedures

- a. Apprehension

- (1) Restraint. Physical contact will normally be avoided. In apprehension only such force as is necessary may be used.
- (2) Search. Only another woman of appropriate status is authorized to search a woman of the Armed Services. Male apprehending authorities may, however, search the offender's handbag, overcoat or luggage.
- (3) Custody. Following apprehension, if physical custody is necessary, the apprehending authority will communicate with his headquarters and receive instructions as to disposition. Normally such disposition will be as follows:
 - (a) The woman will either be immediately placed in the custody of the commanding officer of the nearest activity of the cognizant Military Department where there is adequate housing and supervision for women, or, if no such activity is within reasonable distance, a request will be made upon the nearest organization of the Armed Services where women personnel are housed for assumption of temporary custody. Otherwise, delivery will be made to local civilian authorities operating suitable custodial facilities for women.

M. Feasibility and Desirability of Adopting a Correctional Treatment Program Common to All Military Services and the Use of Joint Facilities

1. Policy. Provision should be made for the correctional treatment of military prisoners. A general program common to all of the Services is desirable. The program of each of the Services should provide equal opportunities for prisoners and be essentially uniform although operational details vary dependent upon the organizational structure, facilities available, and missions of the respective Military Services will vary.
 - a. The measures provided to carry out this program should be designed to prepare for successful return to duty those prisoners whose sentences do not include punitive discharge and those with sentences including punitive discharges who are considered potentially restorable; and to prepare for return to civil life those whose sentences include punitive discharges who are considered non-restorable.
 - (1) Prisoners of potential value to the Military Services, who have been sentenced to punitive discharge and whose return to duty will not adversely affect the esprit and good name of the Service, should be restored to duty upon successful completion of any restoration training provided.
 - (2) Common policies and criteria should be used in selecting prisoners for participation in restoration training programs. Joint screening to determine disposition of prisoners should be conducted in those installations where prisoners of more than one Service are confined, provided that facilities and qualified personnel are available for the purpose.
 - b. Each Military Service should provide restoration training for its own personnel with a course of instruction based on the military training program of that Military Service.
 - c. Installations of any Military Service, other than those provided for restoration training, should be used for the confinement of prisoners of other Military Services when local operating conditions and available facilities permit, and if economy and more efficient administration will result.

2. Procedure

- a. The program for prisoners whose sentences do not include punitive discharges, should include useful varied work, military training, and instruction within the limitations of available facilities and personnel. Prisoners in this category who have sufficient time to warrant such action may be placed in correctional training facilities and retraining groups.
- b. The program for potentially restorable prisoners whose sentences include punitive discharges should include correctional treatment and evaluation, intensive military training, and opportunities to provide their fitness to return to honorable duty. Such measures should, if sufficient time permits, be carried out in correctional training facilities operated by each Military Service for its own personnel and should be based on the military program of that Military Service.
- c. Deserving military prisoners, whether or not their sentences include punitive discharges, who have sufficient time to warrant such action, should be placed in correctional training facilities that are best suited for correctional purposes.
- d. The program for prisoners who are to be returned to civil life by punitive discharge and who are not transferred to Federal institutions should include a reasonable opportunity to promote self-improvement through educational and vocational training, and in useful work of value to the Government, within the limitations of available facilities and personnel.
- e. In selecting prisoners for participation in restoration programs, consideration should be given to (1) whether the person shows a potential for further military service; (2) the person's mental and physical fitness for Military Service; and (3) whether any facts exist which would adversely affect the esprit and good name of the Military Service in the event of restoration. In the absence of exceptional circumstances, conviction of a major offense generally recognized as a felony in the civil courts should ordinarily preclude selection for restoration training. "Exceptional circumstances" should include such factors as:
 - (1) Youth;
 - (2) A comparatively low degree of wrongful intent in the commission of the offense;

- (3) A substantially clear civil and military record with a reputation for honesty and good behavior prior to the commission of the current offense; and
- (4) Demonstrated or potential ability to perform military duties in a creditable manner.

f. Correction facilities of the Military Services may be used jointly for military prisoners where it is determined by local commanders to be feasible and practicable. Generally, military prisoners who are to return to duty should serve their confinement in the facilities of their own Military Service in order that they may receive the benefit of the training, education and work program, based upon the needs and mission of that particular Military Service.

g. In accordance with such agreements as shall be made between the individual Military Services in regard to the activity concerned, disciplinary barracks facilities may be used jointly for those prisoners who are sentenced to a punitive discharge and who are not initially considered restorable.

N. Provision of Health and Comfort Supplies for Prisoners

1. Policy. Certain supplies are necessary for the personal hygiene, health and comfort of prisoners, and other persons in a non-pay and allowance status held in military jurisdiction awaiting disposition as a result of disciplinary action, and at least the minimum required of such supplies will be uniformly provided by all Military Services for such persons in an amount of at least ten dollars (\$10.00) per month.

2. Procedure.

a. When necessary, all prisoners committed to military places of confinement will be issued, immediately, toilet articles and other personal hygiene supplies, tobacco, and such other authorized items including postage for authorized letters as are determined to be essential for health and comfort, and will receive similar issues periodically while in confinement. Similar issues will be made to other persons held in military jurisdiction awaiting disposition as a result of disciplinary action, such as former prisoners with executed discharges who have completed confinement overseas until their release from military control.

- b. Authorized items of health and comfort supplies will be prescribed by the Military Services and will be coordinated between the Military Services to prevent inequalities.
- c. Health and comfort supplies furnished to persons in a non-pay status will be paid for from appropriated funds. The cost of health and comfort supplies issued to persons in a pay status will be charged against their pay accounts or paid for from their personal funds.

O. Abatement of Confinement. The following provisions apply only to those sentences adjudged on or after May 31, 1951:

1. Rate of Earning:

a. Good Conduct Time

- (1) Each prisoner serving a sentence (or sentences) imposed by a court-martial or other military tribunal for a definite term or terms of confinement, other than for life, will, except as otherwise provided herein, be credited monthly with a deduction from the term of his sentence (or sentences) beginning with the day on which the sentence commences to run at the following appropriate rates:
 - (a) Five (5) days for each month of the sentence, if the sentence is less than one (1) year.
 - (b) Six (6) days for each month of the sentence, if the sentence is not less than one (1) year and is less than three (3) years.
 - (c) Seven (7) days for each month of sentence, if the sentence is not less than three (3) years and is less than five (5) years.
 - (d) Eight (8) days for each month of the sentence, if the sentence is not less than five (5) years and is less than ten (10) years.
 - (e) Ten (10) days for each month of the sentence, if the sentence is ten (10) years or more.
- (2) In order to predetermine release dates, a prisoner may be credited at the beginning of his sentence to confinement with the regular good conduct time that can be earned in his case during the entire period of his sentence.

(3) A parole or probation violator will earn good conduct time, at the rate applicable to his sentence, for the period of time to be served as a parole or probation violator.

b. Extra Good Time. A prisoner in confinement may be allowed an abatement of his sentence for actual employment in such industries, work projects, or such other activities or assignments as shall be specifically authorized by the Secretary of the Military Department concerned. Allowance of extra good time shall be in addition to that granted for good conduct. The rates at which extra good time may be earned are as follows:

(1) For the first year or any part thereof, not to exceed three (3) days per month.

(2) For the second and subsequent years, not to exceed five (5) days per month.

2. Forfeiture, Withholding and Restoration of Abatement

a. Good conduct time. If a prisoner violates the rules of the institution or commits any offense during his term of imprisonment, all or any part of his earned good conduct time may be forfeited. In addition, all good conduct allowances for the month in which the violation occurs may be withheld in accordance with such administrative directives as may be published by the Military Department concerned.

b. Extra good time. Extra good time may be forfeited and withheld in the same manner as provided for good conduct time.

c. Parole and Probation Violators. All good conduct time and extra good time which has been earned up to the date of a prisoner's return to custody as a parole or probation violator, will be forfeited effective with the revocation of parole or probation.

d. Restoration of good conduct time and extra good time.

(1) When a prisoner is confined in a military correction facility, the commanding officer of that facility may restore all or any part of the good conduct or extra good time previously forfeited or withheld, including time withheld or forfeited at other institutions, except that time forfeited for parole or probation violation may not be restored.

- (2) When a prisoner is confined in a Federal institution, such restoration may be authorized only by the Attorney General of the United States, as provided by statute.

P. Clemency (General). For the purposes of this subsection, clemency is a right vested in the Secretaries of the Military Departments and certain military commanders by law, to (1) mitigate, remit or suspend all or any part of the unexecuted portion of any sentence; (2) restore to duty; and (3) prescribe parole regulations, where applicable, to insure equality in the administration of justice and guarantee that the best interests of society, the Military Service, and the individual will be served.

1. The Secretaries of the Military Departments may appoint clemency and parole boards where necessary to consider the cases of individuals under their jurisdiction. All aspects of the sentence, including fines, forfeitures, discharge or dismissal, and period of confinement, as well as the circumstances of the offense, the social factors, the prisoner's military and civil history, his personality characteristics, and his progress in confinement, shall be taken into consideration, in order that appropriate recommendations concerning clemency action may be made to the Secretary of the Military Department concerned.
2. In addition to any direct personal action by the Secretary of the Military Department concerned and exclusive of clemency action taken by commanding officers pursuant to powers vested in them by law, clemency may be effected through any of the following methods in accordance with the policies and eligibility standards prescribed herein:

a. Clemency.

- (1) At such time as may be directed by the Secretary of the Military Department concerned, and prior to completion of confinement or execution of the discharge, sentences imposed by courts-martial or other military tribunals which include sentences to confinement of eight (8) months or more and all sentences which include discharge or dismissal will be reviewed to determine conformity with current administrative and disciplinary policies, to adjust sentence disparities, and to make appropriate recommendations regarding any unexecuted portions of the sentence.

(2) Members of the Armed Forces of the United States sentenced by courts-martial or other military tribunals to confinement and discharge or dismissal, and persons other than members of the Armed Forces of the United States sentenced to confinement by courts-martial or other military tribunals will be considered for clemency, wherever confined as follows:

- (a) Within eight (8) months after the sentence begins to run, or prior to release if the sentence expires earlier, and at least annually thereafter.
- (b) At any time prior to completion of the sentence, upon recommendation of appropriate authority for cause.

b. Parole.

(1) A prisoner with a punitive discharge or dismissal confined pursuant to a sentence or aggregate sentences of:

- (a) More than one (1) year and not more than three (3) years who has served one-third of his term of confinement, but in no case less than six (6) months, will be eligible for parole at that time.
- (b) More than three (3) years who have served not less than one (1) year will become eligible for parole consideration at such time as the appropriate Clemency and Parole Board may recommend and by the Secretary of the Department concerned approve, but such time shall not be more than one-third of the sentence or aggregate sentences as lawfully adjudged and approved, or not more than ten (10) years when the sentence is in excess of thirty (30) years.
- (c) Good conduct abatement and employment abatement will be excluded in computing eligibility for parole consideration.

(2) With respect to parole consideration of a sentenced prisoner whose sentence includes confinement and a fine and further confinement if the fine is not paid, eligibility for parole shall be based, in the case of those who fail to pay the fine, on the basic

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term of confinement plus the additional contingent term of confinement which became applicable when the prisoner failed to pay the fine.

(3) A prisoner whose sentence includes only a fine and confinement if the fine is not paid, in addition to punitive discharge, or dismissal in the case of military personnel, will be eligible for parole consideration after having served six (6) months of the sentence to confinement in lieu of payment of the fine and annually thereafter.

(4) Consideration for release on parole of one whose parole has been revoked will not occur ordinarily until that person has completed one (1) year in confinement subsequent to his return to confinement unless otherwise directed by the Secretary of the Department concerned or unless recommended by the officer in command of the military correctional facility for earlier parole consideration.

* (5) Prisoners who are denied parole will be provided written *
 * notification of the reasons their requests for parole *
 * were denied, and will be afforded the opportunity to *
 * file a written appeal, within 30 days after receipt of *
 * such denial. Prisoners will be provided written *
 * decisions on their appeal by the Secretary concerned *
 * or his designee. *

3. Restoration/Re-enlistment

a. Members of the Armed Forces of the United States sentenced to confinement and discharge by courts-martial or other military tribunals will be eligible to be considered for return to duty status under such terms or conditions of probation as may be prescribed by the Secretary of the Department concerned, when eligible for clemency under the provisions of III.P.2.a.(2)(a) and (b), above, or as otherwise prescribed by the terms of the sentence.

b. Applications for restoration/re-enlistment will be reviewed and acted upon within the Military Department concerned. However, the appropriate boards of the Military Department concerned may make recommendations with regard to restoration/re-enlistment in individual cases in connection with the review of sentences for the purpose of general clemency. Any recommendation of these boards regarding restoration/re-enlistment for further duty will be advisory only.

Q. Sentence Operation. The following provisions concerning uniform execution of sentences adjudged by courts-martial and other military tribunals of the DoD apply only to those sentences adjudged on or after May 31, 1951:

1. Effective Date of Sentence. A sentence becomes legally effective and the sentence to confinement begins to run as

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- provided for by statute or, in the absence thereof, by appropriate authority.
2. Inoperative Time. Any period of time during which a prisoner is not entitled to be credited with serving his sentence.
 3. Continuity of Sentence. A sentence to confinement is continuous until the term expires and is interrupted only by inoperative time.
 4. Multiple Sentences. When a prisoner, serving a sentence adjudged by a court-martial, is convicted of another offense and sentenced to a term of confinement, the subsequent sentence upon being ordered into execution will begin to run as of the date adjudged and will interrupt the running of a prior sentence.
 5. Aggregation of Sentences. When a prisoner has two (2) or more sentences to confinement standing against him, the several sentences will be aggregated to determine the rate of earning abatement for good conduct, parole eligibility date, and any other necessary dates. The remainder of the term of confinement which a parole or probation violator is serving will not be aggregated with a term of confinement adjudged by a subsequent sentence.
 6. Computation of Sentences. Procedures employed in the computation of sentences will be in conformity with those published by the Department of Justice, which govern the computation of sentences of federal prisoners and military prisoners under the jurisdiction of the Justice Department.
 7. Probation Sentences
 - a. The Probationary Period. Unless otherwise provided, a probationary period begins on the date of restoration to duty and, unless otherwise terminated, ends at midnight on the last day of the specified period or upon discharge or separation, whichever is sooner.
 - b. Multiple Sentences. Unless otherwise directed, revocation or termination of probation applies to all probationary periods in operation at the time the unsatisfactory conduct occurred.
- R. Gratuities. Members of the Armed Forces of the United States sentenced by courts-martial or other military tribunals to confinement and dismissal or discharge and all persons other than members of the Armed Forces of the United States sentenced to confinement by courts-martial or other military tribunals upon each release from a military correction facility, when necessary,

may be furnished the following gratuities in addition to such other grants and gratuities as may be authorized by law:

1. Clothing. A suit of citizen's outer clothing, and an overcoat when necessary.
2. Cash Donations. In the discretion of the Secretary of the Military Department concerned, a cash donation of not to exceed twenty-five dollars (\$25.00).

S. Feasibility and Desirability of Adopting a Work and Training Program in Military Correctional Institutions

1. Policy. Over-all correctional treatment programs, comprised of regular work, job training, and correctional motivation activities, for prisoners sentenced to confinement will be instituted to increase their usefulness during the confinement period and after their release from military service.

2. Procedure

- a. General. Programs for training and employment of prisoners affect most segments of military correction facilities, but they are of particular importance to and will be coordinated with and integrated into correctional treatment programs. Professional evaluation will be employed in determining which work projects or tasks will provide the greatest benefit in terms of their usefulness to the military service.

(1) Comprehensive training and employment activities will be established to prevent idleness among prisoners and aid in alleviating custodial problems. Combined training and employment programs will be based on improvement of the individual prisoner's needs, capabilities, and opportunities for successful service adjustment.

(2) In order that programs may be developed on an individual basis, rigid minimum hour requirements for either activity will be avoided. However, the combined time spent in training and employment will not be less than that required of personnel in a regular duty status.

(3) Training at military confinement facilities will usually consist of the following segments:

- (a) All physically qualified prisoners, except those in disciplinary segregation, will be

required to engage in a supervised physical training program consisting of a minimum of three (3) hours each week.

- (b) All prisoners will be encouraged to participate in scheduled educational programs, commensurate with their needs and abilities.
 - (c) All prisoners considered to have potential for return to duty will receive military training.
 - (d) Vocational training will be encouraged to the fullest extent available at the facilities.
 - (e) Installation parolees and prisoners in minimum and medium custody grades may be temporarily released to their units for training in preparation for and participation in field training and field training exercises.
- (4) All physically qualified prisoners, except those requiring segregation from the main population for disciplinary or custodial reasons, will be required to engage in work projects consistent with the prisoner's individual correctional treatment plan. Prisoners not undergoing training for return to duty will be assigned to work projects which are intended to prepare them for return to civilian life.
- (a) Consistent with custodial requirements, employment making maximum use of opportunity for on-the-job training within units or offices is highly desirable. Such assignments will be in the prisoner's military occupational skill or to tasks which will qualify him for a new military occupational skill.
 - (b) The development of work projects to be conducted within the facility fenced area and other areas which permit good supervision and minimum custodial requirements is necessary to provide satisfactory employment for prisoners who cannot be assigned on-the-job training.

b. Federal Prison Industries, Incorporated

- (1) One expeditious, economic, and effective method of establishing industries in major military occupational institutions on a sound businesslike basis, which will give punitive discharge prisoners

maximum opportunity to acquire occupational skills, is to bring them within financial and managerial jurisdiction of the Federal Prison Industries, Incorporated, which is empowered by law to

- (a) Provide facilities;
 - (b) Establish industries;
 - (c) Employ, train and supervise prisoners under the custody and control of the commanding officer; and
 - (d) Dispose of the products for government use.
- (2) In view of the small percentage of military personnel in confinement, and the fact that many are assigned to other types of training, the competition offered to private industry and labor by work programs in military correctional institutions is insignificant compared to the correctional treatment afforded prisoners whose custody, treatment, and reformation are direct responsibilities of the Armed Services to society.

IV. EFFECTIVE DATE AND IMPLEMENTATION

- A. This Instruction is effective immediately.
- B. Two (2) copies of each implementing document shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within ninety (90) days.



Alfred B. Fitt
Assistant Secretary of Defense
(Manpower and Reserve Affairs)

- Enclosure - 1
- 1. Table of Contents

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Department of Defense Instruction

ASD(M&RA)

SUBJECT Treatment of Military Prisoners and Administration of Military Correction Facilities

- Refs.:**
- (a) DoD Instruction 1325.4, "Uniform Policies and Procedures Affecting Military Prisoners and Places of Confinement," January 14, 1955 (hereby cancelled)
 - (b) Manual for Courts-Martial, United States
 - (c) Uniform Code of Military Justice
 - (d) DoD Directive 1330.5, "American Red Cross," September 27, 1954
 - (e) Table of Contents (Enclosure (1))

I. REISSUANCE AND PURPOSE

This Instruction reissues and revises reference (a) and establishes uniform Department of Defense policies and procedures governing the treatment of military prisoners and the administration of places of correction. Reference (a) is hereby superseded and cancelled.

II. APPLICABILITY AND SCOPE

The provisions of this Instruction apply to the Military Departments and cover military prisoners and places of correction worldwide.

III. POLICY

The Secretaries of the Military Departments shall issue uniform regulations consistent with the following, subject to limitations imposed by operating conditions, personnel, or facilities in certain areas:

A. Principles Governing Confinement of Military Personnel

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1. General. Discipline should be administered on a corrective rather than a punitive basis, and military correction facilities should be administered on a uniform basis. It is desirable for persons under sentence of courts-martial or other military tribunals to be accorded uniform treatment, in furtherance of equality within the Department of Defense and in justice to individuals concerned.
2. Pre-trial Confinement.
 - a. Who may be confined. A person will not be placed in confinement based solely on the pendency of administrative discharge proceedings. Confinement other than that adjudged by a court-martial or imposed as non-judicial punishment will not be imposed pending trial unless

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deemed necessary to insure the presence of the accused at the trial, or because of the seriousness of the offense charged (see paragraph 20.c. of reference (b)), or the presence of factors making it probable that failure to confine would endanger life or property.

- b. Informing accused of charges; expeditious disposition of charges. When a person is placed in confinement immediate steps shall be taken to inform him of the specific wrong of which he is accused and try him or to dismiss the charges and release him (Article 10, reference (c)). As a general rule, a person should be informed of the accusation against him within 48 hours after he is placed in confinement. Pre-trial confinement in excess of thirty (30) days will be permitted only when approved in each instance by the officer exercising General Court-Martial jurisdiction over the command which ordered the investigation of the alleged offenses.

B. Specialized Personnel Requirements for Military Correctional Institutions.

1. Policy. The specialized nature of duty at military correction facilities requires that personnel assigned shall be selected in accordance with uniform standard criteria and specifically trained in the control, management, and correction of prisoners. Personnel assigned to correctional work will be assigned a specific occupational specialty code.

2. Procedures.

- a. Training of personnel. Knowledge of control, management, and correction of prisoners may be obtained from previous experience, special training, or a combination of both. Therefore, for military correction facilities, custodial personnel may be obtained from the following sources:
 - (1) Special schools.
 - (2) Military personnel with previous military or civilian experience in correctional type assignments.
 - (3) Trained on the job; in-service training.
 - (4) Qualified civilian specialists.
- b. Categories of personnel. Specialized personnel are required in all of the following categories at all military correction facilities.

be imposed as disciplinary measures unless the medical officer certifies in writing that it will not produce serious injury to the prisoner's health.

- (b) The extent and nature of disciplinary action taken should be corrective rather than punitive.
- (2) The imposition of administrative disciplinary measures will be made subject to approval of the commanding officer. To carry out this responsibility, Discipline and Adjustment Boards, composed of at least three (3) officers, may be established to consider and recommend to the commanding officer action to be taken against prisoners for misconduct or infraction of regulations and to consider prisoner adjustment problems.

b. Administrative control

- (1) Administrative segregation, separate quartering, or restriction of the movement and activity of prisoners are authorized for purposes of control, safekeeping, to prevent injury to the prisoner or others, or for other purposes of safe administration.
- (2) Prisoners in administrative segregation or those segregated for disciplinary reasons will be kept under close custodial supervision. Special precautions will be taken in the preparation, equipping, inspection, and supervision of close confinement quarters to prevent escapes, self-injury, and other serious incidents or unhealthy conditions of confinement.
 - (a) Cells or rooms will be at least 6 feet wide, 8 feet long, and 8 feet high (inside measurements). Quarters will be adequately lighted, heated, and ventilated. Close confinement cells will be fully lighted during daylight hours. Means for artificial lighting (a minimum of 10 foot candles) will be provided to the same extent provided prisoners in the main population and will be lighted during the same period of time.
 - (b) A minimum of 15 CFM (cubic feet of air per minute) will be circulated per cell. Means will be provided to heat the air during heating season to maintain approximately 70 degrees.

- (c) Prisoners in close confinement will be visited daily by a medical officer who will keep the commanding officer advised regarding the state of health and conditions of confinement of such prisoners. They will also be visited daily by the custodial officer in charge or, in his absence, by his delegated relief.

D. Correspondence of Prisoners and Visits to Prisoners.

1. Policy. Since the maintenance of wholesome and frequent contacts with their families and others genuinely interested in their welfare is a vital factor in rehabilitation of personnel in confinement, the right of prisoners to mail and visiting privileges will be limited only by security requirements and the facilities available.

2. Procedure. Incoming and outgoing mail, except privileged correspondence will be inspected to assure that monies, stamps, personal property, and valuables are brought under proper controls and that unauthorized articles are not received. Outgoing mail, except privileged correspondence, may be inspected if required in individual cases. Visits will be supervised.

- a. Authorized correspondents and visitors. No limitation will be imposed as to the number of persons who may be approved for the purpose of visiting or corresponding with a prisoner except as necessary to maintain security and control. The prisoner's wife, children, parents, brothers, and sisters should uniformly be approved unless disapproval is required in the interest of safe administration or the prisoner's welfare. Other persons may be approved as correspondents and visitors when this appears to be in the best interest of the prisoner.

b. Mailing

- (1) No restrictions will be placed on the number of letters to and from authorized correspondents, except as necessary to maintain security and control, or prevent unreasonable individual excesses and delays in processing mail. Mail privileges for unsentenced prisoners will be as liberal as operating conditions and facilities permit.

- (a) The following types of correspondence will be considered "privileged" and not subject to inspection, except when there is a reasonable basis for doubting the authenticity or identity of the sender.

- (b) Military correction facilities used for male personnel will not be used for the custody of women of the Armed Services.

b. Confinement

- (1) Women will not be confined in correction facilities used only for male personnel.
- (2) Punishment by confinement under sentence of summary or special court-martial is not regarded with favor and should not be approved. Accordingly, a sentence of confinement, adjudged by summary or special courts-martial, shall be remitted by the Convening or Reviewing authorities, unless there are compelling reasons which justify such confinement.
- (3) Where confinement is adjudged by a General Court-Martial and approved by the convening authority, the place of confinement shall be designated in accordance with regulations issued by the Secretary of the Military Department concerned.
- (4) Except under extreme circumstances, a woman whose conduct is such as to bring discredit on herself or the Military Service which she represents shall be separated.

I. Provision and Support of Welfare Activities for Prisoners

1. Policy. Welfare activities are necessary for the physical and mental well-being of prisoners and will be provided by all Services.

2. Procedure

- a. A well-balanced program of welfare activity for prisoners, which may include fiction and nonfiction books, periodicals, newspapers, motion pictures, radio, television, physical recreation facilities, competitive sports, and other special programs and events will be provided.
- b. Where practicable, support from appropriated funds and contributions from central non-appropriated welfare funds may be supplemented by funds generated by fund producing work of prisoners on projects approved by the Department concerned.
- c. Minimum requirements for the provision of welfare activities and common sources of support therefor, insofar as practicable, will be developed by the Services on a uniform basis.

M. Feasibility and Desirability of Adopting a Correctional Treatment Program Common to All Military Services and the Use of Joint Facilities

1. Policy. Provision should be made for the correctional treatment of military prisoners. A general program common to all of the Services is desirable. The program of each of the Services should provide equal opportunities for prisoners and be essentially uniform although operational details vary dependent upon the organizational structure, facilities available, and missions of the respective Military Services will vary.
 - a. The measures provided to carry out this program should be designed to prepare for successful return to duty those prisoners whose sentences do not include punitive discharge and those with sentences including punitive discharges who are considered potentially restorable; and to prepare for return to civil life those whose sentences include punitive discharges who are considered non-restorable.
 - (1) Prisoners of potential value to the Military Services, who have been sentenced to punitive discharge and whose return to duty will not adversely affect the esprit and good name of the Service, should be restored to duty upon successful completion of any restoration training provided.
 - (2) Common policies and criteria should be used in selecting prisoners for participation in restoration training programs. Joint screening to determine disposition of prisoners should be conducted in those installations where prisoners of more than one Service are confined, provided that facilities and qualified personnel are available for the purpose.
 - b. Each Military Service should provide restoration training for its own personnel with a course of instruction based on the military training program of that Military Service.
 - c. Installations of any Military Service, other than those provided for restoration training, should be used for the confinement of prisoners of other Military Services when local operating conditions and available facilities permit, and if economy and more efficient administration will result.

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term of confinement plus the additional contingent term of confinement which became applicable when the prisoner failed to pay the fine.

- (3) A prisoner whose sentence includes only a fine and confinement if the fine is not paid, in addition to punitive discharge, or dismissal in the case of military personnel, will be eligible for parole consideration after having served six (6) months of the sentence to confinement in lieu of payment of the fine and annually thereafter.
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3. Restoration/Re-enlistment

- a. Members of the Armed Forces of the United States sentenced to confinement and discharge by courts-martial or other military tribunals will be eligible to be considered for return to duty status under such terms or conditions of probation as may be prescribed by the Secretary of the Department concerned, when eligible for clemency under the provisions of III.P.2.a.(2)(a) and (b), above, or as otherwise prescribed by the terms of the sentence.
- b. Applications for restoration/re-enlistment will be reviewed and acted upon within the Military Department concerned. However, the appropriate boards of the Military Department concerned may make recommendations with regard to restoration/re-enlistment in individual cases in connection with the review of sentences for the purpose of general clemency. Any recommendation of these boards regarding restoration/re-enlistment for further duty will be advisory only.

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provided for by statute or, in the absence thereof, by appropriate authority.

2. Inoperative Time. Any period of time during which a prisoner is not entitled to be credited with serving his sentence.
3. Continuity of Sentence. A sentence to confinement is continuous until the term expires and is interrupted only by inoperative time.
4. Multiple Sentences. When a prisoner, serving a sentence adjudged by a court-martial, is convicted of another offense and sentenced to a term of confinement, the subsequent sentence upon being ordered into execution will begin to run as of the date adjudged and will interrupt the running of a prior sentence.
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6. Computation of Sentences. Procedures employed in the computation of sentences will be in conformity with those published by the Department of Justice, which govern the computation of sentences of federal prisoners and military prisoners under the jurisdiction of the Justice Department.
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 - a. The Probationary Period. Unless otherwise provided, a probationary period begins on the date of restoration to duty and, unless otherwise terminated, ends at midnight on the last day of the specified period or upon discharge or separation, whichever is sooner.
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