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THE ARMY PAROLE SYSTEM

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Both authors are affiliated with the Army clemency and parole program.—EDITOR.

Introduction

The United States Army has released military prisoners on parole since 1915. In that year, the Secretary of War was authorized by an Act of Congress² to establish a system of parole for all general prisoners³ confined in the United States Disciplinary Barracks at Fort Leavenworth, Kansas, and its branches, "the terms and conditions of such parole to be such as the Secretary of War may prescribe." This statute was immediately implemented by regulations issued by the Adjutant General's Office,⁴ and a large number of military prisoners were accordingly released on parole during and after the First World War.⁵ Relatively few men were paroled during World War II, but, soon after the end of hostilities, parole practice was revived under new regulations in 1946 and has operated on a large scale since then. Recent statistics of the Adjutant General's Office show that 5,444 prisoners were paroled from the U.S. Disciplinary Barracks and its branches during the period from August

¹ The opinions expressed in this paper are those of the writers and do not necessarily represent the views of the Department of the Army.

² Act of March 4, 1915, 38 U. S. Statutes at Large, p. 1075.

³ A "general prisoner" is a prisoner who has been sentenced to dismissal or discharge from the Army and to a term of confinement, whose sentence has been approved by military authorities.

⁴ Parole regulations dated May 18, 1915. These regulations concerned requirements for eligibility, conditions of parole, supervision of the parolee by a "first friend and advisor," the functions of the institutional parole officer, and other important matters.

⁵ In 1930, the Secretary of War reported: "Since the inauguration in 1915 of the home parole system, nearly 3000 general prisoners have been released on home parole after serving but a portion of their periods of confinement. Relatively few of the prisoners so released have violated their parole." *Annual Reports, War Department, Report of the Secretary of War to The President, 1930*, pp. 360-361. Earlier figures were published in the *Reports of the Adjutant General of the Army*, 1915, p. 50; 1916, p. 53; 1917, pp. 28-29; 1918, pp. 28-29; 1919, pp. 41-42; 1920, pp. 43-44.

1, 1946, to November 30, 1948, inclusive; 3,751 men successfully completed their parole during the same period;⁶ 1,686 were on parole on November 30, 1948, and only 148 men, or roughly 2.65 per cent had become parole violators during that period.

A significant development during this post-war period has been the merger of clemency and parole procedures by virtue of which cases of general prisoners now may be simultaneously reviewed for clemency and parole. Clemency as distinguished from parole is an exercise of the pardoning power by which a prisoner's sentence may be modified in his favor. In its post-war clemency program,⁷ the Army has for various reasons⁸ reduced certain sentences to a lesser term of years, has remitted the unexecuted portion of others, and, in some instances, has directed an honorable or special type discharge. In addition, a number of qualified and deserving prisoners have been honorably restored to duty in the Army. Parole, on the other hand, is intended to facilitate the rehabilitation of dishonorably discharged prisoners⁹ by returning them to their home communities on certain terms prior to the expiration of their sentences.

As defined now by regulations of the Department of the Army, parole is a form of conditional release under supervision granted to carefully selected military prisoners who have served a portion of their sentences to confinement and whose release under supervision will be in the best interests of the prisoner, the Army, and society. It is based on the principle that a period of guidance and supervision in the community is a part of the entire rehabilitation program for the prisoner. Parole is a means of helping the prisoner make a transition from controlled life in confinement to the less controlled life of a community. During this period of transition, the prisoner remains under the jurisdiction of the Department of the Army. If the parolee fails to demonstrate his willingness and capacity to fulfill his parole obligations, he may be returned to confinement to serve the remainder of his sentence.

The Department of the Army exercises parole jurisdiction only over those military offenders who are serving sentences in

⁶ Including 141 men who were on parole on July 31, 1946.

⁷ See Herman L. Goldberg and Lloyd W. McCorkle, *Post-war Clemency and the Military Offender*, Social Service Review XXI, pp. 197-207 (1947), Austin H. McCormick and Victor H. Evjen, *The Army's Rehabilitation Program for Military Prisoners*, 1945 Yearbook of the National Probation Association, pp. 17-19.

⁸ See War Department Press Releases dated July 8, 1946, and June 9, 1947, each based on reports by Justice Owen J. Roberts, then Chairman, Advisory Board on Clemency; McCormick and Evjen, loc. cit.; Note: "Military Justice" in Social Service Review XXI, pp. 395-396 (1947).

⁹ A dishonorable discharge is executed in all cases prior to the release of prisoners on parole.

the United States Disciplinary Barracks¹⁰ or one of its branches. Certain military prisoners are serving sentences in Federal institutions under the Bureau of Prisons. The United States Board of Parole, an agency under the U. S. Department of Justice, has jurisdiction over these men, and is the only agency authorized to grant or revoke their parole. The discussion of parole procedure in this paper does not refer to these cases.

Eligibility and Application for Parole

A prisoner becomes eligible for parole when he has served one-third of his maximum sentence (in no case less than six months); those serving life sentences are eligible after ten years. When eligible, the prisoner may either apply for parole or waive parole. If parole is disapproved, his application is reconsidered at least once a year thereafter.

Ordinarily, a man will not be paroled if an indictment is pending against him in a Federal or State court or if civil or naval authorities have lodged a detainer against him; parole may be granted, however, in exceptional cases upon recommendation by the Commandant.

With his application, the prisoner has to submit a tentative parole plan specifying his prospective residence, employment and parole advisor. Prior to his actual release from the U.S. D.B., this tentative plan must be completed and the employer must sign a written agreement, unless waived by The Adjutant General. All details of the parole plan are subject to investigation and approval by the U.S.D.B. Particularly, the Commandant has to approve the appointment of the parole advisor and has to be satisfied that the parolee will be engaged in a reputable occupation.

Processing Cases in the Field

Each U.S.D.B. has an institutional Parole Officer, appointed by the Commandant, who assists the prisoner in preparing his application, investigates his plans, and handles contacts with outside agencies and individuals interested in the prospective parolee. He also makes a recommendation for or against parole. The prisoner's case is then reviewed by an institutional Classification Board, and, subsequently, by the Commandant. Their recommendations are then forwarded to The Adjutant General.

All recommendations are based on a case study which is pre-

¹⁰ At Fort Leavenworth, Kansas. At the present time, there are four branches; namely, Camp Cooke, Calif.; Milwaukee, Wis.; Ft. Hancock, N. J.; New Cumberland, Pa. The five institutions are referred to in the text as "U.S.D.B."

pared at the U.S.D.B. for every inmate by various members of the institutional staff and is embodied in Classification Summaries and reclassification reports.

These summaries include an analysis of the most significant factors in the prisoner's social history, his educational and occupational histories and civilian criminal record, if any. There are also included, his military history, his present adjustment to confinement, and a medical report. A psychological summary contains a statement of the offender's mental capacities as indicated by psychometric tests and the psychologist's recommendation. On the basis of his personal observations and interviews with the prisoner, the psychiatrist establishes his impressions and diagnosis which are included in his report with his recommendation. All of this material is considered by the institutional staff for determining the advisability of returning the man to society as a parolee. This material is likewise forwarded to The Adjutant General and is kept on file in the Correction Branch,¹¹ Department of the Army.

Processing and Decision by the Department of the Army.
—Clemency and Parole Boards

Under Army regulations, parole jurisdiction is vested in The Adjutant General, to be exercised under policies and procedures established by the Secretary of the Army. At the present time, however, the Army is utilizing for parole purposes the apparatus previously created for its post-war clemency program¹² and has thereby established a coordination of clemency and parole procedures. Both clemency and parole cases are first reviewed in The Adjutant General's Office and then decided by Clemency and Parole Boards in the Office of the Secretary of the Army; each parole case is reviewed for possible clemency action while undergoing initial parole review.

The Correction Branch of The Adjutant General's Office maintains a staff of case analysts trained in the social sciences, penology and law. Each parole case is reviewed by one of these analysts who evaluates all reports and recommendations submitted by the U.S.D.B. The analyst has access to all the case material described in the previous chapter in addition to other sources kept on file in the Department. The latter includes a review of the Record of Trial by a Staff Judge Advocate and other information submitted by The Judge Advocate General's

¹¹ See Goldberg and McCorkle, loc. cit., pp. 201-203.

¹² See Goldberg and McCorkle, loc. cit., pp. 203-204.

Office; the original Record of Trial is likewise available in the files of that office.¹³

On the basis of all available information, the analyst reviews the case study submitted by the institution, gives his own interpretation of the case, and forms a tentative opinion as to whether the institutional recommendations are in harmony with departmental policy. The analyst then appears in person before a Clemency and Parole Board in the Office of the Secretary of the Army, and presents to the Board a summary of the facts of the case including all recommendations made in the field and finally his own opinion and recommendations concerning both parole and/or possible clemency action.

Each Clemency and Parole Board¹⁴ consists of a civilian penologist as chairman and two Army officers, one representing the Judge Advocate General's Department and one an experienced combat officer. This Board decides whether to grant or deny parole in each case. Its decision is subject to review by an Advisory Board on Parole which is similarly composed of a civilian chairman¹⁵ and two Army officers, one designated by the Secretary of the Army and one by The Adjutant General. While these Boards are making decisions concerning individual cases, a primary function is to develop and maintain uniform policies for parole administration, applicable to all institutions and all cases alike. The Advisory Board on Parole especially reviews cases where the disposition is doubtful; its decisions are subject to approval by the Secretary of the Army. It also makes general recommendations to the Secretary concerning matters of parole policy.

Standards for Approval of Parole in Individual Cases; Types of Parole Risks

In accordance with good civilian parole practice, the Clemency and Parole Boards have consistently held that a prisoner must satisfy certain standards other than the mere technical requirements of eligibility, in order to be released on parole.

As stated above, the Army wishes to parole those prisoners whose release under supervision will serve the "best interests of

¹³ Other important sources of information include the man's service record, usually in the files of The Adjutant General's Office when a dishonorable discharge has been executed; further documents may be on file, referring to overseas service, combat activities, wounds, decorations, hospitalization or previous courts-martial; investigations and reports by the American Red Cross, U. S. Probation Officer, Police, F.B.I. and other agencies; letters and petitions submitted by the prisoner; his attorney, family, and friends.

¹⁴ There are two such Boards at present.

¹⁵ The present incumbent is Mr. Austin H. MacCormick.

the prisoner, the Army, and society." Translated into terms of selective standards, this means first of all that the prospective parolee must present an acceptable risk. No prisoner should be paroled when there is good reason to believe that he is either unable or unwilling to comply with the conditions of his parole and especially not when he is likely to commit serious crimes against society. While the protection of society is generally paramount in this respect, the prisoner's own interest will likewise militate against his release when there is a strong probability that a violation of parole will cost him his freedom and his previously earned good-conduct time. On the other hand, some degree of risk must be assumed by the parole authorities in each and every case; for no individual is entirely safe, and, indeed, if such were the case, he would not require parole supervision.

With this in mind, all persons concerned with the reviewing of military parole applications have to make an estimate, based on individual case analysis, of a prisoner's potential ability and willingness to adhere to the conditions of his parole and to observe the law of the land.¹⁶

By the very nature of their offenses, most military offenders are probably better prospects for parole than the average inmate of a State or Federal prison; this applies especially to AWOL and desertion cases that constitute a large part of the inmate population in the U.S.D.B.'s. In this group there are many young men whose civilian history prior to entry into the service was more or less average and uneventful; they may never have been arrested by the police nor suspected of serious delinquency. These men were able to satisfy the requirements of society as long as they were civilians. When they entered the Army, they sooner or later encountered situations of stress to which they were unable to adjust, finally resulting in AWOL, desertion, or other offenses of a military nature. In some cases, the initial transition from civilian to military environment was unsuccessful. Some were able to complete their basic train-

¹⁶ It is impossible here to enter into a full discussion of the subject of parole prediction which has occupied a prominent position in criminological research for the past two decades. Well-known studies such as those published by Sheldon and Eleanor Glueck, Burgess, Vold, and others have demonstrated that certain factors in a man's life history have considerable significance for a prediction of his probable future success or failure on parole. While our present knowledge of such factors is not necessarily applicable to all military offenders, it should certainly have some bearing on the cases of men convicted of serious felonies that are comparable to those of civilian state prison and reformatory inmates. It should be borne in mind, however, that a prediction formula cannot be used mechanically in practice and especially cannot be substituted for an individual case study. Such a study will always be indispensable as a basis for approval or denial of parole in each case. For recent discussions of this subject, see Sheldon and Eleanor T. Glueck, *Criminal Careers in Retrospect*, New York, 1943; *After-Conduct of Discharged Offenders*, London, 1945.

ing, but deserted when about to go overseas—others served overseas in combat areas until they reached their breaking point. Again, others went more or less successfully through the entire war, but got into difficulties after they had reenlisted in the peacetime Army. Although these groups of cases may be vastly different among themselves in many respects, most of them have one factor in common, namely a normal or near-normal civilian background. They do not have serious criminal records in the community; they usually do have homes and families to which they may return; relatives, friends or neighbors may be willing to furnish employment or help them in other ways. With adequate supervision and guidance on parole, the prognosis for a successful rehabilitation in the civilian community is usually good.

Another class of prisoners with usually good parole prognosis is constituted by the "situational offenders" who have committed one serious crime of a felony type while in the service, under circumstances showing that the crime was a product of unusual environmental factors rather than the habitual manifestation of an anti-social personality. In this class may be cases of rape and looting in combat areas, theft committed in occupied territory, and some cases of murder, manslaughter, and assault.

Typical bad risks, on the other hand, are found among chronic alcoholics who have developed an assaultive behavior pattern, habitual drug addicts, nomadic individuals, or chronic thieves, burglars and check forgers, some of whom were paroled from State prisons or juvenile institutions, only to continue their previous behavior pattern in the service.

Finally, there is a large number of doubtful cases who cannot be clearly classified in one or the other of these groups. For instance: men with a civilian history of one delinquent episode who later become deserters from the Army; individuals classified as emotionally unstable, alcoholic and unpredictable although they have no serious delinquent record.

In a borderline case, a single factor or a combination of factors may sometimes resolve the doubt in the prisoner's favor; for instance, he has consistently endeavored to improve himself during his incarceration; his present release plans are sound and realistic and have been approved as such by a U.S. Probation Officer. Whether a man is recommended or not recommended by the Institution, may be a decisive factor.¹⁷

¹⁷ From August 1, 1946, to November 30, 1948, a total of 12,618 parole applications were considered by Clemency and Parole Boards. These applications represent 11,231 individual prisoners, some cases having been considered repeatedly. Out of

The following are illustrative of cases recently decided by the Clemency and Parole Boards:¹⁸

(a) Alfred Jones deserted from an Army camp in Texas after the end of hostilities and was apprehended two years later by military police in his home town in Pennsylvania. At the time of his arrest he was living with his mother, working as a handyman in a garage, wore civilian clothes, and had told his employer and his friends that he had been discharged from the Army.

Tried for desertion, he was found guilty and sentenced to be dishonorably discharged, forfeit all pay and allowances, and to be confined at hard labor for two years. He applied for parole after serving eight months of his sentence in a Disciplinary Barracks. He plans to return to his mother; his last employer promises to rehire him. Alfred is a 20 year old Negro whose father deserted the family when Alfred was 10 years old; his mother, working as a cook, supported him and his younger sister thereafter. Alfred quit school in the tenth grade at 16, went to work as a delivery boy for a few months, stayed at home the rest of the year, and enlisted in the Army when 17. He completed 3 months basic training, later was AWOL for one week, was detained in the stockade for two weeks, released without court-martial and transferred to another station. His AWOL and confinement status and the subsequent transfer caused considerable delay in his pay, and no one seemed to care for him at his new station; so he "just took off" . . . "I felt that my folks at home needed me more than the Army," is his own comment.

His conduct in confinement is rated "excellent" by the U.S.D.B. F.B.I. and local police reports have been received, showing no previous arrests. His I. Q. is average. The psychiatrist has made a diagnosis of "mild emotional instability"; this is partly based on his military history, partly on his mother's statements mentioning a history of nail-biting, enuresis and a bad temper.

The Classification Board at the D.B. has unanimously recommended parole, and the Commandant concurs. His application is approved by the Clemency and Parole Board.

Comment: This is one of many young men that may be rated as average military offenders. He has no history of previous delinquency; his desertion may be a product of adolescent immaturity as well as emotional instability. There is a good chance that both will be outgrown in his later life. Supervision and guidance on parole may be helpful in that respect. As a risk, he is certainly acceptable.

(b) Robert Smith was stationed in the Philippine Islands when he became drunk and disorderly in a private home and was ejected from the house by a fellow soldier. He returned with a loaded carbine and shot and injured the other man. He was sentenced to five years imprisonment for assault with intent to do bodily harm, but ten months

these, 5,444 men were eventually paroled; i.e., 48.4% of all individuals that applied for parole.

¹⁸ Names are fictitious and identifying data have been eliminated.

later his sentence was suspended by the overseas command, and he was restored to duty. After three more months, the suspension of his sentence was vacated, he was returned to confinement, and his Dishonorable Discharge was executed. The reason for this action was another assault committed by Smith while in an intoxicated condition.

Smith is a 36 year old farmer from Kentucky who has no family ties and has been a heavy drinker for more than ten years. Prior to his induction into the Army, he had been arrested at least 17 times for drunkenness, disorderly conduct and similar charges. His subsequent military record was good for over two years while stationed overseas in a non-combatant capacity; apparently, however, his alcoholic tendencies increased during that period. Following his return to the United States, his conduct at the U.S.D.B. has been excellent; however, the psychiatric diagnosis of severe chronic alcoholism has remained unchanged for the past two years; Smith has not shown any insight into his problems, and there is no evidence of any progress in his mental attitude. In fact, he describes himself as a moderate social drinker and seems to feel that his condition is normal.

His parole application was unanimously disapproved by the Classification Board and Commandant and likewise by the Clemency and Parole Board.

Comment: This is a poor parole risk, not so much on account of his crime as such, but in view of an overall picture of gradual deterioration. His "excellent conduct" during his incarceration is not necessarily a sign of genuine rehabilitation but may be due to the fact that his alcoholism has been temporarily arrested in an institution where he has no access to liquor.

While the parole risk may be called the primary criterion for the approval or disapproval of the prisoner's application, other factors are likewise given consideration, such as the prisoner's youthfulness, his need of supervision, the absolute amount of time he has served in confinement, physical disability, and circumstances indicating family hardship. Such factors will be considered for parole only if the prisoner presents otherwise an acceptable risk and will not lead to the approval of an otherwise bad risk. Serious mental disease or derangement is usually disqualifying for parole.

Mental deficiency is usually treated as a "risk" question. Whether a mentally defective individual can be trusted to fulfill the conditions of his parole depends on the degree of deficiency, the man's history and the nature of his parole plan. For instance, a mentally defective farm hand may be paroled to return to his family farm, but would hardly be released to a large city.

Good conduct in confinement is usually treated as a requirement for parole, but is never considered a sufficient reason for approval unless supported by other factors that will make the case appear as an acceptable risk. Therefore, in the illustration

given above, the chronic alcoholic is disapproved for parole despite his excellent conduct in confinement. It should be noted that all Army prisoners are entitled to certain reductions of their sentences as a reward for good behavior (good conduct time) and industry (employment abatement time). These reductions total roughly between one-fourth and one-third of the gross sentence in average sentences of more than one year. Therefore, there is no need to grant parole as a reward for good conduct alone.

Supervision of Parolees

No prisoner will be released on parole until an officer of a recognized probation or parole service or other correctional organization has been approved by the Commandant as parole advisor. This rule has been supplemented by an agreement between the Department of the Army and the Administrative Office of the United States Courts to the effect that United States Probation Officers are available as parole advisors in all judicial districts of the United States. The Commandants of all U.S.D.B.'s have been instructed to request U.S. Probation Officers to serve as parole advisors before calling on any other agency; accordingly most Army parolees are now supervised by Federal probation officers. In some instances, especially where a parolee lives at a great distance from the nearest U. S. Probation Office, the probation officer appoints a volunteer to assist him with the supervision of the parolee. Such a volunteer is called "first friend" or "counselor" of the parolee and is directly responsible to the probation officer.

The conditions of parole¹⁹ and methods of supervision and guidance practiced by the parole advisor (probation officer) are

¹⁹ Prior to being released from confinement on parole, the prisoner is required to execute a written agreement to the conditions of parole. These conditions and terms of parole are regarded as being reasonable and constructive, helpful rather than punitive, and flexible rather than rigid in their application. They are designed to promote the parolee's adjustment to his home, employment and community, and assist him to live as a law-abiding citizen. Specifically, these conditions are:

(1) When released on parole, he will go without delay to the place specified in the Parole Agreement.

(2) Upon arrival, he will report to his parole advisor in person or in writing as directed by the Commandant, and will send the prescribed form letter to the Commandant.

(3) He will remain within the limits prescribed in the Parole Agreement and if he has justifiable cause to leave these limits, temporarily, he will first obtain written permission from his parole advisor.

(4) He will not change the residence or employment approved in his parole plan without first receiving permission from his parole advisor. Permanent changes removing the parolee beyond the geographical limitations prescribed in the Parole Agreement will not be made without the approval of his parole advisor and the written prior consent of the Commandant.

(5) He will, on the first day of each month until his final release from parole, and on the final day of his parole period, make a full and truthful written report,

essentially the same as in civilian practice. The parole advisor assists the parolee to the fullest extent possible in solving any personal problems and helps him to make a satisfactory adjustment to his home, his employment and the community. Receiving written monthly reports from the parolee is one of his routine duties but is not considered as an adequate degree of supervision; the parole advisor has to satisfy himself from personal knowledge and careful inquiry that the parolee's conduct has been satisfactory and in accordance with the conditions of his parole. Any parole violations are promptly reported to the commandant of the U.S.D.B.

Termination of Parole

A paroled prisoner who complies with the conditions of his parole will be released from the custody of the commandant at the termination of his term or aggregate terms of confinement imposed, as reduced by such deductions for good conduct as he may have earned, and is furnished with a copy of his release by the commandant. In any instance where it appears reasonably certain that the conditions of the parole have been materially violated, the commandant may order a suspension of the parole and take action to have the parolee returned to military control, reporting the suspension with the reasons for it to The Adjutant General. On the basis of his investigation, the commandant will either reinstate the parolee or retain the prisoner in custody and submit to The Adjutant General a complete report with recommendations as to disposition. The case is then reviewed by a case analyst and is presented to the Advisory Board on Parole; the latter will direct the reinstatement or revocation of the parole. The prisoner whose parole has been revoked will forfeit all deductions for good conduct earned to the date of parole release with such forfeitures subject to subsequent restoration by the commandant in the same manner as other forfeited good conduct time. The period during which he

and will submit each such report to his parole advisor for certification and forwarding to the Commandant. If for justifiable cause, such as his own illness or absence of his parole advisor, he is unable to forward his reports promptly, he will make known to the Commandant by letter the reason for the delay.

(6) He will answer promptly and truthfully all inquiries directed to him by the Department of the Army, the commandant, and his parole advisor.

(7) In case of the refusal or inability of the parole advisor to continue to act, the parolee will inform the commandant and request the appointment of another person to act as parole advisor.

(8) He will not associate with persons of bad or questionable reputation.

(9) He will in all respects conduct himself honorably, work diligently at a lawful occupation, and support his dependents, if any, to the best of his ability.

(10) He will live and remain at liberty without violating the law.

was on parole will not be counted as a part of the actual time served.

While on parole, each parolee continues to receive consideration for clemency at least once a year. As a result of this, the remaining portion of his sentence may be remitted prior to its normal expiration date at such time as it is believed that the prisoner's conduct and adjustment on parole has been satisfactory and that he does not require further supervision in view of all the circumstances of his case.

Summary and Conclusions

The Army Parole System was established in 1915 and became greatly expanded in 1946 when it was coordinated with the Army's postwar clemency program. In its administration, the Army has followed accepted standards of modern penology as developed in good civilian parole practice and modified by the particular needs of Army administration. In presenting Army parole procedure, the writers discuss eligibility and application for parole; processing cases in the field; departmental procedure; Clemency and Parole Boards; standards for approval of parole in individual cases and types of parole risks; parole supervision, and termination of parole.

The writers believe that the Department of the Army has established a wise and progressive parole system and has made a notable contribution to modern penal administration. It is not feasible to attempt at this time a final evaluation but available statistics may serve as *prima facie* evidence of continued successful operation. In this respect, much depends on intelligent and conscientious teamwork by military and civilian personnel such as is now being performed both in Washington and in military installations in the field. Federal Probation Officers have likewise rendered valuable aid by contributing their professional skills to the administration of the Army program.

The Army parole procedure may be viewed as one phase of larger and more widespread services for the returning serviceman, aiming at his social reintegration into his home community. The Army is but one of many public and private agencies that are cooperating in this effort. In contributing its share to this program of reintegration, the Army is performing a vitally needed service to the community.