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# REPORT TO THE CONGRESS



## Uniform Treatment Of Prisoners Under The Military Correctional Facilities Act Currently Not Being Achieved

Department of Defense

*BY THE COMPTROLLER GENERAL  
OF THE UNITED STATES*

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MAY 30, 1975



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

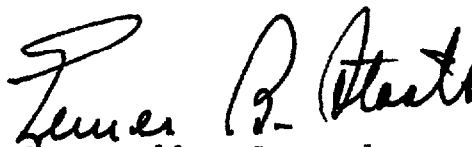
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To the President of the Senate and the  
Speaker of the House of Representatives

This report discusses the lack of uniformity in treatment of prisoners under the Military Correctional Facilities Act.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

We are sending copies of this report to the Director, Office of Management and Budget; the Secretary of Defense; and the Secretaries of the Army, Navy, and Air Force.

  
James B. Stewart  
Comptroller General  
of the United States

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ABBREVIATIONS

AWOL	absence without leave
CA	convening authority
OSD	Office of the Secretary of Defense
DOD	Department of Defense
GAO	General Accounting Office

COMPTROLLER GENERAL'S  
REPORT TO THE CONGRESS

UNIFORM TREATMENT OF PRISONERS  
UNDER THE MILITARY CORRECTIONAL  
FACILITIES ACT CURRENTLY  
NOT BEING ACHIEVED  
Department of Defense

D I G E S T

WHY THE REVIEW WAS MADE

GAO made its review to find out if the Department of Defense (DOD) correctional programs provided military prisoners uniform treatment and rehabilitation opportunities as intended by the act.

FINDINGS AND CONCLUSIONS

The act authorized the service Secretaries to establish correctional facilities and programs. Uniformity was to be achieved through management at the DOD level. (See pp. 5 and 6.)

Although DOD's instruction calls for uniform policies on and administration of correctional facilities, it did not assign oversight responsibility to insure uniformity.

Over the years, the services independently developed correctional systems without considering uniformity. (See p. 8.)

Because of major differences in correctional programs and incentives for rehabilitation, the uniform treatment and opportunities for rehabilitation intended by the act have not been achieved.

GAO estimated that about 128,000 military personnel were confined during fiscal year 1974. On November 30, 1973, the military services had

- 8,556 prisoners,
- 7,851 staff members, and
- 191 correctional facilities in 45 States and 19 foreign countries.

GAO estimates that staffing costs for fiscal year 1974 were \$65 million. Information was not sufficient to estimate other program costs. (See p. 2.)

Differences in types of facilities

The services use three types of correctional facilities.

1. Short-term facilities--used by all services.
2. Retraining centers--used by the Air Force and Army.
3. Long-term facilities--used by all services although the Air Force and Marine Corps use the Army facility.

Criteria for confinement at the facilities are not uniform among the services. Prisoners with

identical sentences can be confined at different types of facilities, depending on their branch of service.

#### Differences in correctional programs

--For 187 short-term facilities, the programs differed in staff-to-prisoner ratios, counseling caseloads, academics, military retraining, recreation, and housing and privileges accompanying the least restrictive custody classification. (See pp. 11 and 12.)

--Of the two retraining centers, that of the Air Force was more costly, lasted twice as long, and had a staff more than double that of the Army, when measured by the staff-to-prisoner ratio. (See pp. 12 and 14.)

The Air Force program is directed toward helping prisoners return to duty or civilian life. The Army program discharges those who cannot or will not perform.

The programs also differed in counseling and treatment and in opportunities for education and military retraining. (See pp. 14 to 19).

--The Army's long-term facility houses Air Force, Army, and Marine Corps prisoners; and the Navy's facility houses Navy prisoners.

The Army program is more extensive. It offers grade school,

college, work release, pre-release, and employment assistance, which are not available at the Navy facility. The Army also offered more selections in vocational training. (See p. 19.)

#### Differences in incentives for rehabilitation

Although each service has established programs of clemency, parole, and reduction in length of confinement for demonstrated achievement, incentives for rehabilitation differ.

--Clemency. The Marine Corps and Navy provide for full or partial restoration of rank on return to duty. The Air Force and Army do not. (See p. 25.)

The minimum periods of confinement for identical sentences vary by service and type of facility. For example, minimum release dates for prisoners with 1-year sentences varied from 128 days in the Air Force to 240 days in the Army. (See p. 25.)

Unlike other facilities, the Army Retraining Center discharges those prisoners eliminated from the program regardless of whether or not they have completed their sentences. (See p. 26.)

--Restoration to duty. Restoration to honorable duty is important for prisoners sentenced to bad conduct or dishonorable discharges. At

least 197 prisoners with punitive discharges were returned to duty by the services in fiscal year 1973.

The Air Force returned 125 of the 197 prisoners returned to duty. This is attributable to the Air Force having the simplest and most encouraging process of restoration. (See pp. 26 to 29.)

--Parole. Some facilities allow prisoners to be away overnight; others do not. (See p. 30.)

--Reduction in length of confinement for demonstrated achievement. Extra good time up to 5 days off per month was available at the Army long-term facility. Navy prisoners could not earn it.

Army, Air Force, and Marine Corps prisoners did not have uniform opportunities to earn extra good time because these services used different criteria for confinement at the long-term facility. (See pp. 30 and 31.)

--Differences in leave practices. The Air Force and Army permitted a prisoner with a punitive discharge to take leave prior to approval of his sentence if he had completed it. The Marine Corps and Navy required such a prisoner to return to duty until approval of his sentence. (See p. 31.)

#### Research and evaluation

The services had not established

research and evaluation capability for measuring effectiveness of their total correctional program. The Air Force and Army have established such capability at the retraining centers. (See ch. 6.)

#### RECOMMENDATIONS

The Secretary of Defense should designate an office or service with responsibility for developing corrections policy and insuring uniformity of correctional programs. This office or service should.

--Establish uniform criteria for confinement at each type of correctional facility.

--Establish definitive procedures providing uniform incentives for rehabilitation of prisoners with identical sentences.

--Develop uniform records and reports for all services to provide a common record base for efficient research and evaluation.

--Establish a research and evaluation capability independent of the confinement facilities to measure effectiveness of their correctional programs.

There should be coordinated research and evaluation within each service, comparative evaluations among services, and data for weighting alternative program inputs, related program costs, and probable success rates.

GAO is further recommending that the Defense Corrections Council with corrections representatives from each service, established in June 1974 in direct response to GAO's findings, be continued and serve as an advisory body to the designated office or service.

#### AGENCY ACTIONS AND UNRESOLVED ISSUES

DOD agreed that differences exist between the services in their corrections programs. DOD said the GAO review was most helpful in highlighting and focusing on the problems in achieving uniformity and accepted, in principle, most of the recommendations. However, DOD believes actions to reduce the differences in correctional systems should be handled by the Defense Corrections Council and unresolved matters should be elevated to the Secretary of Defense, if necessary, for resolution.

DOD did not agree with the recommendation for establishing research and evaluation capability independent of the confinement facilities. DOD believes that, as the personnel systems, manpower requirements,

and management philosophies among the services vary, the corrections systems will vary.

GAO believes the act and its legislative history evidence a congressional intent that these issues were not to dictate the design of the services' correctional systems. The legislative language "as identical as possible" and "similar" means that the Congress intended the services to have correctional systems as nearly alike as possible.

DOD's comments and GAO's evaluation are in chapter 7. (See p. 39.)

#### MATTERS FOR CONSIDERATION BY THE CONGRESS

This report informs the Committees and Members of Congress on

- the lack of uniform treatment of military prisoners and
- corrective planning by DOD.

The Congress may wish to direct the Secretary of Defense to take a more active role in establishing uniform treatment of military prisoners by designating an office responsible for developing corrections policy and insuring uniformity of correctional programs.

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CHAPTER 1

INTRODUCTION

On November 30, 1973, the military services operated 191 correctional facilities in 45 States and 19 foreign countries. The facilities confined 8,556 military prisoners, including 5 officers and warrant officers.

<u>Service</u>	<u>Prisoners</u>
Air Force	a/633
Army	a/4,848
Marine Corps	1,846
Navy	b/1,229
Total	c/8,556

a/Includes 108 Air Force and 318 Army personnel who had completed their sentences but were continuing in the training program.

b/Includes 19 Coast Guard prisoners.

c/Includes 3,551 prisoners awaiting trial.

There were 292 military personnel in Federal prisons or in foreign jails or prisons. Military prisoners are sent to Federal prisons when they have illnesses that cannot be treated with available military resources or when they become severe discipline problems. The military services continue to have responsibility for clemency and restoration to duty actions. Military personnel in foreign jails and prisons are there because of civilian crimes; they are not under the direct control of the military services.

Before June 7, 1974, female offenders were discharged from the services or confined in civilian institutions. On that date, the Department of Defense (DOD) required that the military departments provide for their confinement and rehabilitation.

The Air Force and Army do not accumulate statistics on the number of personnel in confinement each year. The Marine Corps and Navy do. From the Marine Corps and Navy data and prisoner populations, we estimated that 128,000 military personnel were confined during fiscal year 1974.

The services did not accumulate total program costs. According to data collected and furnished at our request, the facilities' staffs numbered 7,851. We estimated staffing costs at about \$65 million for fiscal year 1974. Information was not sufficient to estimate other program costs.

### THE MILITARY PRISONER

According to corrections officials, the prisoners are generally young, immature, marginal achievers, and not hardened criminals. Their most frequent offense is absence without leave (AWOL).

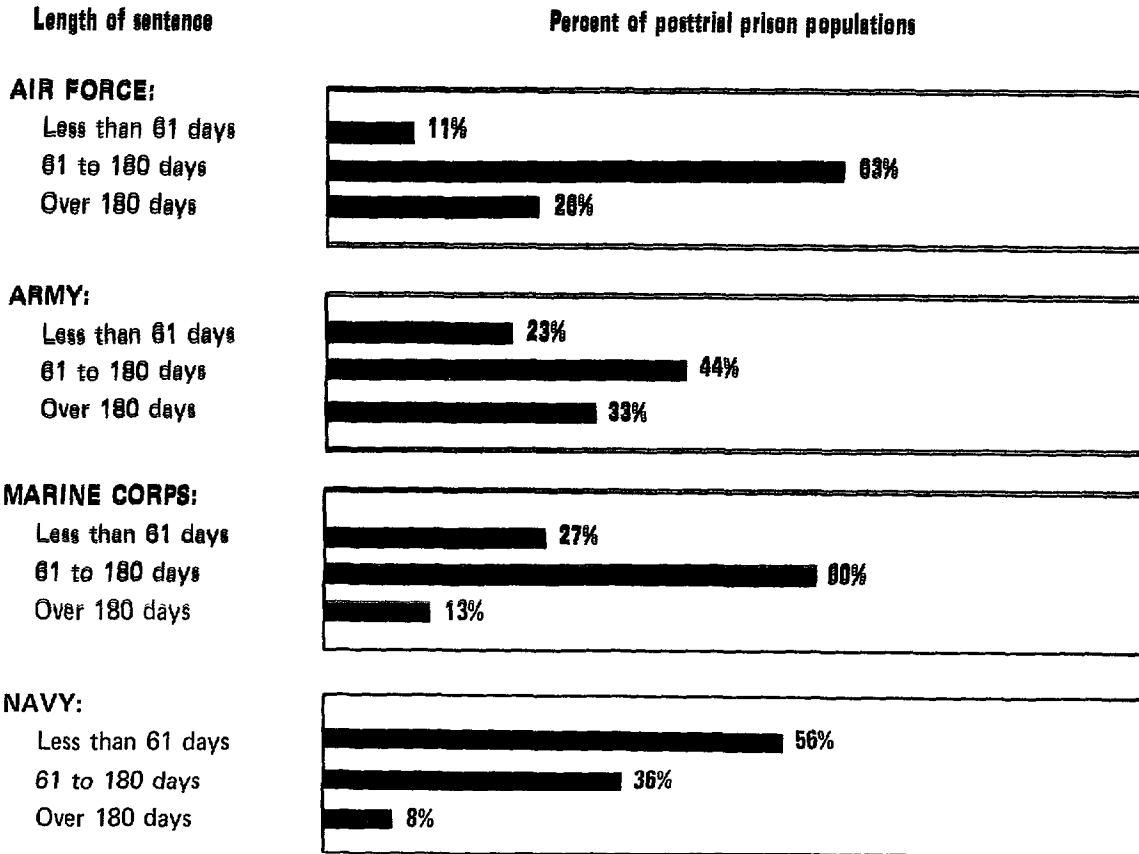
To obtain summary descriptive data, we selected a random sample of 1,013 Air Force, Army, and Navy prisoners with sentences of 6 months or less and without punitive discharges.<sup>1/</sup> The data below shows that the prison populations were similar in many respects.

<u>Descriptive data</u>	<u>Percent of sample population</u>		
	<u>Air Force</u>	<u>Army</u>	<u>Navy</u>
Age (18-21)	73	76	75
Race (Caucasian)	62	61	75
Marital status (single)	68	79	71
Armed Forces Qualification Test score (Less than 65 out of 100 possible)	78	87	76
Highest previous rank held (E-2 or below)	32	53	68
Offense (AWOL or desertion)	53	58	77
Years formal education (11 or less)	38	72	61
Education (high school diploma or equivalent)	70	43	48
Months creditable service (12 or less)	36	53	54

Data prepared by correctional officials as of November 30, 1973, showed that sentences varied from a few days to life and that about 75 percent were for 180 days or less. The chart on the following page shows the length of sentence by service.

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<sup>1/</sup>The sample was taken from the Air Force and Army retraining centers and Navy short-term facilities. Marine Corps prisoners were not included because descriptive data was not readily available.



### CIVILIAN COMMITTEE STUDIES

In 1969 and 1970 the Army and in 1970 and 1971 the Navy and Marine Corps correctional systems were studied by specially appointed civilian committees of penology and corrections experts. The studies were directed toward the organization and management of each military department's correctional system. None of the committees compared the four systems.

### SCOPE OF REVIEW

Our review included:

- Examining pertinent Federal laws, regulations, policies, and procedures for the administration of the correctional facilities and treatment of prisoners.
- Comparing the multiservice formal correctional programs, available counseling services, incentives, recreational programs, staffing, organization and management, and research and evaluation capabilities.

--Discussing the military correctional programs with officials and staff members at 20 military locations as shown in appendix I. We also interviewed a number of prisoners.

--Speaking with a representative of the American Correctional Association who had served on the Army and Navy civilian study committees.

At our request, the military services collected and prepared detailed data. Our review did not compare reception and orientation programs, the classification systems, disciplinary actions, religious programs, and library services. Nor did it include Navy brigs on ships.

Our review was made from December 1973 through August 1974.

## CHAPTER 2

### IMPLEMENTATION OF THE MILITARY

#### CORRECTIONAL FACILITIES ACT

On July 5, 1968, the Military Correctional Facilities Act amended (Public Law 90-377 (10 U.S.C. 951-954)) titles 10, 14, and 37 of the United States Code to provide a uniform statutory basis for the administration of military correctional facilities and treatment of prisoners. Although the Uniform Code of Military Justice applies to all the Armed Forces, each military department had separate provisions covering its correctional facilities and the treatment of persons convicted by courts-martial. The 1968 act repealed these separate provisions.

Under the amended law, the Secretary of each military department continues to have authority to establish correctional facilities for confining persons guilty of offenses under the Uniform Code of Military Justice. The law authorizes each Secretary to establish a system of parole and a correctional system to usefully employ offenders, with a view toward their restoration to duty, enlistment for future service, or return to civilian life as useful citizens. The Secretary of each department was required to:

- Provide for the education, training, rehabilitation, and welfare of offenders confined in a military correctional facility of his department.
- Establish a system for the remission or suspension of the unexecuted part of the sentences of selected offenders.
- Provide for organizing and equipping offenders selected for training with a view to their honorable restoration to duty or possible reenlistment.
- Establish a system for restoring offenders to duty who have had the unexecuted part of their sentences remitted or suspended and who have not been discharged.
- Establish a system for the enlistment of such offenders who have had the unexecuted part of their sentences remitted and who have been discharged.

Even though the language of the law permitted each Secretary to issue his own rules and regulations, the House Committee on Armed Services said the rules should be as identical as possible in order to achieve the uniformity that was the stated

purpose of the law. DOD was left the responsibility of insuring this uniformity, both in the administration of correctional facilities and in the treatment of persons sentenced under the Uniform Code of Military Justice.

#### HOW DOD IMPLEMENTED THE ACT

To implement the act, DOD issued instruction 1325.4, which prescribed uniformity but left much to the discretion of service Secretaries. The instruction states:

"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."

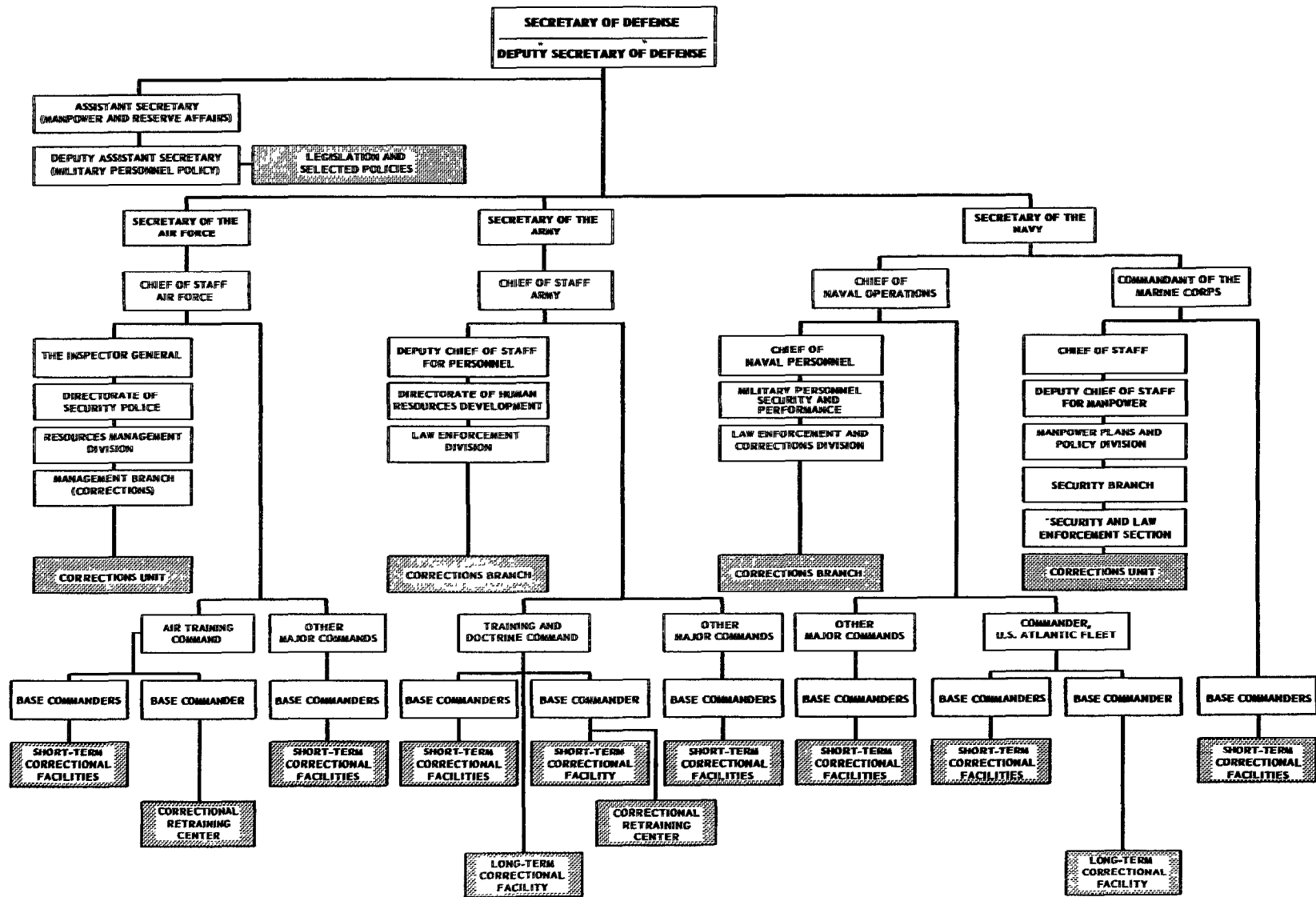
\* \* \* \* \*

"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 [may] vary dependent upon the organizational structure, facilities available, and missions of the respective Military Services. \* \* \*"

#### ORGANIZATION AND MANAGEMENT

Responsibility for correctional systems was left fragmented among many organizations. At the DOD level, the Assistant Secretary for Manpower and Reserve Affairs, through his office for Legislation and Selected Policies, was given responsibility for issuing the DOD instruction. However, DOD did not assign a continuing responsibility for developing corrections policy and insuring uniformity of correctional programs.

The service Secretaries were to implement the DOD policy. Each service has a corrections unit or branch at its headquarters with responsibility for developing corrections policy, procedures, and regulations. The chiefs of the corrections units and branches are responsible through certain channels to the service Secretary; and the correctional facilities commanders are responsible through different channels to the service Secretary. The following chart depicts the organizational structure.



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### CHAPTER 3

#### DIFFERENCES IN CORRECTIONAL FACILITIES

##### AND CRITERIA FOR CONFINEMENT

Although DOD Instruction 1325.4 required the military services to use uniform policies and criteria in determining the type of correctional facility for confining prisoners, the services developed correctional systems without regard for uniformity.

There are three types of correctional facilities:

- Short-term facilities (used by all services).
- Retraining centers (used by the Air Force and Army).
- Long-term facilities (used by all services although the Air Force and Marine Corps use the Army facility).

Criteria for confinement in each type of correctional facility differ among the services. The type of correctional facility and program a prisoner participates in depends on

- his military service,
- whether a punitive discharge (bad conduct or dishonorable) is included in his sentence,
- the length of his sentence, and
- how long the convening authority (the officer ordering the court-martial) takes to approve the sentence.

Convening authority (CA) approval of a sentence can take from a few days to several weeks. Navy data showed that, for the first 6 months of fiscal year 1974, CA approval of summary courts-martial took an average of 4 days and approval of general courts-martial sentences took an average of 91 days.

Because the criteria for confinement in each type of correctional facility differ among the services, prisoners from different services with identical sentences would not be confined in the same type of facility unless their sentences were very short or relatively long. For example, prisoners with 5-month sentences and punitive discharges would be confined at three different types of facilities, as shown on the following page, assuming that the CA approved the sentence within 91 days.



<u>Service</u>	<u>Facilities</u>
Air Force	Retraining center
Army and Marine Corps	Long-term facility
Navy	Short-term facility

All services use short-term facilities for pretrial confinement. The following table shows the differing criteria used for post-trial confinement at each type of facility.

Criteria for Confinement at each Type Facility

June 30, 1974

	<u>Length of sentence</u>		
	<u>Short-term facilities</u>	<u>Retraining centers</u>	<u>Long-term facilities</u>
Without punitive discharge:			
Air Force	29 days or less after CA approval	30 days or more after CA approval (note a)	6 months or more after CA approval (note a)
Army	30 days or less (note b)	6 months or less	6 months or more
Marine Corps	Less than 6 months after CA approval	No facility	6 months or more after CA approval
Navy	6 months or less after CA approval (note c)	No facility	No minimum (note d)
With punitive discharge:			
Air Force	29 days or less after CA approval	30 days or more after CA approval (note a)	6 months or more after CA approval (note a)
Army	90 days or less (note e)	Not eligible	30 days or more (note e)
Marine Corps	Less than 90 days (note e)	No facility	60 days or more (note e)
Navy	6 months or less after CA approval	No facility	No minimum (note d)

a/For sentences of 6 months or more, the CA designates the place of confinement based on the nature of the prisoner's offense and potential for return to duty.

b/The prisoner is retained at the short-term facility or sent to the retraining center at the discretion of the CA.

c/The criteria vary from a maximum sentence of 1-month or less after CA approval to 6 months or less depending on the facility and whether a punitive discharge is included in the sentence.

d/For confinement of all Navy prisoners with sentences over 6 months after CA approval. It is also used as a short-term facility for activities in the surrounding area.

e/Criteria for short- and long-term facilities overlap to allow for space limitations at the long-term facility.

## CHAPTER 4

### DIFFERENCES IN CORRECTIONAL PROGRAMS

Correctional programs at short-term facilities differ within and among the services, and programs at the retraining centers and long-term facilities differ among the services. Therefore, prisoners are not given uniform treatment and opportunity for rehabilitation.

The number of facilities, prisoners, and assigned staff on November 30, 1973, by type of facility follows.

	<u>Number of facilities</u>	<u>Prisoners (note a)</u>	<u>Staff</u>
<b>Short-term facilities:</b>			
Air Force	118	235	266
Army	30	2,712	3,708
Marine Corps	13	1,595	1,102
Navy	<u>26</u>	<u>1,268</u>	<u>1,113</u>
Total	<u>187</u>	<u>5,810</u>	<u>6,189</u>
<b>Retraining centers:</b>			
Army	1	b/1,143	461
Air Force	<u>1</u>	<u>b/296</u>	<u>193</u>
Total	<u>2</u>	<u>1,439</u>	<u>654</u>
<b>Long-term facilities:</b>			
Army	1	1,092	679
Navy	<u>c/1</u>	<u>215</u>	<u>329</u>
Total	<u>2</u>	<u>1,307</u>	<u>1,008</u>
Total	<u>191</u>	<u>8,556</u>	<u>7,851</u>

a/ Prisoners from one service may be confined in another service facility.

b/ Includes 318 Army and 108 Air Force personnel who had completed their sentences but were continuing in the retraining program.

c/ On June 30, 1974, the Navy closed this facility. In anticipation of this closure, on March 1, 1974, the Navy began confining its long-term prisoners in a facility that also functioned as a short-term facility. The Marine Corps began using an Army facility.

The following sections compare the formal correction programs, counseling services, and recreation available by type of facilities. We did not compare the reception and orientation process, classification systems, disciplinary actions, religious programs, or library services.

SHORT-TERM FACILITIES

Capacities of the 187 short-term facilities varied from 1 to 52 prisoners in the Air Force facilities to maximums of 210 for the Navy, and 500 for the Army and Marine Corps.

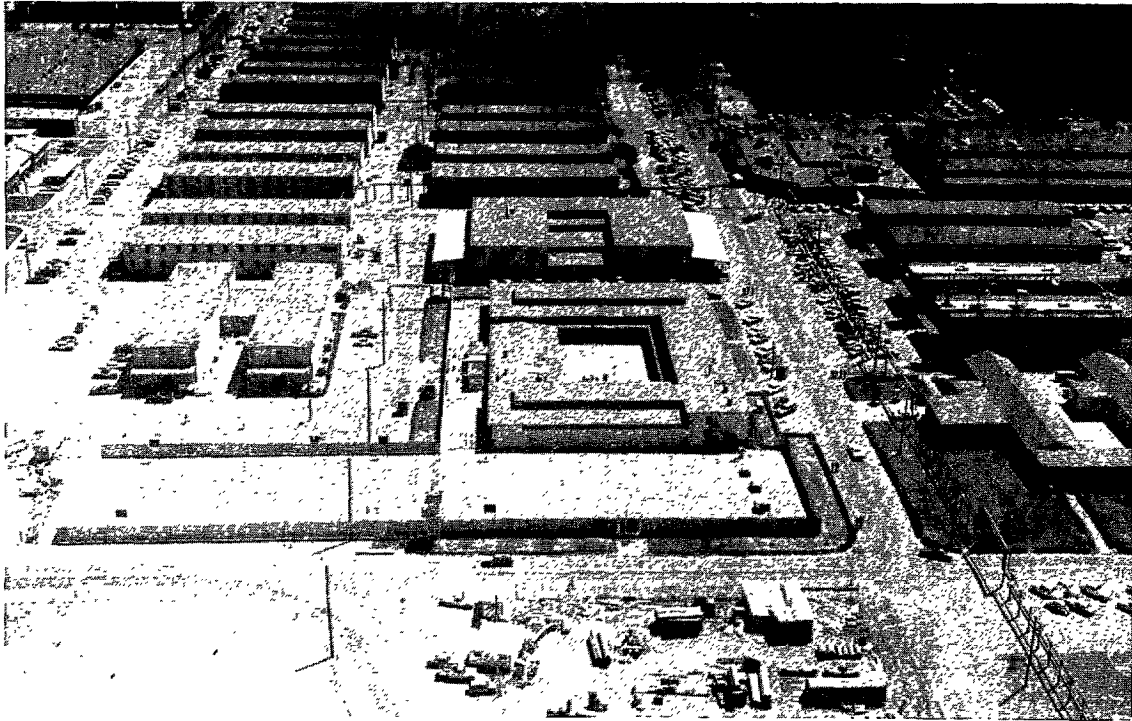
The Army had a higher average staff-to-prisoner ratio than the Marine Corps or Navy. An Air Force ratio is not available because many of the small Air Force facilities are manned part time by military police.

<u>Service</u>	<u>Average staff to prisoner ratios for</u>		
	<u>Facilities with prisoner capacities of 50 or less</u>	<u>Facilities with prisoner capacities of 51 to 100</u>	<u>Facilities with prisoner capacities of over 100</u>
Army	3.25:1	2.39:1	1.32:1
Marine Corps	1.39:1	1.13:1	.60:1
Navy	1.62:1	.81:1	.80:1

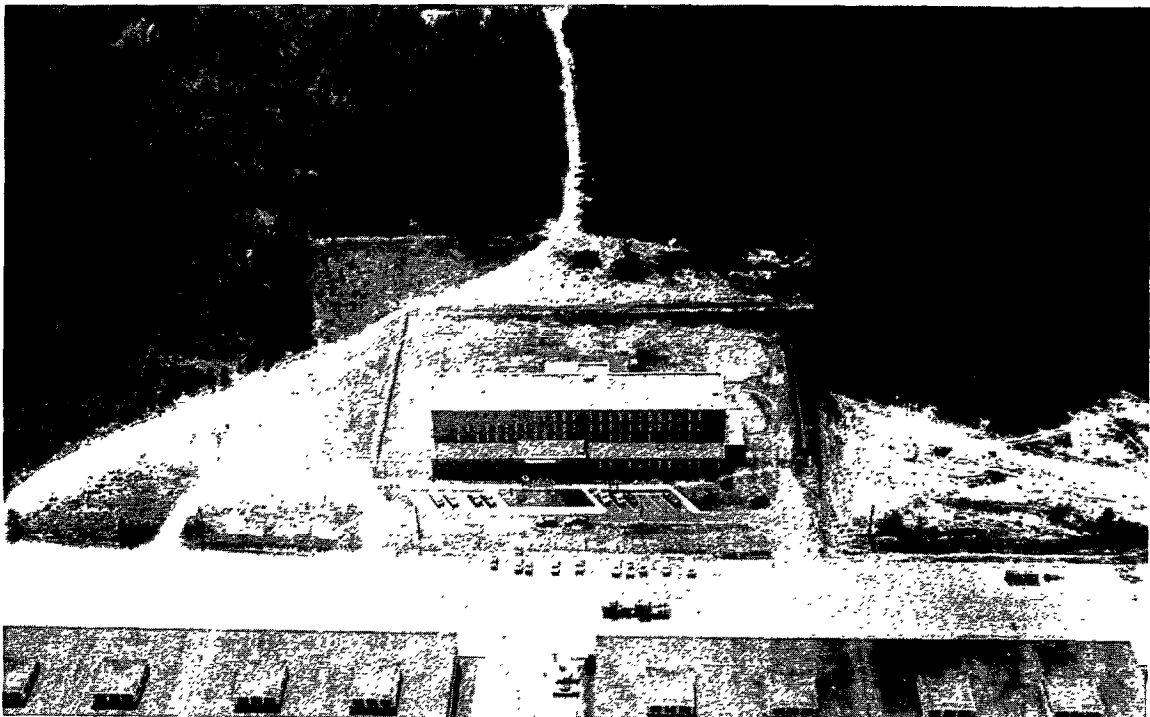
We reviewed the correctional programs at eight short-term facilities--two for each service. The facilities were selected with the concurrence of service representatives to insure that locations visited were representative of the overall correctional program of each service.

Counseling caseloads at the Army, Marine Corps, and Navy facilities varied in their ratios of authorized counselors to prisoner capacity and of counselors to prisoner population at the time of our visits--from a high of 50 prisoners per counselor at one Navy facility to a low of 20 per counselor at an Army facility. At the Air Force facilities, counseling was a responsibility of the noncommissioned officers in charge.

The correctional programs varied among and within the services at the eight facilities as shown on page 13.



**U. S. Navy Photo**  
**(Short Term) Correctional Center, Naval Station, Treasure Island, California**



**U.S. Marine Corps Photo**  
**(Short Term) Correctional Facility, Marine Corps Base, Camp Lejeune, North Carolina**

<u>Program component</u>	<u>Facilities where included</u>			
	<u>Air</u>		<u>Marine</u>	
	<u>Force</u>	<u>Army</u>	<u>Corps</u>	<u>Navy</u>
Academics--High School	Neither	Both	1 of 2	Both
Academics--College	Neither	1 of 2	Neither	1 of 2
Military retraining	Neither	Neither	1* of 2	Neither
Recreation	Limited	Both	Both	Both

\* A 4-week, full-day schedule, Monday through Friday.

The following table shows the differences in housing and privileges available to prisoners with the least restrictive custody classification.

	<u>Number of locations</u>			
	<u>Air</u>		<u>Marine</u>	
	<u>Force</u>	<u>Army</u>	<u>Corps</u>	<u>Navy</u>
<b>Housing:</b>				
Inside the facility with other prisoners	Neither	Neither	Both	Neither
Inside the facility segregated from other inmates	Neither	Both	Neither	1 of 2
Paroled to unit	Both	Neither	Neither	Neither
Outside the facility	Neither	Neither	Neither	1 of 2
<b>Privileges:</b>				
Base privileges	Both	Neither	Neither	Both
Off-base privileges	Neither	Neither	Neither	Both

#### RETRAINING CENTERS

The Air Force and Army have the only retraining centers, the 3320th Retraining Group, Lowry Air Force Base, Colorado, and the U.S. Army Retraining Brigade, Fort Riley, Kansas. The Navy is planning a retraining center; but, unlike the Air Force and Army, it will limit participation to selected prisoners. Marine Corps representatives said they planned to establish a retraining center.

Although the Air Force and Army both have structured programs, counseling and treatment, and increasing privileges as a prisoner progresses, the programs differ from inception through completion. The Air Force program is more costly, lasting twice as long and having a staff to prisoner ratio about double that of the Army. The Army program averages 63 days and the Air Force program averages 120 days, but completion times vary, depending on each prisoner's progress.

## Objectives and approach

The Air Force and Army goals are to return prisoners to duty with improved attitudes and ability to perform productively. But their objectives differ for prisoners discharged who are not returned to duty.

--Air Force: To return those who do not qualify for further service to civilian life better prepared to be useful citizens.

--Army: To identify and eliminate from the service those who will not or cannot meet Army standards.

In pursuing its objectives, the Air Force encourages prisoners to complete its corrections program, but if they will not they are taken out of the program and confined until their sentences are completed, and then they are discharged. The Army identifies as soon as possible prisoners who will not or cannot perform and discharges them whether or not their sentences are completed. Neither returns a prisoner to duty unless he wants to return and has completed the corrections program.

## Counseling and treatment

The Air Force has established treatment teams to work with prisoners individually to learn what causes them to get into trouble and what corrective measures might be best. The Army has established teams to assist prisoners, through leadership and guidance, to recognize and overcome their problems and to motivate them to serve honorably.

There were several differences in the counseling and treatment provided by the two services.

--The Air Force teams had a staff-to-prisoner ratio about four times greater than the Army teams: 38 to 100 compared to 9 to 100.

--Air Force uses some civilian team leaders; the Army does not.

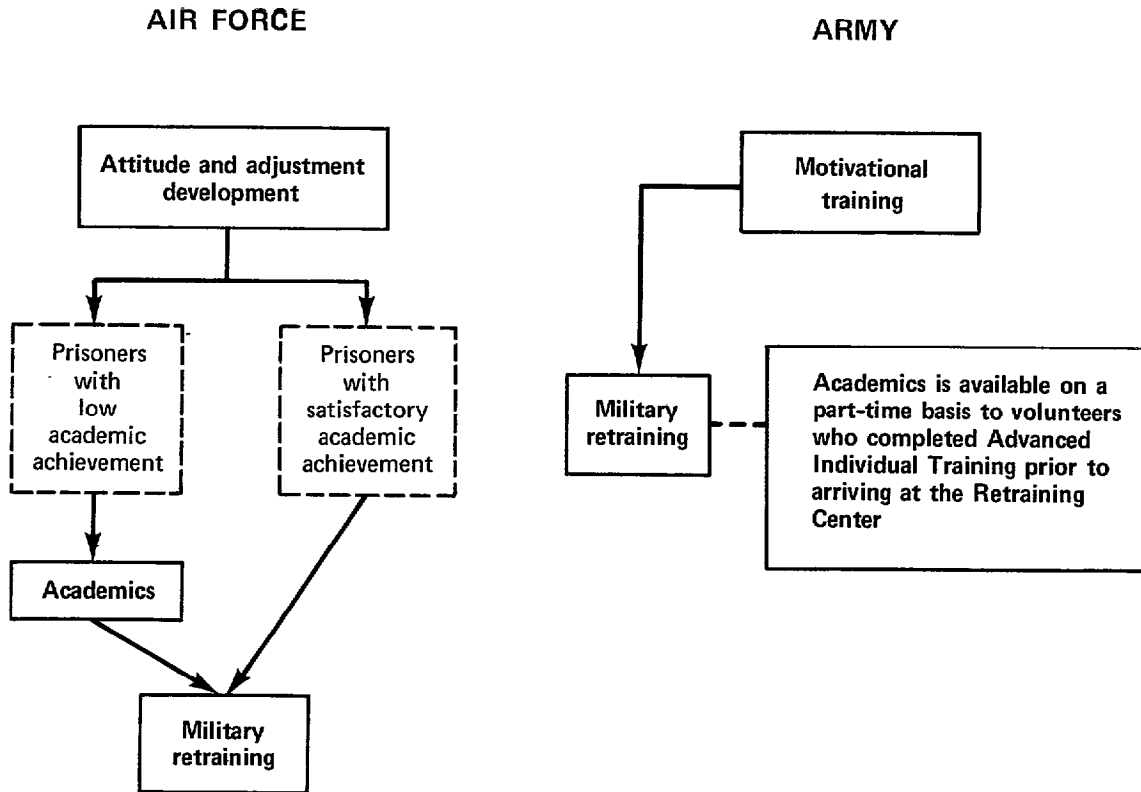
--An Air Force prisoner remains with the same team; an Army prisoner changes teams at least once.

--The Air Force routinely administers intelligence and personality tests to all prisoners; the Army administers these tests only when they believe them necessary.

- The Air Force has more required counseling sessions.
- The Air Force has a psychiatrist and psychologist as an integral part of the retraining center; the Army must make arrangements with the base hospital for such assistance when they believe it is necessary.
- The Army has a Seven Steps chapter 1/; the Air Force does not.

The programs

The Air Force's structured correctional program emphasizes change in prisoner attitudes and achievement of needed academic training. The Army program emphasizes military training and prisoner motivation through a reward system. The chart below depicts the structured programs of the two services.



1/ Part of a national foundation run by ex-prisoners. The chapter, an integral part of the program, is led and staffed by ex-prisoners who attempt through counseling to assist prisoners in building a positive outlook on life and avoiding situations that led to their confinement.

The purpose of the Air Force 4-week attitude and adjustment development phase provides a prisoner an opportunity to gain insight into his problems by better understanding himself and his actions and to improve his ability to live with himself and others. He is encouraged to change his attitudes and become a more acceptable individual. Included are 55 hours of instruction in human relations, personality make up, social development, drug abuse, and standards of a man, as well as such other subjects as economics and government and 4 hours in military subjects. Another 10 hours is for work in the hobby shop, where prisoners plan and carry out ceramic, leatherwork, and carpentry projects to provide them a tangible achievement.

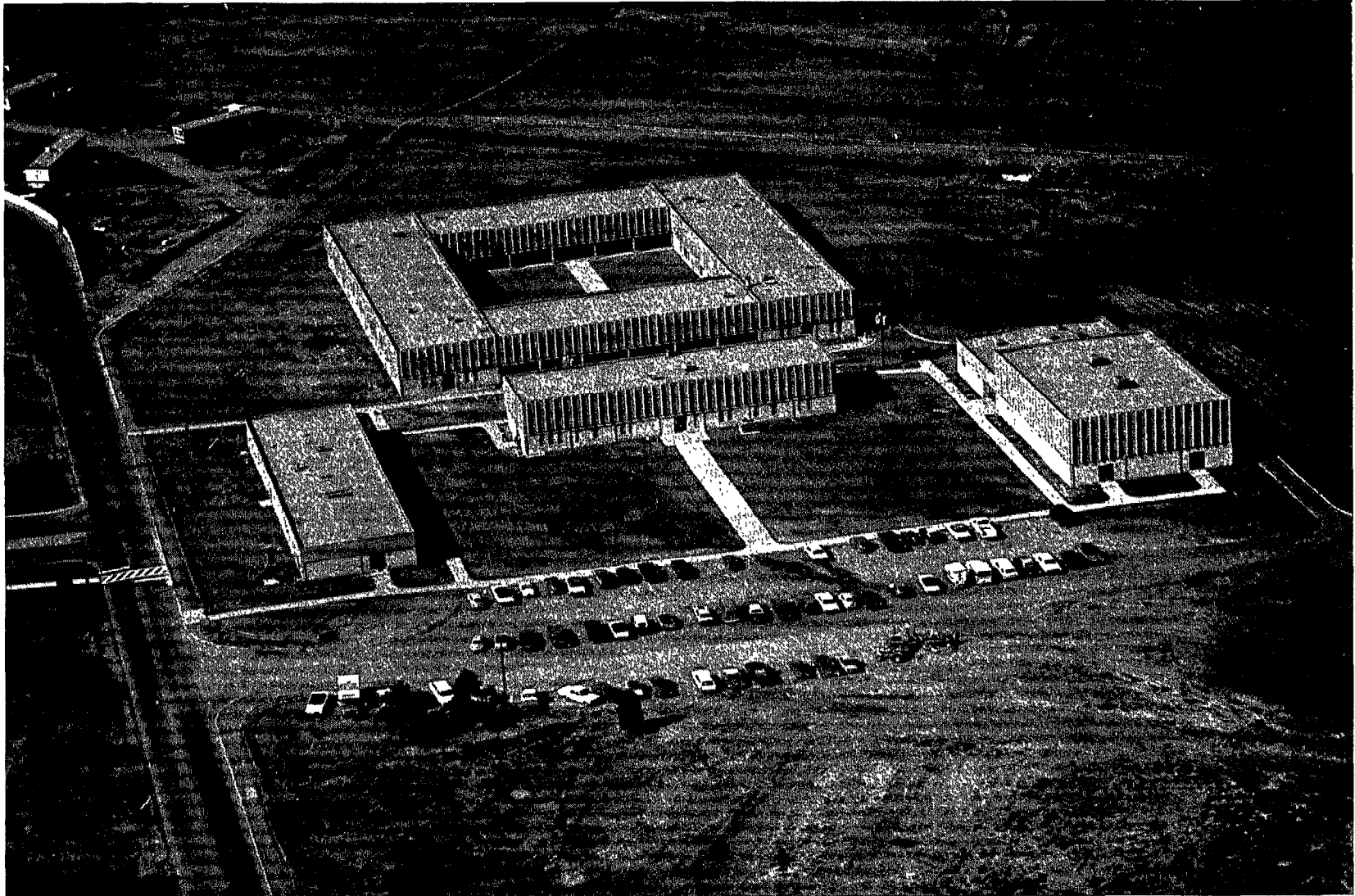
The Army motivational training phase consists of 5 one-week modules. Prisoners are helped to recognize, control, and solve those problems which inhibit successful duty performance and to believe that good performance brings pleasant results. A prisoner must earn a minimum number of points each week to progress to the next module. If the minimum points are not earned, he is placed with a new team, a new group of prisoners and a different barracks, and repeats the module.

Analysis of the five modules shows that 23 hours of instruction is provided in subjects such as U.S. Government, race relations, sex education, and monetary management. Another 19 hours is set aside for general group counseling. The remaining instruction encompasses physical fitness, drill and ceremonies, marksmanship, field hygiene, marches, and bivouacs. It also includes 4 days of training on the rifle range where the prisoner uses live ammunition.

After completing attitude development or motivational training, some prisoners participate in the high school academic program. The Air Force requires all prisoners with limited academic achievement to participate; the Army limits participation to volunteers lacking a high school education but having completed Advanced Individual Training. The Air Force permits more time for academics and is more successful than the Army.

Military retraining is the final phase of the retraining center programs. The available retraining differs, as shown on page 19.

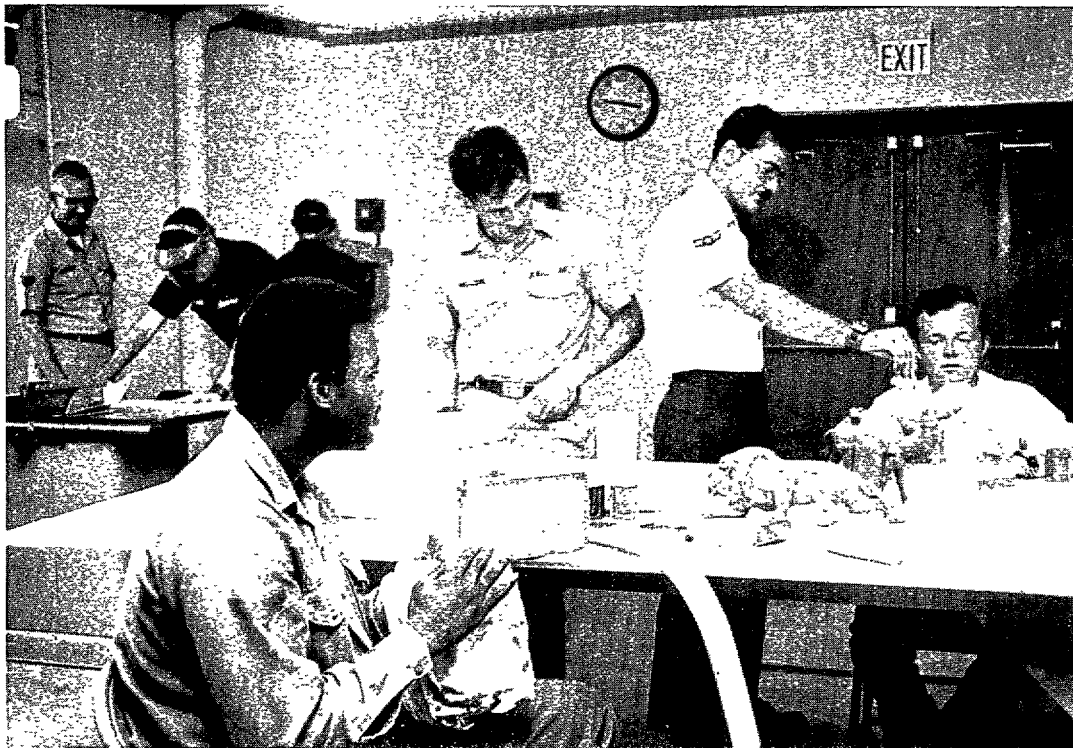




U.S. Air Force Photo  
Air Force Retraining Center, Lowry Air Force Base, Colorado



**U.S. Army Photo**  
Rifle range training with live ammunition used during motivational training phase--Army Retraining Center, Fort Riley, Kansas



**U.S. Air Force Photo**  
Hobby shop used during attitude and adjustment development phase--Air Force Retraining Center, Lowry Air Force Base, Colorado

<u>Item</u>	<u>Available retraining in</u>	
	<u>Air Force</u>	<u>Army</u>
Basic training for prisoners who had not completed it prior to confinement.	no	yes
Cross training into new career field because conviction precludes continuing in old career field:		
Through on-the-job training.	yes	yes
Through technical school.	yes	no
Cross training into new career field because the prisoner was inappropriately assigned in former career field:		
Through on-the-job training.	yes	no
Through technical school.	yes	no
On-the-job training or utilization of existing career field at retraining center and on base.	yes	yes
Military refresher training for prisoner whose career fields cannot be used at the retraining center or on base.	no	yes

#### LONG-TERM FACILITIES

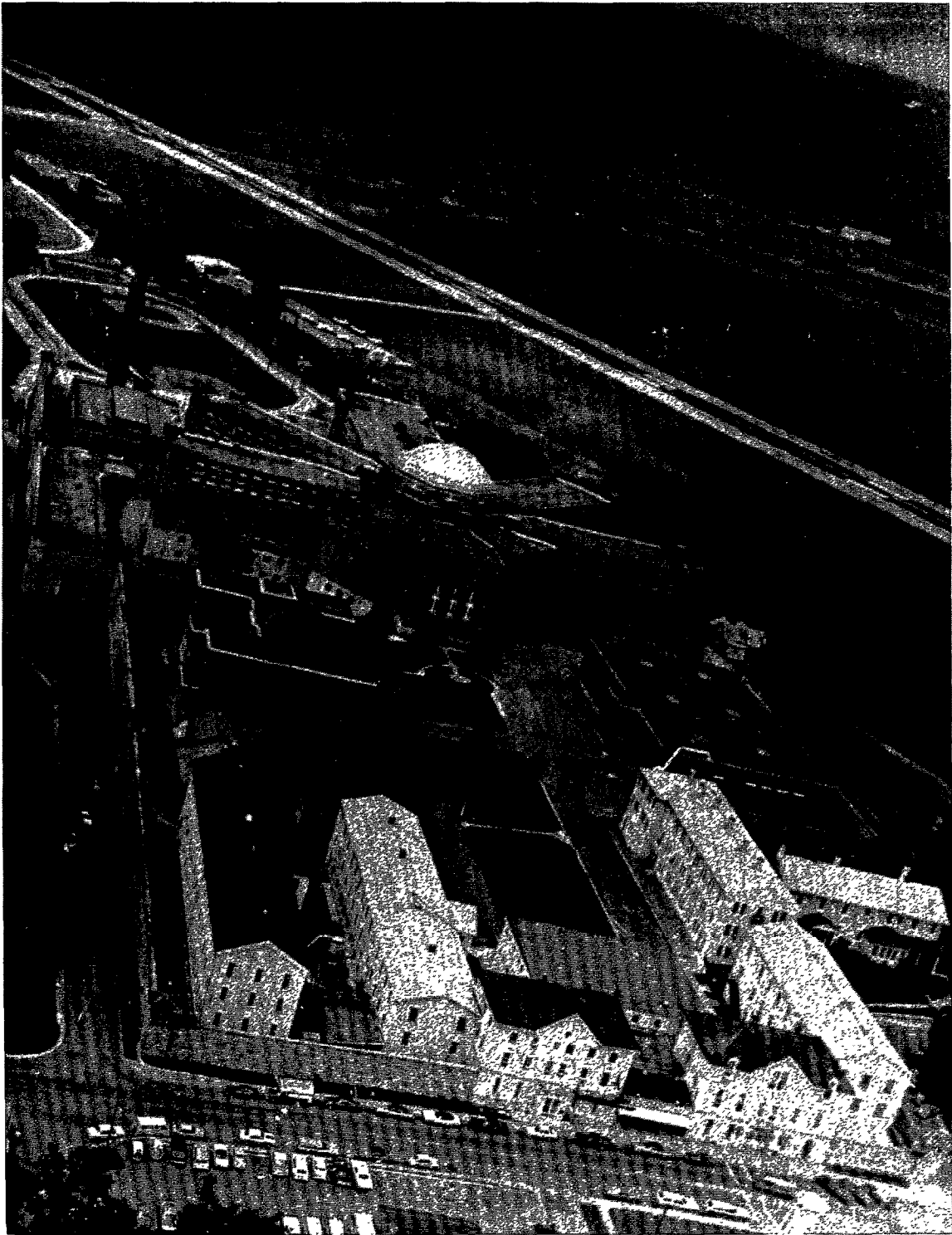
There are two long-term military correctional facilities, the U.S. (Army) Disciplinary Barracks, Fort Leavenworth, Kansas, and the Navy Correctional Center, Norfolk, Virginia. The Army facility houses Air Force, Army, and Marine Corps prisoners. The Navy started sending long-term prisoners to the correctional center on March 1, 1974, because of the closing of the U.S. Naval Disciplinary Command facility at Portsmouth, New Hampshire. Although the Army and Navy had operated similar programs before the Navy long-term facility closed, the correctional center operates a more limited program even though about 25 percent of its prisoners are long term.

The Army has a separate Directorate of Mental Hygiene staffed by psychiatrists, psychologists, social workers, and a sociologist. The Navy has only a psychiatrist on call from the base dispensary. Chaplains and counselors are available

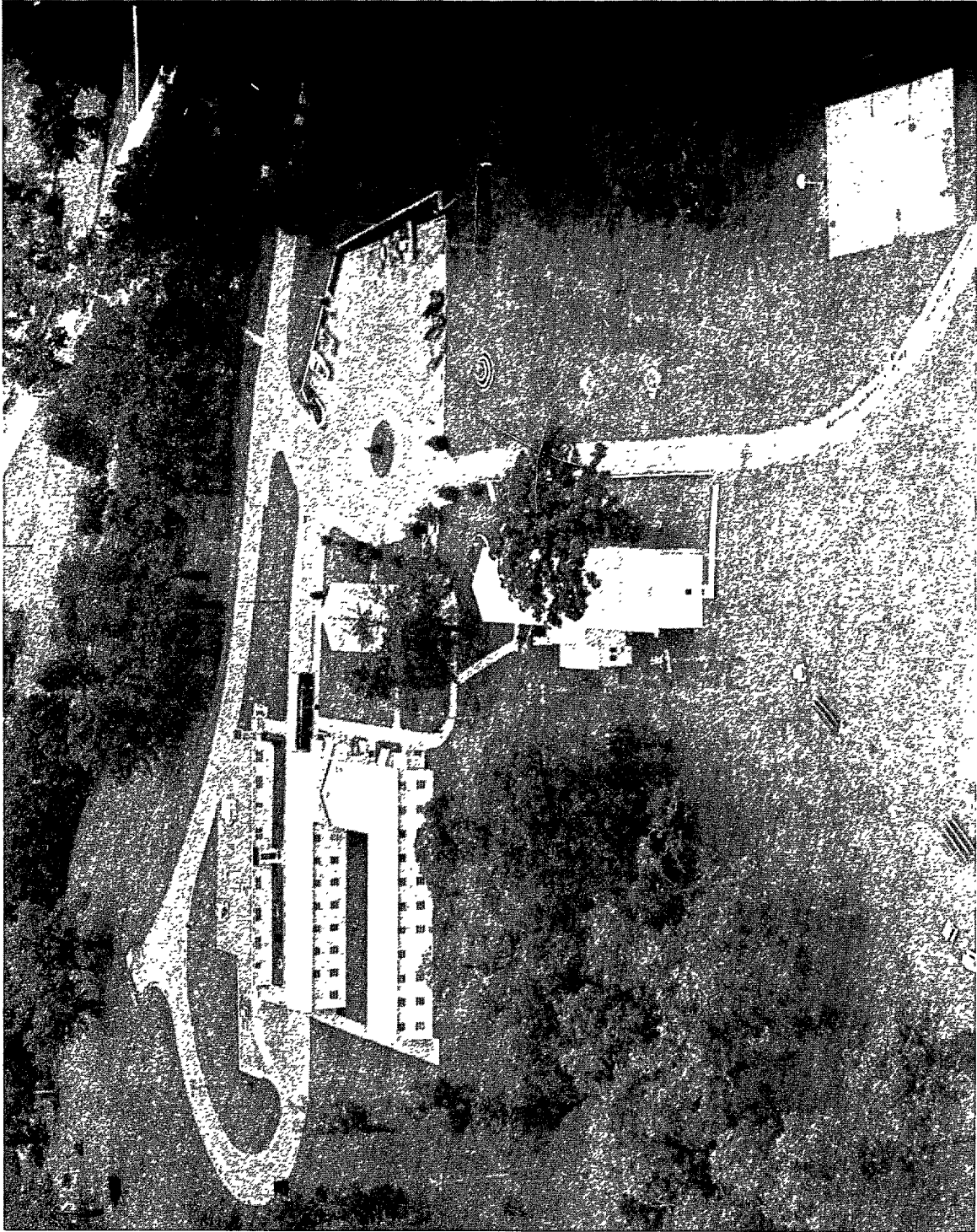
at both facilities. In addition, the Army has three self-help programs--a drug-abuse course, an Alcoholics Anonymous chapter, and a Seven Steps chapter.

Other Army programs not available at the Navy facility are grade school, junior college, work release, pre-release, and employment assistance. The Army offers 30 vocational and work assignments enabling a prisoner to obtain a Certificate of Accomplishment from the State. The Navy offers only five such assignments and no accompanying certificate.

There were also differences in facilities. The Army, but not the Navy, has a large indoor gymnasium. The Army provides base parolees living quarters away from the correctional facility; the Navy does not. The Army quarters include a base parolee unit and a 760-acre farm.



**U.S. Army Photo**  
**U.S. Disciplinary Barracks housing (long term) Air Force, Army and Marine Corps**  
**prisoners--Fort Leavenworth, Kansas**



U.S. Army Photo  
Parolee Unit--U.S. Disciplinary Barracks, Fort Leavenworth, Kansas



U.S. Army Photo  
Automotive body repair vocational training--U.S. Disciplinary Barracks, Fort Leavenworth, Kansas



U.S. Army Photo  
Screen print vocational training--U.S. Disciplinary Barracks, Fort Leavenworth, Kansas



## CHAPTER 5

### DIFFERENCES IN INCENTIVES

#### FOR REHABILITATION

Each of the services has established a system of clemency, restoration to duty, parole, and reduction in length of confinement for demonstrated achievement. But differences in the confinement systems, procedures, and practices have resulted in differences in incentives for rehabilitation.

#### CLEMENCY

Clemency results in the mitigation, remission, or suspension of an unexecuted portion of a sentence. The Marine Corps and Navy provide for full or partial restoration of rank upon return to duty whereas the Air Force and Army do not.

As an incentive toward good performance, the Army retraining center, unlike other correctional facilities, suspends prisoners' pay forfeitures as they progress through its program. The Army first considers such a suspension about the 28th day of the 63-day program, and about the 42d day forfeitures are automatically suspended if not suspended earlier. Because an Army prisoner with as much as a 6-month sentence is sent to the Army retraining center, this can amount to as much as 152 days of pay restoration for prisoners at the Army retraining center that is not routinely given to prisoners at other facilities.

Procedures and practices governing remission and suspension of sentences varies among and within the services, depending on where a prisoner is confined. At the retraining centers, sentences are remitted or suspended upon successful completion of the program. At the long-term facilities, consideration for remission or suspension of a sentence of less than 1-year is directly related to its length.

Each of the military services has policies and procedures governing clemency actions, but absolute minimum periods of confinement have not been established in writing. However, with the assistance of military officials and the available data, we estimated minimum periods within which prisoners with identical sentences of 1-year or less could reasonably expect to be released from confinement. The periods varied significantly on November 30, 1973, as shown in the following table.

	Estimated minimum days in confinement		
	<u>No punitive discharge and restored to duty</u>	<u>Punitive discharge Restored to duty</u>	<u>Released from service</u>
4-month sentence:			
Air Force	128	138	100
Army	73	132	100
Marine Corps and Navy	94	(a)	94
6-month sentence:			
Air Force	128	138	150
Army	73	172	140
Marine Corps and Navy	138	(a)	138
1-year sentence:			
Air Force	128	138	240
Army	272	272	240
Marine Corps and Navy	214	(a)	214

a/Information not developed because of the few restored to duty.

Unlike other facilities, the Army retraining center discharges prisoners eliminated from its program even when they have not completed their sentences. Were these prisoners required to complete their sentence, the Army estimates costs would increase a minimum of \$700,000 annually and 67 additional staff members would be required.

RESTORATION TO DUTY WITH  
A PUNITIVE DISCHARGE

Restoration to duty provides an opportunity for prisoners to earn an honorable discharge. The services differ in restoration systems and results; the execution of punitive discharges; and the months of service required after return to duty.

Differences in restoration  
systems and results

In fiscal year 1973, at least 197 prisoners with punitive discharges were restored to duty. More than half were in the Air Force. The Air Force has the simplest and most encouraging process of restoration of the services. Its positive attitude is clearly set forth in its manual on operations of correction facilities, which states:

"Most prisoners sentenced to a punitive discharge have the opportunity for a second chance to remain as a member of the Air Force."

The number of prisoners with punitive discharges considered for restoration to duty in fiscal year 1973, and the number approved, are shown in the following table.

<u>Service</u>	<u>Number of prisoners</u>			
	<u>With punitive discharges</u>	<u>Requesting restoration</u>	<u>Recommended for restoration by commanding officer</u>	<u>Approved for restoration</u>
Air Force (note a)	297	(b)	(b)	125
Army (note a)	867	572	75	59
Marine Corps	1,021	152	40	4
Navy	<u>305</u>	<u>68</u>	<u>26</u>	<u>9</u>
Total	<u>2,490</u>	<u>(b)</u>	<u>(b)</u>	<u>197</u>

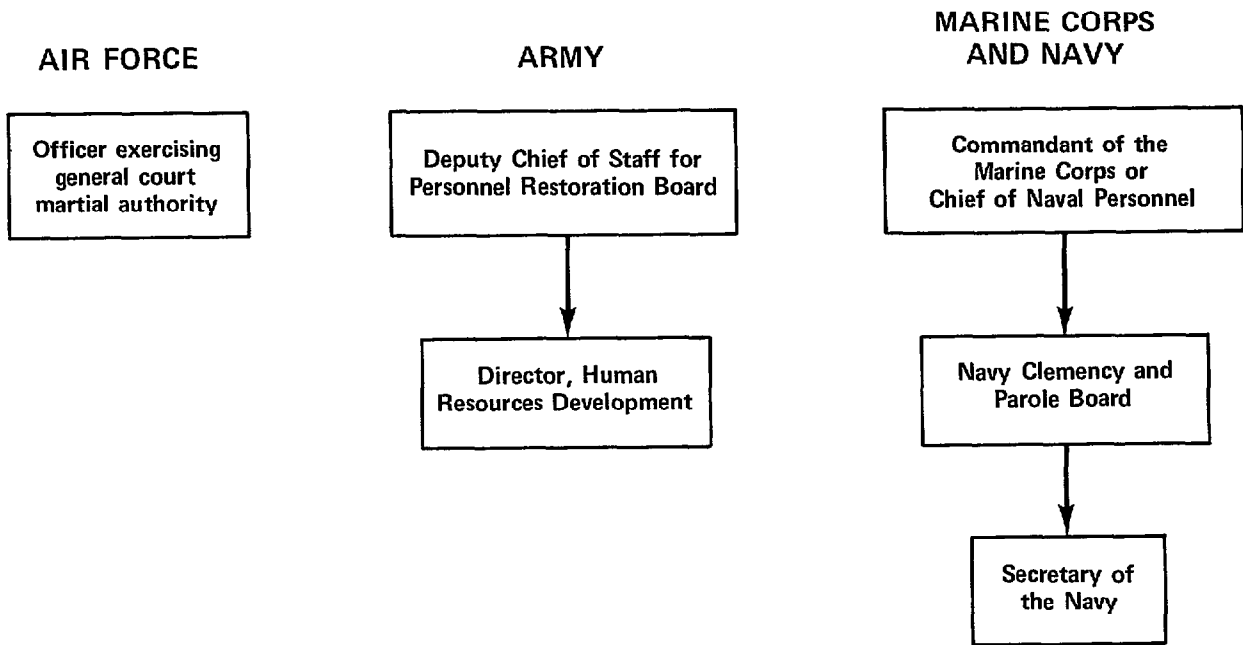
a/Information was not available for prisoners released from short-term facilities.

b/Information not available.

Upon return to duty, most Air Force prisoners with punitive discharges performed satisfactorily. A sampling of the files for 64 such prisoners, showed that 6 months after return to duty or upon discharge, 84 percent were serving honorably or had received an honorable discharge.

The process by which prisoners are restored to duty varies among the services. Unlike the other services, the Air Force gives prisoners with punitive discharges and remaining sentences after CA approval of between 30 days and 6 months, the same opportunity for rehabilitation as prisoners without a discharge, by sending them to the same facility--the retraining center. The Commander of the retraining center said that most of the prisoners who so requested would be restored to duty after successful completion of the program.

The Air Force requires the least number of approvals for restoration to duty for prisoners with punitive discharges. In all four services, each case is reviewed by the local board and the commanding officer of the confinement facility. The subsequent review and approval channels for prisoners convicted of less serious offenses are shown in the following chart.



The Marine Corps and Navy follow the same channels for review and approval of restoration to duty for all prisoners with punitive discharges no matter how serious the offense. Approval for more serious Air Force offenses must be obtained from the Director, Secretary of the Air Force Personnel Council. In the Army, such approval must come from the Secretary of the Army. In calendar year 1973, only five cases were reviewed by the Director, Secretary of the Air Force Personnel Council, of which four were approved.

Differences in execution of punitive discharges

Even though a prisoner sentenced to a punitive discharge is restored to duty and serves honorably, the Air Force and Army may enter the punitive discharge in his service record permanently, whereas the Marine Corps and Navy do not. The Marine Corps and Navy do not execute a punitive discharge until completion of appellate review and (1) completion of sentence if not returned to duty or (2) unsatisfactory service upon being restored to duty. Therefore, if a prisoner is restored to duty and serves honorably, the punitive discharge is not executed.

The Air Force and Army follow the same procedure as the Marine Corps and Navy except when completion of appellate review and approval of the punitive discharge precedes restoration to duty. Then it is executed immediately. Once executed, it is a part of his permanent service record, even though he may subsequently be restored to duty and receive an honorable discharge.

Differences in military  
obligation when restored to duty

The length of service required after restoration to duty varies by service and within the Air Force and Army depends on whether restoration precedes appellate review and approval of the punitive discharge.

Prisoners whose punitive discharges have not been executed are required either to complete their remaining military obligation or to serve a minimum period, whichever is greater. The Air Force and Army minimum is 1-year, a requirement the Army can waive. The Marine Corps and Navy have no established minimum but require a specified period, normally not to exceed 1-year.

Army prisoners with executed punitive discharges must enlist for 3 years and Air Force prisoners must enlist for 4 years.

PAROLE

Parole is a form of conditional release from confinement granted to selected prisoners. There are differences in temporary parole.

Special temporary home parole

A system of special temporary home parole was established for selected prisoners at two confinement facilities--the Air Force retraining center and the Army long-term facility. The Navy operated a similar, but not identical, program at its long-term facility that closed on June 30, 1974. This program was not implemented at the Navy's replacement facility.

Eligibility requirements for special temporary home parole varies. For example, to be eligible, a prisoner must have served a minimum of one-sixth of his sentence at the Army facility. The Air Force has no minimum requirement.

Special temporary home parole is limited to a period of 7 days in the Army. The Air Force granted parole for 10 to 14 days. The Army allowed this parole in connection with any one of five religious holidays, including Christmas. The Air Force permitted parole during the Christmas holidays only.

Some facilities allow selected prisoners to be away overnight

Three of the confinement facilities we visited allow prisoners to be away overnight, the Air Force retraining center and two Navy short-term facilities.

The Air Force has established a special pass system under which the Commander of the retraining center may approve a special pass of up to 72 hours for a prisoner to visit with his immediate family in the vicinity of the center.

At the two Navy facilities, prisoners in a base parolee status are eligible for passes to be away overnight. One of the two facilities allows all base parolees to be away for up to 32 hours on Saturday and Sunday. At the other center, about 25 percent of the base parolees are granted the passes, based on performance, and can be away for up to 55 hours on Friday evening through Sunday.

REDUCTION IN LENGTH OF CONFINEMENT FOR DEMONSTRATED ACHIEVEMENT

As an incentive for developing skills and attaining greater efficiency, prisoners may earn a reduction in the length of their confinement. The reduction, identified as extra good time, is earned at rates not to exceed 3 days per month during the first year or less and 5 days per month during the second and subsequent years.

The opportunity to earn extra good time has not been uniformly extended to prisoners of the four services. At June 30, 1974, extra good time could be earned at only one location, the Army long-term facility. The Navy had offered extra good time, under less restrictive requirements than the Army, at its long-term facility that closed June 30, 1974, but does not at the replacement Navy facility.

Although the Army long-term facility houses Air Force, Army, and Marine Corps prisoners, they do not have equal opportunity to earn extra good time. Army prisoners are sent directly to the long-term facility upon completion of their courts-martial, whereas Air Force and Marine Corps prisoners without discharge are retained at a short-term facility until CA approval of their sentences. Consequently, Army prisoners have an earlier opportunity to earn extra good time than Air Force and Marine Corps prisoners. For example, it took an average of 70 days for CA review and approval of general courts-martial sentences in the Marine Corps during fiscal year 1973.

Therefore, Army prisoners could earn extra good time about 2 months earlier than Marine Corps prisoners without discharge.

#### DIFFERENCES IN LEAVE PRACTICES

Some prisoners sentenced to confinement with punitive discharges complete confinement before appellate review of their cases is completed. When sentences have been reviewed and approved by the CA and supervisory authority, when applicable, the military services permit prisoners to take leave pending completion of the appellate review.

Before completion of the CA and/or supervisory authority review, however, procedures of the services are not consistent. Air Force and Army prisoners may take leave while awaiting the outcome of the review, but Marine Corps and Navy prisoners must return to duty.

## CHAPTER 6

### NEED FOR RESEARCH AND EVALUATION

The services have not established the capability for continuing and comparative research and evaluation of the effectiveness of their correctional programs. Research and evaluation capability has been established at only two locations, the Air Force and Army retraining centers which house about 30 percent of the four services' post-trial population. Records and reports maintained by the services that should allow comparative analyses, research, and evaluation, are not sufficiently uniform to do so.

For a system of correctional facilities and programs to be effectively managed, some form of research and evaluation must be established to measure the success of each program and its components. The need for research and evaluation has been recognized by the American Correctional Association. Its Manual of Correctional Standards states:

"Until a comprehensive information system is established, whereby systematic feedback on the effectiveness of programs is made available, the emphasis in program research must be the identification of those items of data which are significant for the assessment of the program's effectiveness.\* \* \*

"Time and money should not be spent, nor should inmates be involved in programs which are not regularly and thoroughly evaluated."

### LIMITED RESEARCH AND EVALUATION

The Air Force and Army retraining centers have established research and evaluation units with staffs of 8 and 15, respectively--only 0.3 percent of the total personnel assigned to corrections for the four services at November 30, 1973.

Both centers routinely gather data on prisoners and keep track of those who return to duty to evaluate their performance. This provides a basis for computing program success rates and making analyses; but at the time we began our review, neither unit had performed research and evaluation to determine the extent of retraining center effectiveness or determine whether changes in retraining methods influenced effectiveness. Neither had tested prisoners, including those returned to civilian life, to determine whether the



programs were improving their attitudes and capabilities. During our review the Army initiated such a study, which was continuing at the end of our review.

Both units have studied the retraining center programs and suggested revisions which they believed might increase effectiveness. They have also made other studies. The Army unit, for example, had completed a study and published a report to guide management in dealing with personnel most likely to be AWOL.

#### NEED FOR UNIFORM AND COMPLETE DATA RECORDS AND REPORTS

For comparative analysis, research, and evaluation within the services, some common data base is essential. It must be uniform and complete, and it must include followup information on prisoners returned to duty.

Descriptive prisoner data accumulated differs among the services. Collection times are inconsistent, and data does not cover the complete prisoner population of each service. The Marine Corps and Navy maintain prisoner data at headquarters on a prisoner data card submitted by the correctional facilities when prisoners are released. The Air Force and Army maintain computerized data on current and past prisoners except at the short-term facilities.

Descriptive data varies too much among the services in type and format for efficient and effective comparative research and evaluation. For example, the Air Force retraining center computerizes 211 items of information about each prisoner while the Army records 53. Of these, only 39 are common and only 9 in an identical format. An illustration of those items which were common but not identical in format was "race." The Army listed more categories.

From a random sample of Air Force and Army retraining center computerized prisoner data records and Navy prisoner data cards retained at headquarters, we found that records were incomplete. For example, at least 32 of the 211 items of information were blank on 63 of 510 Air Force records tested.

The Air Force and Army retraining centers were the only organizations attempting followup on prisoners returned to duty, and they had not been completely successful in obtaining responses. The Army estimated it received only about 25 percent. Also, the Air Force and Army differ in

timing their short-term followup, which precludes comparison of results. The Army followup is made 75 days after return to duty, and the Air Force followup is at 6 months.

Even though DOD instructions require the services to coordinate and periodically publish statistical reports on prisoners, the monthly reports on total personnel in confinement differed. The Air Force and Army issue individual monthly reports; the Marine Corps and Navy issue a joint report. Only 2 of the 20 items in the reports are identical--total pretrial population and total post-trial population.

#### ANALYSES OF PROGRAM RESULTS

We made a random sample to determine whether the services, taking different approaches to corrections, had similar success with comparable groups of prisoners returned to duty. We selected the Air Force and Army sample--434 and 468, respectively--from the retraining centers where programs differed significantly and the research and evaluation units had computerized prisoner data records. We also selected 158 Navy prisoners from short-term facilities because the Navy had no retraining center.

In the absence of DOD-developed standards for measuring success of correctional programs, in our analyses we used the Air Force followup criterion; that is all prisoners who returned to duty and 6 months later were in service or honorably discharged. With agency representatives, we selected 16 descriptive variables 1/ for use in our analyses and for establishing comparable groups. Levels of confidence were set at a minimum of 90 percent.

Analyses 2/ of relations between success and the individual variables among prisoners from the three services combined show that three variables are statistically significant in relation to success: race, rank, and offense.

--Blacks were more likely to succeed than Caucasians.

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1/Age; race; marital status; number of dependents; prior civil convictions; prior military convictions; high school diploma or equivalent; years of formal education; Armed Forces qualification test score; highest rank held; months of prior service; months of remaining service; length of sentence; type of punitive discharge, if any; type of offense; and number of days confined.

2/Step-wise multiple regressions.

--Those who had achieved the rank of E-3 or above were more likely to succeed than those with the rank of E-2 or below.

--Those convicted of AWOL or desertion were less likely to succeed than others.

Further analyses indicated that eight groups of the three variables could be established for comparison.

<u>Group</u>	<u>Race</u>	<u>Rank</u>	<u>Type of offense</u>
1	Black	E-2 and below	AWOL or desertion
2	Black	E-2 and below	Other
3	Black	E-3 and above	AWOL or desertion
4	Black	E-3 and above	Other
5	Caucasian	E-2 and below	AWOL or desertion
6	Caucasian	E-2 and below	Other
7	Caucasian	E-3 and above	AWOL or desertion
8	Caucasian	E-3 and above	Other

Because of the difference in criteria for confinement at the correctional facilities where we took our samples, we did not consider comparison among services feasible. We compared the success rates of the eight groups in each service; that is, group 1 to 5, group 2 to 6, etc. The results are shown in the chart on the following page.

These comparisons indicate that, in most instances, Blacks have better success rates than Caucasians. Further analysis 1/ to determine whether the differences in success rates were statistically significant showed that:

--Army Blacks do better than Army Caucasians in three of the four comparisons of like groups at a confidence level greater than 95 percent.

--Army Blacks do better overall than Army Caucasians at a confidence level of greater than 99 percent.

--Navy Blacks do better overall than Navy Caucasians at a confidence level greater than 90 percent.

--Air Force Blacks and Caucasians have comparable success rates.

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1/Test for significance of difference between proportions.

## SUCCESS RATES

Type of offense	Number of prisoners in sample	Percent successful
<b>AIR FORCE:</b>		
AWOL or desertion:		
E2 and below -- Black	31	39%
E2 and below -- Caucasian	55	33%
E3 and above -- Black	45	56%
E3 and above -- Caucasian	85	44%
Other offenses:		
E2 and below -- Black	20	25%
E2 and below -- Caucasian	36	36%
E3 and above -- Black	59	68%
E3 and above -- Caucasian	103	69%
<b>ARMY:</b>		
AWOL or desertion:		
E2 and below -- Black	48	44%
E2 and below -- Caucasian	115	19%
E3 and above -- Black	39	77%
E3 and above -- Caucasian	71	39%
Other offenses:		
E2 and below -- Black	39	51%
E2 and below -- Caucasian	40	53%
E3 and above -- Black	47	81%
E3 and above -- Caucasian	69	64%
<b>NAVY:</b>		
AWOL or desertion:		
E2 and below -- Black	13	54%
E2 and below -- Caucasian	64	30%
E3 and above -- Black	9	67%
E3 and above -- Caucasian	31	52%
Other offenses:		
E2 and below -- Black	13	69%
E2 and below -- Caucasian	14	57%
E3 and above -- Black	1	
E3 and above -- Caucasian	13	77%

Army representatives said they believed the racial difference in success rates resulted from differences in variables, such as months of enlistment remaining. However, our test of the different variables in the Army sample did not account for differences in success rates between Blacks and Caucasians.

The Army and Navy have not performed research to determine why these differences occur. Because the Air Force has comparable results with Blacks and Caucasians and the Army and Navy do not, the difference must be in other than our 16 descriptive factors, such as the emphasis of correctional programs or the particular service environment.

We believe the Army and Navy should determine the reasons for the different results achieved and to what extent the respective correctional programs may need modification.

## CHAPTER 7

### CONCLUSIONS, RECOMMENDATIONS, AND AGENCY COMMENTS

#### AND OUR EVALUATION

##### CONCLUSIONS

The services have not collaborated to establish uniform correctional systems and incorporate the most desirable aspects of each program. As a result, major differences exist between the services in their correctional programs and incentives for rehabilitation. Differences exist even within the services. Uniform treatment and opportunities for rehabilitation have not, therefore, been achieved although intended by the Military Correctional Facilities Act.

Variances among correctional systems, programs, incentives, and resources committed, and the lack of research and evaluation, is symptomatic of a decentralized operation with responsibilities fragmented among many organizations. Centralized direction and oversight are needed to insure appropriate and uniform treatment of prisoners in all four services.

Continuing research and evaluation within and among the services could provide to program managers needed information on the most desirable and effective aspects of each program. For example, comparative research and evaluation should provide information which would help the Marine Corps and Navy design an effective retraining center correctional program. It should also help determine why the programs in the three services have different results with Caucasians compared to Blacks.

##### Agency actions during review

Throughout our review, we kept the services and DOD advised of our progress and findings. In response to a suggestion we made in March 1974, DOD established in June 1974 a Defense Corrections Council with the purpose and responsibilities stated below.

"Provide a regular forum for the interchange of information and the consideration of corrections policy. The Council will be responsible for the continuing review of the DOD Instruction and implementing Service directives and regulations for the purpose of assuring a maximum degree of uniformity in the corrections program consistent with the needs of the Services."

The Council has members from the four services and DOD. It will meet bimonthly or more often if required.

#### RECOMMENDATIONS

We recommend that, to attain uniform treatment and rehabilitation opportunities for prisoners of the four services, the Secretary of Defense designate an office or service with continuing responsibility for developing corrections policy and insuring uniformity of correctional programs. This office or service should:

- Establish uniform criteria for confinement at each type of correctional facility.
- Establish definitive procedures providing uniform incentives for rehabilitation of prisoners with identical sentences.
- Develop uniform records and reports for all services to provide a common record base for efficient research and evaluation.
- Establish a research and evaluation system independent of the confinement facilities to measure effectiveness of their correctional programs. This system should provide coordinated research and evaluation within each service, comparative evaluations among services, and data for weighing alternative program inputs, related program costs and probable prisoner success rates.

We recommend also that the Defense Corrections Council be continued to serve as an advisory body to the designated office or agency.

#### AGENCY COMMENTS AND OUR EVALUATION

DOD concurred in our conclusion that differences exist between the services in their correctional programs and recognized that increased effort could and should have been made on the problem of achieving greater uniformity. DOD said the review was most useful in highlighting and focusing on the problems in achieving uniformity. It has taken, or plans to take, certain corrective actions to move toward more uniform correctional programs.

Although agreed that differences exist between the services in their correctional programs, DOD does not believe the Military Correctional Facilities Act requires the programs of each service to be identical. DOD stated that the report views the corrections function in isolation rather than

as merely "a relatively small part" of a comprehensive military personnel system. Conceptually, DOD believes:

- Each service has its separate missions and unique organizational and personnel requirements into which the corrections program must be integrated. There will, therefore, remain some legitimate and wholly justifiable differences even in programs which are substantially more uniform than at present.
- To a very great extent, it is the military personnel and justice systems which shape the corrections program. Consequently, as the personnel systems, manpower requirements and management philosophies among the services vary, the corrections systems will reflect these differences.

We believe that these influences have been, as DOD indicates, overriding considerations in the development of the correctional systems. We believe, however, that the legislative history and the language in the Military Correctional Facilities Act evidence a congressional intent that these issues were not to dictate the design of the services' correctional systems. (See app. II.) We believe the language "identical as possible" and "similar" means that the Congress intended for the services to have correctional systems as nearly alike as possible. In our view, the Congress did not intend for differences in correctional systems to be determined by expediency but intended differences to be approved only after a determination that they were unavoidable and would not deny a prisoner in one service rehabilitation opportunities extended a prisoner in another service.

DOD contends that, because of the differences between the services, some wholly justifiable differences will remain even in programs which are substantially more uniform than at present. We agree that some differences in correctional programs for retraining a prisoner in a military speciality may be necessary. However, other differences--such as in long-term correctional programs where Air Force, Army, and Marine Corps prisoners are provided a much more comprehensive program than Navy prisoners--rather than being justified, result from a lack of agreement among the services, differences in attitudes, and differences in commitment of resources.

DOD expressed concern that our report did not establish standards for measuring success or failure of the military corrections effort. We agree that standards are needed; but we believe DOD should develop the standards. We encourage



DOD to do so and have recommended that a research and evaluation system, independent of the confinement facilities, be established to assist in evaluating and modifying correctional programs.

DOD's comments on each of our recommendations are summarized below.

Designation of an office or service  
with continuing responsibility for developing  
corrections policy and insuring uniformity  
of correctional programs

DOD concurred in the requirement for a firm responsibility at the Office of Secretary of Defense (OSD) level to coordinate policies and insure a maximum degree of uniformity in the respective corrections programs consistent with the needs of the services. DOD stated that responsibility for corrections within OSD now rests (established in June 1974) with the Director for Legislation and Selected Policies, Office of Deputy Assistant Secretary of Defense (Military Personnel Policy), who is also Coordinator of the Defense Corrections Council.

DOD believes that the Defense Corrections Council, continued on a regular and permanent basis, will adequately fill the need for developing corrections policy and insuring uniformity consistent with service needs. DOD said that the Council, as presently constituted, includes the program managers from each of the services and is fully expected to resolve many routine matters. DOD advised that, on matters of greater complexity, the avenue to decision within the civilian secretariat was open.

After we received DOD's comments, we met with officials and discussed the operation of the Council. These officials told us that the resolution of matters by the Council would depend on whether its members can agree that a change is desirable and whether the respective service officials can be persuaded to make the change. We were told that unresolved matters would have to be elevated by the Council Chairman to the Deputy Assistant Secretary (Military Personnel Policy), to the Assistant Secretary (Manpower and Reserve Affairs), or to the Secretary of Defense for resolution.

We believe a better system would be to make the Director, Legislation and Selected Policies, or some other office within OSD or one of the services, responsible for establishing definitive corrections policy and insuring its implementation. As we view it, this would include responsibility for

determining the extent that program differences are unavoidable. The overseas school system for dependents of U.S. personnel is an example where similar responsibility was established within OSD. The Assistant Secretary (Manpower and Reserve Affairs) is responsible for establishing the overall policies of the organization, operation, and administration of the worldwide school system. This responsibility is discharged through the Director for Dependents Education.

Establish uniform criteria for confinement at each type of correctional facility

DOD stated that this recommendation was difficult to address because it presupposes that each service will be required to operate each type of facility and that their missions, program content, and duration, will be substantially identical. Even though DOD Instruction 1325.4 requires the services to use uniform policies and criteria in determining the type of correctional facility for confining prisoners, DOD did not discuss it in their response. DOD advised us, however, that attempts to reduce existing variations, where appropriate, were underway in the Defense Corrections Council.

Inasmuch as correctional programs are designed around the length of a prisoner's expected confinement at each type of facility, we believe uniform policies and criteria in determining the type of correctional facility for confining prisoners is prerequisite to attaining uniform treatment of prisoners with identical sentences from the different services. We recognize there are currently differences in types of confinement facilities--the Air Force and Army have retraining centers, whereas the Marine Corps and Navy retraining centers are in the planning stages. To the extent that types of facilities are similar, we believe the services should be required to implement uniform policies and criteria for confinement at each type, except in those cases where a determination is made that differences are unavoidable.

Establish definitive procedures providing uniform incentives for rehabilitation of prisoners with identical sentences

DOD agreed that uniform incentives for rehabilitation are needed; however, it believes the services can be brought into agreement through the Council. We believe the most effective and expeditious approach to the problem is to implement our recommendation as stated.

Establish a research and evaluation system independent of the confinement facilities

DOD stated that it does not intend, for the present, to establish an independent research and evaluation capability because it appears to be an unnecessary and costly suboptimization of a very small element of its overall manpower management effort. DOD stated that it expects the services will continue their efforts in this regard. DOD stated further that, should an increase in cross-service research exchanges or review of comparative information which will become available under uniform records and reporting systems indicate the need for independent study, this will be considered.

We disagree with DOD's position. Existing variances among correctional systems, programs, incentives and resources committed to corrections, as well as the continuing search for improved approaches to corrections, requires a research and evaluation system that covers the correctional systems of the four services. Present research and evaluation efforts are uncoordinated and limited to the Air Force and Army training centers.

We believe that a research and evaluation system should be established independent of the correctional facilities. This system could be composed of research and evaluation units subordinate to the headquarters corrections units of each service and coordinated by OSD. We recognize that other viable alternatives are also available. Regardless of the system adopted, coordination should be provided by OSD.

Develop uniform records and reports for all services to provide a common record base for research and evaluation

DOD concurred in this recommendation and stated that efforts were underway through the Defense Corrections Council to establish common objectives and a data base and to insure easy access for cross-service and OSD use. It stated that the necessary extent of such an information system and the type and amount of data desired were being reviewed.

MILITARY LOCATIONS VISITED

## DEPARTMENT OF DEFENSE:

Office of Manpower and Reserve Affairs, Washington, D.C.

## AIR FORCE:

Headquarters, Washington, D.C.

3320th Retraining Group, Lowry Air Force Base, Denver,  
Colorado

Detention Facility, Offutt Air Force Base, Nebraska

Detention Facility, Whiteman Air Force Base, Missouri

## ARMY:

Headquarters, Washington, D.C.

U.S. Disciplinary Barracks, Fort Leavenworth, Kansas

U.S. Army Retraining Brigade, Fort Riley, Kansas

Area Confinement Facility, Fort Riley, Kansas

Area Confinement Facility, Fort Knox, Kentucky

U.S. Army Military Police School, Fort Gordon, Georgia

## COAST GUARD:

Headquarters, Washington, D.C.

## MARINE CORPS:

Headquarters, Washington, D.C.

Correctional Facility, Camp Lejeune, North Carolina

Correctional Facility, Quantico, Virginia

## NAVY:

Headquarters, Washington, D.C.

U.S. Naval Disciplinary Command, Portsmouth, New Hampshire

Correctional Center, Memphis, Tennessee

Correctional Center, Norfolk, Virginia

Correctional Center, Treasure Island, San Francisco,  
California

EXCERPTS FROM LEGISLATIVE HISTORY OF THE  
MILITARY CORRECTIONAL FACILITIES ACT

The purpose of the act, according to an Army representative testifying on behalf of DOD, 1/ was to:

"\* \* \* attain uniformity among the Armed Forces in the administration of military correctional facilities and the treatment of persons sentenced to confinement under the Uniform Code of Military Justice. \* \* \*"

\* \* \* \* \*

"It would provide the statutory framework for uniform administration of military correctional facilities and uniform treatment of personnel of all departments confined pursuant to the provisions of the Uniform Code of Military Justice. Such treatment will encompass the education, training, rehabilitation, and welfare of offenders; the remission or suspension of unexecuted parts of sentences and the restoration to active duty or reenlistment of selected offenders; and the parole of offenders.

The provisions of title 10, 14, and 37 as they now apply to each of the Armed Forces are not compatible in content or terminology so as to insure or allow uniformity in the treatment of offenders sentenced to confinement. For example, the Secretary of the Navy and the Secretary of Transportation, the latter in respect to the Coast Guard when it is not operating as a part of the Navy, do not have the authority presently granted the Secretary of the Army and the Secretary of the Air Force to establish a parole system for persons under their jurisdiction who are confined in a military correctional facility. There is also disparity among the services with respect to statutory authority for the restoration to duty of selected offenders. These disparate conditions are the result of separate and individual enactments pertaining to each of the Armed Forces over a period of years. The Uniform Code of Military Justice has placed all the Armed Forces on the same statutory

---

1/ Subcommittee No. 1, Committee on Armed Services, House of Representatives; Rept. No. 51, Mar. 14, 1968, on H.R. 5783 (Public Law 90-377).

basis in the administration of military justice. Enactment of \* \* \* [this bill] will accomplish the same desirable end with respect to the administration of military correctional facilities and the treatment of offenders."

There were reservations expressed as to whether the act, as written, would provide uniform treatment of offenders. Specifically, a member of the Subcommittee said and asked:

"We talk about the reason for this bill being uniformity, and yet it would appear from the language in the bill itself it is possible for each Secretary to develop independent and very different systems of parole, of administering correction facilities, [and] developing the treatment of people who have been confined.

"My question is if this bill gives each Secretary the individual right to proceed as he sees fit to develop these various rules and treatments, are we in fact gaining a uniformity in the treatment of offenders, or do I understand the bill?

\* \* \* \* \*

"But the bill does not require the system to be similar, does it?

In response, the Army representative stated that this would be handled by DOD "which makes the overall policy and designates the Secretary to do these."

In its favorable report <sup>1/</sup> to the House of Representatives on the act, the Committee on Armed Services further expressed its intentions regarding uniformity. It stated:

"While the language of the bill is such as to permit each Secretary to issue his own rules and regulations, it is the position of this committee that these rules should be as identical as possible in order to achieve the uniformity in practice which is the stated purpose of the bill."

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<sup>1/</sup> 90th Cong., 2d Sess., H.R. Rep. 1322, Apr. 29, 1968, on H.R. 5783 (Public Law 90-377).



## ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D. C. 20301

February 26, 1975

MANPOWER AND  
RESERVE AFFAIRS

Mr. Forrest D. Browne  
 Director, Federal Personnel and  
 Compensation Division  
 General Accounting Office  
 Washington, D. C. 20548

Dear Mr. Browne:

This is in response to your request of December 10, 1974, to the Secretary of Defense for comments on your draft report to the Congress entitled "Problems in Achieving Uniform Treatment of Prisoners Under the Military Correctional Facilities Act" (OSD Case #3963).

Although concerned that the GAO believes that there has been incomplete compliance with the intent of the Military Correctional Facilities Act, the Department of Defense is pleased to note that, after an extended study including extensive on-site inspection at many correctional facilities, the review makes no adverse findings relative to health and sanitary conditions, quality of food, custodial treatment of confinees, or similar matters. This is significant and substantial evidence that the corrections programs managed by the Military Departments, though not identical, are professionally and progressively operated. [See GAO note.]

As you noted in your letter of transmittal, there has already been considerable staff interchange in the preparation of the draft report. This opportunity was very productive and precludes the necessity of further detailed comment on the descriptive portions of the draft. There are, however, some conceptual matters which were never adequately resolved between our staff representatives which, it is believed, warrant acknowledgement in your report.

First, while the Department of Defense concurs in the GAO conclusion that differences exist between the services in their correctional programs

GAO note: As indicated in the scope of our review, these areas were not included in our review.



it is not our view that the degree of uniformity intended by the Correctional Facilities Act requires that the programs of each service be identical. Each service has its separate missions and unique organizational and personnel requirements into which the corrections program must be integrated. There will, therefore, remain some legitimate and wholly justifiable differences even in programs which are substantially more uniform than at present.

Second, and related to the foregoing, the report views the corrections function in isolation rather than as merely a part--even a relatively small part--of a comprehensive military personnel system. To a very great extent, it is the military personnel and justice systems which shape the corrections program. Consequently, as the personnel systems, manpower requirements and management philosophies among the services vary, the corrections systems will reflect those variances. Some of the specific examples of lack of uniformity, noted in the draft, result from legally permissible differences in application of certain provisions of the Uniform Code of Military Justice (e. g., automatic reduction in rank upon sentence to confinement and date of execution of punitive discharge). These are not differences in corrections policy but are permissible differences in the administration of military justice. This is not to say that changes should not be made in those areas, but rather to illustrate that many of the variances noted result not from corrections policies but from other systems and cannot be manipulated in isolation.

[See GAO  
note.]

Third, it is a matter of concern to the Department of Defense that the report does not establish standards by which success or failure of the military corrections effort can be measured. No evaluation is provided as to whether that which has been done has been done well or done poorly. The finding of lack of uniformity does not, a priori, establish poor performance. For example, the GAO discussion of prisoner to counselor ratios demonstrates only that the ratios are not uniform and suggests nothing about whether one situation or the other is preferable.

Turning to the specific conclusions and recommendations, the Department of Defense concurs in the requirement for a firm exercise of responsibility at OSD level, so that there will be a coordinated development of policies to assure a maximum degree of uniformity in the respective corrections programs consistent with the needs of the services. Contrary to the implications in the report, however, the OSD has taken continuing actions in corrections matters. The instructions issued to implement

GAO note: This pertains to court-martial sentence and was not discussed in this report.



the Correctional Facilities Act were, in fact, a revision of a previous version dating from 1955, entitled "Uniform Policies and Procedures Affecting Military Prisoners and Places of Confinement." The responsibility for corrections matters has long been a function of the Office of the Deputy Assistant Secretary of Defense (Military Personnel Policy) within the Office of the Assistant Secretary of Defense, Manpower and Reserve Affairs. Subsequent to 1968, there were several actions in the corrections field in which there was OSD guidance and participation.

For example, in 1969, the Deputy Assistant Secretary of Defense (Military Personnel Policy) required each military department to conduct an evaluation of each of its correctional facilities, with particular attention to the adequacy of housing, messing and treatment of prisoners and to report deficiencies noted. The result of these surveys was a significant expansion of, and improvement in, service correctional facilities over the ensuing several years. Also, during 1969, the Department of Defense was active in ensuring active investigation, and corrective action where necessary, of several complaints of prisoner mistreatment at service corrections facilities. Additionally, the formal courses at the U. S. Army Military Police School, Fort Gordon, Georgia, are being utilized for basic training for corrections personnel of all military services.

Notwithstanding these actions, however, it is not denied that increased effort could and should have been expended on the problem of achieving greater uniformity. This situation has, as a result of your study, been corrected and progress is being made in several areas already.

The responsibility for corrections within the Office of the Secretary of Defense now rests, at the action level, with the Director for Legislation and Selected Policies, Office of Deputy Assistant Secretary of Defense (Military Personnel Policy). The Director is also Coordinator of the Defense Corrections Council, which, as you have noted, was created in June 1974, in direct response to matters raised in your preliminary findings. It is believed that this arrangement, continued on a regular and permanent basis, will adequately fill the need for developing corrections policy and insuring uniformity consistent with service needs. As presently constituted, the Corrections Council includes the program managers from each of the services and, consequently, is more than merely an advisory body or a forum for exchange of ideas. It is fully expected that many routine matters can be adjusted through the work of Council members within their own services. On matters of greater complexity, of course, the avenue to decision within the civilian Secretariat remains open. The separate services will, of course, continue to exercise full operational control over their respective programs and provide the routine monitoring necessary to insure compliance with established policy.

The recommendation that uniform criteria for confinement be established at each type correctional facility is difficult to address, because it presupposes that each service will be required to operate each type of facility, and that their missions, program content and duration will be substantially identical. This is not, of course, the case. Inasmuch as there are legitimate needs for different types of programs, specifically with respect to retraining for military duty, some significant differences among the facilities must be permitted to continue. Consequently, it is not possible to predict that identical criteria can be achieved in all cases. It is recognized that some improvements can be made, especially insofar as assignment criteria are sometimes adjusted pragmatically to control population flow. Attempts to reduce existing variations, where appropriate, are underway in the Defense Corrections Council.

The Defense Corrections Council has already made some progress in the matter of providing uniform incentives for rehabilitation. Specifically, several variations in Service practices, which became apparent when the Marine Corps began utilization of United States Disciplinary Barracks, have been addressed in depth at Council sessions. Among those matters are (1) the practice of automatic reduction in rank upon approval of sentence to confinement or to a punitive discharge; (2) the time of execution of punitive discharge; and (3) the time variations in the clemency process. Each of the foregoing involves not only corrections considerations, but differences in military justice procedures and the established personnel decision processes in each service. Successful resolution of those items should lead to more rapid adjustment of lesser issues.

The need for the development of uniform records and reports to provide a common data base to facilitate research and evaluation and assist program managers in decision making is apparent. The difficulties experienced by your personnel in establishing a limited base upon which to conduct their interservice comparative research are compelling evidence of this need. At present each service has reporting and record systems established for its personnel in confinement which are compatible with its overall records and accounting systems. In many cases the same basic information is retained, but it is in incompatible format. Efforts are now underway through the Defense Corrections Council to establish common objectives and a data base, and to ensure easy access for the purpose of cross-service and OSD utilization of information. The necessary extent of such an information system and the type and amount of data desired are being reviewed.

The Department of Defense does not intend, for the present, to establish an independent research and evaluation capability and expects that the services will continue their present efforts in this regard. Until such time as a common data base is attained, comparative research among the services would be extremely difficult in any event. The creation of an independent research and evaluation unit solely for the purpose of dealing with our confined military population appears to be an unnecessary and costly suboptimization of a very small element of our overall manpower management effort. Should an increase in cross-service research exchanges or review of comparative information which will become available under uniform records and reporting systems indicate the need for independent study, this will be considered.

The GAO study and the interchanges which took place during the preparation of the report have been most useful in highlighting and focusing on the problems in achieving uniformity, and permitting the Department to participate in the formulation of some recommended corrective measures. The opportunity to present these comments on behalf of the Secretary of Defense is very much appreciated.

Sincerely,

*William K. Bohm*  
William K. Bohm

PRINCIPAL OFFICIALS RESPONSIBLE  
FOR THE ADMINISTRATION OF ACTIVITIES DISCUSSED  
IN THIS REPORT

Tenure of office  
From                      To

DEPARTMENT OF DEFENSE

SECRETARY OF DEFENSE:

James R. Schlesinger	July 1973	Present
William P. Clements (acting)	May 1973	July 1973
Elliot L. Richardson	Jan. 1973	May 1973
Melvin R. Laird	Jan. 1969	Jan. 1973
Clark M. Clifford	Mar. 1968	Jan. 1969

DEPUTY SECRETARY OF DEFENSE:

William P. Clements	Jan. 1973	Present
Kenneth Rush	Feb. 1972	Jan. 1973
David Packard	Jan. 1969	Dec. 1971
Paul R. Nitze	July 1967	Jan. 1969

ASSISTANT SECRETARY OF DEFENSE  
(MANPOWER AND RESERVE AFFAIRS):

William K. Brehm	Sept. 1973	Present
Carl W. Clewlow (acting)	June 1973	Sept. 1973
Roger T. Kelley	Mar. 1969	June 1973
Alfred B. Fitt	Oct. 1967	Feb. 1969

DEPARTMENT OF THE ARMY

SECRETARY OF THE ARMY:

Howard H. Callaway	June 1973	Present
Robert F. Froehlke	July 1971	June 1973
Stanley R. Resor	July 1965	June 1971

ASSISTANT SECRETARY OF THE ARMY  
(MANPOWER AND RESERVE AFFAIRS):

Donald G. Brotzman	Mar. 1975	Present
M. Donald Lowe	Mar. 1974	Jan. 1975
Paul D. Phillips (acting)	Jan. 1974	Mar. 1974
Carl S. Wallace	Mar. 1973	Jan. 1974
Hadlai A. Hull	May 1971	Mar. 1973
William K. Brehm	Apr. 1968	May 1971

Tenure of office	
<u>From</u>	<u>To</u>

DEPARTMENT OF THE ARMY

## CHIEF OF STAFF:

Gen. Frederick C. Weyand	Oct. 1974	Present
Gen. Creighton W. Abrams	Oct. 1972	Oct. 1974
Gen. Bruce Palmer, Jr. (acting)	June 1972	Oct. 1972
Gen. William C. Westmoreland	July 1968	June 1972

DEPARTMENT OF THE NAVY

## SECRETARY OF THE NAVY:

J. William Middendorf II	June 1974	Present
J. William Middendorf II (acting)	Apr. 1974	June 1974
John W. Warner	May 1972	Apr. 1974
John H. Cafee	Jan. 1969	May 1972
Paul R. Ignatius	Aug. 1967	Jan. 1969

ASSISTANT SECRETARY OF THE NAVY  
(MANPOWER AND RESERVE AFFAIRS):

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James E. Johnson	June 1971	Sept. 1973
James D. Hittle	Feb. 1969	June 1971
Randolph S. Driver	Jan. 1968	Feb. 1969

## CHIEF OF NAVAL OPERATIONS:

Adm. James L. Holloway III	June 1974	Present
Adm. Elmo R. Zumwalt, Jr.	July 1970	June 1974
Adm. Thomas H. Moorer	Aug. 1967	July 1970

## COMMANDANT OF THE MARINE CORPS:

Gen. Robert E. Cushman, Jr.	Jan. 1972	Present
Gen. Leonard F. Chapman	Jan. 1968	Dec. 1971

DEPARTMENT OF THE AIR FORCE

## SECRETARY OF THE AIR FORCE:

John L. McLucas	July 1973	Present
John L. McLucas (acting)	May 1973	July 1973
Robert C. Seamans, Jr.	Feb. 1969	May 1973
Dr. Harold Brown	Oct. 1965	Feb. 1969

ASSISTANT SECRETARY OF THE AIR  
FORCE (MANPOWER AND RESERVE  
AFFAIRS):

David P. Taylor	June 1974	Present
James P. Goode (acting)	June 1973	June 1974
Richard J. Borda	Oct. 1970	June 1973
James P. Goode (acting)	Apr. 1970	Oct. 1970
Dr. Curtis W. Tarr	June 1969	Apr. 1970

	<u>Tenure of office</u>	
	<u>From</u>	<u>To</u>
<u>DEPARTMENT OF THE AIR FORCE</u>		
ASSISTANT SECRETARY OF THE AIR FORCE (MANPOWER AND RESERVE AFFAIRS):		
James P. Goode (acting)	Mar. 1969	June 1969
J. William Doolittle	Apr. 1968	Mar. 1969
CHIEF OF STAFF:		
Gen. David C. Jones	July 1974	Present
Gen. George S. Brown	Aug. 1973	June 1974
Gen. John D. Ryan	Aug. 1969	July 1973

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