



**U.S. Department of Justice**  
**Federal Bureau of Prisons**

**PROGRAM STATEMENT**

OPI: CPD/DSC

NUMBER: 5110.16

DATE: September 13, 2011

## **Administration of Sentence for Military Inmates**

/s/

*Approved:* Thomas R. Kane

Acting Director, Federal Bureau of Prisons

### **1. PURPOSE AND SCOPE**

To implement the current agreement between the Bureau and the U.S. Army in which the Bureau agreed to accept a certain number of military inmates. The Army will receive inmates from the other branches of the military for transfer into Bureau custody as part of that agreement.

Consistent with that agreement, this Program Statement provides instructions for administering sentences for military inmates, including:

- Forfeiture and restoration of Military Good Time (similar to Federal Statutory Good Time).
- Recommendation for the award or disallowance of Military Abatement Good Time (similar to Federal Good Time Record).

#### **a. Summary of Changes**

*Policy Rescinded*

P5110.14 Administration of Sentence for Military and Coast Guard Inmates (1/7/00)

The term “the Bureau” was replaced with the Designation and Sentence Computation Center (DSCC) or Unit/Case Management as appropriate. The DSCC was added to the routing and referral process where necessary.

The term “and Coast Guard” was deleted from the Program Statement, as Coast Guard inmates are covered under the agreement with the Army as “military inmates.”

The “Release and Supervision” section was updated to reflect current Department of Defense regulations that allow military inmates to be supervised by the U.S. Parole Commission.

b. **Program Objectives.** Expected results of this program are:

- Sentence computations for military sentences will be accurate.
- Military inmates will receive the same discipline and treatment as other Bureau inmates.

c. **Definition.** The term “military inmate,” as used in this Program Statement, refers to all military inmates received from the U.S. Army pursuant to the current agreement, regardless of Service affiliation (this includes the Coast Guard).

## 2. ACCEPTANCE AND DESIGNATION

Referrals of military inmates for acceptance into Bureau custody are made to the Designation and Sentence Computation Center (DSCC) Team responsible for the Military Court of Jurisdiction (COJ).

## 3. TREATMENT AND DISCIPLINE

Military inmates transferred to Bureau custody are subject to the same treatment and discipline as other Bureau inmates (Title 10 U.S.C. § 858).

## 4. SENTENCE COMPUTATION

Military sentence computations are provided by the Records Office, U.S. Army Disciplinary Barracks, Fort Leavenworth, Kansas. The DSCC must accept the sentence computation provided by military authorities, and refer suspected errors, or challenges to the sentence computation by the inmate, to the military Records Office for resolution.

Since the Bureau must accept a sentence computation provided by the military, a manual Good Time Record form (BP-A0380) is not maintained for military inmates.

a. **Military Good Time (MGT).** A Discipline Hearing Officer may recommend forfeiture, disallowance, or restoration of MGT.

Unit/Case Management staff forward recommendations concerning MGT to military authorities when reports are generated for clemency reviews. If any action occurs as a result of the recommendation, military authorities recompute the sentence and provide a copy to the DSCC.

Unit/Case Management staff forward a recommendation for forfeiture, disallowance, or restoration of MGT received after the last clemency review to the appropriate military authority, and provide a copy to the DSCC.

b. **Military Abatement Good Time (MAGT)** is an award from the military for work performance. Unit/Case Management forwards any such recommendation to the military authority in the same manner outlined above.

## **5. CLEMENCY**

Military inmates continue to be eligible for clemency consideration from their respective branches of service. The Bureau honors clemency actions and subsequent sentence recomputations issued by military authorities.

## **6. RELEASE AND SUPERVISION**

In accordance with Title 28 C.F.R. § 2.35(d), military inmates who committed their crimes on or after August 16, 2001, and are mandatorily released through good time deductions will be supervised by the U.S. Parole Commission (USPC) until the expiration of the sentence imposed, unless the USPC finds case-specific factors illustrating that such supervision is inappropriate. Questions Regarding the supervision of those individuals should be directed to the USPC.

A 180-day date is not applicable and must not be entered on the computation.

The U.S. Probation Office in the district of release supervises any inmate released by action of the USPC.

Military inmates released on parole or those who are subject to supervision until the expiration of their sentences are subject to the same USPC rules and regulations as Federal inmates.

## **REFERENCES**

### *ACA Standards*

- American Correctional Association Standards for Adult Correctional Institutions, 4<sup>th</sup> Edition: 4-4097, 4-4102, 4-4226, and 4-4461.
- American Correctional Association Performance-Based Standards for Adult Local Detention Facilities, 4<sup>th</sup> Edition: 4-ALDF-3A, 4-ALDF-3A-01, and 4-ALDF-5C-12.
- American Correctional Association Standards for Administration of Correctional Agencies, 2<sup>nd</sup> Edition: 2-CO-1E-05 and 2-CO-1F-07.

### *Records Retention*

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on Sallyport.