



DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT POLK
6661 WARRIOR TRAIL, BLDG 350
FORT POLK, LOUISIANA 71459-5339

REPLY TO
ATTENTION OF:

AFZX-JA

AUG 21 2015

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Garrison Policy Memorandum #5 - Utilization of Alternate Confinement Facilities

1. References.

- a. Army Regulation (AR) 190-47, The Army Corrections System, 15 June 2006.
- b. Fort Polk Contract #W9124E-14-D-0002, Inmate Confinement Services, 2 July 2014.
- c. Memorandum of Understanding (MOU) Between Barksdale Air Force Base and Fort Polk, 14 February 2013.
- d. Memorandum, HQDA, Army Corrections Command, 11 June 2014, Transmittal of Request for Waiver to Local Jail Contract Requirements of AR 190-47.

2. Purpose. To clarify the circumstances under which the Beauregard Parish Sheriff's Office (BPSO) may be used to detain soldiers.

3. Background.

- a. Army Regulation 190-47 requires segregation of military prisoners based upon various classifications (e.g. rank, pretrial/post-trial, sex, military/civilian). Fort Polk sought waiver of such requirements, and it was determined by Army Corrections Command (ACC) that waiver of the requirements of AR 190-47 was not required since the applicable contract and the Beauregard Parish Jail meet the requirements of the AR.
- b. Contract Number W9124E-14-D-0002 sets forth the conditions by which the Beauregard Parish Jail may provide services to Fort Polk. Specifically, the Performance Work Statement (PWS) states that the primary source for confinement is Barksdale Air Force Base (Barksdale), and the contract with the BPSO "will only be utilized when the primary mandatory source is unable to fulfill confinement requirements." The term confinement requirements is undefined within the contract and within the Memorandum of Understanding between Barksdale and Fort Polk.

4. Policy. According to the terms of the contract, Barksdale is the primary mandatory source for confinement. Consequently, Barksdale will continue to be utilized for Fort Polk's confinement needs in most circumstances. However, since confinement requirements are not defined by the referenced contract, it provides a prisoner's chain of

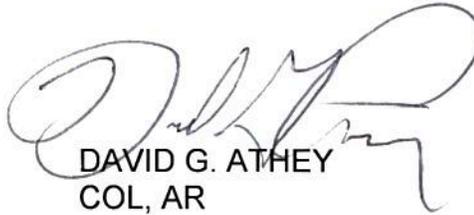
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SUBJECT: Garrison Policy Memorandum #5, Utilization of Alternate Confinement Facility

command discretion as to which facility to use when mission requirements necessitate the use of an alternate confinement facility (i.e., BPSO under the current contract). The alternate confinement facility should not be used simply for the convenience of the prisoner's Command. There must be the existence of military necessity, beyond mere convenience as determined by the prisoner's chain of command. Such a determination will be made on a case-by-case basis through consideration of factors such as: a prisoner's travel time; time away from the confinement facility in conjunction with medical appointments; meeting(s) with legal counsel; and, trial and hearing dates, among any other relevant factors. If a prisoner will be returned to Barksdale with less than eight hours opportunity for rest, it shall be conclusive that military necessity requires the use of the alternate confinement facility. In the event a prisoner's chain of command determines use of the alternate confinement facility is appropriate, a Memorandum for Record (MFR) shall be prepared by the prisoner's Command, and provided to the Mission Installation Contracting Command (MICC) for distribution to the Contracting Officer Representative (COR). The MFR shall briefly describe the necessity for use of the alternate confinement facility and the expected approximate duration of the prisoner's stay at the facility. If there are any questions concerning the applicability of this policy, or if a specific situation merits the use of the alternate confinement facility, a legal review may be sought from the Office of the Staff Judge Advocate. This policy makes no changes to the current contract.

5. Proponent. The Office of the Staff Judge Advocate is the proponent for this policy.

6. This policy will remain in effect until superseded or rescinded.



DAVID G. ATHEY
COL, AR
Commanding

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