

**OFFICE OF THE STAFF JUDGE ADVOCATE**

**FORT POLK, LOUISIANA**

**ESCORT RESPONSIBILITIES**

**POC: CRIMINAL LAW DIVISION**

**531-4405/0626/0627/0628**

\* Escort must be senior in rank to accused, and at least a CPL

\* Unarmed unless there are special circumstances

\* Duties include ensuring that the soldier makes scheduled appointments, ensuring the soldier is guarded at all times, transporting prisoners to and from confinement facilities in a military vehicle, in-processing soldiers into confinement facilities, and notifying the Civil Liaison Office of the results of any hearings.

\* See attached memorandum for guidance.

**DEPARTMENT OF THE ARMY**  
**HEADQUARTERS, JOINT READINESS TRAINING CENTER AND FORT POLK**  
**OFFICE OF THE STAFF JUDGE ADVOCATE**  
**FORT POLK, LOUISIANA 71459**

AFZX-JA-MJ (340d)

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Duties and Conduct of Escorts for Accused Soldiers at Courts-Martial and other Military Judicial Proceedings

1. REFERENCES:

- a. Manual for Courts-Martial (1995 Edition).
- b. Uniform Code of Military Justice, Art. 96 (Suffering a Prisoner to Escape Through Neglect)
- c. Rule for Courts-Martial, 502(e).

2. RESPONSIBILITIES AND DUTIES:

a. Unit

(1) Units are responsible for appointing escorts for assigned or attached soldiers facing courts-martial or other military judicial proceedings (e.g., Article 32 investigations, magistrate hearings, approved TDS appointments, etc.). An escort and driver should be appointed as soon as the unit is notified of the date of the court-martial or judicial proceedings.

(2) All escorts must be senior in rank to the accused, and shall not be lower in rank than corporal. Specialists may not serve as escorts.

(3) Drivers must be reliable, mature soldiers of any rank.

(4) The unit commander will provide specific guidance to the escort and driver as to what their duties are, and will ensure that they have read this policy memorandum and are given a copy of it.

(5) Neither the escort nor the driver will be armed unless they are military police (MPs).

(6) The unit commander may request that armed MPs be appointed as escorts and drivers in the following cases:

(a) Where the soldier has been placed in pretrial or post-trial confinement;  
and

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- (b) the soldier has been convicted of or charged with a violent crime; or
- (c) the soldier is deemed a flight risk.

(7) The following procedures will be followed to request the appointment of MPs as escorts and drivers:

(a) The unit commander will submit a written memorandum through his battalion commander to the Provost Marshal (PMO) requesting the appointment of MPs.

(b) The memorandum will provide specific reasons for believing the soldier is violent or a flight risk.

(c) The battalion commander will review the request and forward it to the PMO by first endorsement only if he or she believes that the unit will not be able to provide adequate escorts. The endorsement will specify in detail why the appointment of MP escorts is necessary.

(d) Disputes between the PMO and the battalion commander over whether or not MPs will be appointed as escorts will be resolved by the first colonel (O6) in the MP chain of command. His or her decision is final.

b. Escorts and drivers.

(1) DUTIES IN GENERAL: Accused Soldiers and Prisoners. Pursuant to the references in paragraph I above, the failure of escorts and drivers to properly perform their duties may be punished as violations of the UCMJ. Escorts and drivers are responsible for the following duties:

(a) Ensure that the accused or prisoner soldier is brought to the court-martial facility or other designated location on time for his or her court-martial, judicial proceeding, or legal appointment.

(b) Ensure the soldier is guarded at all times.

(c) Escort the soldier only to those locations specifically designated by the unit commander or Trial Counsel.

(d) Transport prisoners in pretrial confinement to and from confinement facilities, using a military vehicle.

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(e) In-process the soldier into the confinement facility.

(f) After a court-martial, magistrate hearing, or pretrial confinement determination, notify

(2) PRETRIAL DUTIES: FOR PRISONER ESCORT

(a) Upon appointment to escort a soldier who is currently confined, in pretrial confinement (prisoner) escorts and drivers will coordinate with the Provost Marshal Office (PMO) for a briefing on prisoner security and how to transport and in-and-out process prisoners at the confinement facility. The briefing will be conducted by the NCOIC, Civil Liaison, or his designee, at Building 4918. The phone number is 531-6339/6812.

(b) Escorts will obtain hand irons and leg irons from Civil Liaison.

(c) Prisoners being transported from pretrial confinement will be placed in both hand irons and leg irons. The irons will not be removed until the prisoner is brought into the courtroom or other designated facility, except that if the defense counsel wishes to see the prisoner at the Trial Defense service (TDS), the hand irons only may be removed in the escort's discretion.

(d) While in the courtroom, the prisoner will not be in irons, unless the military judge directs otherwise.

(e) Escorts will accompany the prisoner everywhere he or she goes prior to trial. If the prisoner is with his or her defense counsel the escort should ensure their privacy, but may not at any time leave the prisoner alone with defense counsel unless he or she is in leg irons.

(3) DUTIES DURING TRIAL: ACCUSED SOLDIERS AND PRISONERS

(a) The escort will be in the courtroom/hearing facility during all sessions of court/hearing.

(b) The driver will remain outside the courtroom/hearing facility by the front door.

(c) The escort will accompany the accused everywhere the accused goes. If the accused needs to use the latrine the escort will go in with him or her. If the escort

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is not the same sex as the accused, the escort will ensure that there is no way the accused can exit the latrine without the escort knowing, and then the escort should wait at the door.

Accused soldiers who were in pretrial confinement (prisoners) will be placed in leg irons prior to using the latrine.

(d) During all trial/hearing recesses the escort will stay with the accused.

(e) If the escort requires a comfort break the driver will be used to temporarily perform escort duties. The driver will adhere to all guidelines provided to the escort.

(4) DUTIES SUBSEQUENT TO TRIAL, WHEN THE ACCUSED IS CONVICTED AND RECEIVES JAIL TIME

(a) At the conclusion of the trial the prisoner will be placed in leg irons before he or she is allowed to leave the building.

(b) The escort will coordinate with the Trial Counsel to receive the Confinement Order (DD Form 497) and results of Trial.

(c) The escort and the driver will accompany the prisoner everywhere he or she goes. The escort will not permit the prisoner to leave his or her sight. However, the prisoner will be permitted to consult with defense counsel in such a manner as to ensure the absolute privacy of their conversations.

(d) The leg irons will not be removed until the confinement facility signs for the accused. The Trial Counsel and/or the prisoner's commander may grant exceptions to this provision.

(e) Upon completion of the court-martial the escort will contact Civil Liaison at 531-6339/6812 to notify the personnel there of the confinement order and to receive further; guidance on in-processing the accused into post-trial confinement. Civil Liaison personnel will provide the specifics of how and where to in-process the accused into confinement.

(f) If the court-martial ends after duty hours the escort should call PMO at 531-2677 and request to be put in contact with Civil Liaison personnel.

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(g) After the prisoner has been delivered and is in-processed into the confinement facility, the escort will return the hand and leg irons to Civil Liaison and retrieve his or her hand receipt (s).

(5) DUTIES SUBSEQUENT TO TRIAL WHEN THE ACCUSED IS ACQUITTED OR NOT SENTENCED TO CONFINEMENT

(a) The escort will coordinate with the Trial Counsel to receive the results of trial.

(b) The escort and driver will remain with the accused until the accused is returned to the unit and they are relieved from their duties by the commander or his or her delegate.

(c) Leg irons and hand irons will not be used on the accused.

(d) The escort will contact Civil Liaison personnel or PMO office, if after duty hours (see paragraphs b (4) (e) and (f) above), and notify them of the results of trial.

(e) The escort will return the hand and leg irons to the PMO and retrieve his or her hand receipt (s).

(6) ESCAPES

(a) It is a violation of the UCMJ, Article 96, to negligently allow a prisoner to escape. Allowing an escape may also amount to a violation of the UCMJ, Article 92, dereliction of duty.

(b) Soldiers being transported to or from the confinement facility will be kept in leg irons at all times except for court-martial sessions.

(c) In the event of an escape attempt, deadly force will not be used by the escort or driver except to prevent the accused from using deadly force.

(d) All other measures short of deadly force may be used to prevent escapes.

d. Appointments for confined soldiers (prisoners).

(1) Prisoners who are in confinement for any reason

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will normally not be brought out of confinement except to appear at courts-martial, pretrial confinement hearings, magistrate court hearings, or Article 32 investigations.

(2) Prisoners in confinement will not be brought out of confinement for counsel appointments without the prior approval of the company commander and notification to the Chief of the Military Justice Division.

(3) When a prisoner is temporarily released from confinement for an appointment, he or she will be escorted directly to the appointment and, upon its completion, will be returned directly to the confinement facility. No deviations will be permitted without the authorization of the company commander or the Chief of Military Justice. The soldier will be kept in leg irons at all times.

3. POINT OF CONTACT. Questions concerning this Policy Memorandum should be directed to the Chief or NCOIC of the Military justice Division, Office of the Staff Judge Advocate, Building 407, Fort Polk, LA. The telephone number is 531-0233/1575/4265.

FOR THE COMMANDER:

*/Original Signed/*  
MICHAEL V. CHURCH  
Colonel, GS  
Deputy Commander

DISTRIBUTION:

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**DEPARTMENT OF THE ARMY**

91st Military Police Detachment

519th Military Police Battalion

Fort Polk, Louisiana 71459

AFZX-PM-CL

1 January 1999

**MEMORANDUM FOR RECORD**

**SUBJECT: Escort Responsibilities**

1. This memorandum explains prisoner escort responsibilities. After reading these responsibilities, the escort will sign this memorandum acknowledging the fact that he/she understands his/her responsibilities.

**2. RESPONSIBILITIES:**

a. You will escort the prisoner from Vernon Parish Sheriff's Office (VPSO) to the prearranged location and back to VPSO. All other stops are unauthorized unless approved by the unit commander and the Civil Liaison Office.

b. IAW AR 190-47, the prisoner must remain in hand and leg restraints at all times when they are outside the jail. The only person who may instruct the escorts to remove the restraints are a medical officer when they interfere with treatment, judge during official judicial proceedings, or the IDF Officer.

c. You will not allow the prisoner access to any morale support activities, such as the PX, a shopette, the bowling alley, Class VI stores, etc..

d. You will not allow the prisoner to take any controlled substance other than doctor prescribed medication. This includes alcohol.

e. You will not allow the prisoner to take items back to VPSO unless the Civil Liaison Office first clears such items. Consumable items are prohibited.

f. Prisoners cannot possess their ID card, unit property, more than \$20.00, or important papers.

g. You will ensure that the prisoner is provided a meal if the prisoner is kept out during normal meal times. The only authorized eating facility, other than the prisoner's unit dining facility, is a military dining facility. If beyond DFAC operating hours, you are authorized to utilize the drive-thru service of a commercial restaurant. This should be a last resort in instances where there is no other reasonable way to feed the prisoner.

h. If the prisoner escapes or any other emergency arises, you will immediately notify, in this order, the military police desk at 531-2227 or 531-2677, the Civil Liaison Office at 531-6339 or 531-6812, and your unit.

i. You will transport the prisoner in a military vehicle. You must have another person from your unit to be the driver of the vehicle.

j. You will maintain contact with the prisoner at all times. At no time will you allow someone to pass between the prisoner and yourself.

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k. You will not transfer your responsibilities as prisoner escort without prior approval from the Civil Liaison Office.

l. You will ensure that the prisoner is returned to VPSO by 1600 hours. Extensions to this time are granted by the Civil Liaison Office on a case by case basis. Wednesday from 1300-1400 hrs, is the weekly visiting hour. VPSO strongly discourages prisoners being signed out or signed in during this time frame.

3. ADDITIONAL INFORMATION:

a. Should the prisoner you are escorting escape because of neglect on your part you could be charged with Suffering a Prisoner to Escape Through Neglect, Article 96, UCMJ.

b. Should you negligently, willfully, or through culpable inefficiency fail to carry out your responsibilities as a prisoner escort you could be charged with Dereliction in the Performance of Duties, Article 92, UCMJ.

c. Leg irons and handcuffs are available from the Civil Liaison Office. You must use these items while escorting the prisoner. Unauthorized removal of the restraints may result in you being charged with Dereliction in the Performance of Duties, Article 92, UCMJ.

4. If you have any questions, feel free to ask them at this time. If you are escorting a prisoner and you have a question, call the Civil Liaison Office at 531-6339/6812. Call the MP Desk at 531-2677/7227 if you cannot reach the Civil Liaison Office.

*/Original Signed/*  
JASON R. ROBBINS  
SGT, USA  
Civil Liaison/IDF, NCOIC

I have read and understand the above listed responsibilities. I accept full responsibility for the prisoner.

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(Escort's Printed Name)

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(Signature of Civil  
Liaison Personnel)

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(Escort's Signature)

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