

Chapter 3

Custody and Control

The Army correctional system's mission of confining military prisoners is accomplished by maintaining prisoners in custody and under control. Maintaining custody and control are basic functions for every confinement or correctional facility. Facility personnel achieve and maintain custody and control of prisoners by employing a number of custody and control measures. Prisoners are subject to custody and control measures 24 hours a day in all aspects of their lives in confinement, both inside and outside the facility.



CUSTODY MEASURES

To maintain custody, limits are placed on prisoners' freedom of movement. Custody is maintained within a facility by the presence of guards, walls, fences, protective lighting, alarms, and locking devices. Custody is maintained outside a facility by the presence of guards or supervisors. Custody of prisoners who have been designated as installation parolees is maintained by the conditions placed on their parole agreement.

CUSTODY GRADES

To help maintain custody, each prisoner is assigned a "custody grade." Custody grades designate the degree of supervision required to control the prisoner's movements. The facility commander or his representative assigns custody grades to prisoners based on their status; signs of emotional disturbance and instability; history of escape, drug addiction, or violence; and access to sensitive material. Custody grades are assigned with the minimum level of control necessary in mind. A prisoner's custody grade may be changed at any time. Reclassification is based on continual observation and evaluation of the prisoner. Each prisoner is promptly advised of his custody grade and the amount of supervision that he will receive. At the USACA, for example, each

incoming prisoner is automatically assigned a specific custody grade for a certain period of time. During that time, the correctional staff observes and evaluates the prisoner's behavior. At the end of the period, the staff reviews the prisoner's behavior and, based on this review, assigns the prisoner an appropriate custody grade.

The four custody grades that are assigned to prisoners are installation parolee, minimum custody, medium custody, and maximum custody. Installation parolees require no custodial supervision. They are prisoners who have responded well to their correctional treatment programs. They also have shown that they can be trusted if given greater freedom. Installation parolees may be assigned to quarters outside the enclosed portion of the confinement facility. They also may be allowed to work and train within the specific limits of the military reservation without guards or supervisors. Minimum custody prisoners require little custodial supervision. They are allowed to move within the facility with little supervision. They are considered sufficiently dependable to be employed or trained outside the confinement facility. Minimum custody prisoners are quartered in the less secure housing units

within the facility. Medium custody prisoners require continuous supervision, but they are seldom considered a threat to life, limb, or property. They are usually employed inside the facility. When employed outside the facility, a ratio of not more than three prisoners to one unarmed guard is used. Medium custody prisoners are quartered within the facility in secured quarters. Maximum custody prisoners require constant close supervision. They are not allowed to move about without an escort. They are potential escapees or exhibit behaviors of a dangerous, troublemaking nature. They are employed only inside the facility.

The corrections NCOs ensure that prisoner movements are orderly, punctual, and well supervised. Inside a facility, prisoners usually move in mass or in groups to and from activities, such as work, meals, and recreation. At times it is necessary to allow individual prisoners to move about the facility without a guard. But custody measures can be developed to accommodate this need. For example, if a facility has a sufficient number of prisoners and its physical layout so allows, the facility commander may set up a pass system. Passes provide a means of checking a prisoner's activities in case there is an incident that involves him. Requests for passes are made in advance. A prisoner receives his pass at a start point and carries the pass on his person at all times. At each checkpoint, a guard records the event in ink on the pass, including the time, the place, and the guard's initials. The pass is collected when the prisoner returns to the start point. The pass is filed in the administrative section for 60 days.

For movements involving female prisoners, female guards should escort female prisoners. If a female prisoner being moved is a security risk, a male guard may accompany the female guard. When this is the case, the male guard only comes in contact with the prisoner or the female guard when his help is needed. If female guards are unavailable, two male guards may escort a

female prisoner. But both guards must stay with the prisoner at all times. Movements involving two male guards and a female prisoner should be limited to emergency movements for short distances or times. Security precautions for such movements must be modified to accommodate the prisoner's sex.

ADMINISTRATIVE SEGREGATION

Sometimes specific prisoners must be separated from the larger population for more intense custodial supervision. Facility commanders may authorize the segregation of prisoners, either individually or by groups. Such segregation may be done for the good of the segregated prisoner or for the good of the larger population.

Prisoners may be placed in administrative segregation for a number of reasons. They may be segregated as a protective measure or for medical reasons. Or they may be segregated because of homosexual behavior or to await the results of an investigation.

Segregated prisoners are placed in "close confinement." Prisoners in close confinement are subject to increased supervision. They are escorted whenever they must leave their cells. And they are quartered in cells especially set aside for this purpose. Close confinement quarters must be adequately lighted, heated, and ventilated. The quarters must measure at least 6 feet wide, 8 feet long, and 8 feet high. Solid doors are used only when they are needed to keep noisy prisoners from disturbing others. Sleeping accommodations are elevated from the floor.

Administratively segregated prisoners usually are allowed the same food and privileges as prisoners who are not in close confinement. But modifications may be required by considerations of health, welfare, control, and availability of facilities. Prisoners in close confinement are allowed the same amount of clothing as other prisoners. They are allowed sufficient covers

for warmth during sleeping hours. And they may have a Bible or other religious book appropriate to their faith. But a segregated prisoner might be deprived of his bedding or clothing if the facility commander placed the prisoner in close confinement because of the prisoner's suicidal intent. In such a case the clothes would be removed to prevent injury.

Prisoners placed in administrative segregation may be kept in close confinement either 24 hours a day or only at night. They must receive at least 30 minutes of exercise daily. And they can be used on employment projects if such work is consistent with control procedures and the purpose of their segregation.

CONTROL MEASURES

To maintain control, limits are placed on prisoners' actions and behaviors. Control is invoked by the correctional staffs insistence on a state of order and military discipline among the prisoners. Control is sustained by the carrying out of a system of routines in the daily lives of the prisoners. For example, prisoners are routinely required to provide a daily display of their clothing, equipment, and health and comfort supplies. Control is reflected in the disciplined appearance, bearing, and conduct of the prisoners and by their prompt obedience to rules, regulations, and orders.

DISCIPLINARY MEASURES

Disciplinary measures may be imposed on prisoners to correct deviant behavior and to protect other prisoners, the staff, and government property.

For example, prisoners may be placed in disciplinary segregation as punishment for offenses they have committed in the facility. These prisoners have shown that they need stricter disciplinary control than other prisoners do. Prisoners are medically cleared before they are placed in disciplinary segregation. And disciplinary segregation should not exceed 15 consecutive days for any one application of the measure. Prisoners in disciplinary segregation, like those in administrative segregation, are quartered in close confinement cells and are subject to all of the restrictions that go with close confinement. In addition they are also subject to further restrictions. Their reading materials are restricted, but, as a minimum, they may have a Bible or other appropriate

religious reading material. They may not be employed. The only work allowed to them is the cleaning of their own quarters. They receive at least 30 minutes of exercise each day, but only as long as their behavior is manageable. And hand irons or other restraining devices may be used during movement within the confinement or correctional facility. When a guard escorts a prisoner who is in disciplinary segregation, the guard stays to the rear of the prisoner and accompanies the prisoner at all times. For more information on the types of and procedures for administrative disciplinary measures, *see AR 190-47*. Guards must inspect prisoners in close confinement for disciplinary segregation at least hourly; every 15 minutes if the prisoner is considered suicidal. For more information on inspections of prisoners in close confinement, *see Chapter 6*.

Abusive measures are not imposed in the Army's correctional system. Cruel or unusual punishment, like wearing a ball and chain or being tattooed or flogged, has no place in Army discipline. Prisoners are not disciplined by being deprived of medical aid, food, clothing, shelter, or the opportunity for personal hygiene equal to that of their fellow prisoners. Nor are they disciplined by being subjected to physical or emotional stress or even make-work laboring. Such disciplinary measures are prohibited in the Army correctional system.

Corrections NCOs are alert for indications of impending problems in maintaining control and discipline. And they take measures to eliminate factors that can

promote problems. For example, prisoners cannot be permitted to harass the facility staff. Such behavior violates discipline and reduces control. Prisoners may try to convince a guard to change a decision or an order with bluster, threats, or cajolery. This is especially common when a guard is inexperienced. Prisoners, sensing this situation, try to take advantage of it. The corrections NCO issues firm, decisive orders in a positive tone to minimize such harassment. But sometimes prisoners deliberately create problems to harass guards. Or they express their resentment of confinement through profane or abusive language directed at guards and the facility. This type of language is not tolerated. (Profane or abusive language is considered a separate form of harassment because of the degree of self-control and restraint that a guard must exercise on such occasions.)

The imposition of disciplinary measures often begins with a disciplinary report written by a corrections NCO. A disciplinary report is written in an objective manner. It presents a detailed summary of an incident in which a prisoner violates discipline. It addresses the pertinent facts of who, what, where, when, why, and how.

When a facility commander receives a disciplinary report on a prisoner he has several options at his disposal. He can reduce the report to a memorandum of record. He can refer the prisoner for counseling. He can refer the case to a discipline and adjustment board. Or he can recommend action under the UCMJ.

A D&A board evaluates facts and circumstances that relate to the alleged violations. Because a D&A board is an informal fact-finding body, formal rules of evidence and procedure can be waived. But the board must use some form of due process during its proceedings. Whenever possible, the prisoner is given written notification of the charges at least 24 hours before the board convenes. The prisoner may confront accusers, cross-examine witnesses, and present evidence. He is allowed to be present

during all open sessions of the board. He also has protection against self-incrimination.

Unlike courts-martial, only substantial evidence is needed to support a D&A board's findings. To find a prisoner guilty, the board's vote must be unanimous. A D&A board may recommend any of the following administrative, disciplinary, or management actions:

- A reprimand.
- A warning.
- Extra duty.
- Deprivation of privileges.
- Disciplinary segregation.
- Forfeiture of accrued good-conduct time.
- Reduction in custody grade.
- Trial by court-martial.

Depending on the degree of discipline that the board decides is appropriate, it may either take action itself or make recommendations to the approval authority. For information on specific administrative disciplinary measures, see *AR 190-47*.

At IDFs, the facility commander may perform the function of a D&A board. At the USACA, this authority may also be delegated to a unit commander. At the USDB, a prisoner can request a three-person D&A board consisting of two officers and one NCO (staff sergeant or higher). The USDB D&A board is strictly advisory in nature, providing recommendations to the commandant. At the USDB, the prisoner can consult with an attorney before a D&A board hearing. But the USDB is the only ACS facility resourced to provide the prisoner with legal advice for a D&A board hearing. Prisoners can appeal any punishment, including minor punishments and forfeiture of good-conduct time.

EMERGENCY MEASURES

Each confinement facility provides for the safe custody and maintenance of control of prisoners during emergencies like fires, escape attempts, or other disturbances. Formal plans are developed and periodically reviewed to ensure that they are complete and

that the information contained in them is current. The plans stipulate the actions to be taken during emergencies. For example, the plans include measures to apprehend escaped prisoners. And they also include actions to be taken in the event of fire or a prisoner disorder, riot, or hostage situation. For a sample emergency plan, *see Appendix B*.

Each confinement facility maintains a guard reserve that is mobilized in the event of an emergency. The guard reserve may be composed of guards who are off duty or in a standby status. Or it may be composed of administrative personnel, soldiers from other units on the installation, or a combination of these. The guard reserve trains and practices to ensure it can carry out the facility's emergency plans.

Escapes may occur at a facility if there are deficiencies in physical facilities, personnel, or both. The proper training of custodial and guard personnel and a continuous review of physical facilities and restraints can prevent or greatly reduce the possibility of escapes. To this end, the facility commander ensures that the facility is sufficiently staffed and trained to perform the mission. Through experience, the facility staff learns to recognize the symptoms and triggering situations associated with escape-attempt behaviors. They learn when and how to take preventive action. Escape behavior may be triggered by bad news from home, harassment by guards, or pre-release anxiety. Correctional

supervisors watch for signs of staff inexperience, apathy, overfamiliarity, or brutality that promote prisoner unrest.

Disturbances among prisoners may take the form of minor disorders, major disorders, or full-scale riots. Disorders and riots may be spontaneous. Or they may be organized diversions for escape attempts or to emphasize grievances. Disturbances may take the form of demonstrations, hunger strikes, work stoppages or slowdowns, or destruction of property.

The way that a facility staff handles disorders determines whether a minor disorder is brought under control or grows to major proportions. Prisoners involved in a disturbance must be dispersed so that they cannot function as a cohesive group. Once dispersed, participants must be prevented from rejoining the disturbance. And ringleaders must be identified, isolated, and removed from the disturbance as soon as possible.

Guards must know where disturbances are likely to occur. The most likely places for disturbances are places where prisoners congregate in numbers. These places include the dining facility, the cellblocks, the recreation field, the gymnasium, building entrances, the library, and the chapel. Guards assigned to these areas are especially watchful for troublemakers and for gatherings of small groups.

CUSTODY AND CONTROL MEASURES DURING TRAVEL

The movement of prisoners from one place to another outside the facility offers prisoners their best opportunity for an escape attempt. The use of established and stringent custody and control measures reduces the likelihood of this occurring. Procedures and techniques for the movement of prisoners may be modified as needed by the facility commander or the commander who is directing the movement. But the guards' alertness to duty and their adherence to proven procedures and techniques are essential.

When a prisoner is being placed in temporary confinement, the prisoner's unit is responsible for escorting the prisoner to the confinement facility. The unit is responsible for ensuring that the escort guards are qualified for escort duty, including weapons use when needed. The unit also ensures the guards are properly briefed on the use of force.

The number of guards required for each type of movement depends on the number of prisoners to be moved and the custodial supervision required. If a prisoner is a

potential security risk, the guards are armed. Armed guards are always careful to keep their weapons on the side away from the prisoner.

Prisoners may be placed in hand irons at the discretion of the movement commander. However, handcuffing procedures must be established to ensure that troublemakers, prisoners who exhibit abnormal behavior, and escapist are not handcuffed to each

other. Prisoners must not be handcuffed to fixed objects during transportation. Each prisoner is frisk searched before leaving the facility. A DD Form 629 (Receipt for Prisoner or Detained Person) is signed for every prisoner escorted out of the facility. Prisoners are moved by foot when the distance involved is short enough to justify this method or when other means of transportation are not available.

RECEIPT FOR PRISONER OR DETAINED PERSON		
RECEIVED FROM (Unit or Agency and Station) Area Confinement Facility, Fort Blank, AL 36226	TIME 1000	DATE 15 Mar 83
LAST NAME - FIRST NAME - MIDDLE INITIAL AWNS, Robert J.	SERVICE NUMBER/SSN 111-22-3333	GRADE E1/PVT
ORGANIZATION 25th Trans Company	STATION Fort Blank, AL 36226	
OFFENSE ART 86, AWOL		
PERSONAL PROPERTY On person		
REMARKS Prisoner to be returned prior to 1600 hrs, 15 Mar 83.		
NAME AND TITLE OF PERSON RECEIVING ABOVE INDIVIDUAL (Typed or Printed) JOHNSON, James R., First Sergeant	SERVICE NUMBER/SSN 444-55-6666	GRADE SFC
RECEIVING UNIT OR AGENCY AND STATION 25th Trans Co., Fort Blank, AL 36226	SIGNATURE <i>James R. Johnson</i>	

DD FORM 629 EDITION OF 1 MAR 52. IS OBSOLETE.

Example of DD Form 629

MOVEMENT BY MOTOR VEHICLE

Prisoners are moved by motor vehicle when the distance involved is great enough to justify this method and vehicles are available. If it is possible, the route of travel is checked before the trip. Two guards and a driver are assigned to each vehicle. One of the guards is armed. The escort guards search each vehicle before the prisoners board. Any search method may be used as long as it is thorough. Items that could be used as weapons are removed. When a four-door

vehicle is used, the inside handles of the rear doors are removed if it is considered necessary and practical. The driver is briefed thoroughly before the prisoners are loaded. The vehicle is positioned near the exit through which the prisoners are to come, but away from crowds and heavy traffic.

MOVEMENT BY RAIL

When prisoners are moved by train, enclosed accommodations or compartments are used for day and night travel. When such

accommodations are not available, coach class and standard sleeping cars are authorized.

Two guards, one armed and one unarmed, usually escort one prisoner during a movement by rail. For overnight travel, two guards are always assigned. The armed guard carries the necessary restraining devices and the keys to those devices. The guard loads his weapon, but does not place a round in the chamber.

The guards select seats that are near, but not at, the end of the car and that are convenient to the bathrooms. The guards seat themselves in such a way that they block the prisoner's avenues of escape. The armed guard keeps his weapon out of the prisoner's reach. If the prisoner must use the bathroom, the unarmed guard accompanies the prisoner to remain in visual contact. The armed guard stations himself outside the bathroom door and enters immediately if there is a sound of a disturbance.

During group movements by train, the guards try to keep contact with the general public to a minimum. Group movements are made in enclosed accommodations, when such accommodations are available, or in a special car or chartered equipment.

MOVEMENT BY AIR

Prisoners are moved by aircraft when this method of transportation is more practical than moving them by train. Prisoners may be transported in military aircraft or in commercial aircraft. The procedures and techniques used to transport the prisoners vary depending on which type of aircraft is used.

To move prisoners on military aircraft, arrangements are coordinated with the local Army, Navy, or Air Force commander who has jurisdiction over the facility that can most economically furnish such aircraft. The aircraft commander is in complete charge of the aircraft and the passengers during the entire flight. The officer in charge of the

prisoner movement is responsible for the security and care of the prisoners and the supervision of the guards. The facility commander at the point of origin advises the commander of the receiving facility of the number of prisoners and the estimated time and place of arrival. Baggage for the prisoners and the guard escort cannot exceed authorized allowances for each person. An additional baggage allowance is authorized for the officer-in-charge to allow him to transfer the prisoners' records.

When traveling by military aircraft, the guards are briefed on the possibility of the prisoners escaping through the aircraft's emergency exits. Procedures governing other services can be found in appropriate Military Airlift Command directives. Maximum custody prisoners are segregated from medium and minimum custody prisoners on the same aircraft. Minimum and medium custody grade prisoners may be transported together. Prisoners in a medical patient status are transferred through military medical evacuation channels. The medical crew director is responsible for supervising the control of the prisoner patients during evacuation by aircraft. Prisoners classified as psychotic are moved in a patient status. Two escorts accompany each maximum custody prisoner during a medical evacuation.

Before the aircraft is loaded, it is inspected for equipment and gear that could be used as weapons. All prisoners are searched before they board. Prisoners are relieved of articles that are considered hazardous to their safety, to the safety of others, and to the aircraft. If aircraft facilities permit, a separate bathroom is designated for the prisoners' use. The locks are removed from the doors, and loose equipment and gear are removed and secured elsewhere. Prisoners remain in their seats at all times except to use the bathroom. One prisoner at a time is escorted to the bathroom. It is not necessary to escort minimum and medium custody prisoners on a military aircraft if they can be kept in sight while they are moving.

To move prisoners by commercial aircraft requires careful coordination and timing. The airline must be notified of the prisoner shipment well in advance. The prisoners are kept out of the public view as much as possible. If possible, the vehicle drives up to the aircraft so that the prisoners can leave the vehicle and board the plane quickly. The guards and prisoners board the aircraft before the other passengers. After boarding, the guards identify themselves to the pilots, the attendants, and the FAA security specialists.

During the flight, all weapons are secured in the pilot's compartment or as directed by an airline representative. Seats are reserved for the prisoners and the guards, preferably to the rear of the aircraft near the bathrooms and away from the exits, including the emergency exits. The guards have the prisoners sit away from the aisle. Airline policies and directives govern the use of restraints on aircraft. It may be permissible to remove restraints after all exits to the aircraft have been secured. Restraints may be used during the flight if the prisoners' conduct constitutes a hazard to the security of the aircraft, the passengers, the crew, or the guards.

When delays occur or when it is necessary to wait for connecting flights, a waiting room or area that is away from the main terminal area is provided for prisoners. The request for a reserved waiting area is made to the airline representative or the station manager. Only those prisoners who are considered custody risks are handcuffed. If the guards cannot provide adequate control over the prisoners during anticipated stops, the guards make arrangements with civil or military authorities to provide additional guards. If an unscheduled stop is required during the flight, the pilot radios the airfield and requests assistance from military, security, or civil police, whichever is appropriate. If an emergency or forced landing has to be made, the guards secure the prisoners. After landing, the pilot dispatches a crew member to ask for help from local military or civil police and to notify the commanders of the receiving and losing confinement facilities of the situation.

Prisoners are usually released at a receiving facility. In some cases, due to transportation schedules, the guards who accompany the prisoners may not have time to take the prisoners to the receiving facility. In such instances, the final transfer of prisoners is made at the airfield.