



DEPARTMENT OF THE ARMY
UNITED STATES ARMY EUROPE
UNIT 29351
APO AE 09014-9351

AEPM

26 June 2018

MEMORANDUM FOR

USAREUR Judge Advocate
Commander, 21st Sustainment Command
Director, IMCOM-Europe

This memorandum expires in 1 year.

SUBJECT: Military Police Support at Court-Martial Proceedings (AE Cmd Memo 2018-031)

1. References.

- a. AR 27-10, Military Justice.
- b. [AE Regulation 27-10](#), Military Justice.
- c. Manual for Courts-Martial, United States (2016 Edition).
- d. U.S. Army Trial Judiciary Rules of Practice Before Army Courts Martial, 1 November 2013.
- e. USAREUR Operation Order 0005-18, FY 18 Community Law Enforcement.

2. Purpose. This memorandum—

- a. Provides guidance on military police (MP) support at courts-martial (CMs).
- b. Establishes the general guidelines for selecting the appropriate MP support for a CM.
- c. Prescribes the administrative actions necessary to request MP support.

3. Criteria.

a. Various factors that the military judge who is to preside over a court deems as “extenuating” determine whether MP support is required at a CM. Those factors may include, but are not limited to, the following:

- (1) The nature and severity of the offense, or extenuating circumstances or details surrounding the case.

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- (2) Media coverage of the case.
- (3) The military judge's anticipation of a volatile environment.
- (4) The criminal or offense history of the trial participants.
- (5) The trial participants' fear for their personal safety.

b. Generally, MP support will not be granted for a summary CM except in rare cases in which the summary-CM officer highly anticipates a volatile situation because of the nature of the trial participants' past offenses. For special CMs and general CMs, MP courtroom support may be requested to provide additional security based on the conditions surrounding the case and the trial participants. The factors in [a\(1\) through \(5\)](#) above help determine whether MP support may be necessary.

4. Support. The director of emergency services (DES) responsible for the location at which a CM will take place will work with the authority requesting MP support to determine how best to support the CM.

a. The level of support should be tailored to each situation and tiered accordingly. If, for example, the perceived threat is minimal, the DES may have MP Soldiers on patrol in the vicinity of the CM to be able to quickly respond to incidents. A larger perceived threat or other factors surrounding a general CM could warrant additional MP Soldiers who are solely dedicated to the trial.

b. If standard physical-security measures cannot provide adequate security to the CM and the DES cannot provide the required support, the DES will request additional support following the procedures in [reference 1e](#).

c. The final decision on the appropriate security coverage rests with the supporting DES.

d. All MP Soldiers providing security during a CM proceeding must be completely unrelated to the case.

5. Requests for Support.

a. Requests for MP support at a CM must be submitted in writing no later than 6 weeks before the CM begins. Requesters must send the request to the DES responsible for the installation on which the CM will convene. The request should be in memorandum format and include at least the following information:

- (1) The names of all participants and their roles in the trial.

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- (2) The location of the CM.
- (3) The dates, times, and expected length of the CM.
- (4) The nature of the offense and the potential length of the sentence.
- (5) A risk assessment that adequately details the necessity for MP support.
- (6) Any credible documented threats to the proceeding or its participants.

b. DESs requesting additional support must do so in accordance with [reference 1e](#).

6. Security. A security plan for the courtroom must be established before the trial to provide supporting MP Soldiers all relevant details for their assignment. The requesting authority should work with the garrison DES and local security personnel to ensure that a physical-security inspection of the courtroom is conducted in advance of the trial using organic assets.

7. POC. The POC for this memorandum is the USAREUR Deputy Provost Marshal at military 537-3921.



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