

Army Regulation 190–55

Military Police

**U.S. Army
Corrections
System:
Procedures
for Military
Executions**

**Headquarters
Department of the Army
Washington, DC
9 September 2019**

UNCLASSIFIED

SUMMARY of CHANGE

AR 190–55

U.S. Army Corrections System Procedures for Military Executions

This expedited revision, dated 9 September 2019--

- o Stipulates that the Secretary of the Army designates the method of execution (para 1–4*a*(2)).
- o Pursuant to Public Law 114–328, updates citations to the Uniform Code of Military Justice (2–1*a*).
- o Stipulates that the Provost Marshal General will analyze protocols for methods of execution, along with other responsibilities (para 3–2).
- o Pursuant to Department of Defense Instruction 5154.30, adds guidance on post-execution forensic pathology investigations (para 4–2).
- o Clarifies that field grade officers or the civilian equivalent will be designated as representatives of respective Headquarters, Department of the Army principal officials to the Execution Management and Coordination Team (throughout).
- o Removes the term “lethal injection” (throughout).

Military Police

U.S. Army Corrections System: Procedures for Military Executions

By Order of the Secretary of the Army:

JAMES C. MCCONVILLE
General, United States Army
Chief of Staff

Official:


KATHLEEN S. MILLER
Administrative Assistant
to the Secretary of the Army

History. This publication is an expedite revision. The portions affected by this expedite revision are listed in the summary of change.

Summary. This regulation establishes responsibilities and updates policy and procedures for carrying out a sentence of death, as imposed by general courts-martial or military tribunal, per the Uniform Code of Military Justice and the Manual for Courts-Martial, United States.

Applicability. This regulation applies to the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated.

Proponent and exception authority. The proponent of this regulation is the Provost Marshal General. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

Army internal control process. This regulation contains internal control provisions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see appendix F).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Army Corrections Command (DAPM–ACC), 150 Army Pentagon, Washington, DC 20310.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Army Corrections Command (DAPM–ACC), 150 Army Pentagon, Washington, DC 20310.

Distribution. This regulation is available in electronic media only and is intended for commanders of the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

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*This regulation supersedes AR 190-55, dated 23 July 2010.

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Glossary

Chapter 1 Introduction

1–1. Purpose

This regulation prescribes policies and procedures for carrying out death sentences imposed by military courts-martial or military tribunals and approved by the President of the United States.

1–2. References and forms

See appendix A.

1–3. Explanation of abbreviations and terms

See the glossary.

1–4. Responsibilities

Only the President of the United States can approve and order the execution of a death sentence, under Article 71(a), Uniform Code of Military Justice and Rule 1207, Rules for Courts-Martial. The Department of Defense Directive 1325.04 appoints the Secretary of the Army (SECARMY) as the Department of Defense (DOD) executive agent for DOD Level III Corrections. As such, the SECARMY is responsible for providing a facility to carry out executions of military prisoners with approved death sentences. When the President approves a death sentence of an Army prisoner, specific responsibilities are as follows:

a. Secretary of the Army. The SECARMY will—

- (1) Provide the initial notification of the President's approval of the death sentence via the Provost Marshal General (PMG) to the Commandant, U.S. Disciplinary Barracks (CMDT, USDB) (see sample, app B).
- (2) Designate the method of execution.
- (3) Approve the location for the execution.
- (4) Prescribe the date of the execution, which shall be no sooner than 60 days but no later than 150 days from the date of Presidential approval of the sentence of death. Prescribe immediately the execution order that specifies the CMDT, USDB as the execution officer. If the date designated for execution passes by reason of a stay of execution, the CMDT, USDB shall designate a new date and time, or location if necessary, after the stay of execution is lifted.
- (5) Provide the PMG the execution order stating the method, location, and date of the execution (see sample, app C).
- (6) In coordination with the Chief, National Guard Bureau, provide notification to and allow for a State witness, at no cost to the Federal Government, for those members of the Army National Guard who receive a sentence of death for offenses committed while on active duty under Title 10, United States Code.

b. Assistant Secretary of the Army for Manpower and Reserve Affairs. The ASA (M&RA) will—

- (1) Exercise Army Secretariat oversight for corrections, casualty assistance, and mortuary affairs.
- (2) Coordinate for, and sign agreements with, Federal and/or State agencies for the use of execution facilities as necessary.
- (3) Designate a field grade officer or civilian equivalent (General Schedule–13 (GS–13) or above) as the representative of the ASA (M&RA) on the Headquarters, Department of the Army (HQDA), Execution Management and Coordination Team (EMCT).

c. Provost Marshal General. The PMG will—

- (1) Establish policies and coordinate procedures necessary to carry out the execution order.
- (2) Provide the initial notification of the President's approval of the death sentence through the Commander, U.S. Army Corrections Command (CDR, ACC) to the CMDT, USDB (see app. B).
- (3) Provide the signed execution order of the Secretary, through the Commander, ACC to the CMDT, USDB (see sample, app C).
- (4) Notify the Office of the Chief of Legislative Liaison (OCLL); the ASA (M&RA); the Office of the Army General Counsel (OGC); the Office of the Chief Public Affairs (OCPA); the Office of The Judge Advocate General (OTJAG); the Office of The Surgeon General (OTSG); and the Office of the Armed Forces Medical Examiner (AFME), as appropriate, of the manner, date, time, and location of the execution.
- (5) Direct the CDR, ACC to establish an EMCT composed of key HQDA staff elements whose responsibilities are to monitor and coordinate the preparation for, and the conduct of, the execution.
- (6) Establish standing operating procedures (SOPs) for the EMCT. Revise the SOPs as necessary upon receipt of an execution order.

(7) Recommend the method and location of execution to the SECARMY for approval.

(8) Designate the Director, EMCT.

d. The Judge Advocate General for the Army. TJAG will—

(1) Serve as the primary legal advisor to the SECARMY and the Assistant Secretaries of the Army on military justice and casualty and mortuary affairs matters related to military executions.

(2) Prepare the initial written notification to be signed by the SECARMY (see sample, app B).

(3) Prepare the execution order to be signed by the SECARMY. The execution order must identify the method, location, date, and time of the execution, and designate the CMDT, USDB as the execution officer (see sample, app C).

(4) Notify the PMG; General Counsel; Chief, Legislative Liaison (CLL); SECARMY; ASA (M&RA); Chief, Public Affairs (CPA); The Surgeon General (TSG); civilian counsel for the sentenced prisoner, if applicable; Chief, Defense Appellate Division; Chief, Government Appellate Division; and the victim of a death-qualifying offense or its attempt, if surviving, or the victim's designated next of kin, if not surviving, as the status of any death sentence action changes. Notifications should occur when the case leaves the DOD, when it is sent to the President, when the President approves or disapproves any sentence to death, and whenever stays are applied or lifted by the courts.

(5) Provide victim/witness support for those authorized to witness the execution (para 2-5a(9)). This includes, but is not limited to, making travel arrangements, lodging, and escort to execution facility, and providing other necessary logistical support.

(6) Maintain liaison with the Department of Justice and the White House.

(7) Designate a field grade officer as the OTJAG representative to the EMCT.

(8) Coordinate, in conjunction with the Secretary of the Army General Counsel (AGC), with the Office of the Secretary of Defense, and the Department of Justice, as required and necessary.

e. Army General Counsel. The AGC will—

(1) Provide legal support to the ASA (M&RA) in the oversight of corrections and law enforcement and, in coordination with TJAG, military justice and casualty and mortuary affairs matters related to military executions.

(2) While recognizing the independence of TJAG in advising on matters of military justice, review and comment on all documents requiring Secretariat action.

(3) In coordination with TJAG, review for legal sufficiency any agreements with Federal and/or State agencies pertinent to military executions.

(4) In coordination with TJAG, provide legal advice to the CPA and the CLL on their respective exercise of responsibilities related to military executions.

(5) In conjunction with TJAG, coordinate legal matters related to military executions between the Department of the Army, the DOD, the Department of Justice, and the White House.

(6) Designate an OGC attorney as the OGC representative to the EMCT.

f. Chief of Public Affairs. The CPA will—

(1) Develop and publish guidance regarding release of information to the news media and public concerning preparation for, and conduct of, an execution.

(2) Designate a field grade officer, or civilian equivalent (GS-13 or above), as the public affairs representative on the EMCT.

(3) Develop and publish guidance on the selection of a minimum of two news media representatives to witness the execution.

(4) Develop, coordinate, and execute stand-up and operation of the Media Operations Center (MOC) on site or nearby the execution location. This responsibility also includes developing personnel, budget, and operational requirements. Ensure that appropriate subject-matter expertise is available to media representatives as required. The MOC will brief media witnesses and escort selected media representatives to the execution.

(5) Provide an after-action report to the CDR, ACC within 30 days of completing the mission.

g. Chief of Legislative Liaison. The CLL will—

(1) Prepare and coordinate Congressional notification per SECARMY guidance.

(2) Schedule and arrange briefings for members of Congress, as required.

(3) Designate a field grade officer or civilian equivalent (GS-13 or above) as the representative of the OCLL on the EMCT.

h. The Surgeon General. TSG will—

(1) Designate a senior medical officer who will provide pre-execution medical care as required to support the Soldiers and Civilians assigned to the Execution Watch Team (EWT).

(2) Designate a field grade officer as the representative of the OTSG on the EMCT.

i. Commander, Army Corrections Command. The CDR, ACC will—

- (1) Provide immediate notification of the approved death sentence to the CMDT, USDB and a copy of the approval memo (see app B).
- (2) Forward the execution order to the CMDT, USDB, immediately upon receipt of the order.
- (3) Coordinate support for the execution as required.
- (4) Provide oversight on the USDB's development of the execution training program.
- (5) Establish the EMCT at the direction of the PMG, which shall meet as needed, but no less than quarterly.
- (6) Develop and conduct periodic reviews and updates of a comprehensive EMCT SOP and execution protocol, at the direction of the PMG.
- (7) Develop the U.S. Army execution protocol.
- (8) Arrange for the contracting of the following materials, equipment, and services, as necessary:
 - (a) Acquisition of the materials and equipment required to execute the sentence as specified in the signed execution order.
 - (b) Personnel required to execute the sentence as specified in the signed execution order.
 - (c) Medical or other qualified personnel to operate and monitor necessary medical equipment and notify the CMDT, USDB, when the prisoner has died.
- (9) Assist the CMDT, USDB to coordinate with the Defense Health Agency (DHA) facility servicing the place of execution to request support for the Armed Forces Medical Examiner System (AFMES) medical examiner or toxicologist.
 - j. Commandant, U.S. Disciplinary Barracks.* The CMDT, USDB will—
 - (1) Act as the execution officer responsible for the conduct of the execution.
 - (2) Upon formal notification that the death sentence was approved, expeditiously notify the prisoner of the President's decision.
 - (3) Inform ACC and OTJAG that the prisoner has been informed of the President's decision.
 - (4) Upon notification of the approved execution order, immediately notify the prisoner of the approved order.
 - (5) As directed by the EMCT, develop a comprehensive Execution Plan, to include necessary SOPs and training support programs for pre and post execution requirements.
 - (6) Notify the condemned prisoner's designated person authorized to direct disposition (PADD) of remains of the time, date, and location of the execution and any additional information as deemed necessary, such as visitation procedures, presence of relatives as witnesses, and available support and assistance.
 - (7) Obtain disposition instructions from the PADD for the executed prisoner's remains and personal belongings.
 - (8) Establish the EWT. The EWT consists of USDB staff (Soldiers and Civilians) who are responsible for the care, custody, and transportation of the condemned prisoner.
 - (9) If directed, arrange for the contracting of the materials, equipment, and services discussed in paragraphs 1–4i(8)(a) through 1–4i(8)(c), above, as necessary.
 - (10) Prepare and submit a supplemental after-action report to the Commander, ACC after receiving the final AFMES forensic pathology investigation.

1–5. Records management (recordkeeping) requirements

The records management requirement for all record numbers, associated forms, and reports required by this regulation are addressed in the Army Records Retention Schedule-Army (RRS–A). Detailed information for all related record numbers, forms, and reports are located in ARIMS/RRS–A at <https://www.arims.army.mil>. If any record numbers, forms, and reports are not current, addressed, and/or published correctly in ARIMS/RRS–A, see DA Pam 25–40 for guidance.

Chapter 2

Pre-Execution Procedures

2–1. Execution notification and coordination

- a.* Upon a final judgment as to the legality of the proceedings in accordance with Article 57(c)(2), Uniform Code of Military Justice, TJAG will transmit the record of trial, the decision of the Court of Criminal Appeals, the decision of the Court of Appeals for the Armed Forces, the decision of the Supreme Court, any clemency petition by prisoner and/or counsel, and the recommendation of TJAG to the SECARMY for the decision of the President.
- b.* Upon approval by the President, and returning the decision to the DOD and HQDA for action, TJAG will make the appropriate notifications listed in paragraph 1–4d(4).
- c.* The PMG will provide the CMDT, USDB with the President's action per paragraph 1–4c(2) and direct the ACC to activate the EMCT, per the EMCT SOP.
- d.* Dissemination of the initial notification from the PMG must be written notification.

e. There will be no media release until the prisoner has been notified of the President's decision. All media releases will be coordinated and managed by the OCPA.

f. The CMDT, USDB will notify the prisoner of the President's action per paragraph 1-4j(2).

g. When the CMDT, USDB initially notifies the prisoner of the presidential decision to execute the prisoner's death sentence, the CMDT will be accompanied by a chaplain, a Trial Defense Service (TDS) attorney or the prisoner's civilian counsel (if reasonably available).

h. Dissemination of the execution order from the PMG may be via email or fax, through the ACC to CMDT, USDB.

i. Once the prisoner has been formally notified of the pending execution, the prisoner's status will be changed to that of "condemned prisoner."

j. The condemned prisoner shall be afforded a chaplain of his or her choice (by faith or by name) from those personnel providing pastoral care to the USDB prisoners (including contracted civilian clergy personnel).

k. The CMDT, USDB will ensure the prisoner is discharged from the Army in accordance with the sentence immediately prior to the execution of the death sentence.

l. The CMDT, USDB will notify the designated AFMES medical examiner (and/or toxicologist) at least 21 days prior to the date of the execution to inform them of the method of execution designated by SECARMY.

m. The CMDT, USDB will require the condemned prisoner to update his or her DD Form 93 (Record of Emergency Data), in accordance with AR 638-8.

2-2. Disposition of personal property

a. The condemned prisoner's personal property and funds will be accounted for per ACC policy.

b. Arrangements will be made for disposition of personal property prior to the execution in accordance with AR 190-47.

c. If the condemned prisoner declines or is unable to dispose of personal property prior to the execution, disposition of the deceased prisoner's personal property and funds will be made per AR 638-2.

2-3. Contacting the person authorized to direct disposition, and disposition of remains

a. The CMDT, USDB will coordinate notification of the condemned prisoner's designated PADD prior to the execution to obtain disposition instructions for the remains and personal belongings.

b. The care and disposition of the remains will be made per AR 638-2.

c. If the PADD does not claim the deceased prisoner's remains, the Army will arrange for the disposition of the prisoner's remains.

2-4. Public affairs

a. Access. AR 190-47 governs access to Army corrections facilities by the public and news media.

b. Media news releases.

(1) The OCPA, in coordination with the EMCT, will release all information regarding executions within the Army Corrections System.

(2) Within 7 days of the date of the execution order, a news release announcing the date and location of the execution will be published (see app D).

(3) No later than 14 days prior to the scheduled execution date, a media advisory announcing the location of the media operations center and an explanation of the media pool process will be published (see app E).

(4) Per AR 190-47, telephonic or personal interviews with the condemned prisoner by news media are not permitted.

c. Visits.

(1) Visitation of the condemned prisoner will be in accordance with AR 190-47.

(2) The CMDT, USDB, may permit visits, for other than Family members, consistent with the security requirements of the institution and the wishes of the condemned prisoner.

2-5. Witnesses

a. The following individuals and representatives are authorized to be present at the execution:

(1) The CMDT, USDB.

(2) The PMG or designated representative.

(3) A sufficient amount of USDB cadre comprising the EWT, as deemed appropriate by the CMDT for security purposes, and to ensure professional military conduct of the execution.

(4) Execution team members.

(5) The prisoner's counsel of record, if requested by the condemned prisoner.

(6) A minimum of two media representatives, selected under the direction of the OCPA from a pool of media representatives requesting to witness the execution and their CPA appointed public affairs escort(s).

(7) Representatives of the condemned prisoner's Family, if requested by the prisoner.

(8) If the condemned prisoner was a member of the Army National Guard at the time of the offense, the governor of the affected State or Territory or the Commanding General of the District of Columbia, if affected, may designate a representative to be a witness.

(9) The victim (if surviving) of a death-qualifying offense or its attempt, a relative (spouse, children, or parents) of a victim of a death-qualifying offense or its attempt; or, in the alternative, one representative of the victim of a death-qualifying offense or its attempt as designated by the victim (if surviving) or the victim's Family. Upon request, the CMDT, USDB may authorize other victims to be present.

b. No person under the age of 18 shall witness the execution.

c. The CMDT, USDB, will approve the list of witnesses (less news media witnesses).

2-6. Special communications

a. The Director, EMCT, will confirm and test all communications systems for all respective agencies not later than 72 hours prior to the scheduled time of execution. The communications net will be established between—

(1) The White House Situation Room and the Office, SECARMY.

(2) The SECARMY and the EWT.

(3) The SECARMY and the EMCT.

(4) The EMCT and the EWT.

b. The EMCT will test communications with the EWT hourly beginning at 4 hours prior to the time designated for the execution.

c. The communication connections are to remain open and will be used, if required, to delay or cancel the execution proceedings, as may be directed by the President, or to delay the execution proceedings, as may be directed by the SECARMY. Information received from any court or judicial officer will be immediately forwarded to the TJAG representative of the EMCT.

d. The communication connections will be established a minimum of 1 hour prior to the time of designated execution between the White House Situation Room and the SECARMY, and between the SECARMY and the EWT, with both connections manned without interruption until after the condemned prisoner is pronounced dead by the designated medical personnel.

e. If, for any reason, both sets of redundant communications are interrupted during the 30 minutes immediately preceding the designated time of execution, the actual execution will be delayed until communications are re-established. Upon reestablishment of communications, the CMDT, USDB, will proceed with the execution. Assembled witnesses and personnel at each end of the communications links will be advised of the new execution time and the reason for the change.

f. Communications will be terminated on order of the CMDT, USDB, immediately upon the designated medical personnel's pronouncement of the exact time of death of the condemned prisoner. The officer in charge of the EWT will terminate telephonic communications by announcing, "The sentence of death has been executed; time of death was XXX. Communications may now be closed."

2-7. Professional service support

a. Professional services support provided to condemned prisoners will not be less than those provided other prisoners, as required in AR 190-47.

b. A TDS attorney or civilian counsel representing the condemned prisoner, if reasonably available, may be present when the CMDT, USDB initially notifies the prisoner of the presidential decision to execute the prisoner's death sentence. Other legal counsel will not be present. Following notification, the TDS attorney or civilian counsel representing the condemned prisoner may advise the prisoner of any further legal action available for seeking a stay of the execution, provide other appropriate legal advice regarding the execution, and assist the condemned prisoner in settling his or her legal affairs.

c. Medical assistance and counseling may be provided as requested by the prisoner. The medical assistance is limited to that which addresses the medical needs of the prisoner as a patient.

d. TSG will appoint a senior medical officer to provide medical support prior to the execution.

e. The CMDT, USDB will provide a chaplain of the condemned prisoner's choice, if available, from those serving at the USDB, including contracted civilian clergy support. The chaplain will be available to assist the prisoner.

2–8. Training

- a.* The PMG will ensure that the HQDA, EMCT has sufficient written guidance and direction and clear delineation of the EMCT mission in monitoring and coordinating the necessary pre-and-post-execution requirements.
- b.* The CMDT, USDB will ensure that all individuals selected and designated as members of the EWT are sufficiently trained.

Chapter 3 Execution Procedures

3–1. General

- a.* Military executions will be by a method designated by the SECARMY.
- b.* The identities of the EWT and the execution team who participate in military executions will be kept confidential to the fullest extent permitted by law.

3–2. Execution

- a.* The PMG will analyze protocols for methods of execution. All lawful, feasible methods available will be presented to the SECARMY for consideration prior to issuance of the SECARMY's execution order. The PMG will oversee the development of a complete mission plan for all approved methods of execution.
- b.* The condemned prisoner will be moved from his or her cell to the execution area prior to the execution with a time duration limited to the minimum amount of time absolutely necessary to prepare the prisoner for execution.
 - (1) The execution area will be cleared of all nonessential personnel. At that time, the execution area will be opened and made visible to all assembled witnesses.
 - (2) Those personnel approved to witness the execution will be escorted from the witness assembly area to the witness viewing execution area. Witnesses arriving after others have been escorted to the witness viewing area will normally not be permitted to enter or view the execution. Prior to entering the viewing area, all witnesses will receive a final briefing by an EWT member on the specifics of the procedure they are about to observe and the behavior and decorum expected. Those who fail to maintain the expected level of behavior will be removed.
 - (a)* At no time will media representatives conduct interviews of witnesses while congregated in the witness assembly or viewing areas.
 - (b)* At the time designated for the execution, the CMDT, USDB will read aloud the charge or charges, the finding of the court, the sentence, and the execution order. The CMDT, USDB will then order the execution to begin.
 - (c)* Following the CMDT's reading of the information in paragraph 3–2b(2)(b), the execution team will begin the execution process.
 - (d)* Medical or otherwise qualified personnel (may be contract personnel) will notify the CMDT, USDB when the prisoner is dead. The CMDT, USDB will then announce that the execution is complete. At that time all persons, including the witnesses, will leave the viewing area, except those designated members of the EWT responsible for removal of the body.
 - (e)* The CMDT, USDB will notify the servicing Casualty Office of the prisoner's death. Persons authorized to direct disposition may designate the Army to provide the mortuary benefits.

Chapter 4 Post-Execution Procedures

4–1. After-action report

The CMDT, USDB will prepare and send an after-action report to the PMG through the Commander, ACC not later than 72 hours after the declaration of death of the condemned prisoner. The CMDT, USDB will prepare and send a supplemental after-action report to the Commander, ACC, as prescribed in paragraph 1–4j(10).

4–2. Forensic pathology investigation

- a.* As soon as condemned prisoner is pronounced dead, the CMDT, USDB will notify the AFME and request a forensic pathology investigation and a Federal death certificate. The investigation may include an autopsy. A copy of the results of the AFMES forensic pathology investigation will be an enclosure to the CMDT's after-action report.
- b.* Under no circumstances will AFMES medical personnel participate in any pre-execution or execution procedure.

Appendix A

References

Section I

Required Publications

Except where otherwise indicated below, the following publications are available on the Army Publishing Directorate website at <https://armypubs.army.mil/>.

AR 190–47

The Army Corrections System (Cited in para 2–2*b*.)

AR 638–2

Army Mortuary Affairs Program (Cited in para 2–2*c*.)

AR 638–8

Army Casualty Program (Cited in para 2–1*m*.)

Rule 1207, RCM

Sentences requiring approval by the President (Cited in para 1–4.) (Available at <https://www.loc.gov/rr/>.)

UCMJ, Art. 57(c)(2)

Completion as Final Judgment of Legality of Proceedings (Cited in para 2–1*a*.) (Available at <https://www.loc.gov/rr/>.)

Section II

Related Publications

A related publication is a source of additional information. The user does not have to read a related reference to understand this publication. Unless otherwise indicated, Army publications are available on the Army Publishing Directorate website (<https://armypubs.army.mil/>), and Department of Defense publications are available on the Secretary of Defense website (<https://www.esd.whs.mil/>).

AR 11–2

Managers' Internal Control Program

AR 25–30

Army Publishing Program

DA Pam 25–40

Army Publishing Program Procedures

DOD 7000.14–R, Volume 5

DOD Financial Management Regulations (FMRS)

DODD 1300.22

Mortuary Affairs Policy

DODD 1325.04

Confinement of Military Prisoners and Administration of Military Correctional Programs and Facilities

DODI 1300.18

Department of Defense Personnel Casualty Matters, Policies, and Procedures

10 USC 12301

Subtitle E–Reserve Components, Part II–Personnel Generally (Available at <https://uscode.house.gov/>.)

Section III

Prescribed Forms

This section contains no entries.

Section IV

Referenced Forms

Unless otherwise indicated, DA forms are available on the Army Publishing Directorate website (<https://armypubs.army.mil>), and DD forms are available on the Secretary of Defense website (<https://www.esd.whs.mil>).

DA Form 11-2

Internal Control Evaluation Certification

DA Form 2028

Recommended Changes to Publications and Blank Forms

DD Form 93


Record of Emergency Data

Appendix B

Notification of Approved Death Sentence (Sample)

B-1. Notification memorandum

Figure B-1 shows how to write a notification for an approved death sentence.



SECRETARY OF THE ARMY
WASHINGTON

MEMORANDUM THRU Provost Marshal General, 2800 Army Pentagon, Washington, DC 20310-2800

Commander, United States Army Corrections Command, 150 Army Pentagon, Washington, DC 20310-0150

FOR Commandant, United States Disciplinary Barracks, 1301 North Warehouse Road, Ft Leavenworth, KS 66027-2304

SUBJECT: Notification of Approved Sentence to Death

In accordance with Article 71(c) (1), Uniformed Code of Military Justice, on [date] the President of the United States approved the sentence of death in the case of the United States vs. Private [name] (last, first and MI) [SSN] (xxx-xx-xxxx). A copy of the President's action is attached to this notification. You are directed to notify Private [name] (last, first and MI) of the President's action.

Encl

Secretary of the Army
[date]
[time]

Figure B-1. Sample notification memorandum of an approved death sentence

B-2. Notification

The Commandant, USDB is directed to notify the prisoner of the approved sentence.

Appendix C

Execution Order (Sample)

C-1. Execution order

Figure C-1 shows how an execution order might look, for United States v. Private XXXXXX.


	SECRETARY OF THE ARMY WASHINGTON
MEMORANDUM THRU	
Provost Marshal General, 2800 Army Pentagon, Washington, DC 20310-2800	
Commander, United States Army Corrections Command, 150 Army Pentagon, Washington, DC 20310-2304	
FOR Commandant, United States Disciplinary Barracks, 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304	
SUBJECT: Execution Order, United States v. Private [name] (last, first and MI)	
1. On [date], The President of the United States, in the enclosed action approved the sentence of death adjudged in the case of United States v. Private [name] (last, first and MI), [SSN] (xxx-xx-xxxx).	
2. This execution will take place at [location], on [date], at [time], by [method of execution designated by SECARMY], in accordance with AR 190-55.	
3. The execution officer will be the Commandant, United States Disciplinary Barracks.	
Encl	Secretary of the Army [date] [time]

Figure C-1. Sample memorandum of execution order

C-2. Notice to the Commandant, U.S. Disciplinary Barracks

This memorandum gives notice to the Commandant, USDB about a SECARMY-approved execution order.

Appendix D

Press Release (Sample)

D–1. Initial press release

Figure D–1 is an example of a press release regarding an approved death sentence.

U.S. ARMY PRESS RELEASE

Army Schedules Date for Execution of Private [name]

(Washington) The Army has scheduled the execution of [name] for [UCMJ conviction] at [location].

Brief synopsis of the court-martial example: In [year] a court-martial panel sitting at [location] convicted Private [name], by unanimous vote, of committing several crimes in [year] at [location], to include [list major crimes]. The court-martial panel sentenced [him or her] to death for these crimes.

The Secretary of the Army has directed that Private [name] be executed by [method designated by the SECARMY], and the Army will be responsible for conducting the execution at [TBD].

Only the President, as the Commander-in-Chief of the Armed Forces, can approve the execution of a death sentence (Article 71(a), Uniform Code of Military Justice). On [date], he approved the death sentence in the case of the United States v. Private [name]. The President took action following completion of a full appellate process which upheld the conviction and sentence to death.

Private [name] is currently housed in the United States Disciplinary Barracks, Fort Leavenworth, KS.

Note: An advisory will be sent in the coming weeks to media representatives regarding the establishment of a media information center and the procedures for applying to be a media pool to witness the execution.

Figure D–1. Sample initial press release

D–2. Initial press release information

The press release should include a brief synopsis of the court-martial process concerning death sentences.

Appendix E

Media Advisory (Sample)

E-1. Media advisory

Figure E-1 shows an example of a U.S. Army media advisory, regarding an approved death sentence.

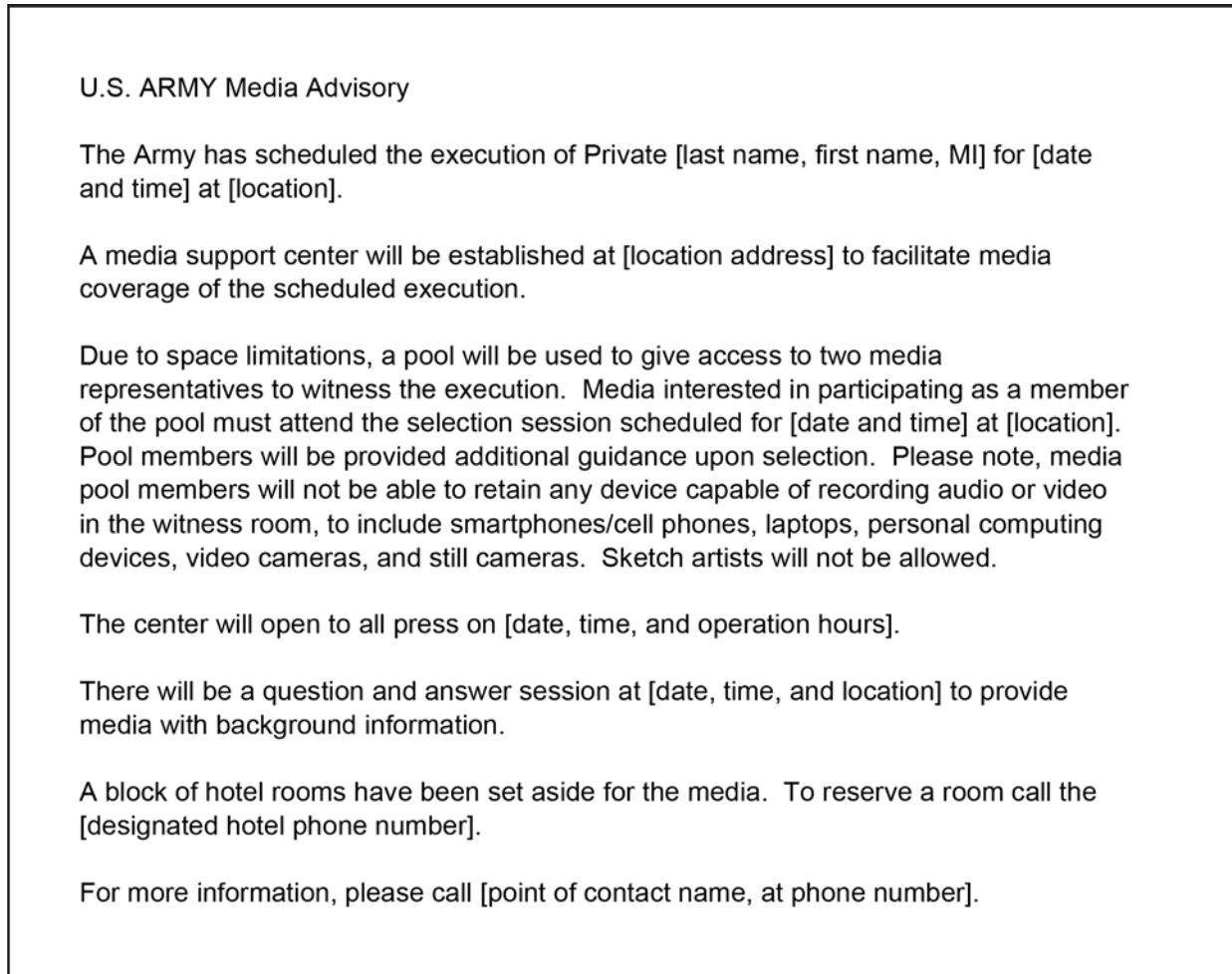


Figure E-1. Sample U.S. Army media advisory

E-2. Media advisory information

The media advisory should include coverage information for the scheduled execution.

Appendix F

Internal Control Evaluation Checklist

F–1. Function

To ensure the evaluation of key internal controls for administration of the Army Corrections System procedures for military executions.

F–2. Purpose

The purpose of this checklist is to help users evaluate their key internal controls. It is not intended to cover all controls.

F–3. Instructions

Answers must be based on the actual *testing* of key internal controls such as document analysis, direct observation, interviewing, sampling, and simulation. Answers that indicate deficiencies must be explained and corrective action indicated in supporting documentation. These management controls *must* be evaluated at least once every 5 years. Certification that this evaluation has been conducted must be accomplished on DA Form 11–2 (Internal Control Evaluation Certification Statement).

F–4. Test questions

- a. Have uniform HQDA policies for the scope and responsibilities of the Army Corrections System Procedures for Military Executions been established and coordinated with appropriate and interested DOD elements? (HQDA only.)
- b. Has the HQDA EMCT, led by the Army Corrections Command, developed detailed plans and procedures required for the execution of a prisoner with a Presidentially approved sentence of death?
- c. Has all necessary coordination been completed between the Army Corrections Command, the Army Staff at HQDA, and the commander and staff of the U.S. Disciplinary Barracks to address the processes, procedures, and support (including facilities, substances, equipment, administering personnel, training, and so forth) that are mission essential to the method of execution designated by the SECARMY?
- d. Has the ACC, in coordination with the Office of The Army Judge Advocate General, developed the execution protocol the Army will use for the method of execution chosen?
- e. Has the ACC established a system to obtain the necessary substances and/or equipment to carry out the method of execution designated by the SECARMY?
- f. Has the ACC established a system for the accountability, storage, and disposal of substances and/or equipment to carry out the method of execution designated by the SECARMY at the appropriate secure location?
- g. Has the ACC, in coordination with appropriate DOD and HQDA elements, reviewed the EMCT SOP and obtained the Provost Marshal General's approval?

F–5. Supersession

This evaluation replaces the evaluation for administering military execution procedures previously published in AR 190–55, dated 23 July 2010.

F–6. Comments

Help make this a better tool for evaluating internal controls. Submit comments to the Administrative Assistant to the Secretary of the Army (AAHS–PA), 9301 Chapek Road, Building 1458, Fort Belvoir, VA 22060–5527.

Glossary

Section I

Abbreviations

ACC

Army Corrections Command

AFME

Armed Forces medical examiner

AFMES

Armed Forces Medical Examiner System

AGC

Army General Counsel

AR

Army regulation

ASA (M&RA)

Assistant Secretary of the Army (Manpower and Reserve affairs)

CDR

commander

CLL

Chief of Legislative Liaison

CMDT

commandant

CPA

Chief, Public Affairs

DA

Department of the Army

DHA

Defense Health Agency

DOD

Department of Defense

DODD

Department of Defense directive

EMCT

Execution Management and Coordination Team

EWT

Execution Watch Team

GS

General Schedule

HQDA

Headquarters, Department of the Army

MOC

Media Operations Center

OCLL

Office of the Chief of Legislative Liaison

OCPA

Office of the Chief Public Affairs

OGC

Office of the Army General Counsel

OTJAG

Office of The Judge Advocate General

OTSG

Office of The Surgeon General

PADD

person authorized to direct disposition (of remains)

PMG

Provost Marshal General

RCM

Rules for Courts-Martial

SECARMY

Secretary of the Army

SOP

standing operating procedure

TDS

Trial Defense Service

TJAG

The Judge Advocate General

TSG

The Surgeon General

UCMJ

Uniform Code of Military Justice

USC

United States Code

USDB

United States Disciplinary Barracks

Section II**Terms****Execution Management and Coordination Team**

Representatives from HQDA key staff elements responsible for monitoring and coordinating the execution policy and procedures to conduct a presidentially approved death sentence.

Execution officer

The officer appointed to carry out the execution in the manner affirmed and/or approved by the SECARMY.

Execution Team

The personnel, specifically trained and (medically) certified, responsible for the actual conduct of the execution method designated by the SECARMY.

Execution Watch Team

The EWT consists of USDB staff (Soldiers and Civilians) that are responsible for the care, security, and transportation of the condemned prisoner.

Section III

Special Abbreviations and Terms

This section contains no entries.

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