



DEPARTMENT OF THE ARMY  
U.S. ARMY AVIATION CENTER OF EXCELLENCE  
OFFICE OF THE STAFF JUDGE ADVOCATE  
BUILDING 5700, NOVOSEL STREET  
FORT RUCKER, AL 36362-5105

MEMORANDUM OF UNDERSTANDING (MOU)  
BETWEEN  
U.S. ARMY AVIATION CENTER OF EXCELLENCE (USAACE)  
STAFF JUDGE ADVOCATE (SJA)  
AND  
FORT RUCKER DIRECTORATE OF PUBLIC SAFETY (DPS)

SUBJECT: Courtroom Security MOU

1. **Purpose.** To establish an understanding and agreement between the USAACE SJA, and the Director, Fort Rucker DPS, on minimum security measures provided by the DPS to all Fort Rucker courtroom during legal proceedings.
2. **Scope.** This MOU is applicable to the agencies represented by the signatories and pertains to security provided by DPS law enforcement officers during court proceedings.
3. **Background.** The USAACE and Fort Rucker Commander is a General Court-Martial Convening Authority; subordinate Commanders are Special Court-Martial Convening Authorities. Cases referred to court-martial are normally tried in the Fort Rucker courtroom, in the Office of the Staff Judge Advocate, 3rd Floor, Building 5700, Novosel Street, Fort Rucker, Alabama. The Office of the Staff Judge Advocate has no organic security personnel, and must rely on the DPS for courtroom security.
4. **Policies.**
  - a. Individuals are not permitted to enter the courtroom while armed, except for on-duty law enforcement personnel.
  - b. All individuals will enter the courtroom through the courtroom's main entrance doors, located at the rear of the courtroom, adjacent to the Legal Assistance waiting area.
  - c. The Military Judge, Court Reporter, Panel Members, Trial Counsel, and Defense Counsel may enter through other entrances. The SJA or Military Judge may approve other exceptions on a case-by-case basis.
  - d. The Chief, Military Justice (COJ), will provide the security detail a written list of the names and duty positions of individuals authorized by the SJA or Military Judge to enter through an entrance other than the courtroom's main entrance doors before court proceedings begin. If an exception is approved during court proceedings, the Military Justice Noncommissioned Officer in Charge will notify the security detail.

**5. Notice Procedures.**

a. The COJ, will notify DPS when a security detail is required. Such notice will usually take place at least ten (10) working days in advance; however, this notice period may be shorter if the Military Judge directs a trial schedule change.

b. Upon receiving notice, the Director, DPS, will appoint law enforcement officers to grant access to the entrance to the courtroom, enforce the courtroom entry procedures listed below, and provide security in the courtroom itself, as noted below.

c. The designated law enforcement officers will arrive no later than (NLT) thirty minutes before the start of trial to be briefed on their duties by the COJ, or the COJ's designee.

**6. Courtroom Entry Procedures.**

a. All persons not listed above will enter through the main courtroom entrance, located in the rear of the courtroom.

b. The following are prohibited from the courtroom:

- (1) Cellular phones and pagers
- (2) Recording devices of any kind.
- (3) Firearms.
- (4) Explosives and flammable liquids.
- (5) Smoking.
- (6) Food (including gum).
- (7) Beverages (except water in a closed container).

c. Individuals entering the courtroom will be required to pass to pass through a metal detector.

**7. Security In the Courtroom.**

a. Current judicial policy requires armed security in the courtroom during court proceedings.

b. When notified by the COJ, the Director, DPS, will appoint a plain-clothes law

enforcement officer, or a Military Police Officer in uniform (without headgear) with all weapons concealed to provide security in the courtroom and respond to disturbances before, during, or after court proceedings.

c. The accused's unit will provide a Soldier to be stationed at and operate the magnetometer, prevent contraband in the courtroom (as described in paragraph 6.b., above), and control access to the courtroom. The plain-clothes law enforcement officer or the Military Police Officer will also be responsible for training the unit representative on the use of the magnetometer and the hand wand metal detector. The DPS will provide a hand wand for the duration of all proceedings under this MOU.

d. Uniform for the law enforcement officer in the courtroom will be civilian clothes with a concealed weapon, unless otherwise directed by the Military Judge. Uniform for the law enforcement officer at the courtroom entrance will be armed in duty uniform.

8. **Effective and Termination.** This MOU is effective upon signature of all parties hereto and will remain effective until superseded or terminated by mutual agreement of the signatories or ninety days following receipt of written notice of withdrawal from the MOU by either party. The MOU is to be reviewed every twenty-four months by all parties. If neither party offers a written notice requesting a change or withdrawal from this agreement, the MOU renews with the same terms for the subsequent twenty-four months.

9. The point of contact for this MOU is the USAACE Chief of Administrative and Civil Law, Mr. Joseph Bestul, [joseph.h.bestul.civ@mail.mil](mailto:joseph.h.bestul.civ@mail.mil), or (334) 255-2813.

10. The point of contact for DPS is Mr. Marcus W. McDougal at [marcus.w.mcdougal2.civ@mail.mil](mailto:marcus.w.mcdougal2.civ@mail.mil) or (334) 255-9953.

  
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FLORENTINO SANTANA  
LTC, MP  
Provost Marshal/Director, Public Safety

14 Oct 2015  
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(Date)

  
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ANDRAS M. MARTON  
LTC, JA  
Staff Judge Advocate

14 OCTOBER 2015  
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(Date)