

MILPERSMAN 1640-140

ESCAPED PRISONERS

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References	(a) SECNAVINST 5800.11B (b) NAVSO P-6064, Manual for Courts-Martial (MCM) (c) SECNAVINST 1640.9C
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1. **Policy.** An escape by a prisoner is the deliberate absence from the place of confinement or custody, or from the supervision of the assigned escort.

2. **Escape from Confinement.** As soon as it is known that a prisoner has escaped from confinement, the commanding officer (CO) will:

Step	Action
1	Immediately secure the area and institute a search. Furnish the command or installation authorities with all information available at the time which might assist in the apprehension.
2	Immediately notify the nearest military and civilian law enforcement agencies and provide the following information: <ul style="list-style-type: none"> • A complete physical description of the escapee; • All significant facts regarding the time, place, and circumstances of the escape; • Names and addresses of relatives, friends, and or persons protected under the victim or witness program; and • Places to which the escapee might go.

Step	Action
3	<p>Within 1 hour from the time of escape, declare the escapee a deserter (see MILPERSMAN 1600-060) and notify the following:</p> <p>Navy Absentee Collection and Information Center (NACIC) (DSN): 882-2522 or Toll Free: 1-877-663-6772</p>
4	Notify victim or witness as required by reference (a).

3. **Escape while in Transit or Temporary Custody**

a. The CO of a transferring activity remains the prisoner's CO until the prisoner in transit has been delivered to the prisoner's destination and receipted for.

b. When a prisoner escapes while in transit or from temporary custody not under the immediate jurisdiction of the CO, the escort will:

Step	Action
1	<p>Immediately notify:</p> <ul style="list-style-type: none"> • Navy Absentee Collection and Information Center; • Prisoner's CO; • Scheduled receiving activity; and • Local civilian and military authorities.
2	The prisoner's CO shall immediately declare the prisoner a deserter; and
3	Victim or witness notification procedures will be followed as required by reference (a).

4. **Escapee Surrender**

a. **When an escapee surrenders or is delivered to the place of confinement from which the prisoner escaped**, notify all persons who had previously been notified of the escape and hold the escapee in maximum custody for disciplinary action.

b. **When an escapee surrenders or is delivered to a Navy or Marine Corps activity in the vicinity of the place of confinement from which the prisoner escaped**, the individual shall be held in maximum custody and returned under guard furnished by the place of confinement.

c. **When an escapee surrenders at a naval activity not in the vicinity of the place of confinement from which the prisoner escaped,** immediately notify NACIC by telephone and follow with a message (see MILPERSMAN 1600-070). An information copy of this notification will be sent to the place of confinement from which the prisoner escaped. The responsible CO will notify all military and civil authorities and persons previously notified of the escape. The escapee should be in maximum custody pending instructions for the escapee's disposition.

NOTE: Navy Personnel Command (NAVPERSCOM), Corrections and Programs Office (PERS-00D1) and the activity major claimant shall be information addressees on all notification and messages.

5. **New Place of Confinement.** If another place is designated for the confinement of the escapee, an information copy of the designation will be sent to the CO of the original place of confinement who will forward the prisoner's record and effects (including a statement of the maximum number of days of good time and extra good time earned, and including the date of escape) to the designated place of confinement. The prisoner's new CO shall initiate appropriate disciplinary action.

6. **Preliminary Courts-Martial Proceedings**

a. As soon as practical, after the return of the escapee to a naval activity, preliminary proceedings under reference (b), chapter 3, should be considered.

b. Forfeiture of all good time and extra good time earned by the prisoner is considered appropriate.

c. If any part of the prisoner's sentence has been suspended, the CO may initiate steps to vacate the suspension or take disciplinary action.

d. The time in an escape status is not counted as time served toward completion of the sentence (see reference (b), paragraph 97C).

e. The release date is extended by the number of days of unauthorized absence.

f. Provided the unauthorized absence exceeds 24 hours, the date of escape and the date of return to naval jurisdiction count as confinement days.

7. **Specific Procedures.** The following procedures will be carried out in the case of escapes by personnel who have been:

- a. Convicted by general court-martial;
- b. Confined as a result of the alleged commission of an offense punishable by confinement in excess of 1 year;
- c. Considered dangerous due to mental condition or nature of the offense(s) alleged; or
- d. Whose escape was accomplished by force or threat of force.

Step	Action
1	After the escapee is declared a deserter, immediately notify (by telephone) the nearest field office of the Naval Criminal Investigative Service (NCIS) giving all significant information regarding the escapee. NOTE: Such notification will not be made by the guard, unless so instructed by their CO.
2	Special agents of NCIS will be given access to all records and effects of the escapee (including addresses of relatives, friends, or places to which the escapee might go).
3	Furnish the NCIS field office with a signed copy of DD 553, Deserter/Absentee Wanted by the Armed Forces as soon as possible.

8. **Prisoner Transfer between Brigs**

a. The transfer of prisoners between brigs shall be in compliance with reference (c) and with the following procedures for escorts:

(1) When necessary, restraints (such as handcuffs, leg irons, and waist chains) may be used if ordered by the CO or if an incident occurs en route;

(2) Maximum custody prisoners shall be under restraints and the escort shall be armed only as specifically authorized by the CO; and

(3) Firearms may be loaded, but ammunition shall not be carried in the chamber.

b. The authority of an armed escort to discharge a weapon is considered justified only to disable an escapee, and only under conditions of extreme necessity, or as a last resort when all lesser means have failed or cannot reasonably be employed. Extreme caution must be exercised to ensure that the firing of a weapon will not injure innocent bystanders.

c. Deadly force (i.e., force which a member uses with the purpose of causing or which the member knows, or should know, would create a substantial risk of causing death or serious bodily harm) shall not be used except:

(1) When it reasonably appears to be necessary to protect law enforcement or security personnel who reasonably believe themselves to be in imminent danger of death or serious bodily harm;

(2) When it reasonably appears to be necessary to prevent the commission of a serious offense involving violence, threatening death, or serious bodily harm such as arson, armed robbery, aggravated assault, or rape;

(3) When it reasonably appears necessary to apprehend or prevent the escape of a person reasonably believed to have committed an offense of the serious nature specified above; or

(4) When it has been specifically authorized by competent authority and reasonably appears to be necessary to prevent the escape of a prisoner.