

SANTA ANA POLICE DEPARTMENT

DAVID VALENTIN · CHIEF OF POLICE

TRAINING BULLETIN

"Education promotes professional and responsive law enforcement"

Handling Military Detainees

Purpose

This Bulletin provides guidance and procedures Law Enforcement Officers may utilize in handling active duty military personnel who have committed crimes in our jurisdiction and/or are Federal Fugitives from the military for a variety of criminal offenses including desertion.

Introduction

In 1999 BRAC (Base Closure and Realignment) effectively closed the majority of the long established military camps, bases and stations located in Orange County California. These included Marine Corps Air Station El Toro, Marine Corps Air Facility Tustin, Naval Weapons Station Seal Beach and the majority of the other bases and stations located in the adjacent counties such as Norton and March Air Force Bases and Long Beach Naval Shipyard and Naval Station. The only remaining military station still in operation in Orange County is The Armed Forces Reserve Center in Los Alamitos which for the purposes of this Bulletin does not meet the requirements for handling active duty military personnel who have been detained or arrested for crimes committed in our jurisdiction. Armed Forces Reserve Center, Los Alamitos will not accept military personnel in a deserter status.

The Northern portion of Marine Corps Base Camp Pendleton (San Onofre Gate) is the only remaining Military base that can easily assist our Officers in processing active duty military personnel who are in a deserter status or have committed serious offenses. In some cases, Army personnel from Fort Irwin near Barstow may respond to take custody of bona-fide army deserters if requested.

Definitions

UA	Unauthorized Absence
PMO	Provost Marshal's Office (Military Police Chief)
NCIS	Naval Criminal Investigative Service
MP	Military Police
ASP	Air Security Police (Air Force)
MCPD	Marine Corps Police Department (Civilian Federal Law Enforcement Agency Assigned to Marine Corps installations)

CID	Criminal Investigative Division (Both Marine Corps and Army branches)
Chaser(s)	Military personnel assigned duty to bring back/escort deserters once they are apprehended
Deserter	An active duty military member who has been in a state of unauthorized absence for longer than 90 days and has a Federal Fugitive Warrant in NCIC
Executive Agency	The branch of the specific military service who has issued the Federal Fugitive Deserter Warrant of arrest, or any other warrant for felony criminal acts
Liberty	An active duty military members off duty time
Leave	The official period of time an active duty military member is not on duty. This may include terminal leave (where the member does not report back to his duty station but stands discharged after its completion), convalescent leave (recovering from wounds or injuries), and judicial leave (awaiting trial/discipline/discharge determination). <ol style="list-style-type: none"> 1. In all cases of official leave, the service member is REQUIRED to produce leave papers to law enforcement upon demand. 2. ALL official leave papers will include the service members name, rank, branch of service, parent organization (Battalion, Regiment, Squadron, ship, station etc.) the duration of the leave, the date and time the service member is due back to his command, and the address and phone number of his command.
UCMJ	Uniform Code of Military Justice. The regulations a service member must adhere and be subject to while on active duty
MA, USN	Master at Arms Navy Law Enforcement, formerly Shore Patrol or SP

Procedure

Prior to the closing of the listed bases in 1999, active duty military personnel who committed minor offenses in Santa Ana would normally be either taken to MCAS El Toro for processing without charges, or booked through Orange County Jail. The majority of these cases usually involved drunk and disorderly conduct, DUI or Unauthorized Absence. In many instances the MP's would come to the station and take custody of the service member, or the Marine MP stationed at the Orange County Jail would process them. We no longer have this resource.

Today, whenever an active duty military member is detained or arrested for any violations regardless of the severity, he can still be processed as would any other person through our Detention Facility or the Orange County Jail. This includes DUI violations. It is incumbent however that our Officers attempt to determine the status of the service member being detained. With that in mind, there are only five different status's an active duty service member can be in at any given time. These are as follows:

1. **On duty:** The service member will either be in uniform aboard his base or in a transportation mode going from or to the base. He may be in uniform. No action is required by Law Enforcement unless the service member has committed a crime and then a notification can be made to the service member's command. This information can be obtained from the service member.

2. **Liberty Status:** The service member is on active duty but is in an authorized period of time off his normally scheduled work, he usually will not be in uniform but may be. Keep in mind military personnel work different shifts just as we do and may be in a liberty status in the day time, reporting for duty at night.
3. **Leave Status:** Official leave. Requires military personnel to possess leave papers that indicate what type of leave, i.e. terminal leave, terminal or convalescent leave.
4. **Unauthorized Absence UA:** Previously known as Absence Without Leave or AWOL. The service member is off duty without permission. A violation of Article 86 of the UCMJ. In cases of UA there is no requirement to arrest in the absence of any other charges, but the parent Command may opt to pick him up at our Detention Facility providing there is another charge to book him. If no other charge is being added then a phone call to the parent command advising he was detained is usually good practice. NOTE: only the parent organization of the service member can determine if they will come pick him up, they are not under any obligation to do so. They may ask the Officer to bring the service member to them, but as most duty stations are long distances away this may be impractical unless specific circumstances warrant the transport to be done with the approval of the Watch Commander. These circumstances may include the service member is in a high crime area without the means of returning and has the potential to become a crime victim and desires to return to his command. Each circumstance can be reviewed on a case by case basis, but transport approval will be made by the Watch Commander. Remember, Unauthorized Absence is not a bookable offense unless there are other charges present and then only those charges will be booked against the service member.
5. **Deserter Status:** A violation of Article 85 of the UCMJ. Once a service member passes the threshold of 90 days in a UA status, the Executive Agency responsible for him will enter him as a Federal Fugitive into the NCIC system and a No Bail Warrant will be available in the system. Officers may come into contact with deserters from any branch of the military through any number of field contacts or the Watch Commander may be called by NCIC, CID, and PMO etc. requesting we serve the warrant. Once the deserter is located and the warrant abstracted, the Officer has two choices.

If there are additional charges, the service member can be booked (Fast Book) through our Detention Facility along with the deserter warrant and the appropriate agency notified (NCIS Army CID, USN MA, Chasers, etc.) who will arrange for pick up. If the only charge is the deserter charge based on the warrant, then the Officer with Watch Commander approval may transport the deserter (any branch of the military) to Camp Pendleton at the Northern San Onofre gate and be dropped off at the MP/Marine Corps Police Department duty gate after arrangements have been made with Camp Pendleton's Provost Marshal's Office Watch Commander.

PMO at Camp Pendleton cannot refuse to accept a bona fide military deserter from any branch of the military providing there is an active deserter warrant for his arrest. Existing protocols provide the deserter is to be transported to the nearest Military Reservation's PMO, and in our case the nearest one is Camp Pendleton. This option is a good one to use in the absence of any other charge or where the deserter may have a medical condition that would prevent him from being accepted at our facility without unnecessary Officer involvement in time expenditure. Remember the Deserter Warrant contains all the necessary contact information

and telephone numbers the Officer will need to arrange processing for the detained military deserter.

Contact Numbers

Fort Irwin Military Police	(760) 380-3114
Camp Pendleton PMO	(760) 725-3888 (Watch Commander)
NCIS 24 hour Hotline	1-877-579-3648
Marine Corps Absentee Collection Units (Chasers)	(619) 524-0411
USN Deserter Information Point 24 Hour Hotline	877-663-6772

Summary

Officers encountering active duty military personnel who have committed offenses in our jurisdiction will process them as any other offender with the exception of military personnel who are in a deserter status and/or have Federal Warrants for their arrest for other felony offenses. Marshals Office once they have been determined to be wanted through NCIC and a warrant located.

In all cases Officers should attempt to identify the service members command and alert them they have arrested one of their personnel. In other cases, the procedure and information contained in this Training Bulletin can assist the Officer in how to identify military personnel on active duty, determine their status and then correctly process them through The Camp Pendleton Provost Marshals Office once they have been determined to be wanted through NCIC and a warrant located.

Acknowledgment:

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