

LAW ENFORCEMENT OPERATIONS

Subcourse Number 1006

EDITION C

United States Army Military Police School  
Fort McClellan, Alabama 36205-5030

10 Credit Hours

Edition Date: January 1994

SUBCOURSE OVERVIEW

This subcourse is designed to present you with the skills and knowledge needed to understand how to process juvenile offenders and how to react to a serious incident. In addition, this subcourse will explain military police responsibilities during hostage situations/bomb threats and terrorism. The legal aspects and techniques of apprehension, search and seizure, and the supervision of traffic regulations will also be discussed.

This subcourse requires no prerequisites.

This subcourse reflects the doctrine that was current at the time of preparation. In your work situation, always refer to the latest publications and use the most current doctrine.

Unless otherwise stated, whenever a masculine pronoun is used, both men and women are included.

TERMINAL LEARNING OBJECTIVE

ACTION: You will develop an understanding of the basic military police law enforcement operations.

CONDITION: Given this subcourse and a pencil.

STANDARD: To demonstrate competency of this task, you must achieve a minimum score of 70 percent on the subcourse examination.

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#### ADMINISTRATIVE INSTRUCTIONS

1. Number of lessons in the subcourse: Nine.
2. Materials needed: Number 2 pencil, the Army Correspondence Course Program (ACCP) Examination Response Sheet, and a preaddressed envelope.
3. Supervisor requirements: None.

#### GRADING AND CERTIFICATION INSTRUCTIONS

Examination: This subcourse contains a multiple-choice examination covering the material in the nine lessons. After studying the lessons and working through the practice exercises, complete the examination. Mark your answers in the subcourse booklet, then transfer them to the ACCP examination response sheet. Completely black out the lettered oval which corresponds to your selection (A, B, C, or D). Use a number 2 lead pencil to mark your responses.

When you have completed the ACCP examination response sheet, mail it in the preaddressed envelope you received with this subcourse. You will receive an examination score in the mail. You will receive ten credit hours for successful completion of this examination.

## LESSON 1

### PROCESSING JUVENILE OFFENDERS

#### OVERVIEW

##### LESSON DESCRIPTION:

In this lesson you will learn about the special handling of juvenile cases. The military police must understand the nature of the problem created by juvenile offenders due to the unique jurisdictional position of military authorities.

##### TERMINAL LEARNING OBJECTIVE:

**ACTION:** Processing juvenile offenders.

**CONDITION:** You will have this subcourse, paper and pencil.

**STANDARD:** To demonstrate competency of this task you must achieve a minimum score of 70 percent on the subcourse examination.

**REFERENCES:** The material contained in this lesson was derived from the following publications: FM 19-10, FM 19-20, and DA PAM 27-50.

#### INTRODUCTION

A bank in Washington, DC received a hand scribbled extortion note demanding \$10,000 in cash. The Washington police department was called and set up a stakeout at the designated drop point. As the police waited, up wheeled two 8 year olds and one 11 year old on skateboards looking for the money.

You often read in the newspaper where teenagers have shot someone or have been shot in attempted robberies while carrying deadly weapons. Perhaps students at a local high school are being held for the possession or sale of controlled substances. Most people feel this could only happen in another city or at best across town. Wrong, statistics show that there is an alarming increase in delinquency all over the United States, FBI crime statistics indicated juvenile delinquents commit 42.7 percent of vandalism; 39.2 percent of motor vehicle thefts; 39.9 percent of burglaries; 40.3 percent of arson, and 31.8 percent of larcenies.

As a military policeman, you must know the differences in the handling of juveniles and ordinary criminals. A juvenile is considered in most cases not to have yet reached the age and maturity where he is responsible for his actions. Therefore, special handling of juvenile cases is required in order to protect him/her. The military police must understand the nature of the problems created by juvenile offenders and the effect on military and civilian relations due to the unique jurisdictional position of military authorities.

Definitions.

Juvenile - an individual is classified as a juvenile by law. The age limit for treating an individual as a juvenile varies by state. Public Law 93-415 defines a juvenile as, any person who has not attained his 18th birthday. As a military policeman it must be further clarified that the

individual is not only under the age of 18, but is not a service member or the spouse of a service member.

Juvenile delinquent - a youth under the age of 18, who commits an act which would be a crime if it were committed by an adult and is adjudicated a delinquent.

Status offender - an individual whose acts are prohibited because of the age as a minor. Examples of such acts would be truancy or runaways.

Juvenile dependent - those juveniles who depend on a military sponsor for support.

Sponsor - an active duty military member who is the parent of a juvenile.

Civilian juvenile - children of nonmilitary persons, who reside on, or who enter the military reservation, thereby coming under the control of the installation commander.

Jurisdiction.

Continental United States. Police authority on a military reservation may be cross jurisdictional with military, federal, state, local, or a combination of these. Several factors determine who has police authority. The type of offense committed and the authority of the state or federal government to legislate for the installation is important. The agency who handles the case is often a matter of policy rather than law. The provost marshal and staff judge advocate should have close liaison with civil authorities.

Military Jurisdiction. AR 210-10, gives general authority to the installation commander to create rules and regulations for the protection of all property, public and private, under his control, and the health, welfare, morale, and well-being of all persons under his command and supervision. All incidents occurring on the reservation including those involving juveniles have an effect upon command morale and safety. The control and handling of incidents is a major concern of the installation commander. Military police may be authorized to investigate offenses committed on the installation regardless of the suspect. Therefore, juveniles, whether civilians or dependents on post are governed by the rules and regulations of the installation commander. The Uniform Code of Military Justice does not apply to either dependent or nondependent juveniles. It does apply to members of the military under 18 years of age.

Federal Jurisdiction. Many crimes are federal violations as defined by Congress regardless of where the crime is committed within the United States. Counterfeiting, for example, is a federal offense anywhere it takes place in the United States. Under the Assimilative Crimes Act, state crimes are "adopted" as federal offenses if:

- The crime is committed on a federal reservation where the federal government exercises exclusive or concurrent jurisdiction.

- The crime is not in contravention of federal laws or policy.

State Jurisdiction. If the offense committed by the juvenile was a state crime, the local police and courts may take action. The military investigator, in assisting the commander, will be the first to enter the case.

Comparison of Juvenile Justice System and Criminal Justice System.

Juvenile offenders must be handled with care. The juvenile justice system as with the criminal justice system is geared toward reduction in crime. However, the criminal justice system also punishes the criminal. Juvenile justice has an overall objective of reform. Figure 1-1 compares how the juvenile offender is processed through the juvenile justice system with the criminal processing through the criminal justice system.

#### Detention of Juveniles.

Upon apprehension, a juvenile must be notified of his legal rights and the offense. Parents must then be notified of the apprehension. Again, the rights of the juvenile and offense for which apprehended must be given. While in detention, offenders must be kept in a comfortable, private place out of public view. Under no circumstances will youth offenders be housed with adult criminals. Investigators should be cautioned that they are to determine only if the offense occurred, not why, to gather pertinent data, and to conduct any appropriate interview.

In order to detain a juvenile, the following conditions must be met:

- Detainment is authorized by the installation commander.
- Detention is temporary. The detainment is for the purpose of transferring custody of the juvenile at the earliest possible time, either to the parents or to the appropriate state or federal agency.



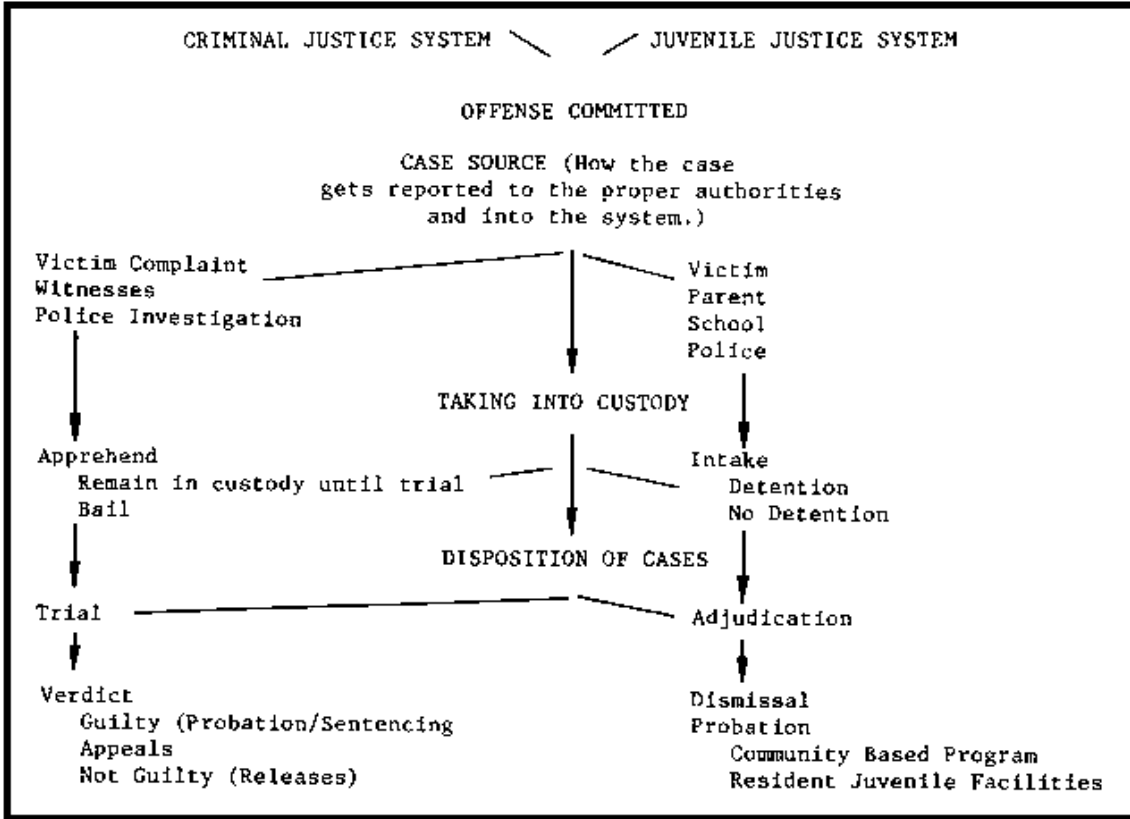


Figure 1-1. Comparison of Criminal Justice and Juvenile Justice System.

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Military police are also prohibited from certain procedures, unless offenders apprehended are to be prosecuted in federal or civil courts. These procedures include:

- Obtaining fingerprints or photographs of the juvenile without proper written judicial authority (the juvenile judge).
- Releasing names or pictures of juvenile offenders to the public.

Investigation of a Juvenile Offense.

Procedures to collect evidence on juvenile offenses are the same as those for an adult suspect. Normally, it is the military police who make the first contact in the apprehension of the offender. An excellent guideline for the investigative interview is to establish if an offense was committed by the juvenile by asking who, what, where, and how.

## Safeguard of Juvenile Records.

Safeguard all juvenile offender records. Disclose only authorized information.

When preparing the Military Police Desk Blotter, DA Form 3997, do not list the names of the juvenile subjects, their parents, or sponsors. Protect identities of juvenile victims of offenses such as rape or child molestation.

Enter "PROTECTED IDENTITY" in place of the victim's name when you prepare DA Form 3997. (See Figure 1-2.)

During a juvenile proceeding furnish information on the juvenile and the offense only to the court, counsel for the juvenile, the government, and others entitled to review sealed records.

## Disposition of Juvenile Cases on Post.

The installation commander has both formal and informal authority to administratively deal with juveniles.

### Informal:

- Verbal reprimand.
- Unofficial probation.
- Letter of admonishment to the child and parents and may recommend assistance of a chaplain.
- Restrict access to post facilities.

### Formal. (When informal actions have been ineffective):

- Revocation of privileges to the commissary, post exchange, theater, bowling alley, or driving on post.
- Bar from post.
- Termination of government quarters.

Statutory privileges such as hospital and dental can be denied only in extraordinary cases.

**"FOR TRAINING PURPOSES ONLY"**

MILITARY POLICE DESK BLOTTER <small>For use of this form, see AR 190-45, the component agency is Office of the Deputy Chief of Staff for Personnel.</small>		DATE (From 1941 hours to 2400 hours)	PAGE NO	
UNIT OR STATION DESIGNATION		16 September 19XX	1	
Provost Marshals Office, Fort Hill, AL 36205-5030			NO OF PAGES 2	
ENTRY NO.	TIME	SUMMARY OF COMPLAINT, INCIDENT, POLICE INFORMATION	SUMMARY OF ACTION TAKEN	ENTERED BY
1	0001	"This blotter (or blotter extract) is a daily chronological record of police activity developed from reports, complaints, incidents, or information received and actions resulting therefrom. Entries contained in the blotter may not be completely accurate and are not adjudications attesting to the guilt or innocence of any person.		
		<b>BLOTTER OPENED:</b>	Information	<i>THH</i> HALL
2	1150	<b>ASSAULT (ART #128, UCMJ)</b>	<b>Initiated</b>	<i>THH</i> HALL
		SUBJECT: WITCHINS, Robert E; E-3, M/C/20 111-35-5591, Co B, 25th Bn, 5th Bde, Ft. Hill, Al	MPR #01476-XX-MPCXXX DA Form 3975	
		VICTIM: EDWARD, Melton F; E-2, M/C/19, 525-55-5425, Co B, 25th Bn, 5th Bde, Ft. Hill, Al	DA Form 3881 (2) DA Form 2823 (5)	
		COMPLAINANT: WILLIAMS, Thomas D; E-7, M/C/33 191-31-2375, Co A, HQ Bn, 2nd Bde, Ft. Hill, Al	Notified: MPDO, (CPT SNOW), MPI, (HILL), at 1120.	
		TIME/DATE: 1100 hrs. 16 Sep 19XX	Patrol #2 Bravo dispatched.	
		LOCATION: 123 Club. Bldg 1762, Ft. Hill, Al	Unit Commander, (CPT TOUGH) notified at 1130.	
		MIL/POL: Patrol #2 Bravo, SPC TELLY/PFC UNION, 21st MP Co, Ft. Hill, Al	WITCHINS, released to TOUGH on DD Form 629 at 1205 hrs, 16 Sep XX	
		DETAILS: At approximately 1100, 16 SepXX this station was notified by WILLIAMS that a fight was in progress. PFC WITCHINS was beating PVT EDWARD. When Patrol #2 Bravo arrived at the scene, they found EDWARD lying on the floor and bleeding from his nose and mouth with WITCHINS standing over him. EDWARD was taken to the hospital and treated by CPT CANNON (MDO) for lacerations to the lower lip, requiring 5 sutures, and released to the MP Patrol. He was then transported to the station. WITCHINS was apprehended, advised of his rights, and transported to the station. Investigation continues by MPI.		
		PREVIOUS REPORTS or OFFENSES: None		
3	1645	<b>RAPE (ART # 120, UCMJ)</b>	<b>Initiated</b>	<i>JLC</i> CARTER
		SUBJECT: JONES, JOEY M; E-4, M/C/24, 187-76-3576, Co A, 99th Inf Bn, Ft Hill, Al	MPR #01477-XX-MPCXXX DA Form 3975	
		VICTIM: "PROTECTED IDENTITY" d/dau of a member of this command	DA Form 3881 DA Form 2823 (2)	
		COMPLAINANT: Same as Victim	Notified: MPDO (CPT SNOW), CID (SA RANDALL) at 2020 hrs, 16 Sep 19XX	
		TIME/DATE: 1600 hrs, 16 Sep 19XX		
		LOCATION: Wooden area near Post Theater (bldg # 282) Ft Hill, Al		
		DETAILS: At approximately 1615, 16 Sep 19XX this station was notified by the above victim, that at approximately 1600 hrs she was		

Figure 1-2. DA Form 3997, Military Police Blotter.

LESSON 1

PRACTICE EXERCISE

REQUIREMENT: The following questions are multiple choice and true/ false. Select the one that is correct. Indicate your choice by CIRCLING the letter beside the correct choice directly on these pages. This is a self-graded lesson exercise. Do not look up the correct answer from the lesson solution sheet until you have finished. To do so will endanger your ability to learn this material. Also, your final examination score will tend to be lower than if you had not followed this recommendation.

1. A 17-year-old female is apprehended at the PX for shoplifting. You determine that she is the dependent wife of PFC Joe Sandwich. Which of the following is the correct action to take?
  - A. Notify parents since individual is under 18.
  - B. Make routine entry on the Desk Blotter.
  - C. Notify DA Operations Center telephonically.
  - D. Enter "PROTECTED IDENTITY," D/wife PFC Joe Sandwich.
  
2. Jurisdiction over crimes committed on a military installation is the sole responsibility of the military unless it is a federal crime.
  - A. True.
  - B. False.
  
3. Detention of a juvenile offender by the military police is authorized:
  - A. Because of military jurisdiction on all on-post crimes.
  - B. In accordance with the UCMJ and established policy between state and local governments.
  - C. Since you represent the Installation commander who has general authority to create rules and regulations on post.
  - D. Due to a policy between the military and state and local governments where overlapping jurisdiction occurs.
  
4. When preparing the MP Desk Blotter, incidents pertaining to a juvenile WILL NOT be recorded due to their protected status.
  - A. True.
  - B. False.

LESSON 1

PRACTICE EXERCISE

ANSWER KEY AND FEEDBACK

<u>Item</u>		<u>Correct Answer and Feedback</u>
1.	B.	Make routine entry on the desk blotter. As a military policeman ... (page 1-2, para 2)
2.	B.	False. Police authority on... (page 1-3, para 4)
3.	C.	Since you represent the installation commander who has general authority to create rules and regulations on post. AR 210-10, gives general authority to the installation commander to...(page 1-2, para 5)
4.	B.	False. When preparing the military...(page 1-4, para 3)

## LESSON 2

### IDENTIFY AND REACT TO A SERIOUS INCIDENT

#### OVERVIEW

##### LESSON DESCRIPTION:

In this lesson you will learn the three categories of serious incidents and how to react to them.

##### TERMINAL LEARNING OBJECTIVE:

**ACTION:** Identify and react to a serious incident.

**CONDITION:** Given this subcourse, paper and pencil.

**STANDARDS:** To demonstrate competency of this task you must achieve a minimum score of 70 percent on the subcourse examination.

**REFERENCES:** The material contained in this lesson was derived from the following publication: AR 190-40.

#### INTRODUCTION

As a military police sergeant, you will often be the first person to receive an incident report. If you are the patrol supervisor you may be the first authoritative person to arrive at the incident scene. You must classify the incident based on all of the information available and the provisions of AR 190-40. You will also be responsible for the military police immediate reaction. Your supervisors will depend upon you to properly forward the information through channels according to the category of the incident and local standing operating procedure (SOP).

#### PART A - IDENTIFY AND REACT TO A SERIOUS INCIDENT

Serious incident is defined as an actual or alleged incident, accident, misconduct, act, or condition (either criminal or noncriminal) that warrants timely notice to DA because of its nature, gravity, publicity, or potential consequences. The incident should be reported despite the rank or position of the personnel involved.

Is any adverse publicity going to be generated because of this incident on your installation? Is the publicity local or national? Will the news media contact the Secretary of Defense immediately to ask questions about the incident, (i.e., a riot took place on your post). Does he need to know about this before he is contacted. This incident (riot) could bring adverse publicity.

The gravity of the event itself. How serious was it? Did the incident involve death, injury, large value of property damaged or stolen? (Example, a soldier is wounded while trying to escape from a confinement facility.)

What effect is the incident going to have on unit readiness? Can the unit operate without the missing or damaged equipment? How long will it take to repair or replace the equipment? (Example, fire in unit's motor pool destroys

or damages several vehicles. Damage is about \$15,000 dollars.)

Categories of serious incidents are clearly defined in AR 190-40. A summary of these categories follows.

Category I, is of immediate concern to the Department of the Army. This involves such things as terrorist activities on the installation or involving military personnel or property; explosions resulting in death, injury, or property damage; riots on or off the installation; member of the U.S. Army seeking political asylum in a foreign country; war crimes and threats against the President, Vice President, or other high government officials. Notification for a category I incident:

- Immediately telephone the Army Operations Center (AOC), regardless of where you are, overseas or stateside, and give a brief account of the event. Provide minimum basic data: Who, what, when, where, and how, using the message format as a guide. Timeliness means more than completeness on all calls.

- Follow-up with an electronic message using DD Form 173/1 (Fig 2-1), Joint Message Form, no more than 12 hours after you called. This message is sent to HQDA (DAPE-HRE). SIRs must be approved by the provost marshal and installation commander.

- Army National Guard (ARNG) incidents involving their activities also will be telephonically reported to FORSCOM. The State Adjutant General will make this report immediately upon receipt of information or discovery of a category I incident to: (a) the Army Provost Marshal having geographical jurisdiction; (b) the National Guard Office of Military Support during duty hours, and the National Guard Bureau (NGB) duty office during nonduty hours.

Category II is of serious concern but slightly less than category I. These include the theft of firearms or ammunition; murder; major fires where people have been killed or injured; sales or trafficking of narcotics greater than \$500; and training maltreatment. Notification for a category II incident:

- An electronically transmitted message will be sent directly to Department of the Army, Washington, DC (DAPE-HRE), within 24 hours after the receipt of the information or discovery that a category II incident has occurred. No telephone calls needed.

- ARNG, an electronic message will be transmitted within 24 hours after the discovery of a category II incident to the Army Provost Marshal having geographical area jurisdiction and HQDA, Washington, DC (NGB-MS). Does not apply when the ARNG unit is mobilized for federal service.

Category III is not as time sensitive. They include major fires on an installation with property damage, but no one killed or hospitalized. (Example, the PX burns down. This is going to hurt the installation, but will not affect unit readiness.) However, it does need to be reported. Other examples are thefts greater than \$500, but less than \$5,000. Notification for a category III incident:

- Option 1; send a letter using the message format to HQDA (DAPE-HRE), Washington, DC 20310, within 3 days after a category III incident occurred.

- Option 2; within 7 days after the incident, send an electronically transmitted message to DA, Washington, DC (DAPE-HRE).

- ARNG: A letter will be sent within 3 days or an electronically transmitted message within 7 days after the incident to:

-- The Army Provost Marshal having geographical area jurisdiction.

-- HQDA, Washington, DC (NGB-MS).

If identified and categorized as a serious incident, respond in accordance with the local SOP.

- The desk sergeant will notify the MP duty officer, staff officer, etc., as per the local SOP. If you are sure it is a serious incident, but don't know the category, ask the supervisor for help.

- The patrol supervisor responds to the location of the incident, assures that the incident is handled in accordance with local SOP. He then contacts the MP duty officer, staff duty officer, etc., and transmits pertinent information to the desk sergeant as soon as possible, for the incident report.

- ROTC, ARNG, and USAR will contact their supervisor and respond in accordance to unit or installation SOP.



PART B - FORMAT AND INSTRUCTIONS FOR PREPARING SERIOUS INCIDENT REPORTS

"FOR TRAINING PURPOSES ONLY"

JOINT MESSAGEFORM							SECURITY CLASSIFICATION			
							UNCLASSIFIED			
PAGE	DTG RELEASER TIME			PRECEDENCE		CLASS	SPECIAL	KMI	CIC	ORIG MSG IDENT
	DATE TIME	MONTH	YR	ACT	INFO					
01 of 03	160700Z	FEB	XX	RR	RR	UUUU				0470730Z
BOOK	MESSAGE HANDLING INSTRUCTIONS									
<p>CDR FROM ANYWHERE AL//HCMP-PM//            DA WASHDC//DAMO-ODL//            INFO CRDUSAMPOA FALLS CHURCH VA//MOMP-0//            CDRUSACIDC WASHDC//CIOP-SA//</p> <p>UNCLAS            QQQQ</p> <p>SUBJ SIR NUMBER XX0004</p> <p>1. CATEGORY 2.            2. TYPE OF INCIDENT - ROBBERY {5N3A1}            3. DATE/TIME OF INCIDENT - 1514 - 15 FEB XX CST.            4. LOCATION - FINANCE &amp; ACCOUNTING, BLDG 1592, FT ANYWHERE, AL 12345            5. RACIAL - NO            6. PERSONNEL INVOLVED -            A. SUBJECT -            {1} NAME - ROGERS, MICHAEL JAMES            {A} GRADE - E4            {B} SSN - 719-84-6122            {C} RACE/ETHNIC GROUP - CAU ORIGIN            {D} SEX - M</p>										
DISTR										
DRAFTER TYPED NAME / TITLE OFFICE SYMBOL PHONE							SPECIAL INSTRUCTIONS			
JOHN C. JONES, SFC, ATZN-MP-00,4787							TYPIST: JAMES TAYLOR			
TYPED NAME TITLE OFFICE SYMBOL AND PHONE							SECURITY CLASSIFICATION		DATE TIME GROUP	
JOHN P. DOE, COL, ATZN-MP-00,6789							UNCLASSIFIED			
RELEASEE	SIGNATURE <i>John P. Doe</i>									

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2  
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DD FORM 1 MAR 79 173/1

PREVIOUS EDITION IS OBSOLETE

U.S. GPO 1979-0-302 175

Figure 2-1. DD Form 173/1, SIR Report.



"FOR TRAINING PURPOSES ONLY"

JOINT MESSAGEFORM						SECURITY CLASSIFICATION UNCLASSIFIED				
PAGE	DTG/RELEASE TIME			PRECEDENCE		CLASS	SPECAT	LMF	CIC	ORIG/MSG IDENT
	DATE TIME	MONTH	YR	ACT	INFO					
02 OF 03				RR		UUUU				
BOOK	MESSAGE HANDLING INSTRUCTIONS									
<p>{E} AGE <del>33</del> FROM:</p> <p>{F} POSITION:</p> <p>{G} SECURITY CLEARANCE</p> <p>{H} UNIT AND STATION ASSIGNMENT - 45TH MED DET, FT ANYWHERE, AL</p> <p>{I} DUTY STATUS</p> <p>B. VICTIM</p> <p>{L} NAME - US ARMY F&amp;AO, FT ANYWHERE, AL</p> <p>C. WITNESS</p> <p>{L} NAME - CRAIG, SHIRLEY J.</p> <p>{A} POSITION - CASHIER, GS-04</p> <p>{B} SSN - 714-82-1258</p> <p>{C} SEX - FEMALE</p> <p>{D} RACE/ETHNIC GROUP</p> <p>{E} AGE</p> <p>7. SUMMARY OF INCIDENT - ROGERS WAS APPREHENDED BY MILITARY POLICE AND CITED WITH THE ARMED ROBBERY OF THE FT ANYWHERE FINANCE AND ACCOUNTING OFFICES. INVESTIGATION REVEALED ROGERS ENTERED THE FINANCE AND ACCOUNTING OFFICES AT APPROXIMATELY 1415 HOURS ON 15 FEB 19XX HE APPROACHED THE CASHIER CAGE, REVEALED A SMALL</p>										
DISTR:										
DRAFTER TYPED NAME, TITLE, OFFICE SYMBOL, PHONE						SPECIAL INSTRUCTIONS				
TYPED NAME, TITLE, OFFICE SYMBOL AND PHONE										
RELASER	SIGNATURE <i>J.P.D.</i>					SECURITY CLASSIFICATION UNCLASSIFIED			DATE TIME GROUP	

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DD FORM 173/1  
1 MAR 79

PREVIOUS EDITION IS OBSOLETE

US GPO 1979-0-302-175

Figure 2-1. DD Form 173/1, SIR Report (cont).

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"FOR TRAINING PURPOSES ONLY"

JOINT MESSAGEFORM						SECURITY CLASSIFICATION				
						UNCLASSIFIED				
PAGE	DTG/RELEASER TIME			PRECEDENCE		CLASS	SPECAT	LMF	CIC	ORIG:MSG IDENT
	DATE TIME	MONTH	YR	ACT	INFO					
03 OF 03				RR		UUUU				
MESSAGE HANDLING INSTRUCTIONS										
<p>CALIBER <del>REVOLVER</del> <sup>FNOM</sup>, AND DEMANDED ALL THE PAPER CURRENCY FROM THE CASHIER DRAWER. ROGERS THEN TOOK THE FILLED MONEY BAG AND EXITED THE FACILITY THRU THE SIDE ENTRANCE, FLEEING THE SCENE IN A LATE MODEL CAR, LIGHT-BLUE IN COLOR, WITH ALABAMA LICENSE PLATES. SUBJECT WAS APPREHENDED AT 1435 HOURS, 15 FEBRUARY 19XX AS HE ATTEMPTED TO DEPART THE INSTALLATION VIA A VEHICLE GATE. A .38 CALIBER REVOLVER AND STOLEN MONEY BAG CONTAINING \$17,453 WERE LOCATED IN THE SPARE-TIRE WELL OF ROGER'S CAR</p> <p>8. REMARKS - NONE.</p> <p>9. PUBLICITY - LOCAL MEDIA COVERAGE ANTICIPATED.</p> <p>10. COMMANDER REPORTING</p> <p>11. THE FOUR PROTECTIVE MARKING MAY BE REMOVED ON 15 JANUARY 19XX.</p>										
DISTR										
DRAFTER TYPED NAME, TITLE, OFFICE SYMBOL, PHONE						SPECIAL INSTRUCTIONS				
TYPED NAME, TITLE, OFFICE SYMBOL AND PHONE										
RELEASER	SIGNATURE <i>J.P.D.</i>					SECURITY CLASSIFICATION		DATE TIME GROUP		
						UNCLASSIFIED				

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DD FORM 173/1  
1 MAR 79

PREVIOUS EDITION IS OBSOLETE

U.S. GPO 1979-0-302 175

Figure 2-1. DD Form 173/1, SIR Report (cont).

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Format and Instructions for Preparing Serious Incident  
Report (DD Form 173/1, Joint Message Form)

Item	Data
Subject.....	"SIR number (proper number)" This number will always be a six-digit number. The reporting command or activity will assign the number. The first two digits of the calendar year in which the report is being prepared. The last four digits, beginning with 0001, will be the sequential number assigned for that calendar year. Add the word "SURNAME" as the last word of the SIR subject for incidents involving a commissioned or warrant officer, or civilian, GS-7 or above, as subject or suspect, or to other incidents that are so sensitive or personal as to warrant selective distribution.
Paragraph:	
1. Category of incident.....	Indicate 1, 2, or 3. (Category 1, 2, and 3 incidents are given in part A of this lesson)
2. Type of incident.....	Indicate type of offense and offense code. (Offense codes are contained in AR 190-45.) NOTE: Offense codes will not be used for determining whether a serious incident is reportable. If multiple incidents are reported, list in order of seriousness and include the offense code in parentheses immediately following each offense.
3. Date and time of incident....	Enter date-time group the incident occurred. Continental United States (CONUS) reports should indicate time zone (eastern, central, mountain, pacific).
4. Location.....	Give specific type of structure, facility, or area and exact address or location where the incident occurred; for example, on post, off post, troop barracks, hospital ward, arms room, building number, open field, quarters.
5. Racial.....	Indicate whether incident was racial or not, undetermined, or undetermined but highly suspect. If racial, explain circumstances fully in paragraph 8, Remarks.
6. Personnel.....	List data pertaining to subject and victim. If no identified subject and



victim exist, so indicate.

a. Subject:

(1) Name (last, first, middle).

(a) Pay grade (e.g., E1, E9, W1, W4, O1, O10).

(b) Social security number (SSN).

(c) Race, ethnic group. (See AR 680-29 and DA Pam 600-26 for guidance.) IAW AR 190-45, racial/ethnic group codes are:

R American Indian or Alaskan Native

M Asian or Pacific Islander

N Black, not of Hispanic Origin.

C White, not of: Hispanic Origin.

H Hispanic: (Regardless of Race)

X Other or Unknown.

(d) Sex.

(e) Age.

(f) Position-duty assignment if military; relationship to sponsor if dependent; pertinent relationship or position of civilian.

(g) Security clearance.

(h) Unit and station assignment.

(i) Duty status military only on duty, off duty, leave, AWOL, etc.).

(2) If more than one subject is involved, list consecutively and repeat all data elements in (1)(a) through (i), above.

b. Victim:

- (1) Name (last, first, middle).
  - (a) Position (grade if military, relationship to sponsor if dependent, pertinent relationship or position if civilian).
  - (b) SSN.
  - (c) Sex.
  - (d) Race, ethnic group.
  - (e) Age.
- (2) If more than one victim is involved, list consecutively and report all data elements in (1)(a) through (e), above.

7. Summary of incident..... Give a narrative of the incident.

Include the following data, if available.

- a. What happened (include dollar value of property lost, stolen, destroyed, or damaged).
- b. Degree of access to classified information. Action taken or contemplated to suspend or revoke security clearance, if applicable.
- c. Military Police Report (MPR) number and USACIDC Report of Investigation (ROI) number, if applicable.
- d. Results of preliminary investigation and corrective action taken, if applicable. Preliminary disposition of subject; e.g., release to own custody, released to unit, released to civilian authorities, placed in pretrial confinement.

8. Remarks..... Self-explanatory.

9. Publicity..... Indicate the degree of news media coverage that has occurred or that is anticipated; i.e., local, regional, or national media coverage. Coordination with the local public affairs office will be accomplished to determine potential or extent of media coverage.

10. Commander reporting..... Self-explanatory.

11. Downgrading instructions..... Indicate downgrading instructions for classified report or the removal date of FOR OFFICIAL USE ONLY (FOUO) protective markings, as proper.

## LESSON 2

### PRACTICE EXERCISE

REQUIREMENT. The following questions are multiple choice and true/false. You are to select the one that is correct. Indicate your choice directly on these pages. This is a self-graded lesson exercise. Do not look up the correct answer from the lesson solution sheet until you have finished. To do so will endanger your ability to learn this material. Also, your final examination score will tend to be lower than if you had not followed this recommendation.

1. Which of the following incident would be classified as category II?
  - A. Fight at the NCO Club.
  - B. Class VI burns down.
  - C. Theft of ammunition.
  - D. Appropriated fund loss of \$4,000.00.
  
2. Category III Serious Incident Reports must be reported within 48 hours.
  - A. True.
  - B. False.
  
3. A category I Serious Incident Report may be communicated telephonically or electronically.
  - A. True.
  - B. False.
  
4. The correct form used to report serious incidents would be which of the following?
  - A. DD Form 173/1.
  - B. DD Form 173/2.
  - C. DD Form 173/3.
  - D. DD Form 173/4.
  
5. As a military policeman your response to a serious incident will be influenced by:
  - A. The category of the incident and local standing operating procedures.
  - B. AR 90-40, para 1-4.
  - C. Whether the incident is criminal or noncriminal.
  - D. An actual or alleged incident.

LESSON 2

PRACTICE EXERCISE

ANSWER KEY AND FEEDBACK

<u>Item</u>		<u>Correct Answer and Feedback</u>
1.	C.	Theft of ammunition. These include ...(page 2-2, para 7)
2.	B.	False. Category III is not time...(page 2-3, para 2)
3.	B.	False. Follow-up with an electronic message...(page 2-2, para 5)
4.	A.	DD Form 173/1. Follow-up with an electronic message...(page 2-2, para 5)
5.	A.	The category of this incident and local standing operating procedures. If identified ...(page 2-3, para 4)

## LESSON 3

### MILITARY POLICE RESPONSE TO A BOMB THREAT

#### OVERVIEW

##### LESSON DESCRIPTION:

In this lesson you will be presented with an overview of the military police responsibilities and concerns with regard to bomb threats.

##### TERMINAL LEARNING OBJECTIVE:

**ACTION:** Respond to a bomb threat.

**CONDITION:** Given this subcourse, paper and pencil.

**STANDARD:** To demonstrate competency of this task you must achieve a minimum score of 70 percent on the subcourse examination.

**REFERENCES:** The material contained in this lesson was derived from the following publication: FM 19-30.

#### INTRODUCTION

Bomb threats or bomb incidents are real threats to the physical security of military installations. A physical security program must include bomb threat planning in accordance with FM 19-30. It should also have a local bomb threat standing operating procedure (SOP). The military police patrol supervisor should be familiar with, and have access to, the local SOP and FM 19-30 to aid in responding to a bomb threat. Concern must be directed toward protection and assistance of the military community. Supervisors are responsible for leadership and guidance for those assigned.

##### Definitions.

**Bomb** - a bomb is a device capable of producing damage to material, and injury or death to personnel, when detonated or ignited. Bombs are classified as explosive or incendiary. An explosive bomb causes damage by fragmentation, heat, and blast wave; the heat produced often causes secondary incendiary effect. An incendiary bomb generates fire--producing heat without substantial explosion when ignited. Bombing occurs when an explosive bomb detonates, or an incendiary bomb ignites.

**Bomb threat** - A bomb threat is a message delivered by any means, warning or claiming the presence of one or more bombs. The message may or may not specify the location of a bomb; the time for detonation/ignition; or contain an ultimatum related to the detonation/ignition or concealment of the bomb.

**Bomb incident** - Any occurrence involving the detonation/ignition of a bomb, the discovery of a bomb, or the execution of a bomb threat.

**Countermeasures** - Those steps taken to minimize the production and placement of bombs and to reduce the disruption of bomb threats.

##### Motives of Bomber.

Security threats are defined as any human or natural conditions that could disrupt the installation or facility; cause damage, loss or destruction of property; cause personal injury or loss of life; and possibly compromise defense information. A bombing is classified as a human threat. Human threats are the result of state of mind, attitude, weakness, or character trait. Of concern is what motivates a bomber to display such destructive behavior. While it is unlikely that understanding this type human behavior will lead to measures that eliminate the threat, an awareness enhances the response to a bomb threat. This lesson covers only a few motives, (personal animosity, suicide, extortion, pranks, etc.) to be considered when a threat is encountered.

Labor disputes: Although most labor disputes are settled peaceably, there are always a few exceptions. When union members strike, attacks are aimed at strike breakers and the employer.

Politics: Bombings are psychological tools designed to instill fear and submission. Bombing embassies, postal services, cars of government officials, and mass transportation are only a few examples. Beirut, Lebanon is perhaps the modern day classic example of politically motivated bombings.

Civil rights: Issues ranging from school desegregation to abortion protests have resulted in bombing attacks as a means of grievance redress.

Antiwar: The Vietnam era antiwar protestors ironically used violent behavior such as bombings to protest U.S. war involvement. Violence was used as an attempt to curtail violence.

Racketeering: Criminals involved in illegal drug and gambling activities use bombings as a coercive measure.

Likely Targets.

Motives are numerous, so are potential targets. Targets may either be selected at random or with care. Potential targets include but are not limited to:

- Persons.
- Military installations and activities.
- Public utilities.
- Vehicles.
- Public safety buildings.
- Schools.
- Public communications facilities.
- Residents.
- Commercial operations.

Upon receipt of an order to have patrols help clear a building, the patrol supervisor must ensure that the procedures are calm, orderly, and courteous, but firm.

- Evacuate occupants over 100 meters from the building or suspected bomb site.

- Use evacuation teams to guide occupants out of the area.

- Do Not use military police as members of the search team.

Establish roadblocks: When it is determined by the bomb scene officer that danger is imminent, roadblocks should be set up to reroute vehicles and pedestrians.

- Place roadblocks at least 100 meters from the affected building.

- Keep unauthorized persons out of the area.

- Notify the MP operations center by telephone:

- When foot and vehicular traffic have been detoured.

- If backup patrols are needed.

- When the area is declared safe by the bomb scene officer.

Bomb Scene Supervision.

Arrival at the scene.

- When the patrol supervisor has been dispatched to a bomb scene, the vehicle should be stopped at least 50 meters from the building. Radio or telephones should not be used within the 50 meter radius since such signals may detonate some bomb devices.

- Place a radio call to the desk or military police operations center giving exact location from a safe distance.

Building evacuation. Military police do not have the authority to order the evacuation of a building. The supervisor of the building concerned, the bomb scene officer, or senior person in the building has that authority.

Departing the scene. Remain at the scene until the area has been declared safe and conditions are normal. The bomb scene officer or other individuals designated by local authority has the authority to declare the building safe. Military police do not declare an area safe.



LESSON 3

PRACTICE EXERCISE

REQUIREMENT: The following questions are multiple choice and true/false. You are to select the one that is correct. Indicate your choice by CIRCLING the letter beside the correct choice directly on these pages. This is a self-graded lesson exercise. Do not look up the correct answer from the lesson solution sheet until you have finished. To do so will endanger your ability to learn this material. Also, your final examination score will tend to be lower than if you had not followed this recommendation.

1. Bomb threat planning should be accomplished in accordance with which of the following references?

- A. AR 19-30.
- B. AR 119-30.
- C. FM 19-30.
- D. FM 119-30.

2. Roadblocks at a bomb scene should be how far from an affected building?

- A. 50 meters.
- B. 100 meters.
- C. 150 meters.
- D. 200 meters.

3. Radio communication at a bomb scene should be a minimum of how far away from the building?

- A. 25 meters.
- B. 50 meters.
- C. 75 meters.
- D. 100 meters.

4. Your patrol unit is the first to arrive at the scene of a bomb threat. You should immediately order the evacuation of a building.

- A. True.
- B. False.

5. One of your responsibilities upon arrival at a bomb scene is to call in to the desk or MP operations center.

- A. True.
- B. False.

LESSON 3

PRACTICE EXERCISE

ANSWER KEY AND FEEDBACK

<u>Item</u>		<u>Correct Answer and Feedback</u>
1.	C.	FM 19-30. A physical security program... (page 3-1, para 1)
2.	B.	100 meters. Place roadblocks at least... (page 3-3, para 3)
3.	B.	50 meters. Radio or telephone... (page 3-3, para 3)
4.	B.	False. Military police do not have... (page 3-4, para 2)
5.	A.	True. Place a radio call... (page 3-4, para 1)

## LESSON 4

### LEGALITY OF SEARCHES WITHOUT PRIOR AUTHORIZATION

#### OVERVIEW

##### LESSON DESCRIPTION:

In this lesson you will learn you can properly conduct a search, or seize evidence, without need for a prior authorization, or search warrant.

##### TERMINAL LEARNING OBJECTIVE:

- ACTION: Understand the legality of searches without prior authorization.
- CONDITION: Given this subcourse, paper and pencil.
- STANDARD: To demonstrate competency of this task you must achieve a score minimum of 70 percent on the subcourse examination.
- REFERENCES: The material contained in this lesson was derived from the following publications: MCM 1984, FM 19-10, AR 190-22, and AR 27-10.

#### INTRODUCTION

The United States Constitution guarantees to each citizen the freedom from unreasonable searches and seizures. The terms of this protection may seem vague but the Federal Courts, in particular the Supreme Court, have spent many years interpreting the Constitution and clarifying the meanings of its various guarantees. As a military police NCO, it is necessary to be sufficiently familiar with these interpretations so that you can properly perform your enforcement duties. For the purposes of this lesson, you must understand when you can properly conduct a search or seize evidence, without need for a prior authorization or search warrant.

#### PART A - PROBABLE CAUSE

"Probable cause" is a term in the Constitution which has sometimes caused some problems of interpretation. The term is defined, for purposes of the military, by the Manual for Courts-Martial, United States, 1984, as follows:

- "Probable cause to apprehend exists when there are reasonable grounds to believe that an offense has been or is being committed and the person to be apprehended committed or is committing it." RULE FOR COURT-MARTIAL (RCM) 302(c).

- "Probable cause to search exists when there is reasonable belief that the person, property, or evidence sought is located in the place or on the person to be searched." MILITARY RULE OF EVIDENCE (MRE) 315(f)(2).

These definitions agree with the definitions of the Supreme Court and are generally applicable to questions involving the Fourth Amendment. The term is extremely important because usually searches are legal only when based upon probable cause.

Military commanders are empowered to authorize a search of any person or place under their command. This includes anywhere on a military installation by the installation commander. Additionally, any military judge, or military magistrate, can authorize a search anywhere on the installation. These authorizations equal a civilian search warrant issued by a judge or magistrate. As with the warrant, a search authorization must be based upon probable cause, as defined in MRE 315. Although you may frequently engage in searches authorized by an appropriate authority, this lesson primarily covers those situations where a search is legal without authorization. This is more difficult, because if there is an authorization, you need only comply with its terms and your search is likely to be proper.

The concept of probable cause is essential to understanding the lawfulness of a search. It is not a technical, abstract concept, to be understood only by members of the legal profession. It deals instead with probabilities and common sense; i.e., the factual and practical considerations of everyday life on which reasonable and prudent people act. A law enforcement officer must make common sense judgements about human behavior. Probable cause involves such conclusions that are based upon the facts known to the officer; i.e., his understanding to the totality of the circumstances.

In general, a law enforcement officer can obtain probable cause in one of two ways. The first is simply by personal observation; i.e., he sees the crime occur. The second is when he receives information secondhand, from another person, such as an informant or eyewitness. In assessing such information, the officer must consider the reliability of the informant (why is he to be believed?) as well as the informant's basis of knowledge (how does he know these things?). Stated differently, he should ask the informant two basic questions: (1) Why should I believe you; and (2) how do you know? What is involved here is not a rigid or mechanical analysis, but a weighing of probabilities. A deficiency in one of the two areas may be overcome by a particularly strong showing in the other. Even if BOTH are weak, the details provided may be corroborated, or substantiated, by the personal observations of the officers. This is true even if the facts corroborated are not themselves criminal in nature. The overall question is whether, given all of the circumstances, there is a fair probability that contraband or evidence of a crime will be found in the place to be searched. If so, there is probable cause. A few examples will illustrate these principles.

One morning you receive an anonymous phone call. The caller tells you that PVT Schmedlap has 40 bags of marijuana in his room. He is planning to take them to the field next week. Based on this information, would a reasonable person believe that a search of PVT Schmedlap's room would reveal the presence of marijuana? The answer is no. First, we know nothing about the reliability of the informant. Is he an honest citizen reporting a crime? Or is this Schmedlap's worst enemy, simply trying to get him in trouble by falsely reporting a crime? Does he have a motive to lie? There is no basis for finding him reliable. Second, we know nothing about his basis of knowledge, i.e., how does he know these things? Did he see for himself? Did someone tell him? If so, who? Is he simply passing on a rumor? Did he verify it? We simply don't know. Finally, there is no corroboration. Actually, in the example given, there are really no independent facts for the officer to corroborate or verify. A few questions to the informant could have made the difference, but they were not asked. As it stands, the information provided is insufficient to constitute probable cause.

You receive a phone call, and this time the caller identifies himself. It is PVT Smith, an informant who has given you information about drug offenses in the past. He has done this on five prior occasions, and the information has always been accurate. He is a good troop and you find him reliable and

trustworthy. Is this enough? Here, you can sufficiently establish the reliability of the informant. At the same time, however, you do not know his basis of knowledge; i.e., how does he know these facts he has just given you?

Did he see for himself or did someone else tell him? Under the totality of the circumstances test used by the courts, this information would be marginally adequate to establish probable cause. It is still weak, however, and there is a chance that a court might find it insufficient. The problem could easily have been avoided simply by asking PVT Smith where he got his information. This is a close case, made so by your failure to ask a few additional questions. The point is, why take the chance? By asking the informant the necessary questions, you can eliminate the unnecessary element of risk. Why gamble?

You receive a phone call from an unidentified informant, who says that PVT Schmedlap has 40 bags of marijuana in his room. He tells you he knows this, since he was in the room last night. Is this enough? Here, we have a variation on the prior example. We do not know about the reliability of the informant, and don't even know who he is. We do, however, know his basis of knowledge; i.e., he saw for himself. In a case like this, get as much information as you can about the informant (which is always important in these situations). Even if he won't reveal his identity, find out why he is reporting Schmedlap. Does he have a grudge? Is he an honest citizen? Why won't he identify himself? Is he afraid? Also, can the informant identify anything about Schmedlap's room? This would serve to substantiate his claim that he was there. Can he describe it? If so, it would strengthen his claim to having been there (as opposed to his simply passing on rumors). By asking these additional questions, you could establish a much stronger case. Without them, the case is very weak, and a court might suppress the evidence. Once again, why take the risk? Get the facts. Without them, it is very difficult (and sometimes impossible) to establish probable cause.

You receive an anonymous call. The voice states the following: "PVT Schmedlap is taking leave this week, and is going to Florida. He is going to buy a bunch of marijuana to sell in the unit, and will bring it back in his blue VW van, which has the license number XYX 112. He sells the stuff regularly out of the parking lot of his unit, A/1/60 Infantry. He is transferring to Germany next month, so he is going to bring back a really large quantity so he can set himself up with enough money to get into business over there." Is this enough? Here, you don't know the identity of the informant, and cannot really tell if he is reliable. Also you don't really know his basis of his knowledge; i.e., how does he know all this? Did Schmedlap tell him? Is it a rumor? There is little here from which you can assess either reliability or basis of knowledge. Standing alone, this information would probably not be sufficient to constitute probable cause. There is only a small chance that a court would rule otherwise. Why take the risk when you could easily eliminate it?

In the example just given, you do some checking. A/1/60 Infantry does have a Schmedlap assigned to it, and he is scheduled to take leave this week...to Florida. The unit vehicle registration roster shows that he owns a VW van, license number XYX 112, which is blue in color. He will return from leave on Sunday. The unit has a copy of his PCS orders, showing he is to be assigned to the Federal Republic of Germany shortly after he returns from leave. Now is this enough? Here, you have taken a weak case and have turned it into a much, much stronger one. You have taken the details provided by the anonymous informant, and have corroborated them by your own independent observations. This is true even though details are themselves not criminal and standing alone, would seem innocent. After all, simply owning a blue VW is no crime, nor is going to Florida or PCSing to Germany. If the informant gives you six details however, and you can substantiate five of them, it is

sufficiently likely that the sixth detail is also true. The totality of circumstances, therefore, would cause a reasonable person to believe that it is likely that Schmedlap is going to commit a crime of possession of marijuana, and that evidence of the crime will be found in the place to be searched. There is, then, probable cause to search his vehicle and to apprehend Schmedlap. Although both the reliability and basis of knowledge aspects were initially very weak, your corroboration sufficiently strengthened both.

#### PART B - CONSENT SEARCHES

The right to be free from unreasonable searches is a personal right and can be freely waived. That is, the individual can permit you to search his person, or property, with no probable cause, or even suspicion. This is a "consent search." The only requirement is that the consent must be voluntarily given, without coercion or implied or actual threats or promises.

You need not particularly suspect an individual of any criminal conduct in order to ask his consent to search, and you certainly need not have probable cause to believe you will find any evidence from the search. As is true with determining the existence of probable cause, the question of consent voluntarily given will depend upon all of the circumstances present. Consider the following situations:

- You stop an individual for a traffic violation. The individual's demeanor makes you suspicious and, after writing out the citation, you return his driver's license with the citation, and ask him "Would you mind if I searched your car?" The driver shrugs his shoulders, says, "Sure, OK with me" gets out, and hands you the keys. You then conduct a complete search of the vehicle, and find a quantity of marijuana in the glove box.

This is a proper consent search, and the marijuana is properly seized and admissible as court evidence. It is not necessary to tell the individual that he has the right to refuse to consent, or his rights against self-incrimination under the Fifth Amendment, or what it is you think you might find from a search. Nor do you need to have any basis for your suspicions. (You need not even have any suspicions, just the desire to search the car.) Note that the consent need not be in writing, or even verbal. The driver's actions, in this case, evidenced his consent to the search.

- Assume that, after you have prepared the citation, you return to the vehicle and tell the driver to get out. You then, retaining his driver's license, tell him, I want to search your car. Let me have the keys, please." He shrugs his shoulders and hands you the keys, saying, Go for it." You search the vehicle and, again, find the marijuana. This is not a proper consent search. The driver in this case did not consent, he merely submitted to your apparent authority, "accepting the inevitable," so to speak. Although the driver needn't be advised of his rights prior to a consent search, the consent must be given freely. Remember, the mere acquiescence to a show of authority is not consent.

Consent can sometimes be granted by someone other than the person against whom the evidence will be used. A spouse can consent to the search of the family home, even if it is evidence against the other spouse that is sought, and found. When a married couple share a home, each of them has an equal right to access to and control over the property. Each has an equal right to consent to a search of the property. This can be true with other shared living arrangements. Two roommates, that share equally in the control over the quarters, can consent validly to a quarters search. An area which one of

the individuals retains as his private, personal area, to which the other individual has no legitimate access, however, is safe from a search consented by the other individual.

#### PART C: STOP AND FRISK

Probable cause is required before you can apprehend an individual for a crime. In some cases, however, it is necessary to stop an individual long enough to investigate a suspicious situation, without having probable cause. This can happen, if you have a "reasonable suspicion," based upon clearly articulable facts, that the individual is committing or about to commit a crime. The requirement for a basis of "articulable facts" is to protect the public from unnecessary interference with freedom of movement based on nothing more than an investigator's hunch. The officer must be able to express facts which will convince a reasonable person that the officer, based upon his experience and training, could legitimately suspect that criminal activity was afoot and the individual stopped is involved. As part of this "investigative stop" you can sometimes conduct a type of search, for your own safety. If there is a legitimate basis for an investigative stop, and you also have an equally reasonable suspicion that the individual whom you have stopped is presently armed and dangerous, then you can pat down his outer clothing, looking for a weapon. If you feel a weapon, you can seize it, while you complete your investigative stop, in order to protect yourself. Consider this example:

While on patrol last night, you observe an individual jogging through an area which you know to be frequented by drug dealers. You stop the individual and ask for identification. He tells you to "bug off," and resumes jogging. You forcibly detain him, and pat him down. You feel what, based upon your extensive experience, you believe to be a plastic bag of drugs. You reach into his pocket and pull it out, and it is, of course, a baggie of marijuana.

This is not a lawful seizure. The marijuana will not be admissible in court. You have no legitimate basis for detaining the individual, because there was nothing happening to lead a reasonable individual to believe that the jogger was committing or about to commit a crime. Just being in an area which is the scene of frequent criminal activity is not enough. (Despite a common belief to the contrary, a citizen, even a military citizen, does not have to identify himself, or otherwise cooperate with the police, unless the police have grounds for detention of the citizen. Therefore, the jogger's response of "bug off" was perfectly proper, because you have no business holding him from his exercising.) Also, having stopped the jogger, you certainly had no basis to suspect him of being armed and dangerous. In fact, you suspected him of possessing drugs, and that is what you looked for. The "frisk" which is authorized in conjunction with a stop is limited only to a frisk for weapons, for the officer's safety.

#### PART D - SEARCH INCIDENT TO APPREHENSION

If you have probable cause, you can apprehend an individual, and this limits his freedom so that he loses, to a great extent, his right to be free from searches. Once his person has been seized, it is questionable whether a search of his person or property is any more of an intrusion on his freedoms.

Therefore, once you have lawfully apprehended an individual, you are authorized to search him, and the area within his immediate reach. The theory for this exception to the warrant requirement of the Constitution was to allow the arresting officer to protect himself from the suspect's seizing a weapon and attacking the officer, and to allow the officer to prevent the suspect's seizing and destroying evidence. The present rule still acknowledges this basis for the exception. The law does not ask the officer if he had any

reason to believe that there was a weapon, or any evidence, within reasonable reach of the suspect. Nor is the officer limited to seizing only weapons or evidence of the crime for which the suspect was apprehended. As one example, someone apprehended for shoplifting may be searched and any contraband found (evidence of shoplifting, drugs, weapons, etc.) may be seized.

This exception to the warrant requirement has an especially significant result if you apprehend someone who is the occupant of a motor vehicle, whether it be the owner, the operator, or simply a passenger. In such a case, you may search the entire passenger compartment, boxes, bags, clothing, luggage, and any other open or closed containers found within this area. In view of the basis for this type of search, courts do not allow searches of locked containers. A search is not, however, authorized in either the trunk or under the hood based on this theory. Since the occupants cannot normally be expected to reach into these areas either to grab evidence or weapons, a search incident to apprehension is subject to this limitation. If you want to search these additional areas (beyond the scope of a search incident to apprehension), you need probable cause in order to do so. That situation would be different from the type of search discussed here (incident to the apprehension). When one has been apprehended, the search may follow regardless of whether or not there is any specific reason to believe that any evidence will be found during the search. The search simply follows from the apprehension, although it is subject to the limitations noted above.

As a further protection if you apprehend an individual in a location wherein accomplices might be hidden, you may make a quick check of the entire area to locate them in order to avoid their attacking you or destroying evidence. This could happen if you apprehend him in his home, for example, or at the site of a break-in. This does not authorize a thorough search of the entire building, but only a cursory check. Anything found, however, can be seized under the "plain view" theory.

#### PART E - PLAIN VIEW

The basic factor in determining whether a search is reasonable is whether the searcher has violated an area in which the suspect has a reasonable expectation of privacy. An individual's home certainly falls within such an area, and is particularly protected. As with consent, however, the individual can relinquish his expectation of privacy by his conduct. If evidence is located in an area where it can be observed and seized without violation of a protected area, then a law enforcement officer need not ignore the evidence, but can seize it and it can be used as evidence.

This "plain view" exception to the warrant requirement is a seizure doctrine, and does not authorize an otherwise unlawful search. Consider:

You are driving through the post housing area in your patrol sedan and you observe, through the living room window of one of the quarters, what is obviously a growing marijuana plant. Incensed at this flagrant violation of the law, you immediately stop your sedan, enter the quarters, and seize the plant. While in the quarters, you also find a large bale of harvested marijuana, setting in plain sight in the living room, and you also seize this.

These seizures are not lawful, because you had to enter a protected area to carry them out. In order to seize under the plain view exception, you must:

- Be in a location where you have a legal right to be (e.g., the public street).



- Observe something which you have probable cause to believe is evidence of a crime, including contraband.

- Be able to seize the evidence without entering a private, protected area.

You have a warrant to apprehend SGT Schmedlap at his government quarters. The offense is distribution of heroin. When you are admitted to the quarters, SGT Schmedlap is seated on a sofa in his living room. You place him under apprehension, and then search his person. Finding nothing on him, you search the sofa and discover a loaded revolver tucked behind one of the cushions. You then look through the books and magazines on the coffee table in front of the sofa, and discover several small packets of a white powder. Feeling as though you're on a roll, you instruct your partner to stand guard over Schmedlap and his wife while you look over the rest of the quarters. As you walk through the kitchen, you note a shotgun standing in the corner, with a barrel which is obviously too short to be legal. As you are picking this up, you open one of the kitchen drawers and find a large plastic bag of brown powder.

The revolver and the packets of white powder are properly seized, as the result of a search incident to apprehension. They were within the immediate reach of SGT Schmedlap at the time of his apprehension. The shotgun was properly seized, because you had the right to make a cursory check of the quarters for accomplices, and the shotgun was in plain view. The brown powder, however, was illegally seized, since you had no authority to open the kitchen drawer.

Because the area immediately surrounding the home is also within the protection of the "reasonable expectation of privacy," even if you see the plants growing in the quarter's backyard, which is surrounded by a fence, you cannot go over or through the fence to seize the plants.

In such a case, or in the example (a) set out above, you should report your observation to an appropriate official to obtain a search authorization.

#### PART F - EXIGENT CIRCUMSTANCES

In some circumstances under which you would normally be required to obtain a search authorization/warrant, the law allows you to act without such authority, in order to avoid the loss of evidence. In order for you to search under "exigent circumstances" you must reasonably believe that the delay necessary to obtain authorization would be long enough that the evidence would be lost or destroyed. Consider:

You are working as the CQ of your unit, making your routine rounds through the barracks late one evening. As you walk down the hall, you smell what you clearly recognize as the odor of burning marijuana, and you identify it as coming from room 6. You could return to the orderly room and contact the unit commander with your information and, based upon your experience with the odor of marijuana, the commander would have sufficient probable cause to authorize you to search room 6, looking for the drug. If you take the time to carry out this procedure, however, even assuming that you have no trouble getting in contact with the CO, it is likely that the marijuana will have all been consumed by burning before you can get the authorization and return to the room to search it. The law, therefore, allows you to enter the room without any special authorization, to search for and seize the marijuana.

In order to rely upon exigent circumstances, you must, of course, have probable cause that there is evidence in the area which you intend to search.

The Automobile Exception. A motor vehicle is in a special category, related to exigent circumstances. Because of its mobility, and the chance that evidence inside the vehicle could disappear if not immediately seized, the courts have developed a special exception to the requirement for a warrant. This applies only to apparently operable vehicles, located in public places. If you have probable cause to believe that the vehicle contains evidence of a crime, then you may search the entire vehicle for that evidence, without the necessity of obtaining any official authorization. This exception is based on two factors: The mobility of the automobile and the fact one has a lesser expectation of privacy therein." This, like the "search incident to apprehension," is a "bright line" rule, easy to understand and apply. Although this is commonly referred to as the "automobile exception" it is not, of course, limited to ordinary passenger automobiles, but includes any type of motor vehicle, including motor homes, trucks, motorcycles, etc. Consider:

You are on patrol and observe a vehicle weaving back and forth, varying speeds erratically, and making wide turns. Suspecting a road hazard, you stop the vehicle and, when the driver asks what the problem is, you recoil from the overpowering odor of alcohol on his breath. In accordance with normal policy, and in the interest of the safety of the highway, you apprehend the driver for DWI. You take him out of the car, place him in handcuffs and in the back seat of your sedan, and radio the desk with a report. The desk sergeant tells you to wait for a patrol to take the driver to the station. While you are waiting, you decide to kill time by searching through the vehicle. In the glove box you find a loaded revolver, which violates post regulations. On the floor of the back seat, you find what appear to be marijuana seeds. Upon closer examination, it appears that they have spilled through from the trunk. You then go to the driver, who is really too intoxicated to be fully aware of what is happening, and you ask for his keys, so you can search his car. He hands you his wallet, his handkerchief, and finally his keys, and you unlock the trunk of the vehicle. Inside you find two large plastic trash bags, one of which has a small tear, from which marijuana is spilling. Opening the other, you find pieces of a dismembered body.

All of the evidence is admissible in court. Having lawfully apprehended the driver of the vehicle, you were authorized to completely search the passenger compartment of the vehicle, including the glove box and the back seat, incident to the apprehension. Having found the marijuana seeds on the back floor, you had probable cause to believe that marijuana was contained in the trunk, and because this was an operable vehicle you were entitled to search containers within the vehicle, if they could reasonably contain the evidence you were seeking.

As a military police NCO, you have a special responsibility for enforcing the commander's interest in good order and discipline of his installation. It is expected that your work will assist, even be essential, in the prosecution and punishment of criminals who violate the installation's security. If you follow the rules, the evidence which you uncover as part of your duties will play an important part in this process. If you neglect the rules, and ignore the legitimate rights of the citizens (even the criminals have those rights), then the evidence will be of no value to the judicial system.

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## LESSON 4

### PRACTICE EXERCISE

**REQUIREMENT:** The following questions are multiple choice. You are to select the one that is correct. Indicate your choice by CIRCLING the letter beside the correct choice directly on these pages. This is a self-graded lesson exercise. Do not look up the correct answer from the lesson solution sheet until you have finished. To do so will endanger your ability to learn this material. Also, your final examination score will tend to be lower than if you had not followed this recommendation.

1. You have stopped a vehicle for a broken tail light. You have not told the driver that he is under apprehension, since this is only a routine traffic stop. You want to search the vehicle's trunk, and ask the driver if he would mind you doing so. He does not realize he can refuse the consent, and says "go ahead and be my guest." The search is:

- A. Lawful, incident to apprehension.
- B. Lawful, pursuant to consent.
- C. Lawful, under the automobile exception.
- D. Unlawful.

2. You observe an individual standing near the branch PX, where you have in the past apprehended drug dealers and users. Because he appears to have no particular reason to be there, you approach him and ask for his identification. He hands you a military ID card, indicating that he is PVT Schmedlap. You then ask what he's doing there and he responds, "Hey man, get off my back, I'm not hurting anything." Realizing that this is the sort of answer a drug dealer might give, you place him under apprehension and search him. During the search you feel under his shirt what appears to be a knife, and when you pull it out it is, in fact, a military bayonet. At court, this weapon would be:

- A. Admissible, as the fruit of a search incident to apprehension.
- B. Admissible, as the result of a stop and frisk.
- C. Admissible, under either of the above theories.
- D. Inadmissible.

3. You hear screams coming from room 4A of the barracks, you knock at the door but there is no answer. Instead, you hear screams, what sounds like a struggle, and the impact of something heavy hitting the floor. You open the door and enter the room. You see PVT Schmedlap striking an unidentified female. You also see a bag of marijuana on a coffee table in the middle of the room. Your entry into the room was:

- A. Legal, since you discovered drugs in the room.
- B. Legal, based on probable cause plus exigent circumstances.
- C. Illegal, because you had no consent.
- D. Illegal, because you had no probable cause.

4. You are approached by an individual who has given you reliable information concerning drug dealings in the past, and he informs you that SGT Schmedlap has his van parked next to the NCO club and your informant just observed him selling marijuana to patrons of the club. In conversation with the informant, Schmedlap said he was selling out his last supply before he went on leave, and hoped to be gone within the hour. At this point you can legally:

- A. Contact the installation commander, or the local military magistrate,

- and obtain authority to search the van.
- B. Apprehend SGT Schmedlap, based on the informer's tip, and search the entire passenger area of the van incident to that apprehension.
  - C. Search the entire van based upon exigent circumstances; i.e., "automobile exception."
  - D. Any of the above.

LESSON 4

PRACTICE EXERCISE

ANSWER KEY AND FEEDBACK

<u>Item</u>		<u>Correct Answer and Feedback</u>
1.	B.	Lawful pursuant to consent. That is, the... (page 4-4, para 3)
2.	D.	Inadmissible. This is not a... (page 4-6, para 3)
3.	B.	Legal, based on probable cause plus exigent circumstances. In some circumstances under which... (page 4-8, para 5)
4.	D.	Any of the above. Military commanders are empowered... (page 4-2, para 3) Search Incident to Apprehension (page 4-6, Part D) Exigent Circumstances (page 4-8, Part F)

## LESSON 5

### INITIAL RESPONSE TO A HOSTAGE SITUATION

#### OVERVIEW

##### LESSON DESCRIPTION:

This lesson will identify the three types of hostage-takers and their nature. It will also explain the importance of seeking safe release of all hostages at a minimum risk to bystanders and law enforcement personnel.

##### TERMINAL LEARNING OBJECTIVES:

- ACTION: Appropriately respond to a hostage situation.
- CONDITION: Given this subcourse, paper and pencil.
- STANDARD: To demonstrate competency of this task you must achieve a minimum score of 70 percent on the subcourse examination.

#### INTRODUCTION

During the latter part of the 60's, the world witnessed a sharp increase in hostage-taking, with the skyjacking of domestic and international aircraft by terrorist groups. Public notoriety was gained since such were political ploys in many cases by terrorists seeking attention or compliance with their demands. Criminals caught in the act of committing a crime frequently take hostages in order to attempt an escape. Of course, there are a few hostage-takers suffering from mental disorders. With the different types of hostage-takers no two situations are alike. What must be considered is the response of the patrol on initial contact with a hostage situation. The ultimate objective of law enforcement officials is the neutralization of the threat by seeking safe release of all hostages at a minimum risk to bystanders and law enforcement personnel.

#### PART A - TYPES OF HOSTAGE-TAKERS

You should understand the following definitions:

- Hostages: Any person held against their will as security for the performance of specific actions.
- Special threat: Any situation involving a sniper, barricaded criminals, terrorist activity, or hostage-taker(s) that is beyond the capacity of standard police equipment, manpower, and training.
- Special reaction team: Any team of military police personnel specially trained, armed, and equipped to contain and neutralize a special threat.
- Negotiations: A mutual discussion between authorities and a hostage-taker or barricaded offender leading to an agreement concerning the release of hostages or the surrender of the offender.

Hostage-takers. Who are they? For training purposes, hostage-takers are broadly classified in the categories of: Political activists or terrorists,

criminal deviants, the mentally unstable, and inmates. By no means should you rule out other personalities simply because they are not distinctly in the categories mentioned. Each situation must be executed in a different manner.

Political activists or terrorists. Activists are sometimes classified as terrorists. They are often highly aggressive, totally committed to their causes, and unpredictable. Motives vary from each demand such as money, release of political prisoners, or publicity. The kidnapping of Patricia Hearst on February 4, 1974, by the Symbionese Liberation Army (SLA) led to a demand for the Hearst Corporation to fund a food program for the needy as punishment for the Hearst family being what the SLA termed capitalistic oppressors.

Criminal deviants: This type of hostage-taking results when the criminal is caught in a criminal act and uses hostages as a means of safely escaping. Criminal deviants are likely to be rational individuals.

Mentally unstable: Qualified medical personnel should make the determination that an individual is suffering from an abnormal psychiatric condition. However, due to the special threat situation, military police must make an intelligent estimation of an individual's rationality. Moods and perception of the mentally unstable are highly volatile. Studies have indicated that many mentally unstable hostage-takers are suicidal, but lack the courage to follow through; instead, they create a situation where police action may cause death.

- Symptoms of unstable personality include:

- Loss of memory.
- Drastic change in behavior, for example, calm to hysterical.
- Individual hears voices.
- Easily frightened by sudden noises.
- Feels that he is being constantly watched.

- Psychopathic personalities are rational individuals who are legally sane and responsible for their actions. Such personalities are often very convincing liars. Characteristics of the psychopathic personality include:

- Appearance of being calm and in control.
- Charming.
- Intelligent.
- Unreliable.
- Insincere.
- Poor judgement.
- Lack of concern for others.
- Highly aggressive.
- Concerned for personal desires.



- Inmate personality: When hostages, (usually corrections personnel), are taken, the threat to life is acute. Often desperate men, who feel they have nothing to lose, dominate the leadership of such revolts.

The time factor has worked for and against law enforcement in prison riots. However, allowing the prisoners time generally permits the leader of such a revolt to exploit his position and consolidate his leadership. He is able, therefore, to create a formidable area which cannot be neutralized except by loss of life. Because of this, action taken immediately may well be less costly. Attica is an example of a situation where prisoners were allowed enough time to organize.

#### PART B - DEALING WITH HOSTAGE-TAKERS

Reaction to a hostage situation may vary. Consideration must be given to the personality of the hostage-taker(s), possible motivation, danger presented to bystanders and policemen. Alternatives include:

- Immediate assault: (Israelis' assault against Entebbe).
- Control sniper fire: Regulations governing the use of deadly force must be applied. Returning sniper fire may endanger hostages or bystanders. Shots should be fired only on command.
- Chemical agents: Employment of chemical agents could cause the hostage-taker to react by killing his hostages. There is also the possibility of fires started from agents such as tear gas.
- Contain and negotiate: This approach to a hostage situation offers the best alternative to a successful end for a number of reasons. Usually time works in the favor of the negotiator since a process called transference, which is a developed relationship whereby the hostage-taker and negotiator exchange ideas and begin to understand and trust each other, takes place.

#### Why Negotiate.

Negotiation has many advantages. During a threat situation, stress and tension are built up at the onset. Law enforcement officials are in a critical position, being under constant public scrutiny. During negotiation, information is gathered about the offender as well as the hostages which would allow invaluable communication and gaining of a sense of understanding between the offender, law enforcement officials, and his victim. This will be discussed later. Thus, there is a decrease in stress and anxiety. Time used in negotiating allows the hostage-taker to reevaluate his position and to consider alternatives to the present course of action. Law enforcement officials can also gather background information on the offender, such as, previous criminal record, marital status, family members, friends, race, ethnic group, intelligence, and employment, etc. This may provide clues in deciding what approach or strategy to use in the situation.

#### Stockholm Syndrome.

The Stockholm Syndrome is a theory that has shown that the longer the hostage-taker spends with his hostages, a bond develops that creates a close relationship of understanding between the parties involved. This is positive for the hostages since they are less likely to be harmed; however, hostages may later refuse to testify in court against the hostage-taker or refuse release to safety until the crisis is over. The case of Patricia Hearst, who was kidnapped by the Symbionese Liberation Army (SLA), and while in captivity, became an active member of the SLA, is considered a classic case of the

Stockholm Syndrome.

#### PART C - INITIAL ACTION AT A HOSTAGE SCENE

It is most important for a responding military police patrol not to overreact to a hostage situation. It is important during hostage situations to control the "take charge" attitude which is otherwise desirable. The patrolman must demonstrate a calm, professional attitude, and respond to hostage situations in the following manner:

- Take cover.
- Evaluate the situation.
- Inform the MP station of the situation by radio and request backup patrols. When backup patrols are dispatched, emergency lights and siren should not be used since they might trigger the hostage-taker(s) into action because of heightened emotional state.
- Make every effort to contain the hostage-taker.
- Try to clear the area of any bystanders that might be present. Be sure to obtain their identification as well as any pertinent information they might have.
- Direct the approach of backup patrols to effect the containment of the hostage-taker(s).
- Keep all entrances and exits to the area where they are under constant surveillance.
- Brief responding backup units and caution them against over-reacting; also, remind everyone that the rules of force do apply (AR 190-28).
- If fired upon, DO NOT return fire as the hostages might be hit. Take cover.
- Once containment is effected, consideration should be given to the holstering of weapons.
- Remain in position until relieved by the special reaction team (SRT).
- Be sure unauthorized persons do not communicate with the offender. If you must communicate with the offender, do not make threats, offers, or promises. You should avoid flatly refusing demands, but try to avoid answering demands until the negotiating team arrives at the scene.
- Remain available to provide intelligence to the commander of the situation. AVOID CONFRONTATION WITH THE HOSTAGE-TAKER(S) AND NEVER SURRENDER YOUR WEAPON TO THE HOSTAGE-TAKER. IF THE HOSTAGE-TAKER IS DETERMINED TO KILL THERE IS NOTHING YOU CAN DO TO PREVENT IT!!! DO NOT BECOME A HOSTAGE OR VICTIM YOURSELF!!!

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## LESSON 5

### PRACTICE EXERCISE

**REQUIREMENT:** The following questions are multiple choice. You are to select the one that is correct. Indicate your choice by **CIRCLING** the letter beside the correct choice directly on these pages. This is a self-graded lesson exercise. Do not look up the correct answer from the lesson solution sheet until you have finished. To do so will endanger your ability to learn this material. Also, your final score will tend to be lower than if you had not followed this recommendation.

You are a military police patrol supervisor and you have been dispatched in your police vehicle, along with other patrols, to the scene of a possible hostage situation on post. The offender is believed to be armed, to have taken a neighbor hostage, and to have barricaded himself in his quarters.

1. What should be your first action upon arriving at the scene?
  - A. Take cover and evaluate the situation.
  - B. Attempt to make contact with the offender.
  - C. Clear all traffic from the area.
  - D. Establish perimeters.
  
2. After you and your patrols have closed off all avenues of escape, you should do all except which of the following?
  - A. Be sure unauthorized persons do not communicate with the offender.
  - B. Do not make threats, offers, or promises to the offender.
  - C. Flatly refuse all demands of the offender.
  - D. Delay answering the demands of the offender until the negotiation team arrives at the scene.
  
3. What should you tell your MP patrols regarding the rules for the use of force?
  - A. The rules for the use of force do not apply during hostage situations.
  - B. The rules for the use of force do apply.
  - C. They may fire at the offender if an opportunity presents itself.
  - D. The negotiating team members are the only personnel at the scene allowed to fire at the offender.
  
4. What should the MP do if, upon arrival at a hostage incident, the hostage-taker fires a weapon in the direction of the military police?
  - A. Return fire.
  - B. Take cover and do not fire.
  - C. Call for the SRT.
  - D. Leave the area.

LESSON 5

PRACTICE EXERCISE

ANSWER KEY AND FEEDBACK

<u>Item</u>		<u>Correct Answer and Feedback</u>
1.	A.	Take cover and evaluate the situation. It is most important... (page 5-4, para 3)
2.	C.	Flatly refuse all demands of the offender. Be sure unauthorized persons... (page 5-5, item 7)
3.	B.	The rules for the use of force do apply. Brief responding backup units... (page 5-5, item 3)
4.	B	Take cover and do not fire. If fired upon... (page 5-5, item 4)

## LESSON 6

### PROPER PROCEDURES OF APPREHENSION, USE OF FORCE, AND SEARCH

#### OVERVIEW

##### LESSON OBJECTIVE:

This lesson will provide you with an overview of how proper apprehension and search procedures will reduce risk of infringing on persons constitutional rights to privacy and will still ensure safety for military policeman and protect evidence.

##### TERMINAL LEARNING OBJECTIVE:

- ACTION:** Learn the proper procedures of apprehension, use of force, and search.
- CONDITION:** Given this subcourse, paper and pencil.
- STANDARD:** To demonstrate competency of this task you must achieve a minimum score of 70 percent on the subcourse examination.
- REFERENCES:** The material contained in the lesson was derived from the following publications: FM 19-5, FM 19-10, FM 19-20, FM 19-25, AR 190-14, AR 190-45, AR 190-28, AR 190-22, AR 190-38, and AR 600-40.

#### INTRODUCTION

Public opinion, the news media, and the Supreme Court have influenced procedures used by both military and civilian law enforcement agencies. The conduct of military policemen is monitored by the public, therefore, on the spot decisions and procedures must be based on application of Army regulations, the UCMJ, and the installation commander's policy. Apprehension and search are routine parts of the military policeman's duty. It is necessary that you, as a senior military policeman, patrol supervisor, or desk sergeant understand the proper procedures and techniques of apprehension, use of force, and search in order to properly train and supervise your subordinates. Proper apprehension and search procedures will reduce risk to the public and yourself. Three major hazards, overconfidence, incorrect methods, and carelessness must be avoided to accomplish the job successfully.

## PART A - GENERAL

Military police have authority to enforce the law, investigate crimes, and secure violators. In the exercise of this authority, the military policeman has the power to:

- detain for questioning.
- apprehend.
- search and seize.

It is important that the military policeman understand the controls available to him and their relationship to each other. In the performance of his duties, the military policeman will come into possession of information indicating that an offense, previously undiscovered, has been committed or that a certain person has committed crime previously known but not yet resolved.

- The information may at first be only enough to arouse curiosity, not enough to justify the exercise of any control over the person. The information might be regarded as only enough to support a "reasonable cause to investigate."

- Further, investigation, either by observation or through the exercise of his authority to detain and question, may produce that additional evidence necessary to ripen the "reason to investigate" into the "probable cause" necessary to justify an apprehension.

- By exercising the authority to apprehend, he may then use his authority to make a search incident to apprehension.

It is important to understand that in practice the law does not fall into neat areas labeled "apprehension," "search" and "custody." These areas must be separated for teaching purposes, but they should never be targeted as separate in practice. The vast majority of all searches take place incident to an apprehension. Thus, the legality of the search depends largely upon the legality of the apprehension.

### Definition of Terms.

**Apprehension.** Apprehension is the actual taking into custody of an individual. It is done by clearly notifying the person to be apprehended that he is being taken into custody. This notification may be oral or written. Anyone empowered to apprehend an offender is authorized to secure the custody of the offender until the proper authority can be notified.

**Arrest.** Arrest is the restraint imposed upon a person by oral or written orders limiting the person's personal liberty until disposition of charges. A person under arrest is restrained within specified limits, not by physical force but by his moral and legal obligation to obey the order of arrest.

- The distinction between apprehension and arrest involves the authority of the individual accomplishing the act. An officer has the authority to order an enlisted person into arrest, but only a commander (generally meaning an officer commanding a post, camp, or station) to whose authority the individual is subject may order an officer or warrant officer into arrest. This does not preclude, however, the authority of a person apprehending an individual (i.e., a military policeman) to secure his custody until the proper authority may be notified.

- You will notice that the word apprehension in the military is used in the same way "arrest" is understood in civilian usage, while arrest as used in the military has no precise civilian counterpart.

Detention. The temporary physical restraint of a person for the safety of himself and others in the MP station. Detention is imposed by placing the person into the detention cell. Detention will never exceed 72 hours.

Confinement. This is the physical restraint of a person. Confinement is imposed by placing the person to be confined under guard and taking him to the place of confinement. It is distinguished from arrest in the type of restraint placed over the individual ordering the arrest or ordering the confinement.

Search. Search incident to apprehension is a "thorough search" of the individual for weapons which could be used against a police officer and for destructible evidence. The search is limited to the person, the area within his immediate control, and the passenger compartment of any vehicle he was in when apprehended.

#### PART B - CONSIDERATIONS PRIOR TO MAKING AN APPREHENSION

There are factors to be considered when making an apprehension. These factors apply to routine apprehensions with a trained two-man, patrol team. They also apply to the conduct of raids of known or suspected trouble spots. A more formal approach, however, is taken when a raid is planned.

Manpower must be sufficient to cope with known and unknown circumstances.

Force (firepower) - the superiority of weapons to affect the apprehension is essential. If it is deemed necessary to use tear gas or any item which could cause a fire, the fire department should be on hand.

Movements should be according to a prearranged plan. All avenues of approach should be blocked. All personnel involved in the apprehension must know the location of all other group members.

Simplicity of operation. Keep the plan simple and make sure that everyone is familiar with it.

Surprise. The element of surprise should be used whenever possible. Surprise often works in the favor of law enforcement officials.

Speed - apprehensions should be made as quickly as possible.

#### PART C - TECHNIQUES OF APPREHENSION

When approaching an incident, the patrolman must make an estimate of the situation. This estimate will be based on the attitude of the suspect, the manpower available to assist the patrolman, the number of personnel to be apprehended, the weapons available to the patrolman, and weapons available to the suspect. Consider what course of action you can take. Notice all personnel in the area and estimate what they might do when you begin your approach.

Approaching individuals.

- Observe the individual to determine his attitude.



- Once you have observed the individual, determine what approach to use for the situation.

- Once the decision has been made, put the plan into action. Your unit should have carefully outlined SOPs which define action to take in apprehensions.

- Remember the three Ss of apprehension--speed, simplicity, and surprise.

- Observe the attitude of the subject and determine whether he is belligerent, loud, aggressive, meek, mild, or playful. Unless there is good reason to believe otherwise, assume that the subject is dangerous. The manner in which you approach and address the subject determines to a large extent the response you receive. An initial appeal to the intelligence and inherent good qualities of an individual may gain cooperation in some cases, while in other cases it may be ignored. The military policeman must be flexible enough to adapt to each situation to obtain the desired results.

There must be enough military police available to cope with the situation.

Help may be needed. Other military police patrols and reserves are available. The desk sergeant and MPDO have the authority to dispatch these to the scene. In an emergency, commissioned officers and noncommissioned officers may assist the military police in execution of their duties. Make sure enough weapons are available to affect the apprehension.

Always watch the individual's hands! When approaching a subject, assume he is dangerous. Approach him in a firm, decisive manner, being courteous, but restrained. Talk to the person in a calm tone of authority. One military policeman stands to the side to assist from a position of advantage. The questioning military policeman addresses the individual and examines his identification or other papers. If the subject is a known felon, it may be advisable to approach with your weapon drawn. If so, keep it out of his reach. Many experienced patrolmen have found distinct advantage in approaching the individual from the rear. Two military policemen should keep a slight, but supporting distance between each other when approaching the individual. Exit your vehicle to approach the individual. Never approach or question anyone while you are seated in your car.

Approaching groups.

- Military police should be separated enough to provide freedom of action, but not so much as to permit the subject to come between them and gain an advantage.

- The individual which you wish to question should be separated from others.

- Make sure enough personnel are present to affect the apprehension, especially if group interference is possible.

Approaching buildings.

- In approaching buildings, dwellings, or similar structures, consider whether you have the authority to enter. Military police can enter on-post housing with the commanding general's authorization.

- Determine the number and type of the persons in the building.

- Determine if you have enough manpower or firepower to carry out the

apprehension.

- Note and observe all exits and entrances to the building.
- Note where you might gain cover and concealment if necessary.
- Notify headquarters/provost marshals office of the intention to enter the building.
- Once the building has been entered, keep within a supporting distance of your partner.
- Make sure that the rear is always covered and/or under observation, and that you have a primary and alternate route to move out of the building if necessary.

Approach vehicles (low risk).

- When approaching a vehicle with occupants:
  - Park your car 10 to 12 feet to the rear of the violator's vehicle and 3 feet to the left.
  - Notify dispatcher before moving out of radio contact.
  - Keep violator in sight at all times.
  - Check hot list.
  - Approach from left side.
  - Stop at rear window - check trunk.
  - Check rear seat and floor.
  - Ensure the violator remains in car at all times.
- If it is a two-man patrol, the MP rider proceeds as follows:
  - Approach from the right side.
  - Stop at right rear of vehicle.
  - Watch people in the vehicle.
  - Be ready to assist partner.
- When people are in front and rear seats. the MP driver:
  - Keeps violator in sight at all times.
  - Approach from the left side - check trunk.
  - Stop at rear window.
  - Check rear seat and floor.
  - Go to front edge of driver's door.
  - Check front seat and floor.

-- Go to a point near the center of the vehicle, just behind the rear edge of driver's door.

-- Watch the people in both front and back.

- If it is a two-man patrol, the MP rider's responsibilities are the same as paragraph above.

Felony stop.

- Notify desk sergeant immediately and provide the following information:

-- Your patrol identification.

-- Description of vehicle and its occupant(s).

-- Vehicle license number, make, model, and color of vehicle.

-- Number of people in vehicle and sex.

-- Any markings which could assist in identifying vehicle.

-- Direction of travel and last intersection.

-- Make request for back-up.

- Locate a suitable level area to stop. A well-lighted area is best at night.

- Do not stop near alleys, vacant lots, or areas which make it easier for the suspect to escape.

- Use warning lights and sirens.

- At night aim a spotlight at the vehicle interior.

- Do not approach the vehicle until all suspects are secured.

- The senior MP should take command and instruct the suspect to get out of the car with hands up and move away from the vehicle. Order all suspects out one at a time.

- Suspect is ordered to take a prone search position. Secure and search each suspect individually.

Apprehension of military personnel, civilians, females, juveniles, and military officers.

- Civilians are detained, not apprehended. The disposition depends on jurisdiction and local agreements.

- Safeguards the privacy of females. Emphasis must be placed on search by same sex except in exceptional cases. Male MPs may apprehend females and vice versa.

- Juvenile offenders - sensitive area. Juveniles are not apprehended. The taking into custody is referred to as "intake."

- After apprehending a commissioned officer the MP should immediately notify the military police duty officer (MPDO).

#### PART D - USE OF FORCE

Military policemen must distinguish between situations where force is required to prevent or terminate violations of laws and regulations, and the use of force for the apprehension of law violator. The general rule of the use of force is that only the minimum amount of force necessary to control the situation should be used. What is reasonable depends upon the circumstances of each case.

In fulfilling their responsibility for securing compliance with military law, orders, and regulations by all personnel on military reservations, military police may use that force reasonable and necessary, short of producing death or serious bodily harm. They may also use restraint to prevent or terminate intended violations of law, orders, or regulations. No more force than is reasonable and necessary may be used at any time. An application of force to prevent or terminate violations of law, orders, or regulations should be preceded by a request to the offender to peacefully desist. Verbal persuasion utilizing interpersonal communication techniques (IPC) is the lesser use of force. Verbal persuasion should always be used before force is applied to the offender unless it is apparent that such a request would be useless or that great injury to persons or property would result before the request could be made.

Unarmed self-defense may be considered if the offender does not respond to verbal persuasion.

- Chemical irritant. If available, the M36 riot control agent dispenser may be used. Prior to using the M36 dispenser, consideration must be given to local policy, and in foreign countries, the Status of Forces Agreement (SOFA). Users should be cautioned not to use the dispenser near hospitals or buildings where the lingering of the agent may cause contamination. When the agent is mixed with bleach, for example, a harmful vapor is created.

The MP club is used as an extension of your arm and is a means of force to be used only where lesser means have failed. Figure 6-1 indicates areas you should avoid striking when using the MP baton. Avoid the following areas:

- Head and facial.
- Throat.
- Heart and chest.
- Spine.
- Kidney and liver.

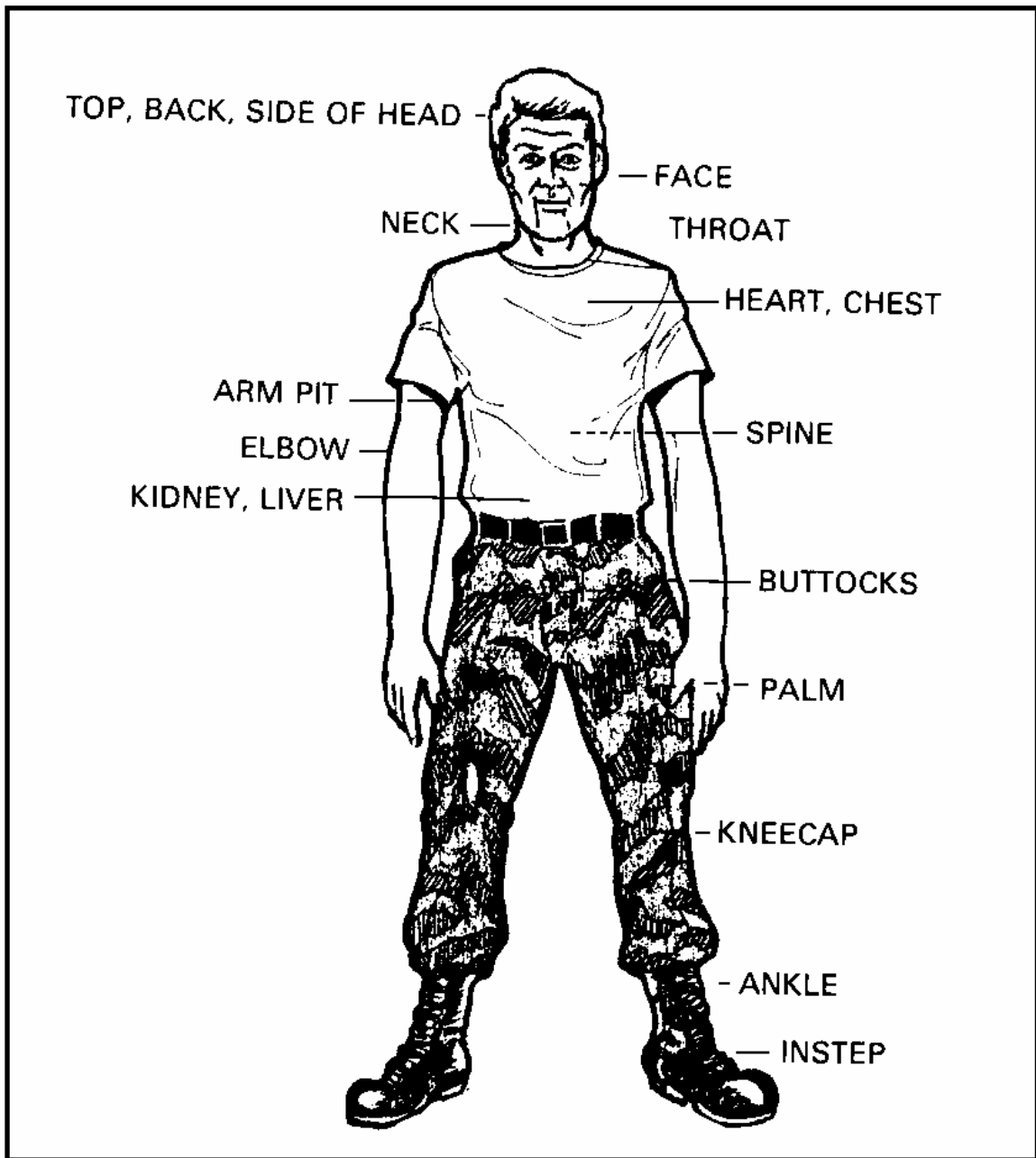


Figure 6-1. Baton Strikes - Areas to Avoid.

- Buttock.

- Knee cap.
- Ankle bone.
- Palm.
- Elbow.
- Armpits.

Acceptable MP club strike (Figure 6-2) zones include:

- Shoulder.
- Biceps.
- Triceps.
- Bend of elbow.
- Forearm.
- Wrist and back of the hand.
- Stomach.
- Back of the thigh.
- Back of the knee.
- Calf.
- Heel.
- Toe.
- Shin bone.
- Groin.

MP working dog (MWD): Utilization of the military working dog is a greater degree of force than the MP club. This should only be used after lesser measures of force have not accomplished the apprehension.

Deadly force. Defined by AR 190-28 as that destructive physical force directed against a person or persons (such as firing a lethal weapon). Its use is justified only under conditions of extreme necessity as a last resort when all other lesser means have failed or cannot reasonably be employed. Ordinarily, only the following circumstances will justify the use of deadly force:

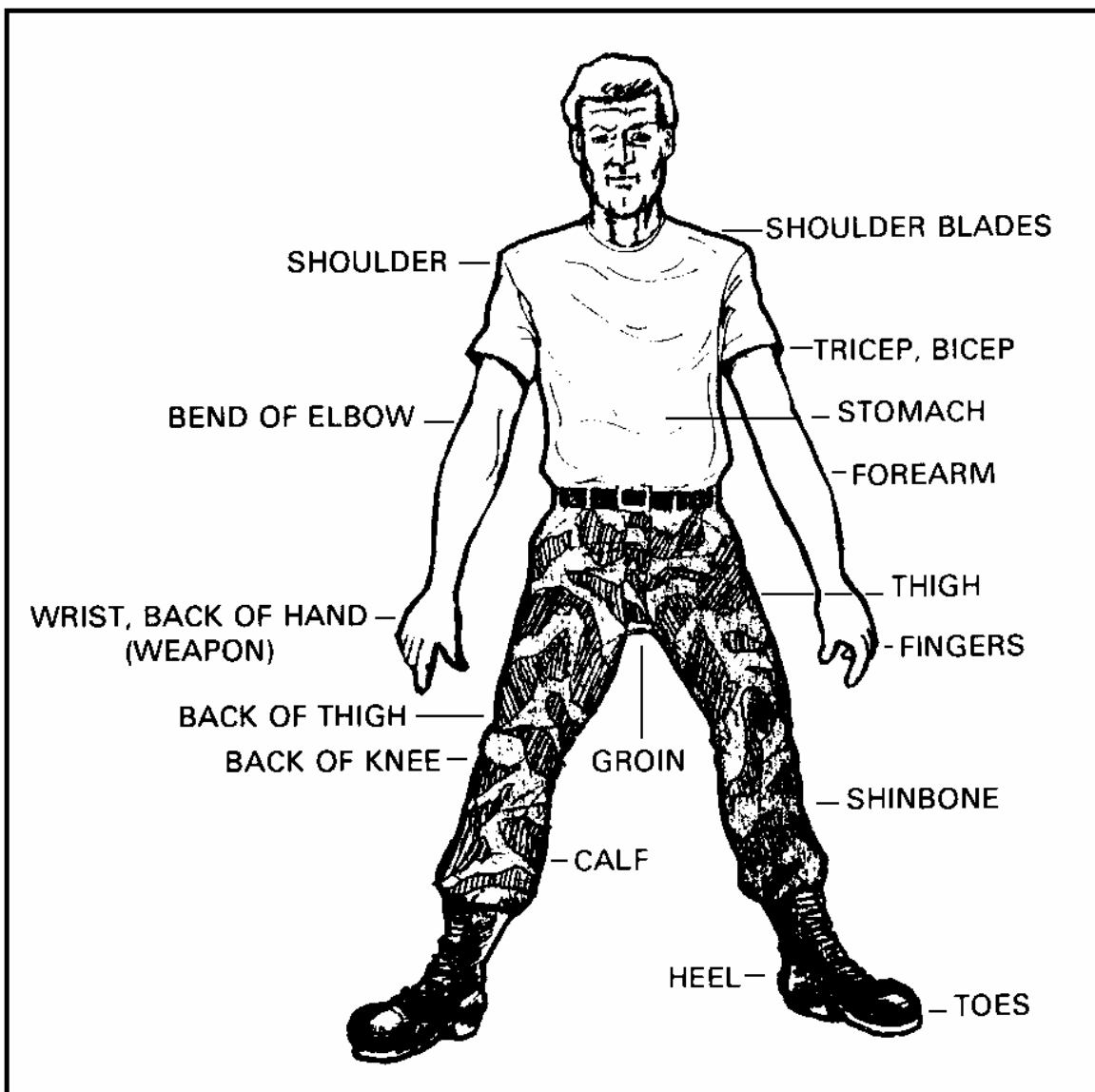


Figure 6-2. Baton Strikes - Acceptable Areas.

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- Self-defense. Deadly force may be used 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.

- Property involving national security. Deadly force may be used when it reasonably appears necessary to:

- Prevent the threatened theft of, damage to, or espionage aimed at, property designated by competent authority as vital to the national security.

- Prevent the actual theft of, damage to, or espionage aimed at, property or information which, though not vital to the national security, is of substantial importance to the national security.

- Apprehend or prevent the escape of an individual whose unauthorized presence in the vicinity of property or information vital to the national security reasonably appears to present a threat of theft, sabotage, or espionage.

- Property not involving national security but inherently dangerous to others. Deadly force may be used when it reasonably appears to be necessary to prevent the actual theft or sabotage of property, such as operable weapons or ammunition, which is inherently dangerous to others (i.e., property which, in the hands of an unauthorized individual, presents a substantial potential danger of death or serious bodily harm to others).

- Serious offenses against persons. Deadly force may be used when it reasonably appears to be necessary to prevent the commission of a serious offense against persons that involves violence and threatens death or serious bodily harm; e.g., armed robbery, aggravated assault, rape, aggravated arson, bombing, etc.

- Escapes. Deadly force may be used when it has been specifically authorized by a commander or other competent authority and reasonably appears to be necessary to prevent the escape of the prisoner.

- Lawful order. Deadly force may be employed when directed by the lawful authority of a superior authority who shall be governed by the provisions of AR 190-28.

Use of firearms. AR 190-28 also provides the following precautions for use of firearms. It should be remembered that these are only guidelines and should only be observed when they do not interfere with the requirement to prevent death or serious bodily injury.

- An order to halt will be given before a shot is fired.

- Shots will not be fired if they are likely to endanger the safety of innocent bystanders.

- Warning shots normally should not be employed since such firing constitutes a hazard to innocent persons. However, if the hazards to innocent persons can be controlled, and the judgement of the law enforcement official indicates that warning shots would increase the possibility of controlling the situation short of using deadly force, warning shots may be employed.

- Shots will be aimed to disable were possible.



All persons assigned to law enforcement, security, or U.S. military prisoner guard duty will:

- Receive instruction on use of force with periodic refresher training.
- Qualify yearly with assigned weapons.
- Be trained in unarmed self-defense and the use of the MP club.

Careless or willful discharge of firearms. You should be aware that discharging a firearm through carelessness or in a manner which willfully endangers human life are crimes under Article 134, UCMJ. If you wrongfully fire your weapon, you may be subject to punishment under these provisions of the UCMJ. Don't be afraid to use your weapon when faced with a situation where you are convinced that you must. But, don't be guilty of firing a round at guard mount, in the barracks, in the arms room, or anywhere else it is not authorized.

#### PART E - SEARCH INCIDENT TO APPREHENSION

Establish authority.

- Tell offender he/she is under apprehension.
- Advise offender of offense.
- Search offender for weapon(s) and/or evidence. The type of searches as shown in figures 6-3 through 6-6 are: Stand-up, Wall, Kneeling, and Prone.

(a) Frisk. A quick search for weapons.

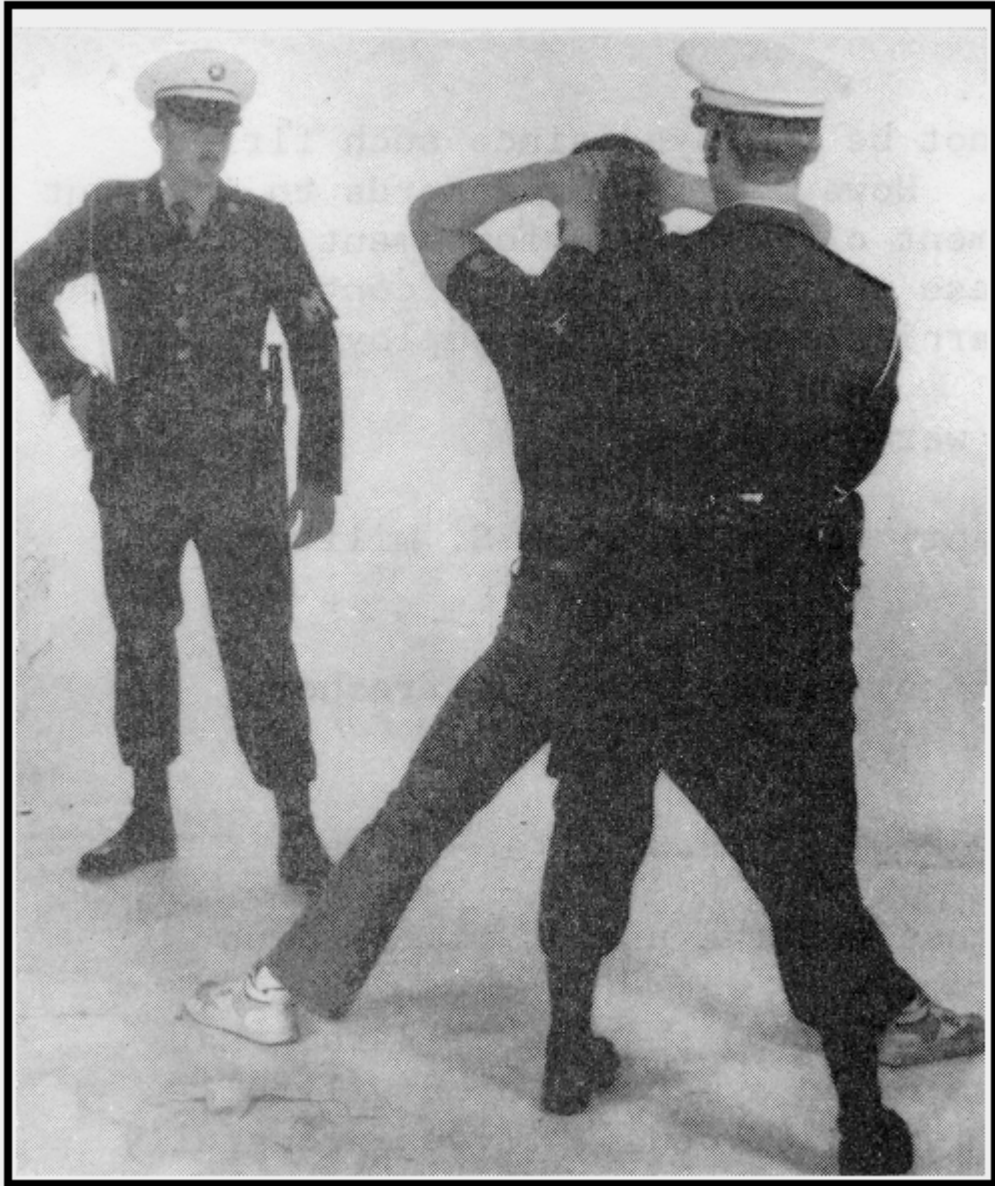


Figure 6-3. Stand-up Search.

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(b) A wall search, A careful search for weapons/evidence while offender is in a strained, awkward position to enhance the safety of MP personnel.

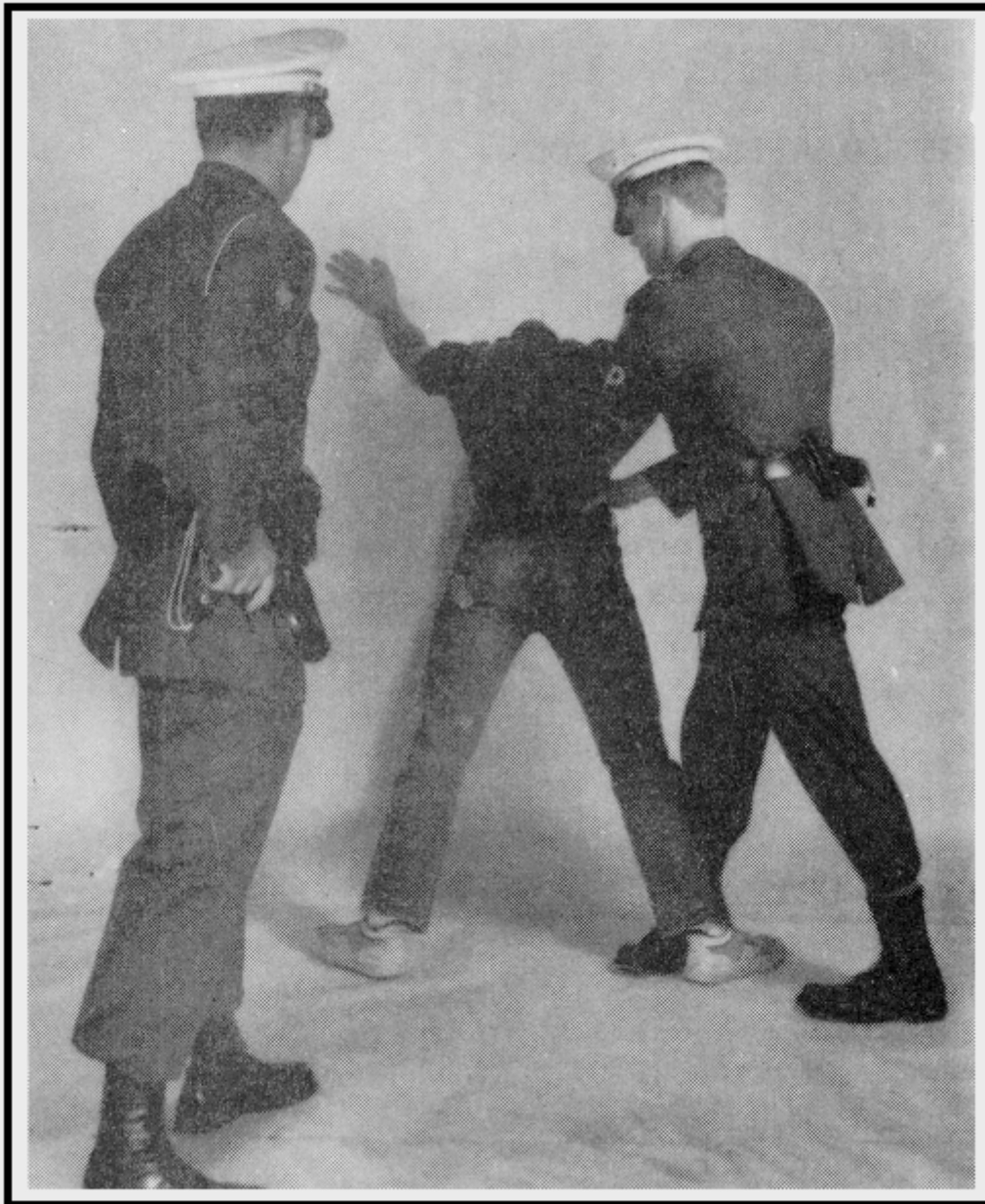


Figure 6-4. Wall Search.

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(c) Kneeling search. An alternate search which is used to search for weapons/evidence while in an awkward position kneeling.



Figure 6-5. Kneeling Search.

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(d) Prone search. A careful search for weapons and/or evidence when a threat of immediate danger is involved or an uncontrollable offender.

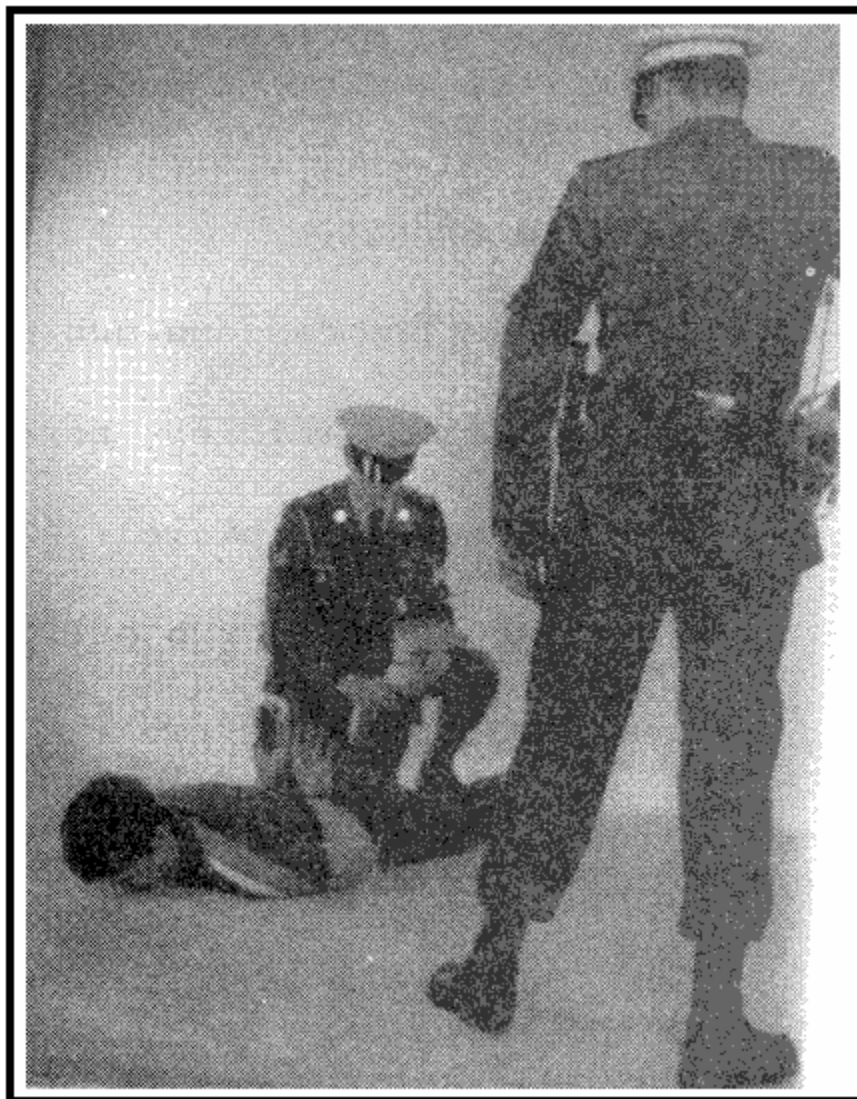


Figure 6-6. Prone Search.

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Use of hand irons. When using hand irons, put hands in rear with palms out. Travel locks out, key holes down then travel locks engaged to secure hand irons. (Figure 6-7.)



Figure 6-7. Hand Irons.

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Transport offender. The following procedures should be followed when transporting offenders to the MP station.

- Inspect vehicle for loose articles, contraband, weapons, and evidence.

NOTE: Inspecting your vehicle before placing an offender into it will ensure that items the offender attempts to dispose of once in the vehicle, can be used as evidence, since your search prior to the offender entering the vehicle produced no loose items, contraband, weapons, or other evidence.

- Position offender.

- One offender/one-man patrol - no assistance available.

- Caged vehicle - rear seat, passenger side.

- Uncaged vehicle - front seat, passenger side.

- One offender/two military police - rear seat, passenger side.

- Two offenders/two-man patrol - no assistance available.

- Caged vehicle - back seat, one behind driver, one on passenger side behind assisting MP.

Uncaged vehicle. One offender behind driver, MP located to the right in the back seat, other offender passenger seat front. Offenders in hand irons and seat belts. Assisting MP controls the two offenders.

-- More than two offenders per two military police - wait for assistance or use van.

Fasten seat belts around offender.

Position military police.

- Driver - driver's seat.

- Assisting MP.

-- Caged vehicle.

Back doors lock - front seat passenger side.

Back doors do not lock (van) - as close as possible to door.

-- Uncaged vehicle - behind driver.

Notify desk sergeant.

- Upon departure from scene.

-- Location.

-- Number and sex of offenders.

-- Destination.

-- Mileage (when transporting member of opposite sex).

-- Time (when transporting member of opposite sex) if not given by desk.

- When delayed en route.

-- Location of delay.

-- Cause of delay.

-- Time (when transporting a member of the opposite sex) if not given by desk.

-- Estimated amount of time the delay will take.

-- Time delay was over.

- Upon arrival at station.

-- Location.

-- Mileage (when transporting member of opposite sex).

-- Time (when transporting member of opposite sex) if not given by desk.



After removing offender from vehicle, inspect vehicle for evidence, contraband, and weapons.

Release offenders to desk sergeant.

Complete records and forms.

You have been notified by an MP patrol officer that an offender is being transported to the MP station. As the desk sergeant, you have the responsibility of processing the offender. As with all law enforcement duties you are expected to be courteous, respectful but firm, and proceed in accordance with specified regulations. By the time the suspect arrives at the station, your patrol officer should have properly searched him.

#### PART F - PROCESSING APPREHENDED INDIVIDUAL

Relieving a patrol of the responsibility for an offender.

Desk sergeant must make sure that patrol officers have carried out their responsibilities and release the patrol only after assuring that it is no longer needed. Check to ensure:

- DA Form 3881, Rights Warning Procedure/Waiver Certificate has been completed correctly (see figure 6-8). Upon making an apprehension, the patrol officer should have advised the suspect of the apprehending officer's identity (including his official title), the nature of the offense he/she is being apprehended for, and the fact that the person is being apprehended. Warning rights should be read verbatim to the offender (see Figure 6-9). Many cases are dismissed due to the failure to give the rights warning correctly.

- The suspect has been asked to execute the waiver portion of DA Form 3881. The suspect may agree to answer questions but refuse to sign the waiver; if so, the heading block is completed and the investigator then prepares a statement for the waiver block of the form. It must state that the suspect understands his/her rights, does not want a lawyer, and will not sign DA Form 3881. If the suspect agrees to questioning, the statement should be recorded on DA Form 2823, Sworn Statement (see Figure 6-10).

- Make sure that the patrol officer has compiled all preliminary information on the incident and recorded it on DA Form 3975 (see Figure 6-11).

Sometimes further investigation is deemed necessary. Notify MPI and CID as necessary.

The provost marshal or the responsible military police supervisor decides whether to place an individual in detention or not. When detaining an individual:

- The suspect must be searched to confiscate any weapons. Personnel conducting the search and witnesses must be of the same sex.

- Valuables such as money and jewelry (other than wedding rings) should be taken, inventoried, then secured. The offender is given a receipt for all items. DA Form 4137, Evidence/Property Custody Document is used (see Figure 6-12).

- Articles such as shoelaces, belts, neckties, etc., that could be used to inflict bodily injury while in detention should be removed.

- Determine if special processing procedures are required such as for

juveniles, females, and rape victims.

- Individuals who are injured, intoxicated, or otherwise suspected to be under the influence of drugs must be given medical attention before or right after being placed in a detention cell.

After Processing an Offender.

Minimum standards are required by regulation of detention cells.

Females must be separated from males and allowed ample privacy.

If the offender is to be released, check first with other investigative agencies to see if there is any further need for the offender.

Notify the offender's unit and have personnel from the unit pick the offender up, if there is no further need for the offender.

Receipt for Prisoner or Detained Person, DD Form 629, must be prepared then signed by the person to whom the offender is released (see Figure 6-13).

Documentation.

Record the incident on the Military Police Desk Blotter, DA Form 3997 (see Figure 6-14). Note the following information:

- Time.
- Person authorizing the detention.
- Degree of force used on the offender, if it applies.

Complete an MP Desk Reference, DA Form 3998 (See Figure 6-15).



<b>RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE</b>			
For use of this form see AR 190-30, the proponent agency is ODCSDPS			
DATA REQUIRED BY THE PRIVACY ACT			
<b>AUTHORITY:</b> Title 10, United States Code, Section 3012(g)			
<b>PRINCIPAL PURPOSE:</b> To provide commanders and law enforcement officials with means by which information may be accurately identified.			
<b>ROUTINE USES:</b> Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.			
<b>DISCLOSURE:</b> Disclosure of your Social Security Number is voluntary.			
1. LOCATION <i>FT HILL, AL.</i>	2. DATE <i>15 DEC 91</i>	3. TIME <i>1420 ZZZ</i>	4. FILE NO. <i>11287-XX-11116</i>
5. NAME (Last, First, MI) <i>JONES, Thomas, J.</i>	8. ORGANIZATION OR ADDRESS <i>Co B, 781st Support Battalion FT HILL, AL. 36205-5118</i>		
6. SSN <i>005-96-0788</i>	7. GRADE/STATUS <i>SGT</i>		
PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE			
<b>Section A. Rights</b>			
The investigator whose name appears below told me that he/she is with the United States Army <u><i>PROVIST MARSHALL</i></u> and wanted to question me about the following offense(s) of which I am suspected/accused: <u><i>OFFICE LARCENY</i></u>			
Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights			
1 I do not have to answer any questions or say anything			
2 Anything I say or do can be used as evidence against me in a criminal trial			
3 (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both			
- or -			
(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins			
4 If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below			
5. COMMENTS (Continue on reverse side)			
<b>Section B. Waiver</b>			
I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.			
WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE	
7a. NAME (Type or Print) <i>SAM T ROBERTS Sam T Roberts</i>	4. SIGNATURE OF INVESTIGATOR <i>Harry R. Miller</i>		
b. ORGANIZATION OR ADDRESS AND PHONE <i>999th M.A. Co, FT HILL, AL 36205-5118 (848-5667)</i>			
2b. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR <i>HARRY R. MILLER</i>		
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR <i>999th M.A. Co FT HILL, AL 36205-5118</i>		
<b>Section C. Non-waiver</b>			
1 I do not want to give up my rights <input type="checkbox"/> I want a lawyer <input checked="" type="checkbox"/> I do not want to be questioned or say anything			
2 SIGNATURE OF INTERVIEWEE <i>Thomas J. Jones</i>			
ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED			
DA FORM 3881, NOV 89		EDITION OF NOV 84 IS OBSOLETE	

Figure 6-8. DA Form 3881, Rights Warning Procedure/  
Waiver Certificate.



<b>PART II - RIGHTS WARNING PROCEDURE</b>	
<b>THE WARNING</b>	
<p>1. <b>WARNING</b> - Inform the suspect/accused of</p> <ul style="list-style-type: none"> <li>a. Your official position.</li> <li>b. Nature of offense(s).</li> <li>c. The fact that he/she is a suspect/accused</li> </ul> <p>2. <b>RIGHTS</b> - Advise the suspect/accused of his/her rights as follows            "Before I ask you any questions, you must understand your rights."            a. "You do not have to answer my questions or say anything."            b. "Anything you say or do can be used as evidence against you in a criminal trial."            c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer</p>	<p>can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."            - or -            (For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."            d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."            Make certain the suspect/accused fully understands his/her rights</p>
<b>THE WAIVER</b>	
<p>"Do you understand your rights?"            (If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)</p> <p>"Have you ever requested a lawyer after being read your rights?"            (If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)</p>	<p>"Do you want a lawyer at this time?"            (If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)</p> <p>"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)</p>
<b>SPECIAL INSTRUCTIONS</b>	
<p><b>WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE.</b> If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.</p> <p><b>IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY.</b> In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.</p> <p><b>PRIOR INCRIMINATING STATEMENTS.</b></p> <ul style="list-style-type: none"> <li>1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.</li> </ul>	<p>2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.</p> <p><b>NOTE.</b> If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.</p> <p><b>WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS.</b> If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer"), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")</p>
<p>COMMENTS (Continued)</p> <div style="text-align: center; font-size: 2em; font-weight: bold; margin: 20px 0;">SAMPLE</div>	
<p><b>REVERSE OF DA FORM 3881</b> <span style="float: right; font-size: 0.8em;">U.S. Government Printing Office: 1990-361-871/02685</span></p>	

Figure 6-9. DA Form 3881 (continued), back side.

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"FOR TRAINING PURPOSES ONLY"

SWORN STATEMENT			
For use of this form, see AR 190-45; the preparing agency is Office of The Deputy Chief of Staff for Personnel.			
LOCATION Ft BLANK, AL	DATE 20 Dec 85	TIME 1420 <i>JCH</i>	FILE NUMBER MPR# 06789-85-00689
LAST NAME, FIRST NAME, MIDDLE NAME HARRIS, George Carl	SOCIAL SECURITY NUMBER. 345-67-8912	GRADE/STATUS PFC	
ORGANIZATION OR ADDRESS Co D, 21st INF BN FT BLANK, AL 36205-4000			
<p>I, <u>George Carl HARRIS</u>, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p>At about 1300hrs today, I was sitting in our Company day-room watching television. PFC Larry JAMES came in and sat down beside me. He said he wanted to watch some TV to. About ten minutes later PFC JAMES picked up a glass ash-tray and threw it at the television set. The ash-tray broke the picture tube of the TV. I then asked him why he threw the ash-tray at the TV. He said he did not like the program that was on. After this was said I went to the orderly room and told the 1st Sergeant about it. The 1st Sergeant called the MP's, then we both went to the day-room. The MP's came and talked to myself and PFC JAMES. The MP's took me to the MP Station to do this statement. <i>anybody JCH</i></p> <p>Q: Was <del>anybody</del> else in the day-room at the time of the incident? A: I didn't see anybody else.</p> <p>Q: Did you touch the television after it was broken? A: Yes, I turned it off, and unplugged the cord from the wall outlet.</p> <p>Q: Can you describe the ash-tray thrown? A: Yes, it was square, green glass with four corners for cigarette slots.</p> <p>Q: What did PFC JAMES do after he threw the ash-tray? A: He just sat in the chair, looking around, like nothing happened.</p> <p>Q: Was PFC JAMES drinking? A: I Don't know, he didn't have anything to drink while he was sitting there watching TV.</p> <p>Q: Is there anything you wish to add concerning the matter under investigation? A: No.///END OF STATEMENT///</p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>JCH</i>	PAGE 1 OF <u>2</u> PAGES	
<p><b>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES" WHEN ADDITIONAL PAGES ARE UTILIZED. THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</b></p>			

**DA FORM 2823**  
1 JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 69, WHICH WILL BE USED.

Figure 6-10. DA Form 2823, Sworn Statement.

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**"FOR TRAINING PURPOSES ONLY"**

<b>MILITARY POLICE REPORT</b> For use of this form, see AR 190-45. The proponent agency is ODCSOPFS		MILITARY POLICE REPORT NUMBER	DATE	USACR/C CONTROL NUMBER
THRU		TO	FROM:	
1. REPORT TYPE/STATUS <input type="checkbox"/> Information <input type="checkbox"/> Commander's Action (DA Form 4633) <input type="checkbox"/> Supplemental <input type="checkbox"/> Complaint				
2. EVALUATION <input type="checkbox"/> Criminal Offense <input type="checkbox"/> Military Offense <input type="checkbox"/> Traffic Offense <input type="checkbox"/> Founded <input type="checkbox"/> Unfounded <input type="checkbox"/> Information				
3. COMPLAINT/OFFENSE/INCIDENT (See Reverse/Attached for Summary)		4. LOCATION (Address) <input type="checkbox"/> On Post <input type="checkbox"/> Off Post	5. TIME OF OFFENSE	6. DATE OF OFFENSE
7. OFFENSE CODES		8. COMPLAINT RECEIVED BY	9. TIME RECEIVED	10. DATE RECEIVED
11. MP ACTION REFERRED TO <input type="checkbox"/> MPI <input type="checkbox"/> CID <input type="checkbox"/> Civil Authorities <input type="checkbox"/> Traffic <input type="checkbox"/> Other (Specify)				12. DATE REFERRED
12. NAME OF SUBJECT		a. GRADE	b. ORGANIZATION (include address and telephone number)	
c. SSN	d. PLACE OF BIRTH	e. DATE OF BIRTH		
1. CAT (1)	g. COLOR HAIR	h. COLOR EYES	i. WEIGHT	j. HEIGHT
				k. AGE
				l. JUVENILE <input type="checkbox"/> Yes <input type="checkbox"/> No
				m. SEX <input type="checkbox"/> Male <input type="checkbox"/> Female
n. COMPLEXION	o. RACE (2)	13. INVOLVEMENT <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs	14. DRESS <input type="checkbox"/> Uniform <input type="checkbox"/> Civilian	15. COOPERATIVE <input type="checkbox"/> Yes <input type="checkbox"/> No
				16. IDENTIFYING MARKS
<b>17. PERSONS RELATED TO REPORT (Place Additional Entries on Reverse/Attached)</b>				
a. NAME	b. GRADE	c. SSN	d. ORGANIZATION/ADDRESS/TELEPHONE NUMBER	e. (1) f. (3)
<b>18. PROPERTY DATA</b>		<b>19. DISPOSITION OF</b>		
a. DATE	b. (4)	c. (5)	d. AMOUNT	e. OFFENDER
ENCLOSURES		DISTRIBUTION		<b>FOR THE COMMANDER (Strike out if not applicable)</b>
				TYPED NAME, RANK AND TITLE OF REPORTING OFFICER
				SIGNATURE
(1) CATEGORY		(2) RACE	(3) STATUS	(4) PROPERTY TYPE
(5) PROP ACTION				
A-Army B-Other Service C-Family Member D-DA Civilian E-Civilian	F-Contractor G-Other Govt Empl H-FGN Natl Empl I-Other FGN Natl J-Other	R-Rad M-Yellow N-Black C-White H-Nepoink X-Other	A-Not Used B-Witness C-Victim D-Complainant	E-Military Police F-Civil Authorities G-Sponsor A-Govt Prop/Funds B-Govt Vehicle C-NAF Prop/Funds D-NAF Vehicle E-Private Property
F-Private Vehicle G-Host Govt Prop/Funds H-Host Govt Vehicle	A-Lost B-Striken C-Recovered D-Damaged			

DA FORM 3975, MAY 1988 EDITION OF JAN 74 IS OBSOLETE GPO : 1988 O - 217-422

Figure 6-11. DA Form 3975, Military Police Report.



**"FOR TRAINING PURPOSES ONLY"**

EVIDENCE/PROPERTY CUSTODY DOCUMENT		MPR/CID SEQUENCE NUMBER		
For use of this form see AR 190-45 and AR 195-6; the proponent agency is US Army Criminal Investigation Command		CID REPORT CID ROI NUMBER		
RECEIVING ACTIVITY		LOCATION		
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER <input type="checkbox"/> OTHER		ADDRESS (include Zip Code)		
LOCATION FROM WHERE OBTAINED		REASON OBTAINED	TIME DATE OBTAINED	
ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <i>(include model, serial number, condition and unusual marks or scratches)</i>		
<b>SAMPLE</b>				
CHAIN OF CUSTODY				
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

DA FORM 4137  
1 JUL 76

Replaces DA FORM 4137, 1 Aug 74 and  
DA FORM 4137-R Privacy Act Statement  
26 Sep 75 which are Obsolete

LOCATION \_\_\_\_\_

DOCUMENT NUMBER \_\_\_\_\_

Figure 6-12. DA Form 4137, Evidence/Property Custody Document.

RECEIPT FOR PRISONER OR DETAINED PERSON		
RECEIVED FROM (Unit or Agency and Station) PMO, Ft Blank, Al 36205-5030	TIME 1600 hrs	DATE XX0223
LAST NAME - FIRST NAME - MIDDLE INITIAL SMITH, Joseph T.	SERVICE NUMBER/SSN 555-83-4572	GRADE E-5
ORGANIZATION 511th MP Co.	STATION Ft Blank, Al 36205-5030	
OFFENSE ASSAULT (ART #128 UCMJ)		
PERSONAL PROPERTY All Property returned to suspect.		
REMARKS Behavior was exceptionally good.		
NAME AND TITLE OF PERSON RECEIVING ABOVE INDIVIDUAL (Typed or Printed) YOUNG, Charles L., Commanding Officer	SERVICE NUMBER/SSN 177-62-4324	GRADE O-3
RECEIVING UNIT OR AGENCY AND STATION 511th MP Co.	SIGNATURE <i>Charles L. Young</i>	

**DD FORM 629**  
1 MAR 60

EDITION OF 1 MAR 52, IS OBSOLETE.

Figure 6-13. DD Form 629, Receipt for Prisoner or Detained Person.



"FOR TRAINING PURPOSES ONLY"

MILITARY POLICE DESK BLOTTER For use of this form, see AR 190-45. The proponent agency is Office of the Provost Marshal General.		DATE 22 NOV 1962 (Replaces DA Form 3997)	PAGE NO	
UNIT OR STATION DESIGNATION			NO OF PAGES	
ENTRY NO.	TIME	SUMMARY OF COMPLAINT, INCIDENT, POLICE INFORMATION	SUMMARY OF ACTION TAKEN	ENTERED BY

**SAMPLE**

DA FORM 3997  
1 DEC 72

REPLACES DA FORM 32-50, 1 NOV 56, WHICH WILL BE OBSOLETE

Figure 6-14. DA Form 3997, Military Police Desk Blotter.



<b>JONES, Thomas J.</b> <b>NAME (Last-First-Middle Initial)</b>	<b>E-4</b> <b>GRADE</b>	<b>321-54-7896</b> <b>SERVICE NO./SOCIAL SECURITY ACCT NO.</b>
<b>ORGANIZATION</b>  Co C, 781st Sup Bn	<b>STATION</b>  Ft Blank, AL 36201-5030	
<b>BLOTTER ENTRY</b>  4-XX0422 LARCENY Subject, MPR #05126-XX-03899		
<b>DA FORM 3998</b> <small>1 DEC 72</small>		<b>MILITARY POLICE DESK REFERENCE</b> <small>(AR 190-42)</small>

Figure 6-15. DA Form 3998, MP Desk Reference.

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LESSON 6

PRACTICE EXERCISE

REQUIREMENT. The following questions are multiple choice and true/false. You are to select the one that is correct. Indicate your choice by CIRCLING the letter beside the correct choice directly on these pages. This is a self-graded lesson exercise. Do not look up the correct answer from the lesson solution sheet until you have finished. To do so will endanger your ability to learn this material. Also, your final examination score will tend to be lower than if you had followed this recommendation.

1. One method used to search an individual when apprehended is the kneeling search.
  - A. True.
  - B. False.
  
2. DA Form 3881 is:
  - A. Rights Warning Procedure/Waiver Certificate.
  - B. Sworn Statement.
  - C. Privacy Act Statement.
  - D. MP Desk Reference.
  
3. When an individual is placed in detention, he is given a receipt for all valuables taken. This receipt is:
  - A. DA Form 4237.
  - B. DA Form 4137.
  - C. DA Form 4230.
  - D. DA Form 4130.
  
4. When a detained person is released, the person to whom the offender is released must sign:
  - A. DA Form 926.
  - B. DA Form 629.
  - C. DD Form 629.
  - D. DD Form 926.

LESSON 6

PRACTICE EXERCISE

ANSWER KEY AND FEEDBACK

<u>Item</u>		<u>Correct Answer and Feedback</u>
1.	A.	True. An alternate search which... (page 6-15, figure 6-5)
2.	A.	Rights Warning Procedure/Waiver Certificate. DA Form 3881... (page 6-18, para 3)
3.	B.	DA Form 4137. Valuables such as money... (page 6-19, para 3)
4.	C.	DD Form 629. Receipt for prisoner or detained person... (page 6-19, para 2)

## LESSON 7

### ENFORCEMENT OF TRAFFIC REGULATIONS

#### OVERVIEW

##### LESSON OBJECTIVE:

This lesson will provide you instruction on how to carry out traffic law enforcement. It will also provide an overview for MPs on how to conduct these duties in a safe and professional manner.

##### TERMINAL LEARNING OBJECTIVE:

**ACTION:** Learn the procedures of enforcement of traffic regulations.

**CONDITION:** Given this subcourse, paper and pencil.

**STANDARD:** To demonstrate competency of this task you must achieve a minimum score of 70 percent on the subcourse examination.

**REFERENCES:** The material contained in the lesson was derived from the following publications: AR 190-5, AR 385-55, and FM 19-10.

#### INTRODUCTION

As a military police patrol supervisor you are responsible for the actions of your men in the line of duty. You must make sure that they are trained to carry out traffic law enforcement. Ensure they conduct themselves in a safe and professional manner. There must also be an awareness of interpersonal communication skills (IPC) to perform duty requirements. Military police are representatives of the installation commander, seeing that his policies are adhered to. Laws make the roads safe for all traffic and encourage voluntary compliance by all motorists.

#### PART A - LAWS AND REGULATIONS

As an operations sergeant, you must know the type of jurisdiction you have on your installation. Jurisdiction is the scope or limit of government authority. Jurisdiction extends to the territory and persons. Military jurisdiction is the lawful authority or right of an armed force to exercise governmental power or control.

Exclusive jurisdiction is when the federal government assumes sole jurisdiction of a designated area.

- Federal criminal jurisdiction.
- Only federal authorities have the power to act.
  - State authorities have no power over any violations committed.
  - Federal authorities enforce all violations of federal laws or assimilated state laws.

Concurrent jurisdiction means the state retains the right to simultaneously exercise its authority along with that of the federal

government.

- Federal criminal jurisdiction exists.
- Both state and federal governments have the power to enforce the law.
  - State authorities enforce state laws.
  - Federal authorities enforce federal laws and assimilated state laws.

Proprietary jurisdiction applies to instances in which the federal government has acquired some rights or title of ownership to an area in a state but has not obtained jurisdiction.

- Not under federal criminal jurisdiction.
- Basically the federal government has the same rights as a property owner.
  - State laws are enforced by state courts.
  - Federal laws are enforced by federal courts.
  - State laws may not be assimilated.

Assimilated Crimes Act. Acts or omissions occurring in an area under federal jurisdiction, those that would constitute crimes if the area were under exclusive or concurrent jurisdiction, will constitute similar crimes, similarly punishable, under federal law.

- Federal criminal jurisdiction must exist.
- There is no violation of federal law.
- Only state law may be assimilated.

The U.S. magistrate system provides the Department of the Army with a means of processing and disposing of certain minor offenses and traffic violations. A minor offense is defined as one in which punishment would not exceed imprisonment for one year, a fine of not more than \$1,000 or both.

- The lowest federal court.
- The magistrate court may not hear violations of:
  - Local laws.
  - Uniform Code of Military Justice.
  - Military regulations.

DOD Directive 5525.4 provides DOD military installations authority to enforce state vehicular laws that cannot be assimilated under the Assimilated Crimes Act.

- Where federal legislative jurisdiction exists.
- Vehicular and traffic offenses.

- Infractions that cannot be assimilated.
- Maximum punishment (40 USC 381c).
  - \$50 fine.
  - 30 days.
  - Both.

Principles.

On-the-spot decisions will often be required of an MP in the line of duty. Good public relations and support for officers can come from taking courteous and uniform action for the same violations under similar conditions. Keep in mind at all times the policies and principles established by the installation commander. All military police must be able to accomplish the following:

- Detect and identify unusual or illegal behavior.
- Be able to evaluate the legality or illegality of such behavior.
- Apply allowable tolerances and know if they have enough evidence.
- Apprehend violators under adverse conditions.

Immediate action should be taken once violations are observed. Note that in so doing the safety of the public and the MP should be the first priority.

Selective enforcement is placing MP traffic control personnel where they are most needed. Patrols are assigned duties in proportion to violation and traffic accident distribution by time and place.

When making guidance policies for MPs, tolerances are often given. This leeway allows for mechanical and human error. For example, a car is doing 38 mph in a 35 mph zone. As an MP, you should use care in writing a violator or follow the policy of the provost marshal in writing speed citations over a speed limit. Do not allow tolerances to be arbitrarily increased.

PART B - METHODS OF DETECTION

Radar is a speed measuring device which operates by measuring the difference between high frequency radio signals sent from and reflected back to the instrument by the object vehicle. A reading is provided of the difference in miles per hour. There are three types of radar used by MPs.

- Radar which is operated from a parked vehicle.
- Moving radar allows monitoring of a vehicle's speed while the patrol vehicle is moving.
- Hand-held speed-guns are lightweight and self-contained.

Pace method requires the patrol vehicle to drive behind the suspected speeding vehicle and match the driving speed. Calibrated speedometers are essential and should be done quarterly. The driver should read the speedometer after his catch up speed has stabilized and is the same as the suspect's vehicle.

Aircraft enforcement involves military police in aircraft determining vehicle speed and relating the information to a ground MP unit.

Driving while intoxicated (DWI) is punishable under Article 111, Uniform Code of Military Justice. An MP should be aware of unusual behavior that may be caused by driving while intoxicated.

- Twenty visual cues.

-- All military police personnel should be thoroughly trained on the recognition and application of these cues shown in Figure 7-1, they will assist in the detection of the drunk driver. The visual cues should be listed on DD Form 1920, DA Form 3975, and DA Form 2823 by the apprehending MP. However, the numerical values associated with the cues should not be listed and should not be referenced when testifying in court.

-- The procedures for administration and use of the detection guide and the percentages listed are as follows: The percentage given after each visual cue is a probability that a driver exhibiting that cue has a blood alcohol concentration (BAC) equal to or greater than .10 percent. For example, the first cue shown on the detection guide, "turning with a wide radius," has to its right, the number 65. This means that 65 percent of the people exhibiting this behavior at night-time will have a BAC of above .10.

-- Each value shown is based on seeing only one cue. However, multiple cues are seen more often than single cues. When two or more cues are observed, add 10 percentage points to the largest value among the cues shown. For example, if the individual we view "turning with a wide radius," (65), also "does not have his headlights on," (3), the probability that he is under the influence now becomes 75 percent."

-- Using the probability values to decide whether or not to stop a particular driver will be a matter of local policy or military police judgement.

- Military police will also use the standardized field sobriety tests in showing probable cause after detection of and stopping a possible drunk driver. The tests are:

-- The Horizontal Gaze Nystagmus Test refers to a jerking of the eyes as they gaze to the side. Many people will show nystagmus or jerking when their eyes track to the extreme left or right. However, as people become intoxicated the onset of jerking occurs after fewer degrees of turning and the jerking at more extreme angles becomes more pronounced. With training and practice, police can closely estimate the blood alcohol concentration and degree of intoxication based on the horizontal gaze nystagmus test.

-- The modified Walk and Turn Test consists of two parts. The first part requires a suspect to balance heel to toe while listening to instructions. For an intoxicated person, doing two things at once is very difficult. The second part of the test requires the suspect to take a predetermined number of steps, usually nine, down a straight line, turn and return to the starting point in nine steps. Along with the actual instructions for the walking and turning movement, the suspect is told not to raise his arms and not to stop and, in fact, to turn around smoothly. Violation of any or not keeping your heels and toes within a certain distance of each other will result in a point being scored. If the subject scores two or more points the BAC concentration is assumed to be above 0.10.

-- During the One Leg Stand Test, the suspect is required to stand on one leg while counting out loud for approximately 30 seconds. The time requirement is important, as drivers with BACs in the .10 percent to .15 percent range may pass the test if they are permitted to balance for less than



30 seconds. The subject is instructed to keep his hands at his side and not to hop or bounce while counting.

- The intoximeter is a portable device which gives an indication of intoxication and serves as a jurisdiction for a more reliable test.

- Chemical tests can include blood, breath, or urine test. Any person who operates a motor vehicle on a military installation is deemed to have given consent to a chemical test or tests of his blood, breath, or urine for the purpose of determining their blood alcoholic content.



# DWI DETECTION GUIDE

Chances in 100 of nighttime drive, with BAC equal or greater than .10

<b>TURNING WITH WIDE RADIUS</b> .....	<b>65</b>
<b>STRADDLING CENTER OR LANE MARKER</b> .....	<b>65</b>
<b>APPEARING TO BE DRUNK</b> .....	<b>60</b>
<b>ALMOST STRIKING OBJECT OR VEHICLE</b> .....	<b>60</b>
<b>WEAVING</b> .....	<b>60</b>
<b>DRIVING ON OTHER THAN DESIGNATED ROADWAY</b> .....	<b>55</b>
<b>SWERVING</b> .....	<b>55</b>
<b>SLOW SPEED (MORE THAN 10 MPH BELOW LIMIT)</b> .....	<b>50</b>
<b>STOPPING (WITHOUT CAUSE) IN TRAFFIC LANE</b> .....	<b>50</b>
<b>FOLLOWING TOO CLOSELY</b> .....	<b>50</b>
<b>DRIFTING</b> .....	<b>50</b>
<b>TIRES ON CENTER OR LANE MARKER</b> .....	<b>45</b>
<b>BRAKING ERRATICALLY</b> .....	<b>45</b>
<b>DRIVING INTO OPPOSING OR CROSSING TRAFFIC</b> .....	<b>45</b>
<b>SIGNALING INCONSISTENT WITH DRIVING ACTIONS</b> .....	<b>40</b>
<b>SLOW RESPONSE TO TRAFFIC SIGNALS</b> .....	<b>40</b>
<b>STOPPING INAPPROPRIATELY (OTHER THAN IN LANE)</b> .....	<b>35</b>
<b>TURNING ABRUPTLY OR ILLEGALLY</b> .....	<b>35</b>
<b>ACCELERATING OR DECELERATING RAPIDLY</b> .....	<b>30</b>
<b>HEADLIGHTS OFF</b> .....	<b>30</b>

Special adjustment to the cue values

- 2 or more cues observed, add 10 to the larger value
- BAC equal to or greater than .05, add 15 to the value obtained for BAC equal to or greater than .10

Figure 7-1. DWI Detection Guide.

- The following standards for blood alcohol concentration are established by AR 190-5 but may be modified by state or local laws:

-- If the percentage of alcohol in the person's blood is less than 0.05 percent, presume the person is not under the influence of alcohol.

--If the percentage is 0.05 but less than 0.10, presume the person is impaired. This standard may be considered with other competent evidence in determining whether the person was under the influence of alcohol.

-- If the percentage is 0.10 or more, or if tests reflect the presence of illegal drugs, the person was driving while intoxicated.

- Qualified medical personnel should conduct chemical tests of blood, urine, or other bodily fluids. In the absence of specific state guidelines the following applies:

-- Observe the suspect 15 minutes during which he cannot ingest alcohol, other fluids, food, or smoke.

-- Verify calibration of test instruments by using a control sample immediately prior to test.

-- Follow operating procedures in the manufacturer's instructional manual.

- Completion of DD Form 1920.

-- Any time a motor vehicle operator is stopped under DWI suspicion, DD Form 1920 should be completed (see Figure 7-2). The form should be initiated when the stop is made.

-- The report is used to record observations of an individual who is apprehended for an offense and alcohol may be affecting his behavior. The form is divided into a heading portion and six sections.

-- The revision of AR 190-5 (July 1988) changes the test methods recommended for Section II, Performance Tests. This section refers to field sobriety test methods. IAW the regulation, installation law enforcement personnel should be trained in the improved field sobriety test battery noted above. The old tests--finger to nose, coin count and pick-up, and variations of these have not been validated nor found reliable in determining the probability of intoxication.

-- Section II can be used to document the improved field sobriety test results. The MP observing the tests would use the Remarks block to further explain the areas noted in the Balance, Walking, Turning sections and to record gaze nystagmus observations.

## PART C - PURSUE AND ISSUE CITATIONS

Upon observing a traffic violation, write down information such as license numbers, make, model, color of vehicle, installation decal, number of people in the vehicle, their sex, and marks on the vehicle. If a government vehicle, write down the type of vehicle, bumper markings, USA number, number of persons in the vehicle, and their sex. Take extreme precautions when pursuing a violator.

When stopping violators, complete the following actions in sequence.

- Patrol may use emergency lights, public address system, or horn to stop the violator. Do not use sirens unless unable to stop the violator any other way.
- Direct violator to stop where both violator's vehicle and patrol vehicle are off the roadway and will not interfere with other traffic.
- The patrol vehicle should be 3 to 4 meters behind the violator's vehicle and about 1 meter off center to the left with the emergency lights on.
- Report by radio to the desk sergeant that they have stopped a violator. Give location, direction of travel, description of vehicle, license number, the number and sex of occupants, and violation which occurred.
- Approach violator's vehicle with caution. Greet violators courteously, identify self, and tell the violator the reason for the stop and intended action. Be polite and helpful, but firm.
- Ask violator for ID card, driver's license, and registration or dispatch.
- Check identity of violator and validity of vehicle registration. Avoid asking questions about the offense, such as, do you know how fast you were going.
- When it is necessary to have the violator get out of the vehicle--
  - check for oncoming traffic.
  - open the violator's door.
  - step carefully backwards.
  - tell the driver to move to the rear of his or her vehicle.

Once you have completed your required duties, assist the motorist safely back on the roadway.

## Issuing Citations.

Military policemen must use good judgement in deciding when to issue citations. For any citation issued there must be a good cause. Use the proper citation for the proper offense.

DD Form 1805 is used by law enforcement personnel in conjunction with the U.S. magistrate or U.S. district court to cite violators for minor offenses IAW AR 190-29. The provost marshal will coordinate with the U.S. magistrate of his area for the following:

- A list of minor offenses for which mail-in procedures is authorized and the amount of collateral for each offense.
- The amount of the fine for each specific offense.
- A list of minor offenses which require mandatory appearance of the violator before the magistrate.

The form is a four-ply citation printed on carbon paper and prenumbered in a series for accounting control. The form will be bound in books of 10 violation notices per book.

Information entered on DD Form 1805 is dependent upon:

- VIOLATION: The type of violation (standing, moving traffic violation, or nontraffic offenses).

- MANDATORY APPEARANCE: If the offense required a mandatory court appearance before a U.S. magistrate, check the appropriate box on the violation notice. Do not mark a violation notice for mandatory appearance unless the forfeiture schedule shows that the offense requires such an appearance.

- REQUEST FOR APPEARANCE: If the offender requests an appearance, instruct him to properly mark his copy of the violation and mail to the Central Violation Bureau.

- SEPARATE VIOLATION NOTICES: Do not issue one violation notice for more than one offense. A separate violation notice must be completed for each offense.

- PREPARATION OF VIOLATION NOTICES: In preparing Violation Notices, use a ballpoint pen. All copies should be clearly legible. Check the defendant's copy for the address of the Central Violation Bureau in your area. After issuance nothing may be changed on the white (original) copy.

Preparing DD Form 1805. Keep in mind that this citation can be issued to both military and civilians. (See Figure 7-4 for sample DD Form 1805).

- All violations require:
  - MP identification number.
  - Date of notice.
  - Description of violation, including place and time if applicable.
  - Violation and location code number. These code markers differ from state to state.
- In addition to the above items, parking offenses also require:
  - Vehicle description (make, color, type).
  - License plate number and state.
  - Driver's license number.
  - Driver's address.
  - Driver's name, rank, social security number, and unit (military) or status (civilian).
- Moving violations require all of the above and:
  - Birth date of driver.
  - Sex.
  - Race.
  - Weight.
- Mandatory court offenses require all of the above (except fine), plus:
  - Location of court.
  - Time and date of appearance (if known).
  - Check in Box A. (Box "B" if voluntary appearance requested).

DD Form 1408, Armed Forces Traffic ticket, is issued for purely military violations or as a written warning, or in place of DD Form 1805, if the magistrate court system is not available.

- The Armed Forces Ticket is a three part set of forms bound in books for use in reporting traffic violations. Each set is numbered to account for tickets issued.

- DD Form 1408 will be prepared in triplicate and will be issued and processed as follows:

- The original (white) copy will be forwarded through command channels and processed in accordance with AR 190-5 (Figure 7-5).

- The second (yellow) copy will be filed in the office of the provost marshal (Figure 7-6).

- The third (pink) copy will be given to the violator. In unattended

vehicle violations, the pink copy will be placed under the windshield wiper or attached to the vehicle (Figure 7-7).

- The DD Form 1408 may be used as a warning notice. The warning block will be checked and reasons written in the remarks section by the MP.

- Void traffic tickets will be marked VOID in large letters, and all three copies turned into the desk sergeant for accounting.



**"FOR TRAINING PURPOSES ONLY"**

ALCOHOLIC INFLUENCE REPORT					
INSTALLATION Fort Glass, Alabama 36205-5050			VIOLATION REPORT NO 09500-XX-08558		ACCIDENT REPORT NO NA
DATE, TIME AND LOCATION OF ACCIDENT OR INCIDENT 28 December 19 XX, 1300, 3rd and 14th St.			DATE AND TIME IN CUSTODY 28 Dec XX, 1300		APPREHENDING OFFICER E-5 Kincaid
NAME OF SUBJECT Wellder, Michael L.			GRADE/CATEGORY E-4		SSN 368-22-3845
UNIT OF ASSIGNMENT/ADDRESS Co A, 4th Inf Bn, Ft. Glass, Alabama 36205-5050			<input checked="" type="checkbox"/> DRIVER <input type="checkbox"/> PASSENGER <input type="checkbox"/> PEDESTRIAN		
AGE 23	SEX <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	APPROX WEIGHT 140 Lbs.	OPERATOR'S LICENSE NO 441-123-456-714		STATE Michigan
Check all applicable boxes describing conditions observed, i.e., more than one box may be checked to describe conditions observed.					
SECTION I OBSERVATIONS					
MADE BY (Name, grade, SSN & organization) Alan D. Kincaid, E-5, 123-45-6789 304th MP Co, Ft. Glass, Al 36205-5050			WITNESSED BY (Name, grade, SSN & organization) Robert D. Jones, E-3, 626-66-6616 304th MP Co, Ft. Glass, Al 36205-5050		
CLOTHES (Describe type & color)	HAT OR CAP BLUE KNIT ROUND CAP				
	JACKET OR COAT NONE				
	SHIRT <del>OR BLOUSE</del> WHITE with Stains and the Right Shirt Pocket Torn from Shirt.				
	PANTS <del>OR SKIRT</del> BLUE JEANS with a Hole in Left Knee.				
CONDITION <input type="checkbox"/> Disorderly <input type="checkbox"/> Disarranged <input checked="" type="checkbox"/> Soiled <input type="checkbox"/> Mussed <input type="checkbox"/> Orderly			DESCRIBE Individual used profane language toward officer, also he kicked at officer.		
BREATH	ODOR OF ALCOHOLIC BEVERAGE <input checked="" type="checkbox"/> Strong <input type="checkbox"/> Moderate <input type="checkbox"/> Faint <input type="checkbox"/> None				
ATTITUDE	<input type="checkbox"/> Excited <input type="checkbox"/> Hilarious <input type="checkbox"/> Talkative <input type="checkbox"/> Carefree <input type="checkbox"/> Sleepy <input checked="" type="checkbox"/> Profanity <input type="checkbox"/> Combative <input type="checkbox"/> Indifferent <input checked="" type="checkbox"/> Insulting <input checked="" type="checkbox"/> Cocky <input type="checkbox"/> Cooperative <input type="checkbox"/> Polite				
UNUSUAL ACTIONS	<input type="checkbox"/> Hiccoughing <input type="checkbox"/> Belching <input type="checkbox"/> Vomiting <input checked="" type="checkbox"/> Fighting <input type="checkbox"/> Crying <input type="checkbox"/> Laughing				
SPEECH	<input checked="" type="checkbox"/> Not understandable <input type="checkbox"/> Mumbled <input checked="" type="checkbox"/> Slurred <input type="checkbox"/> Mush mouthed <input checked="" type="checkbox"/> Confused <input type="checkbox"/> Thick tongued <input type="checkbox"/> Stuttered <input type="checkbox"/> Accent <input type="checkbox"/> Fair <input type="checkbox"/> Good				
SPONTANEOUS ACTS (Statements, walking, turning, etc) HAD TROUBLE FINDING ID CARD, FELL OUT OF CAR, HAD FLUSHED FACE, BLOODSHOT EYES.					
INDICATE BRIEFLY WHAT FIRST LED YOU TO SUSPECT ALCOHOLIC INFLUENCE WEAVING FROM LANE TO LANE			SIGNS OR COMPLAINT OF ILLNESS OR INJURY NONE		
SECTION II - PERFORMANCE TESTS (Warning of rights in accordance with separate departmental policy is required for military personnel)					
ADMINISTERED BY (Name, grade, SSN & organization) ALAN D. KINCAID, E-5, 123-45-6789 304th MP Company				DATE & TIME TESTS PERFORMED 28 Dec XX, 1330	
BALANCE	<input type="checkbox"/> Falling <input checked="" type="checkbox"/> Needed support <input type="checkbox"/> Wobbling <input type="checkbox"/> Swaying <input type="checkbox"/> Unsure <input type="checkbox"/> Sure				
WALKING	<input type="checkbox"/> Falling <input type="checkbox"/> Staggering <input type="checkbox"/> Stumbling <input checked="" type="checkbox"/> Swaying <input type="checkbox"/> Unsure <input type="checkbox"/> Sure				
TURNING	<input type="checkbox"/> Falling <input type="checkbox"/> Staggering <input checked="" type="checkbox"/> Hesitant <input type="checkbox"/> Swaying <input type="checkbox"/> Unsure <input type="checkbox"/> Sure				
FINGER TO NOSE	RIGHT <input type="checkbox"/> Completely missed <input checked="" type="checkbox"/> Hesitant <input type="checkbox"/> Sure		LEFT <input type="checkbox"/> Completely missed <input checked="" type="checkbox"/> Hesitant <input type="checkbox"/> Sure		
COINS	<input type="checkbox"/> Unable <input checked="" type="checkbox"/> Fumbling <input type="checkbox"/> Slow <input type="checkbox"/> Sure <input type="checkbox"/> Other		BALANCE DURING COIN TEST NA		
ABILITY TO UNDERSTAND INSTRUCTIONS <input type="checkbox"/> Poor <input checked="" type="checkbox"/> Fair <input type="checkbox"/> Good			EFFECTS OF ALCOHOL <input type="checkbox"/> Extreme <input checked="" type="checkbox"/> Obvious <input type="checkbox"/> Slight <input type="checkbox"/> None ABILITY TO DRIVE <input checked="" type="checkbox"/> Unfit <input type="checkbox"/> Fit		
REMARKS The standardized Field Sobriety Test was conducted. The above individual refused to take the one Legged Stand Test. The individual failed the Horizontal Gaze Nystagmus and the Walk and Turn. See attached Field Sheet for the Field Sobriety Test.					

DD FORM 1920  
1 AUG 73

Figure 7-2. DD Form 1920, Alcohol Influence Report.

**"FOR TRAINING PURPOSES ONLY"**

SECTION III - INTERVIEW <small>(Warning of rights in accordance with separate departmental policy is required for all personnel)</small>				
Were you operating a vehicle? <u>Yes</u> Where were you going? <u>Home</u>				
What street or highway were you on? <u>NO answer</u> Direction of travel? <u>NO answer</u>				
Where did you start from? <u>EM Club</u> What time did you start? <u>Doesn't Know</u> What time is it now? <u>Doesn't Know</u>				
What city (county) are you in now? <u>Ft. Class</u> What is the date? <u>23 Dec XX</u> What day of the week is it? <u>Doesn't Know</u>				
INTERVIEWER TO FILL IN ACTUAL	TIME	DAY	DATE	INTERVIEWER'S NAME
	<u>1415</u>	<u>Saturday</u>	<u>23 Dec XX</u>	<u>E-5 Kincaid</u>
When did you last eat? <u>Dinner Time</u> What did you eat? <u>Steak</u>				
What were you doing during the last three hours? <u>Drinking</u>				
Have you been drinking? <u>Yes</u> What? <u>Beer</u> How much? <u>A Lot</u> Where? <u>EM Club</u>				
Time started? <u>Doesn't Know</u> When stopped? <u>No Answer</u> Are you under the influence of an alcoholic beverage now? <u>Yes</u>				
What is your occupation? <u>Soldier</u> When did you last work? <u>Today</u>				
Do you have any physical defects? <u>No</u> If so, what's wrong? <u>N/A</u>				
Do you limp? <u>No</u> Have you been injured lately? <u>No</u> If so, what's wrong? <u>N/A</u>				
Are you ill? <u>No</u> If so, what's wrong? <u>N/A</u>				
Did you get a bump on the head? <u>No</u> Were you involved in an accident today? <u>No</u> Have you had any alcoholic beverage since the accident? <u>No</u>				
If so, what? <u>N/A</u> Where? <u>N/A</u> How much? <u>N/A</u> When? <u>N/A</u>				
Have you seen a doctor or dentist lately? <u>No</u> If so, who? <u>N/A</u> When? <u>N/A</u>				
What for? <u>N/A</u> Are you taking tranquilizers, pills or medicines of any kind? <u>No</u>				
If so, what kind? (Get sample) <u>N/A</u> Last dose? <u>N/A</u> Do you have epilepsy? <u>No</u> Diabetes? <u>No</u>				
Do you take insulin? <u>No</u> If so, last dose? <u>N/A</u> Have you had any injections of any other drugs recently? <u>No</u>				
If so, what for? <u>N/A</u> What kind of drug? <u>N/A</u> Last dose? <u>N/A</u>				
When did you last sleep? <u>No Answer</u> How much sleep did you have? <u>No Answer</u> Are you wearing false teeth? <u>No</u> Glass eye? <u>No</u>				
HANDWRITING SPECIMEN (Signature and/or anything he chooses)		<u>Wellbet Today is Tuesday.</u>		
SECTION IV - CHEMICAL TEST DATA				
TYPE OF SPECIMEN		TIME, DATE AND LOCATION OF TEST		
<input checked="" type="checkbox"/> Blood <input type="checkbox"/> Breath <input type="checkbox"/> Saliva <input type="checkbox"/> Urine <input type="checkbox"/> Other		<u>1445, 28 Dec XX, Bell Army Hospital</u>		
ADMINISTERED BY (Name, grade, SSN & organization)			TEST RESULT	
<u>Mary M. Wilson, O-4, 124-00-8877, Co C, 1st Med Bn</u>			<u>.16 BAC</u>	
IF TEST REFUSED, OR UNABLE TO BE ADMINISTERED, STATE REASON				
<u>N/A</u>				
SECTION V - VIDEO TAPE, MOTION PICTURE, VOICE RECORDINGS				
TYPE COVERAGE		SCOPE OF COVERAGE		
<input type="checkbox"/> Video tape <input type="checkbox"/> Motion picture <input type="checkbox"/> Voice		<input type="checkbox"/> Observation <input type="checkbox"/> Performance test <input type="checkbox"/> Interview		
TAKEN BY (Name, grade, SSN & organization)			REFERENCE CODE	
SECTION VI - SUPPLEMENTARY DATA				
	NAME	ADDRESS	TELEPHONE NO.	CONDITION
WITNESSES	<u>N/A</u>			
	<u>N/A</u>			
PASSENGERS IN SUSPECT'S VEHICLE				

☆ U.S. G.P.O. 1984-421-646/R217

Figure 7-3 (cont). DD Form 1920, Alcohol Influence Report (back).



Violation No. **UNITED STATES DISTRICT COURT**  
**VIOLATION NOTICE**



Violation No.

1 CVB Loc. Code	2 Officer No.	3 Officer's Signature
--------------------	------------------	--------------------------

**VIOLATION CHARGED**

Date			Time	5	AM	Arrest	6
Mo.	Day	Yr.				YES	NO
				PM		<input type="checkbox"/>	<input type="checkbox"/>
Viol. Code	Offense Code		Place of Offense				
7	8		9				
Offense Description							
10							

Parking: <input type="checkbox"/> Overt. <input type="checkbox"/> Restr. Zone	Visibility: <input type="checkbox"/> Day <input type="checkbox"/> Night <input type="checkbox"/> Fog/Rain/Snow
Speeding: <input type="checkbox"/> Exceeding Sp. Limit by Driving mph in zone	Traffic: <input type="checkbox"/> Light <input type="checkbox"/> Heavy <input type="checkbox"/> Medium
	Surface: <input type="checkbox"/> Dry <input type="checkbox"/> Wet <input type="checkbox"/> Snow <input type="checkbox"/> Ice

**AGAINST THIS PERSON**

Last Name		First Name	M.I.
13		14	15
Street Address			
16			
City		State	Zip Code
17		18	19
		Phone	
		20	
Birth Date	Sex	Race	Height
	21	22	23
			24
			25
Driver's License No. or Other I.D.		State	28
26		27	Adult <input type="checkbox"/> Juvenile <input type="checkbox"/>

**VEHICLE DESCRIPTION**

Tag Number	Year	Color	State	Vehicle Make	Vehicle Body
29	30	31	32	33	34

**COURT APPEARANCE**

Court Address	Date
	36
35	Hour
	37

- A MANDATORY APPEARANCE:** If box A is checked, you must appear in court at the time and place shown above. If no court appearance date is shown above, you will be notified of your appearance date.
- B OPTIONAL APPEARANCE:** If box B is checked, you must either:
1. Pay the collateral amount shown by mailing within 7 days; or
  2. Appear in court at the time and place shown above. If no court appearance date is shown above, you will be notified of your appearance date.
- \$ \_\_\_\_\_ 38

Figure 7-4. Blank DD Form 1805, Violation Notice.

GUIDELINES FOR COMPLETION OF DD FORM 1805

- BLOCK 1                   The Central Violation Bureau code. It is the primary means used by the clerk's office to identify the different agencies within a district or circuit. Consult your local Central Violation Bureau for your agency code.
- BLOCKS 2 & 3             The identification of the charging officer (MP use SSN as the officer number).
- BLOCKS 4 & 5             The date and time the offense was committed. The time of commission may differ from the time when the violator is cited. In those situations, such information may be included in Block 9 or on the reverse side of the form in the "probable cause" section.
- BLOCK 6                   Specify if the defendant was apprehended.
- BLOCK 7                   This block is used for any internal code the court may require, such as 1-parking, 2-moving, 3-other.
- BLOCK 8                   The specific statute or regulation violated. The general term "offense code" is used as a generic term, and may refer to federal statutes, the Code of Federal Regulations (CFR), or to state statutes assimilated into federal law.
- BLOCK 9                   The place where the violation occurred.
- BLOCK 10                  The description of the violation charged. This space may be used to provide shorthand titles for violations.
- BLOCK 11                  A checklist is to be more descriptive of parking and speeding violations.
- BLOCK 12                  A checklist for moving violations to describe the visibility, traffic, and road surface conditions.
- BLOCKS 13-28             The identification of the defendant.
- BLOCKS 29-34             The identification of an automobile--designed for vehicle related offenses.
- BLOCKS 35-37             The place and time for a court appearance. The completion of this part will vary among the district courts. Completed by the issuing officer if local policy directs. If the scheduling of the court appearance is handled by the clerk's office or the magistrate, the defendant will be notified of a court date by mail.

GUIDELINES FOR COMPLETION OF DD FORM 1805 (cont)

- BLOCK 38                  The amount of collateral (the fine), set by the court for the violation. If the offense requires mandatory court appearance, this block will remain blank.
- BLOCK 39                  Mandatory or optional court appearances. Box A is for offenses that require a court appearance. Box B is used when the defendant has a choice of either forfeiting collateral or appearing in court.

DISTRIBUTION:

1. The original (white) and the second copy (yellow) will be forwarded by transmittal, no later than the next working day, to the Central Violations Bureau of the local U.S. district court.

2. The third copy (pink) is retained by the issuing installation law enforcement authority.

3. The completed fourth copy (gold card stock) is issued as follows:

a. For violations occurring when the violator is absent (i.e., parking offenses), all entries concerning the violator will be left blank. The fourth copy will be placed on the violator's vehicle.

b. In all other cases the fourth copy of the completed violation notice will be issued to the violator.



**"FOR TRAINING PURPOSES ONLY"**

<b>ARMED FORCES TRAFFIC TICKET</b>		<input type="checkbox"/> <b>WARNING</b> (See Remarks below)		NAME (Last - First - Middle Initial)	
The person named below committed traffic violation set forth at the time and location, and on date shown, and was issued this traffic ticket.					
NAME (Last-First-Middle Initial)					
RANK/GRADE	DATE OF BIRTH	SERVICE NUMBER/ISSN			
ORGANIZATION OR ADDRESS (Include ZIP Code)					
DRIVER LICENSE NUMBER		ISSUING AUTHORITY (State or Military)			
MAKE OR TYPE OF VEH	STATE LICENSE OR REGS NUMBER	INSTL TAG NUMBER			
DATE (Day Month Year)	TIME	LOCATION			
VIOLATION	<input type="checkbox"/> SPEED OVER LIMIT ( mph in 3 mph zone)	<input type="checkbox"/> 5 - 10 MPH	<input type="checkbox"/> 11 - 15 MPH		<input type="checkbox"/> OVER 15 MPH
	<input type="checkbox"/> IMPROPER LEFT TURN	<input type="checkbox"/> NO SIGNAL	<input type="checkbox"/> CUT CORNER		<input type="checkbox"/> FROM WRONG LANE
	<input type="checkbox"/> IMPROPER RIGHT TURN	<input type="checkbox"/> NO SIGNAL	<input type="checkbox"/> INTO WRONG LANE	<input type="checkbox"/> FROM WRONG LANE	
	<input type="checkbox"/> DISOBEYED TFC SIGNAL (When light turned red)	<input type="checkbox"/> PAST MIDDLE INTERSECTION	<input type="checkbox"/> MIDDLE OF INTERSECTION	<input type="checkbox"/> HAD NOT REACHED INTERSECTION	
	<input type="checkbox"/> DISOBEYED STOP SIGN	<input type="checkbox"/> STOPPED WRONG PLACE	<input type="checkbox"/> FAILED TO STOP	<input type="checkbox"/> ROLLED/SPED THROUGH	
	<input type="checkbox"/> IMPROPER PASSING AND LANE USAGE	<input type="checkbox"/> AT INTERSECTION	<input type="checkbox"/> CUT-IN	<input type="checkbox"/> WRONG SIDE OF PAVEMENT	
		<input type="checkbox"/> BETWEEN TFC	<input type="checkbox"/> ON RIGHT	<input type="checkbox"/> ON HILL	
		<input type="checkbox"/> LANE STRADDLING	<input type="checkbox"/> WRONG LANE	<input type="checkbox"/> ON CURVE	
	<input type="checkbox"/> FAIL TO YIELD	<input type="checkbox"/> OTHER VIOLATIONS (Describe)			
	<b>PARKING</b>		<input type="checkbox"/> OVERTIME	<input type="checkbox"/> DOUBLE PARKING	
		<input type="checkbox"/> PROHIBITED AREA	<input type="checkbox"/> OTHER (Describe in Remarks)		
CONDITIONS THAT INCREASED SERIOUSNESS OF VIOLATION	<input type="checkbox"/> SLIPPERY PAVEMENT	<input type="checkbox"/> RAIN	<input type="checkbox"/> AREA	TRAFFIC ACCIDENT TYPE OF ACCIDENT: <input type="checkbox"/> PD <input type="checkbox"/> FI <input type="checkbox"/> FATAL	
		<input type="checkbox"/> SNOW	<input type="checkbox"/> BUSINESS		
		<input type="checkbox"/> ICE	<input type="checkbox"/> INDUSTRIAL		
	<input type="checkbox"/> DARKNESS	<input type="checkbox"/> NIGHT	<input type="checkbox"/> RURAL	<input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> VEHICLE	
		<input type="checkbox"/> FOG	<input type="checkbox"/> SCHOOL		
	<input type="checkbox"/> OTHER TRAFFIC PRESENT	<input type="checkbox"/> SNOW	<input type="checkbox"/> RESIDENTIAL	<input type="checkbox"/> HIT FIXED OBJECT <input type="checkbox"/> RIGHT ANGLE <input type="checkbox"/> SIDESWIPED <input type="checkbox"/> REAR END <input type="checkbox"/> INTERSECTION <input type="checkbox"/> HEAD ON <input type="checkbox"/> RAN OFF ROADWAY	
		<input type="checkbox"/> CROSS	<input type="checkbox"/> HIGHWAY TYPE		
		<input type="checkbox"/> ONCOMING	<input type="checkbox"/> 2 LANE		
		<input type="checkbox"/> PEDESTRIAN	<input type="checkbox"/> 3 LANE		
	<input type="checkbox"/> CAUSED PERSON TO DROP TO GROUND	<input type="checkbox"/> SAME DIRECTION	<input type="checkbox"/> 4 LANE		
<input type="checkbox"/> PEDESTRIAN		<input type="checkbox"/> 4 LANE			
<input type="checkbox"/> DRIVER		<input type="checkbox"/> 4 LANE			
<input type="checkbox"/> JUST MISSED ACT	<input type="checkbox"/> DIVIDED				
REMARKS					
NAME OF PERSON ISSUING TRAFFIC TICKET					
ORGANIZATION AND INSTALLATION				RANK/GRADE	

TICKET NUMBER  
**H 20501**

DD FORM 1408 1 DEC 62 REPLACES DA FORM 1093, 1 NOV 54, AND AF FORM 121, WHICH ARE OBSOLETE. CO of violator or appropriate civil agency **1**

Figure 7-5. DD Form 1408, Armed Forces Traffic Ticket. Copy 1 (White)





**"FOR TRAINING PURPOSES ONLY"**

<b>ARMED FORCES TRAFFIC TICKET</b>		<input type="checkbox"/> <b>WARNING</b> (See Remarks below)		NAME (Last - First - Middle Initial)	
The person named below committed traffic violation set forth at the time and location, and on date shown, and was issued this traffic ticket.					
NAME (Last First Middle Initial)					
RANK/GRADE	DATE OF BIRTH	SERVIC. NUMBER/SSAN			
ORGANIZATION OR ADDRESS (include)					
DRIVER LICENSE NUMBER		ISSUING AUTHORITY (State or Military)			
MAKE OR TYPE OF VE.	LICENSE OR REGS NUMBER	INSTR. TAG NUMBER			
DATE (Day Month Year)	TIME	LOCATION			
<b>VIOLATION</b>	<input checked="" type="checkbox"/> SPEED OVER LIMIT ( mph in a mph zone)	<input type="checkbox"/> 5 - 10 MPH	<input type="checkbox"/> 11 - 15 MPH		<input type="checkbox"/> OVER 15 MPH
	<input type="checkbox"/> IMPROPER LEFT TURN	<input type="checkbox"/> NO SIGNAL	<input type="checkbox"/> CUT CORNER		<input type="checkbox"/> FROM WRONG LANE
	<input type="checkbox"/> IMPROPER RIGHT TURN	<input type="checkbox"/> NO SIGNAL	<input type="checkbox"/> INTO WRONG LANE	<input type="checkbox"/> FROM WRONG LANE	
	<input type="checkbox"/> DISOBEYED TFC SIGNAL (When light turned red)	<input type="checkbox"/> PAST MIDDLE INTERSECTION	<input type="checkbox"/> MIDDLE OF INTERSECTION	<input type="checkbox"/> HAD NOT REACHED INTERSECTION	
	<input type="checkbox"/> DISOBEYED STOP SIGN	<input type="checkbox"/> STOPPED WRONG PLACE	<input type="checkbox"/> FAILED TO STOP	<input type="checkbox"/> ROLLED/SPEW THROUGH	
	<input type="checkbox"/> IMPROPER PASSING AND LANE USAGE	<input type="checkbox"/> AT INTERSECTION	<input type="checkbox"/> CUT-IN	<input type="checkbox"/> WRONG SIDE OF PAVEMENT	
		<input type="checkbox"/> BETWEEN TFC LANE STRADDLING	<input type="checkbox"/> ON RIGHT WRONG LANE	<input type="checkbox"/> ON HILL ON CURVE	
		<input type="checkbox"/> TOO TOO CLOSELY FAIL TO YIELD OTHER VIOLATIONS (Describe)			
<b>PARKING</b>		<input type="checkbox"/> OVERTIME	<input type="checkbox"/> DOUBLE PARKING		
		<input type="checkbox"/> PROHIBITED AREA	OTHER (Describe in Remarks)		
<b>CONDITIONS THAT INCREASED SERIOUSNESS OF VIOLATION</b>	<input type="checkbox"/> SLIPPERY PAVEMENT	RAIN	AREA	<b>TRAFFIC ACCIDENT TYPE OF ACCIDENT:</b> <input type="checkbox"/> PD <input type="checkbox"/> FI <input type="checkbox"/> FATAL	
		SNOW	BUSINESS		
		ICE	INDUSTRIAL		
	<input type="checkbox"/> DARKNESS	NIGHT	RURAL	<input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> VEHICLE	
		FOG	SCHOOL		
	<input type="checkbox"/> OTHER TRAFFIC PRESENT	SNOW	RESIDENTIAL	<input type="checkbox"/> HIT FIXED OBJECT <input type="checkbox"/> RIGHT ANGLE <input type="checkbox"/> SIDESWipe <input type="checkbox"/> REAR END <input type="checkbox"/> INTERSECTION <input type="checkbox"/> HEAD ON <input type="checkbox"/> RAN OFF ROADWAY	
		CROSS	HIGHWAY TYPE		
		ONCOMING			
		PEDESTRIAN	2 LANE		
		SAME DIRECTION	3 LANE		
<input type="checkbox"/> CAUSED PERSON TO DODGE	PEDESTRIAN	2 LANE			
	DRIVER	2 LANE			
	JUST MINED AHEAD	DIVIDED			
REMARKS					
NAME OF PERSON ISSUING TRAFFIC TICKET					
ORGANIZATION AND INSTALLATION			RANK/GRADE		

SAMPLE

TICKET NUMBER  
**H 20501**

Figure 7-6. DD Form 1408, Copy 2 (Yellow).



"FOR TRAINING PURPOSES ONLY"

<b>ARMED FORCES TRAFFIC TICKET</b>		<input type="checkbox"/> <b>WARNING</b> (See Remarks below)		
The person named below committed traffic violation set forth at the time and location, and on date shown, and was issued this traffic ticket.				
NAME (Last-First-Middle Initial)				
RANK/GRADE		DATE OF BIRTH	SERVIC. NUMBER/SSAN	
ORGANIZATION OR ADDRESS (include)				
DRIVER LICENSE NUMBER		ISSUING AUTHORITY (State or Military)		
MAKE OR TYPE OF VE.		LICENSE OR REGS. NUMBER	INSTL. TAG NUMBER	
DATE (Day-Month-Year)		TIME	LOCATION	
<b>VIOLATION</b>	<input type="checkbox"/> SPEED OVER LIMIT (... mph in a mph zone)	<input type="checkbox"/> 3 - 10 MPH	<input type="checkbox"/> 11 - 15 MPH	<input type="checkbox"/> OVER 15 MPH
	<input type="checkbox"/> IMPROPER LEFT TURN	<input type="checkbox"/> NO SIGNAL	<input type="checkbox"/> CUT CORNER	<input type="checkbox"/> FROM WRONG LANE
	<input type="checkbox"/> IMPROPER RIGHT TURN	<input type="checkbox"/> NO SIGNAL	<input type="checkbox"/> INTO WRONG LANE	<input type="checkbox"/> FROM WRONG LANE
	<input type="checkbox"/> DISOBEYED TRF SIGNAL (When light turned red)	<input type="checkbox"/> PAST MIDDLE INTERSECTION	<input type="checkbox"/> MIDDLE SF INTERSECTION	<input type="checkbox"/> HAD NOT REACHED INTERSECTION
	<input type="checkbox"/> DISOBEYED STOP SIGN	<input type="checkbox"/> STOPPED WRONG PLACE	<input type="checkbox"/> FAILED TO STOP	<input type="checkbox"/> POOLED/SPEW THROUGH
	<input type="checkbox"/> IMPROPER PASSING AND LANE USAGE	<input type="checkbox"/> AT INTERSECTION	<input type="checkbox"/> CUT-IN	<input type="checkbox"/> WRONG SIDE OF PAVEMENT
		<input type="checkbox"/> BETWEEN TRF	<input type="checkbox"/> ON RIGHT	<input type="checkbox"/> ON HILL
		<input type="checkbox"/> LANE STRADDLING	<input type="checkbox"/> WRONG LANE	<input type="checkbox"/> ON CURVE
	<input type="checkbox"/> FOLLOW TOO CLOSELY	<input type="checkbox"/> OTHER VIOLATIONS (Describe)		
	<input type="checkbox"/> FAIL TO YIELD			
<b>PARKING</b>		OVERTIME	DOUBLE PARKING	
		PROHIBITED AREA	OTHER (Describe in Remarks)	
<b>CONDITIONS THAT INCREASED SERIOUSNESS OF VIOLATION</b>	<b>SLIPPERY PAVEMENT</b>	RAIN	AREA	<b>TRAFFIC ACCIDENT TYPE OF ACCIDENT:</b> <input type="checkbox"/> PD <input type="checkbox"/> FI <input type="checkbox"/> FATAL
		SNOW	BUSINESS	
		ICE	INDUSTRIAL	
	<b>DARKNESS</b>	NIGHT	RURAL	<b>PEDESTRIAN</b>
		FOG	SCHOOL	
	<b>OTHER TRAFFIC PRESENT</b>	SNOW	RESIDENTIAL	<b>VEHICLE</b>
		CROSS	HIGHWAY TYPE	<b>HIT FIXED OBJECT</b>
		ONCOMING		<b>RIGHT ANGLE</b>
	<b>CAUSED PERSON TO DODGE</b>	PEDESTRIAN	2 LANE	<b>SIDEWALK</b>
		DRIVER	3 LANE	<b>REAR END</b>
DRIVER		4 LANE	<b>INTERSECTION</b>	
	DRIVER	4 LANE	<b>HEAD ON</b>	
	DRIVER	DIVIDED	<b>RAN OFF ROADWAY</b>	
<b>REMARKS</b>				
NAME OF PERSON ISSUING TRAFFIC TICKET				
ORGANIZATION AND INSTALLATION		RANK/GRADE		

NAME (Last - First - Middle Initial)

TICKET NUMBER

H 20501

Figure 7-7. DD Form 1408, Copy 3 (Pink).

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LESSON 7

PRACTICE EXERCISE

REQUIREMENT: The following questions are multiple choice and true/ false. You are to select the one that is correct. Indicate your choice by CIRCLING the letter beside the correct choice directly on these pages. This is a self-graded exercise. Do not look up the correct answer from the lesson solution sheet until you have finished. To do so will endanger your ability to learn this material. Also, your final examination score will tend to be lower than if you had followed this recommendation.

1. Driving while intoxicated is punishable under which article of the UCMJ?
  - A. 86.
  - B. 91.
  - C. 111.
  - D. 115.
  
2. In accordance with AR 190-5, a blood alcohol concentration of 0.12 percent indicates:
  - A. not intoxicated.
  - B. not necessarily intoxicated.
  - C. intoxicated.
  - D. none of the above.
  
3. A DD form 1408, Armed Forces Traffic Ticket, can be voided by simply writing VOID in large letters on the ticket.
  - a. True.
  - b. False.
  
4. Which of the following forms should be completed when driving while intoxicated is suspected?
  - A. DA Form 1920.
  - B. DA Form 1902.
  - C. DD Form 1920.
  - D. DD Form 1902.

LESSON 7

PRACTICE EXERCISE

ANSWER KEY AND FEEDBACK

<u>Item</u>		<u>Correct Answer and Feedback</u>
1.	C.	111. Driving while intoxicated... (page 7-4, para 7)
2.	C.	intoxicated. The following standards for... (page 7-7, para 4)
3.	A.	True. Void traffic tickets will be... (page 7-11, item 4)
4.	C.	DD Form 1920. Anytime a motor vehicle... (page 7-7, para 13)

## LESSON 8

### TRAFFIC ACCIDENT INVESTIGATOR

#### OVERVIEW

##### LESSON DESCRIPTION:

This lesson will provide you with an overview of the fundamentals of traffic accident investigation and how to prepare traffic investigation reports.

##### TERMINAL LEARNING OBJECTIVE:

**ACTION:** Investigate a traffic accident.

**CONDITION:** Given this subcourse and a pencil.

**STANDARD:** To demonstrate competency of this task you must achieve a minimum score of 70 percent on the subcourse examination.

**REFERENCES:** The material contained in the lesson was derived from the following publications: AR 190-5, AR 385-55, and FM 19-10.

#### INTRODUCTION

Traffic accidents are extremely confusing events. How they occur, who or what caused them, and why they occurred are facts that military police must determine. Every MP must know the fundamentals of traffic accident investigation and know how to prepare traffic accident reports. It is the supervisors responsibility to ensure that his/her personnel follow the prescribed procedures, from the initial notification, to the completion of the accident report and additional follow-up reports. Traffic accidents, resulting in personal injury, fatality, and property damage in the amount of \$1,000 or greater require an on scene investigation. When a POV is involved in an accident on the installation not meeting these requirements, the owner has within 72 hours to submit a written report to the law enforcement office.

#### PART A - GENERAL

Supervision of traffic operations is a responsibility shared by several individuals. MPs, patrol supervisor, desk sergeant, and MP duty officer. The supervisor acts as a coordinator of all traffic activities during a given time, team work among all on duty MPs is imperative. In areas where there are not adequate standing policies, the supervisor must provide guidance.

**Speed Measuring Device.** While speeding does not cause all accidents, it does have a definite effect on the severity of accidents. For this reason, efforts to control speeding are often of prime concern. Speed measuring devices are used to control speed, increase compliance with traffic laws, and conduct speed studies.

**Training Personnel.** Those personnel selected to operate the speed measuring device, must be mature personnel, and like the equipment, the MP must meet the certification requirements of the state where the installation is located.

- In order for a person to become certified, he/she must attend the



certification course and pass a written and performance test before being certified.

- If there is no formal state program for certification the provost marshal can either send his personnel to a local training program or use a program developed by the NHTSA.

- Certified personnel at a minimum must be recertified every three years.

Types of speed measuring devices. There are two basic types of speed measuring devices used by the MPs.

- Stationary Radar. This device is normally operated from a patrol vehicle parked along a roadway for stationary observation and enforcement. The characteristics of the stationary radar are, digital readout with speed lock in capability, audible alarm, range selection, and the ability to track vehicles coming or going away.

- Moving radar. This device installed in a patrol vehicle allows the patrol to selectively monitor speed of approaching vehicles up to approximately 2,500 feet away while the patrol vehicle is moving. Moving radar patrols are highly visible, which is an important deterrent to speeders.

#### PART B - TRAFFIC ACCIDENT INVESTIGATION

Initial Steps. Prompt arrival at the scene of an accident is essential. Safety, however, should be emphasized at all times. Speed limits apply to all vehicles, including emergency vehicles. While in route, the patrol should maintain contact with the Military Police Desk. They should also be on the lookout for any suspicious or damaged vehicles fleeing the general area.

Arrival at the Scene. The following steps should be taken upon arrival at the scene of the accident.

- Locate Patrol Vehicle. The MP vehicle should be positioned so as not to cause further traffic congestion or accidents. If necessary, it may, however, be used as a roadblock. At night it should be parked so the headlights illuminate the entire scene. At all times the emergency lights should be on to warn approaching motorists of the hazard.

- Care for injured and protect the scene. The investigator should determine the extent of injuries to accident victims; render first aid; and request medical assistance. Severely injured persons should not be moved, except to preserve their safety. After caring for the injured, the scene should be secured to protect property and preserve evidence.

- Establish Traffic Control. Traffic control is essential at the accident scene to prevent further accidents or injury. Rerouting vehicles around the accident scene is the most common procedure used. Military personnel at the scene may be temporarily used to help control traffic. All other spectators or unnecessary personnel should be cleared from the accident area.

- Essential Elements of an Investigation. DA Form 3946, Military Police Traffic Accident Investigation Report, when completed, contains the essential investigative elements who, what, when, where, why, and how. It may be used alone, or supported by scaled diagrams, photographs and statements. This form is one of the special tools needed to clearly explain what happened at the accident scene.

- Securing Facts at Scene. After completing the initial steps and securing the scene of the accident, the investigator obtains and records facts needed to complete their reports to arrive at logical and objective conclusions. The main thrust of the investigation is to determine whether or not there was a violation of the law; and if so, to prove each element of the offense.

LESSON 8

PRACTICE EXERCISE

REQUIREMENTS: The following questions are multiple choice. You are to select the one that is correct. Indicate your choice by circling the letter beside the correct choice. Do not look up the correct answer from the lesson solution sheet until you have finished. To do so will endanger your ability to learn this material. Also, your final score will tend to be lower than if you had followed this recommendation.

1. Which of the following statements describes the characteristics of moving radar?
  - A. The device is operated from a parked vehicle, it provides a digital read out, with speed lock in.
  - B. The device allows a patrol to selectively monitor speed of approaching vehicles up to approximately 2,500 feet while vehicle is moving.
  - C. The device can only be operated from a stationary position, and allows for high visibility.
  - D. The device is portable operated with the assistance of a battery operated pack, with range selection capability.
  
2. Who is responsible for the training and certification of personnel selected to operate radar?
  - A. Company commander.
  - B. Provost marshal.
  - C. Installation commander.
  - D. Platoon sergeant.
  
3. How often will a person certified to operate radar be required to recertify?
  - A. Once a year.
  - B. Once every six months.
  - C. Every two years.
  - D. Every three years.
  
4. What is the initial action of the MP upon arrival at a traffic accident scene?
  - A. Locate patrol vehicle.
  - B. Protect property.
  - C. Notify the desk sergeant.
  - D. Care for the injured.

5. The driver or owner of a POV involved in a traffic accident, with no injuries, deaths, or property damage estimated at a thousand dollars or greater, will be required to submit a written report to the installation law enforcement office within?

- A. Eight hours.
- B. Forty-eight hours.
- C. Seventy-two hours.
- D. Thirty-six hours.

LESSON 8

PRACTICAL EXERCISE

ANSWER KEY AND FEEDBACK

<u>Item</u>		<u>Correct Answer and Feedback</u>
1.	B.	The device allows a patrol to selectively monitor speed of approaching vehicles up to approximately 2,500 feet while vehicle is moving. This device installed... (page 8-2, para 8)
2.	B.	Provost marshal. If there is no formal... (page 8-2, para 4)
3.	D.	Every three years. Certified personnel at a minimum... (page 8-2, para 5)
4.	A.	Locate patrol vehicle. Locate patrol vehicle. The MP vehicle... (page 8-2, para 11)
5.	C.	Seventy-two hours. When a POV is involved... (page 8-1, Introduction)

## LESSON 9

### SECURITY OF A CRIME SCENE

#### OVERVIEW

##### LESSON DESCRIPTION:

This lesson will provide an overview of how to properly protect a crime scene.

##### TERMINAL LEARNING OBJECTIVE:

ACTION: Provide Security at a crime scene.

CONDITION: Given this subcourse and a pencil.

STANDARD: To demonstrate competency of this task you must achieve a minimum score of 70 percent on the subcourse examination.

REFERENCE: This material contained in the lesson was derived from the following publication: FM 19-20.

#### INTRODUCTION

The scene of any crime is itself evidence. Testimony of a trained military police official's observations and findings at an unchanged crime scene is vitally important to a successful case clearance. Improper protection of the crime scene will usually result in the contamination, loss, or unnecessary movement of physical evidence items. Any of these is likely to render the evidence useless. The actual scene of the crime is the place from which all investigative leads begin. It provides a starting point of the search for them and yields important clues for crime laboratory examiners who evaluate the evidence. The first military police official at the scene of the crime incurs the serious and critical duties of securing it.

The military police person on patrol is normally the first police representative at the crime scene. Any military police person, regardless of rank or assignment, may happen to be the first law enforcement official to arrive at a crime scene. However, the rules for that official's conduct are always the same. The seriousness of the crime is of minor importance. If military police are confronted with a location where a criminal may have left clues, it is their duty not to destroy or change anything which may reconstruct the crime or be useful as evidence against the offender. Nor must the military police inadvertently add material to the crime scene which may mislead investigators.

## PART A - INITIAL ACTION AT A CRIME SCENE

No definite rule or set of rules can be applied to defining the dimensions of the scene of a crime. However, the best physical evidence is normally found at or near the site of most critical action that was taken by the criminal against property or the victim. Important physical evidence is often found in the immediate area surrounding the body in a homicide case.

Similarly, the site of forcible entry into a building, or the area immediately surrounding a cracked safe, normally yields the most evidence. The dimensions of a crime scene may be large, but there will usually be apparent to the military police priority areas that should be given immediate protection. However, valuable evidence may be discarded or dropped by the criminal at some distance from the (apparent) immediate scene of the crime. Thus, the area to be protected may eventually be greater than that considered to have the highest priority.

Initial Actions on Arrival at the Scene of a Crime.

Investigation success involving a definable crime scene depends heavily on the initial observations and actions of the first military police at the scene. This statement is generally true, regardless of the type of crime. While the circumstances of the case will govern the actions of the military police to protect and preserve the physical evidence, the following are generally valid guides:

If injured persons are found at the scene of the crime, giving them aid is first priority.

If enough police personnel are available, immediate measures to protect the crime scene should begin along with giving aid to injured persons, or examining apparently deceased persons.

Immediate protection measures include roping off certain critical exits or openings, posting guards to control spectators around areas expected to have high potential for physical yield, and covering any area that would be affected by the elements.

In extreme cases, it may be necessary to move objects having evidence potential from areas where they would otherwise be destroyed or affected by the elements. However, movement of evidence prior to the time it has been fully examined and processed should be avoided whenever possible.

The intent to protect the scene of a crime is to preserve its physical aspects for review in detail by the crime scene investigator(s) assigned to the case. Thus, the major task of the military police preserving the scene is to prevent certain actions:

- Unnecessary walking about. Particular precautions must be taken to avoid walking in areas that are likely to bear foot or tire print impressions.

- Moving items or disturbing the bodies of deceased persons.

- Touching items or surfaces that are likely to yield latent fingerprints.

- Allowing any item to be removed from the scene, to include bodies of deceased persons after they have been pronounced dead by a medical doctor, without the specific permission of the crime scene investigator who is in charge of the search.

- Restraints must not be lifted until the investigator in charge has specifically released the crime scene, or at least until the search has been completed.

- As soon as possible, note the time of arrival on the scene, weather conditions, persons present at the time of arrival on the scene, and any circumstances that will aid the investigation.

Initial Action by Military Police Patrol.

The role when processing a crime scene can best be said "protect, preserve, and present", since you are in charge prior to the investigators' (military police investigator (MPI) or criminal investigation division (CID)) arrival.

- Protect the crime scene from destruction or contamination.
- Preserve everything of evidentiary value at the crime scene.
- Present the findings made from crime scene processing.

The first military police at the crime scene must cooperate with the investigators, laboratory examiners, and other specialists who may later search and process it. Military police who secured the scene should make all information immediately available to any investigators who later arrive to take charge of the investigation or to conduct a crime scene search. Details are important. For example, if an item was touched or moved by the military police who secured the scene, notify the investigators or laboratory examiners. The crime scene may undergo some physical change from weather or some other action after the arrival of the military police officials who secured it and before the arrival of investigators or the crime laboratory specialists. If so, the military police who arrived first should pass on their observations of such changes.

#### PART B - PROTECTION OF THE CRIME SCENE

Military police who arrive on the scene first will take all measures to get the names and addresses of witnesses and suspects present at the scene.

Onlookers must be restrained and kept out of the immediate area to avoid loss, altering, rearranging, or concealing of evidence.

The type of protective measures used to seal off the area depends upon the location, size, and type of area and may be accomplished by:

- Roping off the area.
- Setting fixed and/or roving dismounted patrols.
- Using motorized patrols.

It may be necessary to reroute traffic or set up checkpoints. The identity of individuals entering or leaving the crime scene area should be noted.

Medical aid has priority over evidence. However, if any evidence, is moved, mark its position or outline with white chalk for future reference. Record changes to the scene by medical personnel.

If a victim is pronounced dead at the scene, do not cover the body of the victim before processing for evidence.



Protect evidence that could be destroyed by rain, snow, fire, or other causes before being processed. Examples:

- Cover prints in the snow with a box and prints in the soil with a raincoat.

- Items which may melt should be protected from the sun and all other sources of heat.

- Perishables such as food should not be contaminated or destroyed.

Leaving the Crime Scene.

Military police patrols will remain at the crime scene until released by CID or MPI. They will assist investigators as needed in controlling traffic and unauthorized personnel, and provide all recorded information.

LESSON 9

PRACTICE EXERCISE

REQUIREMENT: The following questions are multiple choice. There are four choices to each. You are to select the one that is correct. Indicate your choice by CIRCLING the letter beside the correct choice directly on these pages. This is a self-graded lesson exercise. Do not look up the correct answer from the lesson solution sheet until you have finished. To do so will endanger your ability to learn this material. Also, your final examination score will tend to be lower than if you had followed this recommendation.

1. Who is responsible for establishing crime scene security?
  - A. The MP patrol supervisor.
  - B. The MP duty officer.
  - C. The investigator assigned to the investigation.
  - D. The initial MP official to arrive at the scene.
  
2. Upon arrival at the scene of a reported death, the MPs should first:
  - A. Protect the scene.
  - B. Collect evidence.
  - C. Check the victim for signs of life.
  - D. Interview witnesses.
  
3. Crime scene security may be established by:
  - A. Roping off an area.
  - B. Placing MPs at critical points to control access.
  - C. Establish roadblocks.
  - D. All of the above.
  
4. If the MP inadvertently alters the condition of the crime scene, he should:
  - A. Keep it to himself.
  - B. Inform only his supervisor.
  - C. Only record the pertinent information in the MP report.
  - D. Inform the investigator.
  
5. MP patrols assigned to protect a crime scene may be released by:
  - A. The patrol supervisor.
  - B. The provost marshal.
  - C. The MP duty officer.
  - D. The investigator.

LESSON 9

PRACTICE EXERCISE

ANSWER KEY AND FEEDBACK

<u>Item</u>		<u>Correct Answer and Feedback</u>
1.	D.	The initial MP official to arrive at the scene. First military police official... (page 9-1, para 1)
2.	C.	Check the victim for signs of life. If injured persons are found... (page 9-2, para 4)
3.	D.	All of the above. The type of protective measures used... (page 9-4, para 1)
4.	D.	Inform the investigator. For example if an item was... (page 9-3, para 8)
5.	D.	The investigator. Military police patrols will remain... (page 9-4, para 7)