

GENERAL ORDER



Title
Arrests of Armed Forces Personnel

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GO-PCA-501.05

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Distribution
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Replaces / Rescinds:
General Order 501.5 (Arrests of Armed Forces Personnel)

DISTRICT OF COLUMBIA

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I. BACKGROUND

The Metropolitan Police Department (MPD) recognizes the importance of maintaining liaison with all branches of the armed forces. Historically, MPD has worked directly with the armed forces in all matters pertaining to arrests or incidents involving personnel of the armed forces.

II. POLICY

The policy of the Metropolitan Police Department is to properly arrest, detain and serve warrants and subpoenas on armed forces personnel when appropriate. In such cases, MPD shall work directly with the armed forces pursuant to the procedures in this directive.

III. REGULATIONS

Whenever personnel of the armed forces are arrested or involved in any police incident, either as a complainant, participant, or as a principal witness (e.g., as the victim of a crime), it shall be the responsibility of the member handling the report to immediately notify the Synchronized Operations Command Center (SOCC), who shall immediately notify the appropriate branch of the armed forces. The reporting member shall relate the circumstances of the incident and the extent of the involvement of the armed forces personnel to the SOCC, who shall do the same to the appropriate branch of the armed forces.

IV. PROCEDURAL GUIDELINES

A. Traffic Arrests/Traffic Related Police Incidents of Armed Forces Personnel (CALEA 61.1.3-e)

1. When personnel of the armed forces are arrested for traffic cases, including those where serious injury has occurred and death may

ensue, members of the armed forces shall be handled in the same manner as civilians.

2. Military personnel may post bond for minor traffic violations, if applicable. Military personnel unable to post bond shall be treated the same as a civilian under like circumstances.
3. Drivers of military vehicles on official business who are stopped by members of the Department for traffic violations should not normally be arrested or detained, but should be issued Traffic Violation Citations, unless the nature of the offense is such that further operation would be prejudicial to their safety and the safety of others. (CALEA 61.1.3-e)
4. If it becomes necessary to detain military personnel for any traffic charge, the appropriate branch of the armed forces shall be notified immediately through the SOCC.

B. Felony and Misdemeanor Arrests of Armed Forces Personnel

1. When personnel of the armed forces are arrested for disorderly conduct in a public place or on public streets, they shall not be released on bond or collateral. The arresting member shall immediately notify the SOCC, who shall notify the appropriate branch, **after** the member is charged and processed at the organizational element where the offense occurred, and then release the subject(s) to the appropriate branch of the armed forces.
2. Armed forces personnel arrested and charged with the following offenses or types of offenses shall be handled the same as any civilian defendant, except that notification shall be made to the appropriate branch of the armed forces, through the SOCC:
 - a. All felonies;
 - b. Sex offenses;
 - c. Theft II; and
 - d. Concealed weapon.
3. Armed forces personnel arrested for any other offenses, except as otherwise indicated in this order, may be turned over to the appropriate armed forces personnel, after being charged and processed. The arresting officer shall consult with the Watch Commander in order to determine which branch of the armed forces can best deal with the arrested personnel. The final responsibility to release the arrested personnel shall rest with the Watch Commander, and if the decision is to release the arrestee, he/she shall be turned over to the appropriate branch of the armed forces.

4. In all cases, prior to being released to the appropriate branch of the armed forces, all arrested armed forces personnel shall be transported to the appropriate district and properly charged and processed.
5. In every case in which personnel of the armed forces are arrested and charged with an offense, the appropriate police department form(s) shall be completed. The Watch Commander shall forward a copy of the form to the appropriate branch of the armed forces. The initial notification of arrests or incidents involving armed forces personnel shall be made by telephone, through the SOCC, to the appropriate branch of the armed forces by the arresting officer. (CALEA 82.1.1-d)
6. Members of the Department apprehending armed forces personnel who are wanted for Absent Without Leave shall transport them to the nearest police district, where he/she will be held in protective custody until the appropriate branch of the armed forces is notified and take custody of him/her. He/she shall not be charged or processed for that crime by MPD. Armed forces personnel shall not be transported to any military installation in Department vehicles, except in cases of emergency. Members of the Department shall not apply for or accept rewards for the apprehension of absentees wanted by any branch of the armed forces.
7. Juvenile members of the armed forces, under the age of 18 years, shall be processed in accordance with GO-OPS-305.01 (Handling Juveniles). (CALEA 44.2.2)

C. Property of Armed Forces Personnel

1. All property, except evidence taken from personnel of the armed forces under arrest by a member of this Department, shall be turned over to the arrestee, after proper notation in the property receipt book, upon his/her release to the representative from the appropriate branch of the armed forces. Evidence and other property being held from the arrestee shall be handled in accordance with GO-SPT-601.01 (Recording, Handling, and Disposition of Property Coming into the Custody of the Department).
2. In cases of arrests of civilian agents or uniform personnel of the armed forces, wherein the arrestee states he/she has on his/her person classified material or the searching member notes same, the arresting officer shall notify the Watch Commander of his/her organizational element, who shall be responsible for notifying the SOCC, who shall notify the department or agency with which the arrestee is employed or attached. An entry pertaining to the classified property shall be made in the property receipt book at the arresting member's organizational element and shall be signed by the agent who is receiving the property.

3. Whenever a civilian agent of the armed forces is arrested, except as outlined in Section IV, C, 2, of this order, and is carrying credentials and/or firearms, batons, etc., which are the property of the armed forces, the appropriate branch of the armed forces shall be notified, through the SOCC, of the exact property being carried. Proper notation pertaining to the credentials or other appurtenances, which are the property of the armed forces, shall be entered in the property receipt book and the articles, if requested, shall be released to the appropriate branch of the armed forces, who shall properly receipt for same.

D. Service of Warrants, Subpoenas, and Revocation Orders on Personnel of the Armed Forces (CALEA 1.2.5)

1. Any member of this Department who receives a summons, revocation order, warrant or other paper for service on personnel of the armed forces, either officer or enlisted, who has an address on a service reservation, or any member of the Department who experiences difficulty in locating a serviceman at his home, shall contact the appropriate branch of the armed forces, through the SOCC, to arrange for assistance in service.
2. Service of warrants on military personnel stationed outside the District of Columbia for violations of the U.S. or D.C. Codes may be accomplished through the United States Marshal's Office in the judicial district concerned.
3. The warrants shall be processed in accordance with the provisions of GO-PCA-702.01 (Arrest and Bench Warrants).
4. The appropriate branch of the armed forces shall be notified, through the SOCC, to provide liaison for the purpose of serving such warrants.

E. Request by Civil Authorities for Custody of Armed Forces Personnel

1. Civil police have no authority to make arrests or to continue pursuit onto a military reservation. Therefore, if circumstances arise of sufficient importance to necessitate continuance of pursuit and/or apprehension, the member shall stop at the sentry gate and contact the proper authority, usually the post legal officer, provost marshal, or officer of the day.
2. In cases not involving fresh pursuit, members who desire to obtain custody of armed forces personnel who are assigned to military installations in the District of Columbia and who are charged with commission of offenses in violation of District of Columbia or Federal Law, shall present their requests to the legal officer or provost marshal of the military installation to which the personnel are assigned. The appropriate branch of the armed forces shall be contacted, through the

SOCC, for the purpose of providing liaison between the Department and the appropriate authority on the military installation concerned.

3. Each request for release shall be accompanied by a copy of an indictment, presentment, information, warrant, or statement of a United States Attorney or Corporation Counsel that a preliminary official investigation of the offense charged shows that there is probable cause to believe that the offense charged was committed by the person named therein.

V. CROSS REFERENCES

1. GO-OPS-305.01 (Handling Juveniles)
2. GO-SPT-601.01 (Recording, Handling, and Disposition of Property Coming into the Custody of the Department)
3. GO-PCA-702.01 (Arrest and Bench Warrants)

// SIGNED //
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Chief of Police

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