



SUPRTCEN PORTSVA INST 16244.1
13 June 1995

SUPPORT CENTER PORTSMOUTH INSTRUCTION 16244.1

Subj: ARREST AND DETENTION POLICY

Ref: (a) DTCG84092-C-3SM162, U. S. Coast Guard Support Center
Portsmouth, VA Contract for Security Services dated 23
December 1991
(b) COMDTINST 5520.5 (Series) Investigative Assistance
(c) City of Portsmouth, Police Mutual Aid Agreement dated
12 January 1989
(d) Maintenance and Logistics Command Atlantic SOP Tab K
to Appendix 4 to Annex E
(e) COMNAVBASENORVA/SOPA (ADMIN) HAMPINST 5400.1F SUBGROUP
5805

1. PURPOSE. This instruction provides guidance to Support Center military and contract security personnel for detaining and arresting military personnel and civilians who commit offenses onboard Coast Guard Support Center Portsmouth.
2. ACTION. The Security Officer will ensure that all military and contract security personnel are familiar and comply with the contents of this instruction.
3. DEFINITIONS. The following definitions apply to this instruction:
 - a. Arrest is the restraint by an order not imposed as punishment for an offense and directs that a person stay within a certain area.
 - b. Apprehend is to take a person into custody. Apprehension under the UCMJ is, therefore, approximately equal to the common law definition of arrest. The word apprehend is used in lieu of arrest when dealing with members of the U. S. Armed Forces.
 - c. Arrest without warrant means to arrest with the intent to take a suspect before a magistrate and file a Criminal Complaint form for the offense(s).
 - d. Bar letter is a letter ordering a person not to enter the Support Center.

- e. Civilian means a person not subject to the Uniform Code of Military Justice. This includes employees, dependents, or visitors. The offenses they commit may only be processed by civilian authorities.
 - f. Detention means to detain or hold a person for a short period of time, usually less than 24 hours, for the purpose of gathering information. It is of limited purpose and minimal restraint.
 - g. Suspect is anyone suspected of committing a crime.
4. DISCUSSION. The Commanding Officer has been assigned responsibility for the security of Support Center Portsmouth and the enforcement of regulations as directed by higher authority. The Commanding Officer has delegated authority for enforcing regulations pertaining to good order, discipline and security of Support Center Portsmouth to the Security Officer during normal working hours and to the Officer of The Day (OOD) after normal working hours, and on weekends and holidays. The following authorities and jurisdictions apply onboard Support Center Portsmouth:
- a. Active duty security personnel have UCMJ, federal and civil arrest authority (arrest without warrant).
 - b. Contract Security Force personnel may detain suspects for UCMJ and civil violations as outlined in reference (a).
 - c. Coast Guard Intelligence/FBI, has primary jurisdiction over all Coast Guard installations as outlined in reference (b).
 - d. The City of Portsmouth Police Department has concurrent jurisdiction onboard Support Center Portsmouth as outlined in reference (c). Normally local police will not enter the Support Center unless requested by the Commanding Officer or his designee.
5. PROCEDURES. Coast Guard and contract security personnel do have authority to detain military personnel and civilians, suspected of committing a criminal offense onboard Support Center Portsmouth, for the purpose of gathering facts. Although detention may result in an arrest, there may be situations where there is no probable cause to arrest.
- a. Any detention or apprehension on the Support Center shall be reported to the Commanding Officer via the Security Officer and/or the Officer of the Day as soon as practicable.
 - b. CCGDFIVE (ole) is to be notified of any arrest/detention that takes place onboard Support Center Portsmouth.

c. Detention of military and civilians may be made under any one of the following circumstances:

- (1) A crime has been committed and observed by security personnel present.
- (2) Security personnel have knowledge that a crime has been committed and they have reasonable grounds to believe that the suspect committed the crime.
- (3) Security personnel have knowledge of a valid arrest warrant for the individual.
- (4) The individual presents a threat to themselves or others.

d. Only in the most serious cases, such as murder, armed robbery, assault with a weapon or other crimes for which prosecution is likely and from which the individual is likely to flee shall a person be apprehended onboard Support Center Portsmouth.

- (1) If an apprehension is warranted, the suspect will be handcuffed and held at the Security Office.
- (2) In the event of serious criminal conduct the Support Center shall request assistance from the City of Portsmouth Police Department.
- (3) The City of Portsmouth Police Department will be requested to transport any apprehended suspect to the local magistrate. A Command representative, preferably an eyewitness, will also go to the magistrate's office in order to fill out the Criminal Complaint form (enclosure (2)).
- (4) CCGD5 (ole) shall also be contacted for assistance.

e. Rights shall be read to the suspect before asking any question pertaining to an alleged offense. When giving suspects their rights, the Miranda/Tempia warning and the Military warning should be read directly from a laminated card (CG 5168A). This laminated card shall be kept in the possession of security personnel at all times. General questions consisting of information such as name, address, status (military, civilian), may be asked without the rights being read.

f. Civilian offenders shall be dealt with in accordance with reference (d) as follows:

- (1) Identify the individual and detain him/her at the security office.

- (2) Request the person to produce reliable identification including a home, place of business or other location at which the individual can be located later. If the offense is not so serious that the individual is likely to flee, the individual should be escorted off the Support Center and ordered not to return without specific permission.
 - (3) A report of the incident/complaint shall be made at the Security Office. It shall contain the identification and address of the offender and written signed statements of all witnesses to the offense in question.
 - (4) A bar letter may be issued to individuals expected to be troublesome or to commit offenses on the Support Center, even though prosecution is not appropriate at the time (see ref (d), para 2.e.(1) for instructions on issuing a "bar" letter). A person who reenters or is later found onboard the Support Center, after being given such a letter, may be prosecuted for unlawful entry under 18 U.S.C. 382.
- g. Military personnel shall normally be dealt with in accordance with the Uniform Code of Military Justice (UCMJ).
- (1) For less serious offenses committed under the UCMJ, an Incident/Complaint Report (enclosure (1)) will be filled out at the Security office, and the individual will be released to his/her parent command.
 - (2) If a member is apprehended for a UCMJ offense, the suspect may be transported to the NAVSTA Norfolk brig by military personnel. As outlined in reference (e) the following items must accompany any military member being delivered to the NAVSTA Norfolk brig:
 - (a) A confinement order (enclosure (3)) completed in triplicate, with the medical certificate section completed and signed by a medical officer, nurse practitioner or physician assistant.
 - (b) A valid Armed Forces Identification Card.
 - (3) If apprehension of a military member becomes desirable for a civil offense, it will be handled in the same manner as for a civilian in paragraph 5.d.

- h. Persons who appear to not have any business onboard Support Center Portsmouth and are apparently lost, disoriented or otherwise incapacitated shall be detained to prevent any harm coming to them, and possible breach of regulations or law. An attempt shall be made to identify the person, their family, close friends or family doctor. The City of Portsmouth Police Department shall be called in all instances for assistance.

R. J. Weaver
R. J. WEAVER

Encl: (1) Criminal Complaint Form
(2) Incident/Complaint Report
(3) Confinement Order (NAVPERS 1640/4)

Copy: List I, II & III

CRIMINAL COMPLAINT

RULES 3A(3) and 7C(3)

Case No. _____

- General District Court
- Juvenile and Domestic Relations District Court

I, The undersigned Complainant this day make oath that I have

reason to believe that the Accused, on or about _____ DATE

in the City County Town of _____

Committed an offense as follows:

ACCUSED: Name, Description, Address / Location

LAST NAME, FIRST NAME, MIDDLE INITIAL

CRIMINAL COMPLAINT

I base my belief on the following facts:

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	MO	DAY	YR.	HT.	WT.	EYES	HAIR
					FT	IN.		
SSN								

other identification or location information

The statements above are true and accurate to the best of my knowledge and belief.

- By swearing to these facts, I have read and fully understand the following: or summons is issued.
- The charge in this warrant cannot be dismissed except by the court, even at my request.

Subscribed and sworn to before me this day.

SIGNATURE OF COMPLAINANT

DATE AND TIME _____ JUDGE

INCIDENT/COMPLAINT REPORT

NUMBER _____

(Type or print all entries in block style letters)

1. FROM:

2. TO:

3. VIA:

4. INCIDENT/COMPLAINT (Specify type and location)

Time

Date

5. SUBJECT: Name. (Rank/Rate), Branch, SSN, Duty Station, Home Address, Home & Work-Phone

6. REPORT RECEIVED: a. In person b. By telephone c. By radio d. By mail

BY: (Name, Rate/Rank, Badge# or Position)

7. TYPE OF INCIDENT: Complaint Military Offense Misdemeanor
 Felony Traffic Other

8. PERSONS RELATED TO REPORT (Insert appropriate category letter before each name)

C-Complainant S-Suspect SEC-SECURITY SP-SPONSOR V-Victim W-Witness

Category See Above	NAME	RANK/RATE /BADGE#	SSN	ORGANIZATION, ADDRESS AND PHONE NUMBER

9. DISPOSITION OF INCIDENT/COMPLAINT

a. Referred To:

- Patrol
- File
- CG Intelligence
- Commanding Officer, Department Head or Branch Chief.
- Other Agency (Specify)

b. (Address)

10. ENCLOSURES (Statements, Pictures and any other Evidence)

b. EVIDENCE (List and describe, or summarize)

CONFINEMENT ORDER
NAVPERS 1640/4 (Rev. 7-82) S/N 0106-LF-016-4023

NAME (Last, first, middle)	SSN	RATE/GRADE	BRANCH SER
SHIP OR ORGANIZATION		DATE	

STATUS

DETAINED (Alleged violation of UCMJ Articles)	CONFINED AS RESULT OF		
	<input type="checkbox"/> NJP	<input type="checkbox"/> SCM	<input type="checkbox"/> SPCM <input type="checkbox"/> GCM
<i>"I have been informed that I am being confined for the above alleged offense(s)"</i> Date _____ Signature of accused _____ Date _____ Signature of witness _____	CHARGES AND SPECIFICATION CONVICTED OF		
	SENTENCE ADJUDGED:		DATE
	IF SENTENCE DEFERRED, DATE DEFERMENT TERMINATED:		
	SENTENCE APPROVED	APPROVED BY	DATE
	CA		
	SA		
	NCMR		
	COMA		
	OTHER		

PRE-TRIAL CONFINEMENT NECESSARY-

- TO ENSURE THE PRESENCE OF THE ACCUSED AT THE TRIAL BECAUSE OF THE SERIOUSNESS OF THE OFFENSE CHARGED

CONFINEMENT DIRECTED AT		TYPED NAME/RANK/TITLE
HOUR	DATE	
		SIGNATURE

MEDICAL CERTIFICATE

The above named individual was examined by me at _____ on _____ and found to be _____
(HOUR) (DATE)

fit unfit for confinement. The following irregularities were noted during the examination; (if none, so state):

I certify that from an examination of _____
Name Rate SSN
and of the place where he/she is to be confined, I am of the opinion that the execution of the foregoing sentence to confinement on (bread and water) (diminished rations) will not produce serious injury to his/her health.

TYPED NAME/RANK/TITLE	SIGNATURE
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RECEIPT FOR PRISONER

The above named individual was received at _____
(NAME OF BRIG/CORRECTIONAL FACILITY)

at _____ on _____
(HOUR) (DATE)

TYPED NAME/RANK/TITLE	SIGNATURE
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