

Authority and Responsibility Limitations 9-6.01-K

KNOW your limitations of authority and responsibility as a supervisor of enlisted members as it pertains to the following, as presented in the E-PME Study Guide.

- Extra Military Instruction
- Withholding of Privileges
- Search and Seizure

Limitations and/or Responsibilities

As a supervisor, you have certain responsibilities to ensure the rights of the people you supervise are not violated. When standards of conduct come into question, your limitations and responsibilities fall into three distinct areas:

- Extra military instruction
 - Withholding of privileges
 - Search and seizure
-

***Extra Military
Instruction
Responsibilities***

As a supervisor, you are responsible for making sure Extra Military Instruction (EMI) is not abused or used as punishment. EMI may be assigned only if it is genuinely intended to accomplish specific task improvement.

EMI is:

- Additional instruction in a phase of military duty where an individual is deficient
- Intended for, and directed toward, the correction of that deficiency
- A legitimate training technique to improve an individual's duty performance and efficiency

EMI is not to be used as a substitute for judicial (court-martial) punishment or non-judicial punishment (NJP). It must be logically related to the deficiency in performance for which it was assigned.

As a supervisor, you are responsible for ensuring:

- EMI lasts only for two hours or less per day
- EMI is only for the period of time it takes to correct the performance deficiency for which it was assigned...no longer
- EMI is assigned on a day that is not the enlisted member's Sabbath
- You have the commanding officer's permission if you assign EMI for completion after normal working hours.

EMI does not deprive the enlisted person of normal liberty to which he or she is entitled.

Withholding of Privileges

When behavior problems occur, it is normally an accepted punishment to withhold certain privileges. Most privileges can be withheld. However, there is one exception...

As a supervisor, you CANNOT deprive a person of his or her normal liberty as a form of punishment.

You do have some leeway in the kinds of privileges that you CAN legally withhold. Note that these withheld privileges can apply to you as well as the members you supervise.

Examples of privileges that can be withheld include:

- Special liberty
 - Scheduling of leave during a particular period...however, reasonable opportunity to take annual leave may not be denied
 - Exchange of duty
 - Participation in special command programs
 - Access to base or ship libraries, base or ship movies, or enlisted or officers' clubs
 - Base parking
 - Base or ship special services events
 - Commissary and exchange privileges...provided such withholding complies with applicable rules and regulations, and is otherwise in accordance with the law
-

Search and Seizure

Searches and the subsequent seizure of items can be conducted under two different circumstances:

- When probable cause exists
 - When probable cause is not required
-

“Probable Cause” Search and Seizure Limitations

Note that there are limitations to probable cause search and seizures under rules for court-martial 315. Under this rule, in order to perform probable cause searches, a petty officer must be performing the following duties:

- Military police
- Guard
- Shore patrol
- Investigative duties

Under 315, a search authorization by a commanding officer or judge must have been granted.

Persons conducting probable cause searches should request consent prior to requesting search authorizations. If sufficient time to obtain a search authorization would result in the destruction or disposal of evidence, a probable cause search may be conducted.

Probable Cause Not Required Search and Seizures Limitations

Under rules for court-martial 314, enlisted personnel must be in the performance of military law enforcement duties in order to conduct searches and seize property or evidence.

<p>NOTE: Under rules for court-martial 316, any evidence obtained as a result of these searches is admissible.</p>
