

Apprehension and Detention Operations

During civil disturbances many people engage in unlawful behavior. The control force may be called upon to take into custody crowd members who have broken the law. Apprehension and detention operations are conducted to halt illegal acts and to deter future disorders. All apprehensions are made by the civil police force unless it is not possible for them to do so. If it becomes necessary for a military control force to apprehend or temporarily detain such lawbreakers, the offenders are turned over to the civil authorities at the earliest possible moment. Apprehension is justified only for a person who breaks the law. The person must be known to have committed an illegal act, or there must be "probable cause" to believe he or she has done so. When possible, the military limits its concerns to serious offenses involving injury or death.

When the military must detain or apprehend violators, certain policies must be observed. Apprehended people must be treated firmly, but with reasonable courtesy and dignity. The attitude and behavior of the apprehending officials is very important. Treating offenders with contempt, hostility, or excessive force increases the likelihood of resistance. And apprehending people without probable cause or without concern for their constitutional right to due process can prevent prosecution of the offender and, in some cases, result in prosecution of or a civil suit against the apprehending officials.

When it is at all possible, civil law enforcement agents are integrated with the military control force team making apprehensions. The team making apprehensions must carry out all procedures carefully. For each apprehension, the apprehension team must document the specific conduct that violates a law. The team must provide careful descriptive data for each offender. The description must be good enough that at a later time that person can be clearly

identified as the offender in question. The team must obtain and provide the names and addresses of witnesses. They should use DA Form 3316-R (Detainee Turnover Record) for this purpose. The team must retain and tag each item of physical evidence like a weapon or stolen goods that supports the apprehension. And the team must give the owner a receipt for each item of evidence that is retained.



Troops must not question offenders at the scene. Failure to advise an offender of his rights and improper questioning about law violations can prevent a conviction. Troops must limit their questions to asking the offender's name, place of residence, and place of employment. If offenders must be questioned, civilian police are asked to conduct the interrogations. If civilian police are not available, CID agents or military police may conduct interrogations essential to the civil disturbance mission.

EXAMPLE OF COMPLETED DA FORM 3316-R

DETAINEE TURNOVER RECORD		
1. Detainee SMITH, JOHN O. Address 704 Central Ave Penrock, AR		3. Who made arrest/apprehension Name JAMES P. JONES Grade or Title SP4 Unit 213 MP Co
Description Male, Cav, 5'10", 170 lbs brown hair, brown eyes		4. Who escorted detainee to detention center Billy D. DOE Grade or Title CPL Unit 9 Inf Co
2. What detainee did Describe incident LARCENY (stealing B+W, General Electric, portable T.V. set, ser # 0143458, from Depot Sales Store, Penrock, AR. When did incident occur (Date and Time) 1930 hrs, 20 Dec 1971		Remarks: Attempting to avoid apprehension, Smith dropped the T.V. set, causing extensive damage.
Where did incident occur Depot Sales Store 1115 Main St Penrock, AR		

DA FORM 3316-R, 1 MAR 68 (FRONT)

5. WITNESSES (Give name, grade or title if applicable and unit or address) a PFC Sam L. Brown, 213 MP Co b c	DETAINEE TURNOVER RECORD This card will be filled out on each person detained and will be turned in at the Detention Center with the detainee. When possible, the person making the detention should do this. If this is not possible, the person designated to escort the detainee to the Detention Center will fill out the card (preferably before accepting the detainee), based on verbal information from the person making the detention.
6. WEAPONS AND ARTICLES REMOVED: 1 TV set, 12", B+W, General Electric, serial # 0143458, with broken picture tube and a 4-inch crack on the right side of the cabinet. Property receipt for T.V. set given to store manager, Mr. Tom H. PUBLIC.	(Fold to fit in pocket)

DA FORM 3316-R, 1 MAR 68 (BACK)

APPREHENSIONS

It is best to use apprehension teams, especially if it is likely that a lot of people will be apprehended. The teams provide an organized response to the situation. The teams can be organized at squad or platoon level, depending on the number of apprehensions expected.

Each team, if possible, consists of an apprehension officer, a movement element, and a recorder. If the control force cannot provide security for the team, a security element is added to the team. The team apprehension officer makes the actual apprehension with the help of the other elements. The TAO may be either an officer or an NCO. If possible, a civilian policeman or a US marshal serves as TAO. The TAO determines who is to be apprehended. He informs the offender of the reason for the apprehension. He supervises the handling of the offender. And he ensures that the apprehension process is properly conducted and documented. The TAO is responsible for the overall apprehension. This limits the number of people who will be subpoenaed to court to document the apprehension. The movement element helps the TAO handle the people being apprehended. This element moves, restrains, and searches the offenders under the supervision of the TAO. The security element watches the crowd and acts as a blocking element to keep the crowd from interfering with the apprehensions. The recorder helps the TAO document the event. He helps fill out the DA Form 3316-R. If possible, the recorder also photographs the TAO with each apprehended person. This aids the identification process. And it provides the TAO with documentation of the apprehension for use in court.

If people and equipment are available, a videotape or photographic element accompanies the team. This element records the scene before, during, and after the apprehensions. The element provides pictorial documentation for use in court.

And having control force members taking pictures can help control crowd reaction. It reduces the impact of anonymity on the crowd's behavior, making crowd members less prone to unruly acts.



If apprehension teams are not used, each soldier must make a quick mental estimate of the situation as he approaches a person he intends to apprehend. He observes the scene carefully, noting details and conditions that relate to the incident. He considers what course of action to take. Each soldier considers the attitudes of the offender and the crowd in light of the manpower available. There must be sufficient manpower to cope with the situation, especially if the crowd might turn hostile. It is better to wait for help than to have too few troops to handle a situation. Trying to force an apprehension in a hostile environment can escalate violence and endanger the persons making the apprehension.

The behavior of the offender is observed to decide if the offender is violent, cooperative, or passive. Unless there is good reason to believe otherwise, the offender must be considered dangerous. The mood of the crowd is observed to estimate what they might do. The crowd may be just curious onlookers, or they may support the person to be apprehended.

The soldier selects a course of action that seems best in view of what the offender or the crowd may do. He bases his decisions on the nature and seriousness of the incident and the factors he used in estimating

the situation. Actions must be kept as simple as the situation allows. The element of surprise can give him an immediate advantage over the offender. But it is best not to use surprise if the offender might panic and injure someone. And it is wise to make the apprehension at a place offering the most advantages to the team and the fewest to the offender. Apprehensions in a crowded area are avoided if possible. Crowded areas provide avenues of escape. Also, the offender may have supporters in the crowd who will come to his aid.

Each soldier must give commands in a voice and manner appropriate for the purpose and the situation. He must state his commands in simple, concise language. His manner of speaking must be convincing. It must convey an expectation that his instructions will be obeyed. With frightened people, sympathy combined with an attitude of firm assurance on the soldier's part avoids trouble. With uncooperative people, an attitude of forceful authority may be needed. The soldier's commands must be of such a nature and content that the offender does what the soldier wants and only that.

The offender should be searched immediately. But circumstances may dictate postponing the search until a safer place can be found. The longer the apprehension takes, the greater the risk of drawing a hostile crowd. The crowd may sympathize with the offender and try to help him or to escalate the violence. The offender's actions may also incite the crowd to violence. The longer an offender is the focal point of an apprehension, the more easily he may stir

a crowd to violence. The team may choose to move the offender out of the crowd's view. If an uncooperative offender is moved only a very short distance, a come-along hold or carry may be used. If the distance is somewhat longer, flexcuffs or hand irons are applied.

After being searched, offenders are transported from the area. Vehicles like trucks, buses, or sedans that are used to transport apprehended offenders must be modified with barriers to separate the offenders from the driver. If a barrier cannot be provided, then a guard is placed in the vehicle. The passenger compartment is checked for items that could be used as weapons. When the guard must sit next to a prisoner, the guard always sits with his weapon away from the prisoner. Prisoners must be placed where they can best be controlled, but they are not fastened to the vehicle with hand irons or flexcuffs. Seat belts must be fastened.

When women are transported and no women are available as escorts, measures must be taken to avoid false charges of molestation. The names and addresses of witnesses must be taken before leaving the scene. The net control station must be notified of the departure time and the vehicle's mileage reading. And the arrival time and the mileage reading at the destination must be recorded. At least two male escorts must be present at all times when a female escort is not present. These procedures also apply when the male and female roles are reversed.

SEARCHES

Apprehended offenders must be searched immediately for weapons and for evidence that can be easily destroyed or discarded. It is during the first contact with an apprehended person that the greatest caution is needed to prevent surprise and dangerous acts. Due caution, however, must be exercised constantly from the time a person is apprehended until proper disposition is

made. Searches must be conducted by at least two people. One person searches while the other person provides back-up or security. If the offender is thought to be armed, the searcher's assistant covers the offender with a weapon, and the searcher ensures that his own weapon, if he has one, is secure.

Searches of people and property that are not usually subject to military law may be made by military forces during a civil disturbance. When possible, *civilian police should search civilians and civilian property*. If police are not available, military personnel may search people incident to an apprehension. Either the stand-up search or the wall search may be used. The choice depends on the situation. The search is made not only of the person, but also of the immediate area. This prevents the person from grabbing a weapon or from destroying evidence. Control forces may search private property, including vehicles, if—

- Reasonable belief exists that a person has committed or is committing a violent crime and is hiding in a building or a vehicle.
- Reasonable belief exists that a vehicle contains weapons or instruments of violence.
- Probable cause exists for searching a building or a vehicle.
- Probable cause exists to believe that, unless immediate action is taken, evidence of a crime will be destroyed before a warrant can be obtained.

Control force members must *not* search a member of the opposite sex. The TAO must wait until a member of the opposite sex is available to make the search. If there are no female control force members available to search a female offender, any qualified woman, such as a medical professional, can be called on to conduct the search. A member of either sex can search items that can be easily removed, such as luggage, packages, shoes, hat, coat, and handbags. For more information on searches, see FM 19-10.

STAND-UP SEARCH

The stand-up search is a quick search of the offender for weapons and evidence. In making the search, the searcher has the offender stand with his back to the searcher. The searcher's assistant takes a position where he can watch the offender.

The searcher commands the offender to spread his feet and extend his arms above his head. The searcher then searches the offender from head to feet, crushing the clothing to locate any concealed weapons. When the search is complete, flexcuffs or hand irons are put on the offender.



WALL SEARCH

When a weapon is found, or when other factors indicate the need, a wall search is conducted. By rendering an offender helpless by placing him in an awkward position, the wall search affords safety to the searcher. Wall searches are particularly useful when searching several offenders. Any upright surface can be used.

To begin the search, the soldier has the offender face the wall or other surface and lean spread-eagled against it. The soldier makes sure the offender's feet are well apart. The offender's head must be kept down. The searcher's assistant stands on the side of the offender opposite the searcher and to the rear. When the searcher moves to the other side of the offender, the

assistant also changes position. The searcher walks around the assistant when changing sides to avoid coming between the offender and the assistant guarding the offender.



If the offender resists or tries to escape and must be restrained before the search is completed, the entire search is repeated from the beginning. If flexcuffs or hand irons are applied before the wall search is completed, the offender's forehead is placed against the wall to provide support in place of the hands. Flexcuffs or hand irons are applied when the wall search is complete.

When searching two or more offenders, the searcher has them lean spread-eagled against the same wall, but far enough apart so they cannot reach one another. The searcher's assistant takes a position a few paces to the rear of the offenders. The searcher begins the search with the offender on the right. After searching each offender, the searcher has him move to the left end of the line and resume the wall-search position. This keeps the searcher from coming between the assistant and an offender.

COME-ALONG TECHNIQUES

Come-along techniques can be used to move resisting offenders. The apprehension team must be able to move the offender quickly and without the use of excess force. Flexcuffs or hand irons are placed on resisters before moving them. This reduces a resister's ability to fight if he or she suddenly tries to do so.

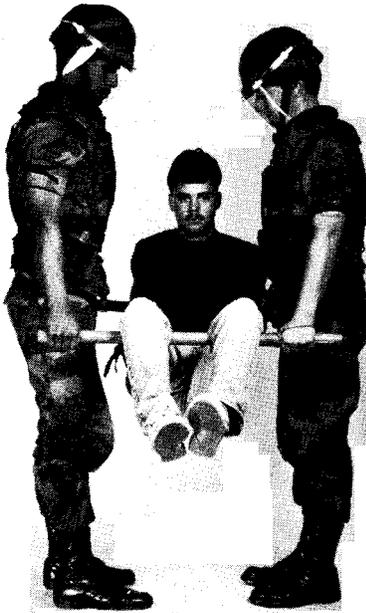
CARRY METHODS

The two-person carry is the best come-along technique if there are enough troops available. This carry avoids injuries caused by excessive lifting. It also avoids injuries to an offender. A soldier stands on either side of the offender and grasps him under the legs and through his arms and around his back. The soldiers may grasp each other's arms to prevent their hold from slipping. They also can perform this carry using riot batons. They place one baton under the legs behind the knees and the other baton horizontally across the back. Both soldiers then grasp the batons, forming a cradle.





hands in front of the offender's chest for a more secure hold. The second soldier stands to one side of the offender and encircles the offender's legs at the knees with his arm.

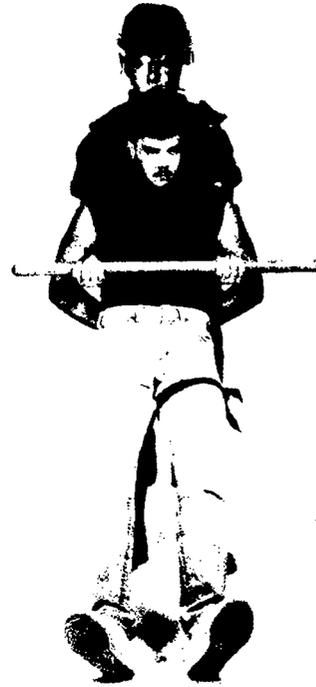


The offender may try to resist by stiffening and forcing himself out of the cradle. To counteract this resistance, one soldier gets behind the offender and grasps the offender under the arms. He locks his



A one-person carry has a disadvantage. It involves lifting considerable weight. This can tire the carrier quickly or cause a back injury. The soldier lifts the offender from the rear by grasping him under the arms. The soldier locks his hands in front of the offender's chest. The soldier then pulls the

offender backward with the offender's heels dragging the ground. A riot baton also may be used for this technique. The soldier approaches the offender from behind. He lays the baton to the side of the offender, slightly behind the offender's buttocks. He then forces the offender into a sitting position, reaches under the offender's arms, and picks up the baton. He then rotates the baton to the front of the offender's chest. He places his free hand under the offender's arm and grasps the other end of the baton. Again, the soldier pulls the offender backward with the offender's heels dragging the ground.



COME-ALONG HOLDS

A come-along hold is used to move an unrestrained, unwilling person from one place to another. It controls the person's movements without injuring him. A come-along hold puts pressure on a sensitive part of the body and causes discomfort. The hold must be executed quickly and with as little commotion as possible. Speed is essential in applying these holds. Such holds are used only for short distances until the offender can be restrained. Each soldier must know which holds are best suited to his capabilities.

Baton as a Restraint and Come-Along

The riot baton may be used as a restraining device and as a come-along hold at the same time. The soldier has the offender cross his hands behind his back. He slips the offender's hand through the baton's leather thong. He then twists the baton until the slack in the thong is taken up. The thong can be tightened or loosened depending on the amount of pressure needed to secure the offender. With his left



hand, the soldier grasps the left shoulder or the clothing over the shoulder of the offender. He pulls the offender slightly backward so that the offender cannot pull away from the baton end, which is pressed against the small of the offender's back.



Gooseneck Come-Along

To apply a gooseneck come-along the soldier approaches the offender from the rear. He steps forward with his left foot along the outside of the offender's right foot. He grasps the inside of the offender's right arm at the elbow with his left hand. He then grasps the offender's right hand with his right hand, placing his thumb inside the bend of the offender's wrist and his fingers across the back of the offender's right hand. With both hands, the soldier sharply pulls the offender off balance and to the rear so the offender's weight falls on the soldier's left shoulder. The soldier then bends the offender's right arm at the elbow and locks the offender's right arm against his chest. He reinforces his right hand with his left hand, placing both thumbs inside the bend of the wrist and his fingers across the back of the offender's hand. He locks both his elbows tightly to his side and steps up beside the offender. He applies pressure as he steps up beside the offender. He presses down on the back of the offender's hand, bending it under toward the forearm.





The soldier applies pressure by turning the offender's head to the right, pushing down

with his left hand, and pulling up with his left elbow.



Front Hammerlock

For the front hammerlock the soldier faces the offender. He steps forward with his right foot to the outside of the offender's right foot. He grasps the offender's right arm at the elbow with the soldier's right hand palm up. The soldier breaks the offender's balance by pulling the offender's right arm slightly away from the offender's body. As he pivots behind the offender, he strikes the offender's right wrist with his left wrist and bends the offender's arm to the rear. As the soldier completes the pivot behind the offender, he drives his left fist straight up until the offender's right wrist rests in the bend of the soldier's left arm. He then rotates his left hand down, grasping the offender's right elbow. He pulls the offender's right elbow tightly against his stomach. The offender may be leaning forward in this position. The soldier completes the hold by reaching with his right hand over the offender's shoulder and grasping the left side of the offender's face.



Fingers Come-Along

The fingers come-along is tiring to maintain, but it is extremely useful in moving an offender for a short distance. The soldier faces the offender. He steps forward with his right foot to the outside of the offender's left foot. As he steps, he reaches with both hands and grasps the offender's left wrist with his left hand. He grasps two or three fingers with his right hand. He then pivots counterclockwise on his right foot until he is standing beside the offender. He thrusts the offender's arm straight out in front of him at shoulder height, maintaining a tight grip on the offender's wrist with his left hand and bending the offender's fingers down with his right hand. The soldier applies pressure by keeping the offender's arm locked straight and by pulling the offender's fingers straight back toward the offender's elbow. This hold can be applied on either hand.



Groin Lift

The groin lift is used to remove a resisting offender from a wall or move him through a doorway. The soldier approaches the offender from the rear. He steps forward and places his left foot next to the offender's left foot. He grasps the offender's left wrist with his left hand, pulling the offender's hand sharply down between the offender's legs. The soldier then grasps the offender's left hand with his right hand and pulls the offender's arm up into the offender's groin. He reaches with his left hand and grabs the offender's shoulder or collar. He can then move the offender forward or backward by lifting the offender's arm against the offender's groin as he pushes down on the offender's shoulder with his left hand.



12-10

fold out

Baton Come-Along



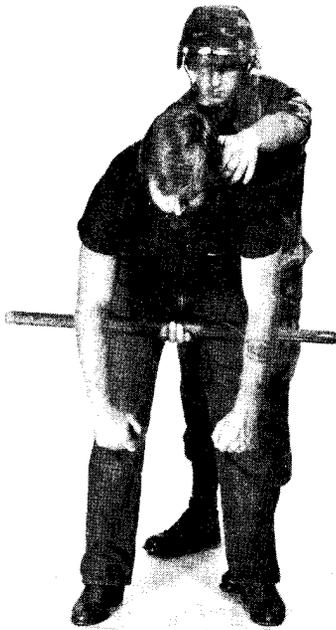
For the baton come-along the soldier grasps the center of the baton with his right hand. He approaches the offender from behind. He rotates the baton to a position parallel with his right arm and pointed toward the offender. He thrusts the baton between the offender's legs. He rotates his right hand so that his palm is turned up. He then pulls back and up, placing the baton across the offender's upper thighs.

The soldier reaches up with his left hand and grasps the offender's collar near the back of his neck. To move the offender, the soldier keeps his right hand as straight as possible and exerts upward pressure from the shoulder. Simultaneously, he pushes forward with his left hand. This keeps the offender on his toes and off balance to his front.



Hammerlock Come-Along

For the hammerlock come-along the soldier holds the baton in his right hand. He steps forward with his right foot and tucks the baton between the offender's left arm and body. As the baton passes to the rear of the offender's body, the soldier pushes up and to the rear. He steps forward with his left foot to the outside of the offender's left foot. He then reaches across the offender's left shoulder with his left hand and grasps the striking end of the baton. Pivoting on the ball of his left foot, he moves to the offender's left rear. At the same time, he presses down with his left hand on the striking end of the baton in the direction of the offender's left front. He also presses up on the grip end of the baton with his right hand. This bends the offender well forward at the waist.





jaw bone and forces the offender's face to the left, straightening him up. To apply pressure, he presses down on the striking end of the baton with his left upper arm and pulls up on the grip of the baton with his right hand.



After the offender has been subdued, the soldier holds the baton firmly with his right hand and releases his left hand. He reaches across the striking end of the baton with his left hand and grasps the right side of the offender's face under the

DETENTION FACILITY OPERATIONS

Civil authorities must provide adequate detention facilities for all apprehended people. Authorities must be prepared to detain large numbers of people. They may choose to expand existing detention facilities or to set up temporary facilities to accommodate the extra load. If possible, large-scale arrests are delayed until sufficient detention facilities have been provided.

When federal forces are committed, the commander coordinates with civil authorities to ensure adequate detention facilities are available and to learn their locations and capacities. If there are more detainees than civil detention facilities can

handle, civil authorities may ask the control forces to set up and operate temporary facilities. *Army correctional facilities cannot be used to detain civilians.* A temporary Army detention facility can be set up if—

- Federal troops have been employed under the provisions of AR 500-50.
- The task force commander has verified that available civilian detention facilities can no longer accommodate the number of prisoners who are awaiting arraignment and trial by civilian courts.
- Prior approval has been granted by the Army Chief of Staff.

Use of the temporary facility ends as soon as civil authorities can take custody of the detainees. The Army is responsible for the custody, health, comfort, and sustenance of all people detained in its facilities until custody is transferred to civil authorities. The temporary facilities cannot be used to confine people arraigned or convicted in civilian courts. Women are detained in these facilities only under the most extreme circumstances. And women must be transported to a civilian facility as soon as possible.

The same operational procedures that apply to the management of an installation confinement facility apply to the management of temporary detention facilities, except for training, employment, and administrative discipline. The facilities are supervised and controlled by MP officers and NCOs trained and experienced in Army correctional operations. Guards and support personnel under direct supervision and control of MP officers and NCOs need not be trained or experienced in Army correctional operations. But they must be specifically instructed and closely supervised in the proper use of force, their custodial procedures, and their completion of military and civilian forms and reports that they might have to use. Troops who may be tasked to operate a temporary detention facility should be familiar with the forms and reports used for civilian apprehensions.

The temporary facilities are set up on the nearest military installation or on suitable property under federal control. Ideally, the facility is close enough to the disturbance area to minimize transportation and escort needs. But it should be far enough away not to be endangered by riotous acts. Whenever possible, existing structures are adapted for this use. But construction may be needed to provide the segregation for ensuring effective control and administration.

The basic structure must include:

- Search areas.
- Holding areas for incoming men and women.
- A processing area.
- Holding areas for men and women who have committed misdemeanors.
- Holding areas for men and women who have committed felonies or are violent.
- A holding area for property and evidence.
- A holding area for administrative support and records.
- A medical station.
- Latrines.

Facility personnel must ensure that proper sanitation is maintained. When large numbers of people are detained or processed through a facility, sanitation becomes a problem. Medical personnel must conduct regular health inspections to detect unsanitary practices and conditions. (For more information on health inspections of detention facilities, see AR 190-38.)

The facility must be organized for a smooth flow of traffic. Processing stations must be set up so there is a linear or circular sequence of movement. Processing areas are set up out of sight of the holding areas. If possible, the areas are separated by a door to reduce noise in the processing area. To reduce distractions, each station may be partitioned. Detainees may be more cooperative if they are out of the sight of each other.

Injured people are given prompt medical treatment and transportation to medical facilities when necessary. A medical aid station for screening detainees and treating minor injuries is set up inside or next

to the detention facility. The treatment area, however, must be out of sight of the processing and holding areas. If possible, access to the medical facility bypasses the holding and processing areas. Facility personnel also may consider setting up a separate holding area for injured detainees.

Detention facility operation plans must contain emergency procedures. As a minimum, the following areas must be addressed:

- Fire evacuation.
- Detention facility disturbance control.
- Detention facility defense and security.

Other emergency procedures may be needed, depending on the situation.

On arrival at the detention facility, the detainee is logged in and searched. The search is conducted even if the apprehending team made a complete search in the field. Separate search areas are set up for men and women. Weapons, contraband, flame-producing devices, suspected evidence, money, and high-value items are confiscated. Medications also are confiscated. Detainees that have had medications confiscated are screened by medical personnel. Receipts are provided for any property or evidence that is confiscated. Confiscated items are tagged. The items are stored in a controlled property area.

When a detainee is brought to the facility, a file is initiated. The detainee's case number is used on all paperwork, such as logs, evidence tags, reports, and visual documentation. All paperwork, including photographs, begun outside the detention facility is marked with the case number. Facility personnel also may use hospital ID tags. Using indelible ink, they write the case number and attach the tag to the detainee's wrist. Different colors may be

used to identify different offender classifications, such as misdemeanor, felony, or violent. If opposing factions are involved, procedures are established to ensure members of opposing factions are not processed together or detained in the same holding area.

After a detainee has been searched and classified, he is taken to a processing station. There, his paperwork is processed. If offenders passively resist by going limp, they may be moved by wheelchair. This reduces the number of escorts needed and the fatigue to facility personnel.

Equipment like height charts, scales, fingerprinting equipment, and cameras must be available for completing the police report and for identifying the offender. Because detainees may use aliases and not carry identification, special attention is paid to obtaining as much information as possible about the detainee's physical characteristics. The paperwork is reviewed to ensure that information is complete, including charges, witnesses, and reasons for the apprehension.

After the processing is complete, the detainee is placed in an appropriate holding area. The paperwork is forwarded to the administrative section. The file is reviewed for completeness and to determine the disposition of the detainee. Information from the file may be placed into a computer to find repeat offenders. The computer may be used to file criminal information only.

Custody transfers and release procedures must be coordinated with civil authorities and appropriate legal counsel. Every effort must be made to arraign offenders quickly. The purpose of a detention facility is not to keep people off the streets, but to aid in processing offenders through the legal system. To speed up the release process, planners should consider issuing citations or subpoenas for minor offenses.

Control force members may have to respond to writs of habeas corpus. These writs are court orders addressed to a prisoner's custodian. Such a writ directs the custodian to bring the prisoner to court to determine the legality of the prisoner's apprehension and detention. The custodian must be sure to bring all documentation concerning the case with him to court.

Military personnel must obey writs issued by federal courts. For writs issued by a state court, the custodian or his legal advisor should respectfully reply that the prisoner is being held by authority of the United States. The SJA can answer any questions and explain the correct procedures.