

## Chapter 3

# Apprehension, Search, and Detention

During the course of a civil disturbance, some members of the crowd may take part in unlawful activities, such as looting and assault. This will require the civil authorities or attached elements to apprehend, search, and detain people who are participating in the demonstration. Circumstances of the unfolding situation may require US military forces to be called upon to search, take custody of, and detain people who are participating in some form of protest and violating the law. Search, apprehension, and detention operations are conducted to halt these violations and to deter future violations.

## LEGAL CONSIDERATIONS

3-1. All apprehensions are made by the civil police force, unless it is not possible for them to do so. Individuals must be known to have committed an illegal act, or there must be probable cause to believe that an individual committed such an act to be apprehended. If it becomes necessary for a military control force to apprehend or temporarily detain such violators, control force members often do so with the approval of the civil authorities. This ensures that all searches, apprehensions, and detentions (if necessary) are conducted within the parameters of the law.

3-2. Commanders operating overseas, similar to Bosnia and Kosovo, may find themselves without an established government or LEAs to work with. Commanders on the ground are then thrust into positions of authority, making them responsible for the actions, conduct, searches, apprehensions, and detentions performed by their troops.

3-3. If US military forces are called upon by the local authorities, certain policies have to be observed during search, apprehension, and detention operations. First, treat all people firmly but with reasonable courtesy and dignity. Remember that participating in a legal demonstration to express views is a right of all people, not just Americans in the US. The action, attitude, and behavior of US soldiers performing these operations are very important.

3-4. Our forces should never be seen as a military policing force on our own soil or as an occupying force in another country. Treating people with contempt, hostility, or excessive force increases the likelihood of resistance and violence. Searching people, placing them under apprehension, and detaining them without probable and just cause or without concern for their constitutional rights create problems and hinder due process. Numerous cases exist where authorities violated an individual's rights, resulting in the prosecution of police authorities or civil suits being waged against the officers

and their leaders. This includes the military personnel assisting those officials.

3-5. It is very important that civil law enforcement (if available) be present and supervise all activities. Military personnel conducting a search or making an apprehension must carry out all the procedures carefully within the parameters of their training and the authority given to them. For each search and apprehension performed, the apprehension element must document the specific conduct of the person that violated the law.

3-6. Apprehending officers and supporting US servicemen must provide careful descriptive data for each subject. This description must be sufficient so that, at a later time, the suspected person can be clearly identified as the subject in question. Names and addresses of witnesses to the violation must be obtained. This information can be recorded on *Department of Defense (DD) Form 2708 (Receipt for Inmate or Detained Person)*. Apprehension teams must retain and tag each item of physical evidence, such as weapons or stolen goods, that supports the apprehension on *DA Form 4137 (Evidence/Property Custody Document)*. The team must give the owner a receipt for all property collected as evidence and retained.

## TYPES OF SUBJECTS

3-7. There are two types of subjects (cooperative and uncooperative); they are as follows:

- **Cooperative.** Cooperative subjects actively and willingly comply with instructions. Cooperative subjects are usually compliant and offer no resistance to verbal directions or physical actions. However, if they provide any resistance to authority, it is usually passive. Some examples of this resistance are as follows:
  - Yelling.
  - Screaming.
  - Tightening the body.
  - Pulling away.
  - Letting the body go limp.
- **Uncooperative.** Uncooperative subjects will display preattack cues. Uncooperative subjects will actively resist being apprehended. Often, this resistance comes in the form of physical actions, such as—
  - Assaulting verbally.
  - Refusing to be handcuffed.
  - Refusing to be searched.
  - Attempting to push away, forcing a pursuit.
  - Wrestling with the apprehension team.
  - Striking out at the apprehension team with fists, hands and elbows, and feet.
  - Striking out at the apprehension team with weapons, such as knives, clubs, bats, bricks, rocks, or firearms.

## APPREHENSION

3-8. US military forces will be in a supporting role to the local civilian authorities or acting as the control force in civil disturbance operations. When making apprehensions, it is best to use apprehension teams. These teams provide quick, organized responses to developing situations. Teams can be organized at the team, squad, or platoon level depending on the number of apprehensions expected. The intelligence information gathered helps to prepare for events where apprehensions may be necessary.

3-9. Each team (if possible) consists of a civilian police or apprehension officer, security element, and recorder. Team apprehension officers make the actual apprehension with the help of the security elements. If there is not a civilian police officer available to act as the apprehension officer, then it may be an officer or noncommissioned officer (NCO).

3-10. Ensuring that the apprehension process is properly conducted and documented, determine who is to be apprehended. Then inform the subject of why he is under apprehension and supervise his handling.

3-11. Security elements help the apprehension officer handle subjects. Security elements move, restrain, and search subjects under the supervision of the apprehension officer. The primary responsibility of the security elements is to watch the crowd and act as a blocking force, keeping the crowd from interfering with the apprehension. Recorders document the event, preferably by video, and complete *DD Form 2708*. If possible, recorders also photograph the apprehension officer with each subject. This aids in the identification process because it links the apprehension officer to the subject and provides the apprehension officer with documentation of the apprehension for use in court.

3-12. Electronically capturing the events as they unfold is essential in all civil disturbance operations. If personnel and equipment are available, videotape the events as they happen or, at a minimum, take still photographs to provide pictorial documentation that may be used later in court. Recording the scene before, during, and after the apprehension provides necessary evidence and can also help eliminate additional hostile and illegal activities. Having control force members take videos or pictures can help control crowd reaction. It reduces the feelings of anonymity that a crowd often enjoys and makes crowd members less prone to unruly or illegal acts.

3-13. Verbal commands given to the subject should be in a voice and manner appropriate for the purpose and the situation. Commands should be simple, concise, and in an understood language. Verbal commands should be convincing and convey an expectation that the instructions will be obeyed. With desperate, frightened people, sympathy combined with an attitude of firm assurance on the soldier's part may avoid additional violent behavior or trouble. An attitude of forceful authority may be needed with an uncooperative person. Commands given by soldiers must be done in a manner and context so that the subject has no confusion as to what the soldier is ordering them to do.

3-14. A subject will need to be transported from the area. In CONUS operations, civil authorities will usually be responsible for providing the

transportation of a subject. Exceptions to this may be if the demonstration occurs on an installation. OCONUS operations may require US forces to provide vehicles, such as trucks, buses, or sedans, that will be used to transport a subject. Whenever possible, vehicles used to transport a subject should be modified with barriers to separate them from the drivers. If a barrier cannot be provided, a guard is to be placed in the vehicle. Passenger compartments are checked for items that could be used as weapons. When guards are required, the guard always sits with his weapon away from the prisoner. Prisoners must be placed where they can be best controlled, but they are not fastened to the vehicle with hand irons or Flex-Cuffs. When seat belts are available they must be fastened. See *Soldier Training Publications (STPs) 19-95C1-SM and 19-95C24-SM-TG*.

3-15. Female escorts should always be used to transport a female subject. If female escorts are not available, measures must be taken to avoid false charges of molestation or sexual misconduct. Net control stations should be notified of the departure and arrival times and vehicle mileage readings (before and after). At least two male escorts must be present at all times when a female escort is not available. These procedures also apply when the male and female roles are reversed.

## FLEX-CUFS

3-16. The two main positions used to place Flex-Cuffs on a subject are the standing-supported and the prone.

3-17. When using the standing-supported position, the search man—

- Escorts the subject to a wall or other sturdy vertical surface (see *Figure 3-1*).



**Figure 3-1. Standing-Supported Position**

- Instructs the subject (verbally) to do the following:
  - Turn his head away.
  - Place his free arm (palm out, thumb down, and elbow locked) against the surface of the wall.

- Spread his feet until instructed to stop.
  - Place his heels against the wall.
- Uses the leg closest to the controlled arm to pin the subject's leg (above the knee) to the wall.
- Reinforces verbal commands with pain compliance techniques if the subject fails to follow instructions.
- Maintains a double 90° hold on the controlled arm with his inside hand. With his free hand, the search man grasps the middle portion of the Flex-Cuf, keeping one cuff up and one cuff down.
- Places the first cuff (bottom cuff) on the subject's controlled arm, maintaining wrist manipulation (see *Figure 3-2*).
- Reaches through the free cuff with his outside hand and instructs the subject to place his free hand in the center of his back. With his outside hand, the search man takes the subject's free hand and completes the restraint by securing the cuff. He ensures that there is at least one-finger distance between the cuff and the subject's wrist (see *Figure 3-3*, page 3-6).



**Figure 3-2. Cuffing the First Hand From the Standing Supported Position**

3-18. When using the prone position, the search man—

- Grasps the Flex-Cuf with his outside hand, maintains tension on the subject's arm, and places the first cuff on the subject's controlled wrist (see *Figure 3-4*, page 3-6). Next, the search man secures the cuff, keeping at least a one-finger distance between the cuff and the wrist.
- Reaches through the free cuff with his outside hand and instructs the subject to place his free hand in the center of his back (see *Figure 3-5*, page 3-7).
- Reinforces verbal commands with pain compliance techniques if the subject fails to follow instructions. The search man bends the subject's controlled arm (using the natural break of the elbow as a hinge) toward the hand in the middle of the subject's back. With the outside hand, the search man takes the subject's free hand and completes the restraint by securing the cuff.

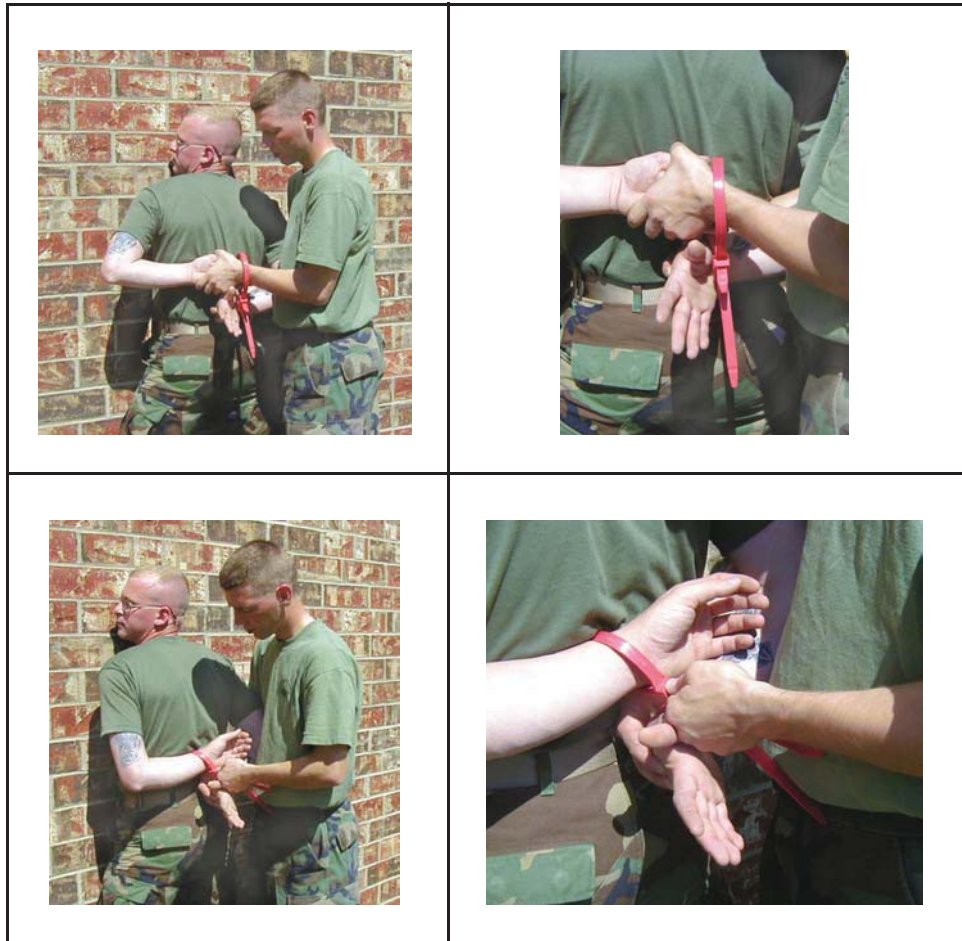


Figure 3-3. Cuffing the Second Hand From the Standing Supported Position



Figure 3-4. Cuffing the First Hand From the Prone Position



**Figure 3-4. Cuffing the First Hand From the Prone Position (continued)**



**Figure 3-5. Cuffing the Second Hand From the Prone Position**

## SEARCHES

3-19. Initial contact with the subject is the most dangerous time during any apprehension; therefore, initial contact must be a swift and decisive team effort. Do not give the subject time to think or react. Distract his attention when possible. Apprehension teams are comprised of a search man, threat cover man, and security man (if necessary). Their responsibilities are as follows:

- The search man—
  - Issues verbal commands.
  - Conducts searches.
  - Handles radio communication.
  - Holsters his weapon before approaching a subject and informs the threat cover man that he is holstering his weapon.
  - Performs control procedures and handcuffs the subject.

- Moves the subject to a safe area.
- Removes weapons (if any) and sensitive evidence from the subject.
- Disengages after the subject is restrained.
- Controls and escorts the subject to a detention area.
- The threat cover man—
  - Provides cover for the search man.
  - Discourages escape and resistance.
  - Discourages hostile interference.
  - Alerts the search man of threats.
  - Resists distractions and maintains target acquisition or scanning.
  - Assesses threats constantly and prepares for the unexpected.
- The security man (if necessary)—
  - Provides cover for the search man.
  - Discourages hostile interference.
  - Alerts the search man of threats.
  - Resists distractions and maintains target acquisition or scanning.
  - Assesses threats constantly and prepares for the unexpected.

### Search Principles

3-20. A subject should always be put at a disadvantage and searched immediately, but circumstances may dictate postponing the search until a safer place can be found. At a minimum, a quick pat down can be done en route to a safer location. The longer the apprehension takes, the greater the risk of drawing a hostile crowd and violent acts toward the control force.

3-21. Crowds often sympathize with a subject and try to help him or escalate the activities of the crowd toward violence. A subject's actions may also incite the crowd to violence. The longer a subject is the focal point of an apprehension, the easier it is to stir a crowd to hostile or violent acts. Apprehension teams should choose to move the subject out of the crowd's view. For the safety of the team, always apply Flex-Cufs or handcuffs and escort the subject to an area where a search can be done safely.

3-22. Search team members never operate alone; searches are conducted by a minimum of two team members. Initial steps must be taken to put the subject at a physical disadvantage. Before conducting a search (regardless of rank, sex, position, age, or physical condition), a team member applies the handcuffs or Flex-Cufs. Verbal commands must be short, clear, and distinct.

3-23. A search is conducted on everyone that has been apprehended to ensure that the team and those being apprehended are safe. The search man must abide by the following procedures when conducting a search:

- Search in a clear, secure area (when possible).
- Be ready to counter any resistance or an assault by the subject. Consider the subject armed until proven (by search) otherwise.
- Employ the appropriate level of force immediately, based on the actions of the subject.

- Do not step over the subject when he is at a disadvantage on the ground; go around him and remain out of sight.
- Do a 360° search of the subject's waistline for weapons. Search obvious and inconspicuous areas. Inconspicuous areas such as the groin, armpits, chest, and small of the back must be searched on both men and women; however, do not linger in these areas.

**NOTE: Conduct same-gender searches when possible. If mixed gender searches are necessary for speed or security, conduct them in a respectful manner and avoid any action that could be interpreted as sexual in nature. To prevent allegations of sexual misconduct, the apprehension officer shows careful control of the soldiers who perform mixed-gender searches.**

- Maintain security.
- Brief subjects quickly on what to do and who to follow.
- Remember that when conducting a search, a subject's body can be divided for a more efficient and thorough search. For example, search from head to toe or from side to side.

**NOTE: The search man announces the items found and secures weapons and contraband.**

- Military forces (when supporting civil authorities) may perform searches of people and property that are not usually subject to military law during a civil disturbance.
- Remember that it is always better for civilian police to search civilians and civilian property (when possible).
- Remember that if military forces are called upon to support police it is usually a last resort and there are not enough civilian officers available to accomplish the mission.
- Military personnel may search people incident to an apprehension.

3-24. The prescribed methods of searching someone are the frisk, the standing, and the prone. The method of search used largely depends on the situation and the mission. Searches are made not only of the subject and his personal effects such as purses, bags, and wallets, but also of the immediate surrounding area. This prevents the subject being searched from grabbing a weapon or destroying evidence. It may also be necessary for military forces to search private property, including vehicles, if there is—

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

**NOTE: Search teams should always consist of two personnel—one to conduct the search, and the other to provide security and overwatch for the soldier conducting the search. Before being searched, a subject should always be restrained and put at a disadvantage by**

**securing his hands with handcuffs or Flex-Cuffs. Ask the subject if there is anything in his pockets that could hurt the searcher, such as knives or needles.**

## Frisk Search

3-25. The frisk search (also known as the stop and frisk, pat down, and terry stop) is a search incident to a lawful stop. Subjects are not under apprehension at this point, but if it were an apprehension situation, handcuffs or Flex-Cuffs would be applied first. Frisk searches are used when there is reasonable belief that a subject may be armed with anything that could be considered a safety threat.

3-26. Legal and regulatory circumstances for conducting a frisk search are covered in the *Manual for Courts-Martial (MCM)*. When a lawful stop is performed, the person stopped may be frisked for weapons when that person is reasonably believed to be armed and dangerous.

3-27. The primary purpose of a frisk search is safety. Frisk-search techniques are to be used only on a compliant subject. Frisk searches only cover the outer garments. Do not search the pockets of the individual unless a weapon is suspected. A frisk search begins when the search man informs the subject of the intent to search.

- During the preparation phase, the search man—
  - Tells the subject that he must perform a search for weapons for the subject's safety and his own.
  - Tells the subject to turn and face away from him and instructs the subject to keep his hands out to his sides where they are visible.

**NOTE: The cover man providing security moves around the subject and positions himself out of reach and in front of the subject.**

- Instructs the subject to spread his feet until instructed to stop (more than shoulder width) and point his toes outward compromising his balance (see *Figure 3-6*).

**NOTE: Do not kick at the subject's feet to spread them apart; it is unnecessary and unprofessional.**

- Tells the subject to bring both of his hands back to the small of his back with palms out, thumbs up, and the back of his hands together.
- Instructs the subject not to move (see *Figure 3-7*).
- During the performance phase the search man—
  - Approaches the subject from behind (if possible) at a 45° angle, off center. The search man approaches with caution to ensure that his feet are to the outside of the subject's stance. See *Figure 3-8*, page 3-12.
  - Stays just inside arms reach and grips the subject's fingers with his support hand. The search man firmly grips at least one finger on each of the subject's hands (both thumbs, both index fingers, or an index and middle finger). An overhand or an underhand grip can be used effectively.



Figure 3-6. Approaching the Subject to Perform a Frisk Search



Figure 3-7. Giving Instructions to Subject Before Frisk Search

**NOTE:** The primary purpose of gripping the fingers is to control the subject's hands while performing the frisk search (see *Figure 3-9*, page 3-12). If the subject is going to resist or become aggressive, he will attempt to free his hands first. If the subject attempts to pull his fingers from the search man's grip, the search man must respond instantly by increasing his grip. If the grip on the fingers is lost, the search man should immediately push away from the subject and create a safe distance. This will allow the search team to respond with the necessary force to regain control of the situation.



Figure 3-8. Performing a Frisk Search



Figure 3-9. Gripping the Subject's Fingers During a Frisk Search

- Ensures that the subject always looks away from him.
- Places his strong hand on the outside of the subject's elbow (similar to the handcuffed escort position).

**NOTE: The search man searches one side (the front, back, or side) at a time from head to foot.**

- Divides the subject (visually) straight down his middle and does not cross the line while conducting the search.

**NOTE: The search man is just feeling or searching for possible weapons, so an open hand should be used.**

- Works at arm's reach. It is the sense of touch not the sense of sight that is being used. While performing the search, search men

should stay behind and to the side of the subject. This provides the search man with a tactical advantage and prevention from being struck by the subject's elbows or knees if he should begin to resist.

3-28. When searching below the subject's knees, the search man takes a half step back and to the outside. He squats down, but does not drop his knees to the ground.

3-29. If no weapons are found and the subject is to be detained, the hands are secured with Flex-Cuffs and the subject is escorted to the holding area. If the subject is to be released, collect information (name and address) and escort him away from the crowd.

### Standing Search

3-30. Safety is the primary concern when dealing with a subject under apprehension. Therefore, the search man must protect himself by restraining subjects under apprehension before conducting the standing search. All subjects under apprehension have the propensity to turn violent or hostile. Putting a subject at a physical disadvantage provides safety for the subject and the search man. It limits the subject's ability to hide, destroy, or remove any evidence he may have on him.

3-31. Apply Flex-Cuffs to the subject quickly during the apprehension. It is impossible to predict what a subject will do when put under apprehension. A subject may initially be cooperative and compliant, but as the subject becomes aware of his situation he may be overcome with emotion and begin to struggle or pull away.

3-32. There is no legal or regulatory prohibition against opposite-gender searches. Common sense prevails and whenever possible, searches should be done by soldiers of the same gender to avoid obvious questions and complaints. Once a subject is put at a physical disadvantage by cuffing and is more easily controlled, it affords the necessary time to get someone of the same gender there to conduct the search.

- During the preparation phase, the search man—

**NOTE: Standing searches always begin with the subject in the handcuffed escort position (see *Figure 3-10*, page 3-14).**

- Takes his outside hand (farthest from subject) and places it on the outside of the subject's elbow while his inside hand (closest to subject) has a reverse-handshake grip of the subject's hand. At this point, both hands are on the same arm (see *Figure 3-10*, page 3-14).
- Ensures that his position is on the same side of the subject's body being controlled (behind and to the side). When changing sides, change hand position.
- Instructs the subject to spread his feet until instructed to stop (usually more than shoulder width) and point his toes outward, compromising the subject's balance.



**Figure 3-10. Handcuffed Escort Position**

**NOTE: Do not kick at a subject's feet to spread them; it is unnecessary and unprofessional. If the subject becomes noncompliant or aggressive, pain compliance is usually the best tool to use, but only use enough force to gain compliance.**

- Uses his outside hand to conduct the search. His inside hand is always used to maintain control during the search.
- During the performance phase, the search man—

**NOTE: Only one side (the front, back, and side) of the subject is searched at a time from head to toe (see *Figure 3-11*).**

- Divides the subject (visually) (straight down the middle using the spine as the centerline). He does not cross this line while conducting the search. Searches must be systematic, from head to foot. If there is an interruption, it must be started all over again.
- Searches with an open hand, using a rub down or squeezing method. Do not only pat down like in the frisk search.
- Works at arms reach. It is the sense of touch, not the sense of sight that is being used. To prevent the possibility of being struck by an elbow or knee, the search man stays behind and to the side of the subject.
- Takes a half step back and to the outside when searching below the subject's knees. The search man squats down, but does not drop his knees to the ground. Maintaining positive control is essential throughout the search, so never the reverse handshake is never released.
- Change sides when satisfied that all items have been removed from the side in which the search started. Without losing positive control, the search man conducts the search on the other side of the subject.



**Figure 3-11. Performing the Standing Search**

**NOTE:** Changing sides is accomplished by moving the outside hand (the searching hand) to the subject's uncontrolled handcuffed hand located on the outside. The outside hand and forearm will cross over the top of the reverse-handshake grip of the inside hand (see *Figure 3-12*, page 16).

- Crosses over the reverse-handshake grip with the outside hand and grips the subject's uncontrolled handcuffed hand in a reverse-handshake grip.
- Releases (quickly) the first reverse-handshake grip moving that hand to the subject's elbow as he sidesteps to the side yet to be searched. The search man repeats the standing search technique used on the first side of the subject.
- Gives strong verbal commands and uses only the force necessary to control the subject if he resists or becomes aggressive at any time during the search.
- Removes all items found during the search to be evaluated as potential evidence or a weapon. Items not considered a weapon or of evidentiary value will be returned to the subject at a later time.

### Prone Search

3-33. Safety is the primary concern when dealing with a person under apprehension. Therefore, the search man must protect himself by restraining subjects under apprehension before conducting this search. Remember that all subjects under apprehension have the propensity to turn violent or hostile. That is the reason a prone search would be necessary. After performing an arm bar takedown on a noncompliant subject, it is especially important for the search man to put him at a physical disadvantage to provide for the subject's safety and his own. By doing so, the subject's ability to hide, destroy, or remove any evidence is limited.



**Figure 3-12. Performing the Standing Search (Changing Sides)**

3-34. The safest way to handcuff or Flex-Cuf a noncompliant subject is in the prone position, when the search man has greater control of the subject. It is usually the safest position in which to conduct a search

3-35. Handcuff the subject quickly during the apprehension. It is impossible to predict what a subject will do when put under apprehension. Often a subject may initially be cooperative and compliant; however, as the he becomes aware of his situation, he may become overcome with emotion and begin to struggle or pull away.

3-36. There is no legal or regulatory prohibition against opposite-gender searches. Common sense prevails and whenever possible, searches should be done by the same gender to avoid obvious questions and complaints. Once a subject is at a physical disadvantage by cuffing and is more easily controlled, it affords the necessary time to get someone of the same gender there to conduct the search.

**NOTE: The subject is put into a physical disadvantage when he is taken facedown to the ground using an arm bar takedown and cuffed.**

- During the preparation phase, the search man—
  - Ensures that the Flex-Cufs are not too tight.
  - Rotates his entire body around the subject's shoulder and center at the outside of the subject's hip with his shin over the subject's shoulder and one knee on the ground. At least one knee should remain over the subject's back (near side), with the other on the ground.
  - Pins the subject down by pressing his knee on the side of the subject's back or down on his closest elbow if resistance or aggression is encountered. He simultaneously grips the subject's closest handcuffed hand, grabs it with a reverse handshake, and applies pain for compliance.

- Uses strong, forceful verbal commands, such as “Stop resisting, stop moving around.”
- Ensures that the subject’s feet and ankles are crossed.

**CAUTION**

Stay alert. If the subject uncrosses his feet and ankles, it is usually a sign of preattack.

- Removes all items found during the search so they can be evaluated as potential evidence. Items not considered a weapon or of evidentiary value will be returned to the subject at a later time.
- During the performance phase, the search man—

**NOTE: The search man must be systematic from head to foot while conducting the prone search. If interrupted during the search, it is important to start from the beginning to ensure that nothing is missed. It is better to go over the same area two or more times than to miss something that can be used as a weapon.**

**NOTE: The search man searches only one side (the front, back, or side) of the subject at a time until that side is complete.**

- Divides the subject (visually) straight down the middle, using the spine as the centerline.

**NOTE: He does not cross this line while conducting the search.**

- Searches with an open hand, using a rub down or squeezing method for best results. He does not just pat down the subject like in the frisk search.
- Works at an arm’s reach, searching only the area of the subject’s body that is not in contact with the ground. The sense of touch, not the sense of sight, is being used.
- Stops the search as the subject’s knees are reached. He taps one of the subject’s legs and firmly commands him to raise his foot up and back, allowing for an inspection of the bottom of his foot. He then searches from the knee to the ankle area. This is performed on both the subject’s legs and feet.

**NOTE: At this point, the entire back side of has been searched. What remains to be searched is the front side of the subject (the chest and front of the hips, waist, groin, and thighs).**

- Pivots back and faces the subject. Using the hand closest to the subject’s head, the search man reaches across the subject’s back and firmly grips the shoulder, rolling the subject up on the his side toward him to expose the areas not yet searched.
- Rolls the subject back down on his chest once all areas have been searched.

3-37. The search man must be completely satisfied that he has found everything. He must be especially sensitive to areas where weapons are often concealed like the waistband, the small of the back, ankles, pockets, shoes, the tongue of the shoes, and the groin area.

**NOTE: Before removing subjects from the area, a brief summary must accompany them. The summary must include the subject's name, what he is suspected of doing, the time and date of the incident, and who saw him do the action.**

## DETENTION

3-38. Civil authorities must provide adequate detention facilities for all subjects. Authorities must be prepared to detain large numbers of people. They may choose to expand existing detention facilities or set up temporary facilities to accommodate the extra load. If possible, large-scale arrests are delayed until sufficient detention facilities have been set up.

3-39. If US military forces are committed to support local authorities, commanders should coordinate with them to ensure that 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 military to provide support by setting up and operating temporary facilities. Army correctional facilities cannot be used to detain civilians. A temporary military detention facility can be set up if—

- Federal troops have been employed according to provisions.
- The TF commander has verified that available civilian detention facilities can no longer accommodate the number of prisoners awaiting arraignment and trial by civil courts.
- The Army Chief of Staff has granted prior approval.

3-40. Use of the temporary facility ends as soon as civil authorities can take custody of the detainees. Military forces are responsible for the custody, health, comfort, and sustenance of all detainees in their facilities until custody is transferred to civil authorities. Temporary facilities cannot be used to confine people arraigned or convicted in civil courts.

3-41. Women are detained in their own facility. Temporary facilities are supervised and controlled by officers and NCOs trained and experienced in military correctional operations. Females guard females. If two female guards are unavailable, use two male guards or one male and one female guard (see *FM 3-19.40*).

3-42. The same operational procedures that apply to the management of an installation confinement facility (see *FM 3-19.40*) apply to the management of temporary detention facilities, except for training, employment, and administrative discipline. Guards and support personnel under direct supervision and control of military officers and NCOs need not be trained or experienced in military correction operations. They must be specifically instructed and closely supervised in the proper use of force, custodial procedures, and the completion of military and civilian forms and reports that may be used. Soldiers that may be tasked to operate a temporary detention

facility should be familiar with the forms and reports used for civilian apprehensions too.

3-43. Temporary facilities are set up on the nearest military installation or on suitable property under federal control. Ideally, the facility should be close enough to the disturbance area to minimize transportation and escort needs. However, it should be far enough away not to endanger those being detained. Whenever possible, existing structures are adapted for this use, but construction may be needed to provide segregation for ensuring effective control and administration.

3-44. The basic structure must include the following:

- 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 detainees' property and evidence obtained during a search.
- A holding area for administrative support and records.
- A medical station.
- Latrines.

For more information on these structures see *FM 3-19.40*.

3-45. 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.

3-46. Facilities 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. These stations are set up out of sight of the holding areas. If possible, they are separated by a door to reduce noise. To reduce distractions, each station may be partitioned. Detainees may be more cooperative if they are out of sight of each other.

3-47. 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. Treatment areas, 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 may also consider setting up a separate holding area for injured detainees.

3-48. Detention facility operation plans must contain emergency procedures. As a minimum, the following areas must be addressed:

- Fire evacuation.
- Disturbance control.
- Facility security.

**NOTE: Depending on the situation, other emergency procedures may be needed.**

3-49. Upon arrival at the detention facility, the detainee is logged in and searched, regardless of whether a complete search has already been conducted by the apprehending team 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 are also confiscated. Medical personnel screen detainees that have had medications confiscated. Receipts are provided for any property or evidence that is confiscated. Confiscated items are tagged, and the items are stored in a controlled-property area.

3-50. As a detainee is brought to the facility, a file is initiated. Assigned detainee case numbers are used on all paperwork, such as logs, evidence tags, reports, and visual documentation. All paperwork (including photographs) that began outside the detention facility is marked with the case number. Facility personnel may also use hospital identification tags. Using indelible ink, the case number is written and attached to the tag on the detainee's wrist. Different colors may be used to identify different subject classifications, such as misdemeanors, felonies, or violent offenders. If opposing factions are involved, procedures are established to ensure that members of opposing factions are not processed together or detained in the same holding area.

3-51. After a detainee has been searched and classified, he is taken to a processing station where his paperwork is processed. If subjects passively resist by going limp, they may be moved by wheelchair. This reduces the number of escorts needed and the fatigue to facility personnel. Paperwork is reviewed to ensure that all information is complete, including charges, witnesses, and reasons for the apprehension.

3-52. Equipment such as height charts, scales, fingerprinting equipment, and cameras must be available for completing the police report and identifying the subject. Detainees may use aliases and not carry identification, so pay special attention to obtaining as much information as possible about the detainee's physical characteristics.

3-53. After processing is complete, the detainee is placed in the appropriate holding area. Paperwork for the detainee is forwarded to the administrative section. Files are reviewed for completeness and to determine the disposition of the detainee. Information from the file may be placed in a computer to find repeat subjects. Computers may be used to file criminal information only.

3-54. Custody transfers and release procedures must be coordinated with civil authorities and the appropriate legal counsel. Every effort must be made to arraign subjects quickly. The purpose of a detention facility is not to keep people off the streets, but to aid in processing subjects through the legal system. To speed up the release process, planners should consider issuing citations or subpoenas for minor offenses.

3-55. Military force members may have to respond to writs of habeas corpus. 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. Custodians must ensure that all documentation concerning the case is brought to court with the detainee.

3-56. 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 US authority is holding the prisoner. The Office of the SJA can answer any questions and explain the correct procedures.

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