

DEPARTMENT OF THE ARMY
HEADQUARTERS III CORPS AND FORT HOOD
Fort Hood, TX 76544-5056
15 July 1995

FH Suppl 1 to AR 190-38

Military Police (MP)
DETENTION CELL OPERATIONS

HISTORY. This is the first printing of this supplement.

SUPPLEMENTATION. Further supplementation is prohibited except upon approval of this headquarters and the Department of the Army (DA).

SUGGESTED IMPROVEMENTS. The proponent of this supplement is the Provost Marshal Office. Users are invited to send comments and suggested improvements to the Commander, III Corps and Fort Hood, ATTN: AFZF-PM, Fort Hood, TX 76544-5056.

AR 190-38, 1 May 1978, is supplemented as follows.

1. Add Section VII, after subparagraph 17.

Section VII. RELEASE OF APPREHENDED/DETAINED SOLDIERS

18. NOTIFICATION. MPs will notify units of detained/apprehended soldiers by the following methods:

a. During normal duty hours, MPs will contact the Company Commander or First Sergeant.

b. After normal duty hours, MPs will contact the Battalion Staff Duty Officer (SDO)/NCO and request that the Commander or First Sergeant be notified to call the MP Station as soon as possible for details of the incident, and to coordinate a release time. If the Company Commander or First Sergeant does not call the MP Station within one hour, the MPs will contact the next higher command and request assistance.

19. RELEASE.

a. Soldiers will be released to the Commander, First Sergeant, or a Sergeant First Class or above designated by the Commander or First Sergeant at the MP Station, unless otherwise specified, on a DD Form 629, Receipt for Prisoner or Detained Person.

b. Soldiers who are not under the influence of alcohol, or drugs, have not been involved in a violent act, and who are not exhibiting violent/aggressive behavior will be released immediately after completion of processing by MPs.

c. Soldiers who are under the influence of alcohol, or drugs, have been involved in a violent act, or who are exhibiting violent/aggressive behavior, will be detained by the MPs until their blood-alcohol concentration level is below .05% (number of grams of alcohol per 210 liters of breath), the obvious effects of the alcohol or drugs have decreased, or the soldier no longer displays violent/aggressive behavior. Upon request by the First Sergeant or Commander, soldiers in this category may be released immediately after completion of processing by the MPs.

d. Soldiers will not be detained for more than 24 hours without approval from the Deputy Provost Marshal with concurrence from the Staff Judge Advocate (SJA).

2. Add Section VIII, after subparagraph 19.

SECTION VIII. RELEASE OF DETAINED CIVILIANS (Includes Family Members and DA Civilians)

20. NOTIFICATION.

a. The MPs will make notifications required by Appendix 5, Annex B, PMO SOP.

b. The MPs will not make any other notifications ~~unless specifically requested to do so~~ by the civilian. Such notification is only for purposes of transportation after release.

c. After processing is complete, the civilian may be permitted to make one telephone call to an individual of the civilian's choice. The telephone call may not last longer than ten minutes.

21. RELEASE.

a. A civilian not suspected of being involved in a crime of violence or serious drug offense will normally be released on their own recognizance from the MP Station, unless otherwise specified, on a DD Form 629. For all driving while intoxicated (DWI) offenses, and only DWI offenses, a promise to appear will also be prepared, with a copy given to the detained person and copies faxed to the SJA, and U.S. Pre-trial Services Agency. If the offender refuses to sign the promise to appear, the offender will be detained, and the U.S. Attorney's office, or a Special Assistant U.S. Attorney will be contacted for further advice.

b. Civilians who are suspected of a crime of violence, or serious drug offense will be detained by the MPs. The MPs will immediately contact the on call SJA officer, a Special Assistant U.S. Attorney, the Federal Bureau of Investigation (FBI), or the US Attorney's office for advice on the release of the civilian.

c. Civilians who are suspected to be under the influence of alcohol or drugs, or who are exhibiting violent, aggressive, or dangerous behavior, will be detained by the MPs until their blood alcohol concentration is below .05%, as measured by a portable breath tester, the obvious effects of the alcohol or drug have worn off, and the civilian no longer displays violent/aggressive/dangerous behavior.

d. Civilians may not be detained for more than 24 hours, unless approval is obtained from the Deputy Provost Marshal with concurrence from SJA or the US Attorney's office.

22. DEFINITIONS.

a. "Crime of Violence" is an offense that is a felony (Federal or assimilated state law provides for a maximum sentence of more than one year of imprisonment and (1) involves the use, attempted use, or threatened use of physical force against the person or property of another, or (2) that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

15 JULY 1995

b. "Serious Drug Offense" is any felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seg), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seg), or the Maritime Drug Law Enforcement Act (46 U.S.C. App 1901 et seg), except for possession of controlled substances in an amount consistent with personal use.

FOR THE COMMANDER:



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