

CHAPTER 18

Law Enforcement and Security

This chapter describes essential law enforcement functions needed on the installation. It also provides information on the responsibilities of the commander to ensure law and order on the installation and the security of Army resources. This chapter also explains the role and relationship of the installations US Army Criminal Investigation Command (USACIDC) element.

AUTHORITY OF MILITARY COMMANDERS

The military commanders listed below have the authority to enforce the necessary regulations to protect and secure places and property under their command according to the Internal Security Act of 1950 (50 USC 796):

- Commanding officers of all military reservations, posts, camps, stations, or installations.
- Commanders of installation or activities subject to the jurisdiction, administration, or in the custody of defense agencies or separate operating activities.
- The military commander in the chain of command immediately above an installation or activity not headed by a military commander. Such commanders

The Provost Marshal (PM) is the installation commander's advisor and planner for law and order operations and all matters on security related to crime. The PM is the chief law enforcement officer on the installation. He provides the commander with professional and technical advice concerning law and order objectives, physical security, policies, and directives. On installations, the commander determines the degree of law and order required to provide order and discipline. The PM implements the commander's law and order policies. Military police and civilian security guards

The DA, DCSOPS develops, implements, and maintains policies, guidance, programs, goals, and objectives

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will enforce policies and procedures promulgated under the authority of the Internal Security Act of 1950.

- All tenant units and activities will defer to the authority of the installation commander in enforcing this policy. AR 310-25 defines an installation and AR 600-20 discusses the selection of an installation commander.

POLICY

carry out the security, force protection, and law enforcement operations. These operations are performed with strict regard for the needs of the Army and the safety of the military community. At the same time, the PM maintains a strict regard for the rights of the individuals making up the military community. The authority of MP to enforce military law, orders, and regulations, by apprehension if necessary, derives from law, regulation, and custom. Law enforcement is an inherent function of command.

RESPONSIBILITIES

to manage the Army Physical Security Program. They also have staff responsibility for the security of the

Army and for law enforcement operations. Civilian oversight is provided by the Assistant Secretary of the Army for Installations, Logistics, and Environment (ASA(IL&E)).

The MACOM's PM serves as the command's appointed physical security officer and establishes a formal physical security program and a law enforcement program. The installation commander must establish

programs to protect and secure places, property, and people on the installation. The installation PM will-

- Maintain liaison and coordinate with USACIDC support elements, civilian law enforcement agencies, allied forces, and HN military and civil police.
- Develop plans and policies for law enforcement and physical security programs and operations.
- Direct MP operations.

LAW ENFORCEMENT SERVICES

Military police law enforcement operations help the commander keep his command combat ready and combat efficient. By suppressing the opportunity for criminal behavior, MP help the commander protect and ensure the welfare of the military community.

MP undertake and support preventive programs to remove conditions promoting crime. MP enforcement efforts encourage voluntary compliance by all personnel with laws, orders, regulations, and directives of the commander. When necessary, MP undertake active enforcement measures. MP take immediate action to halt crimes in progress, to apprehend perpetrators and to aid victims. MP law enforcement services include -

- Conducting official inquiries into incidents and crimes involving the military community. This is a primary means of protecting community members and enhancing the commander's order and discipline.
- Providing liaison with the National Crime Information Center.
- Operating the MP station 24 hours a day, seven days a week to provide law enforcement information and assistance to the military community and general public.
- Preventing or reducing property damage and traffic injuries and deaths by controlling and developing traffic accident prevention initiatives.
- Controlling crowds and providing security for installation personnel and high-risk visitors.
- Maintaining liaison and interaction between MP and the civilian community. The PM establishes and maintains a highly professional relationship between the MP and local civilian or foreign national police.
- Absentee and deserter apprehension.
- Juvenile assistance.

- Investigation and offender programs.
- Patrol activities.
- Military working dog program.
- Antiterrorism and counterterrorism operations.
- Physical security.
- Confinement operations.
- Access control.
- Vehicle and weapon registration program.
- Civilian interaction with civilian agencies and schools.

SPECIAL REACTION TEAM (SRT)

When major disruptions or special threats occur, to include acts of terrorism, resources must be committed in a graduated response to resolve the situation and restore law and order. SRTs are one of the commander's principal response forces. They are an integral part of the installation's security.

Some situations requiring SRT employment may include, but are not limited to, barricaded suspects, barricaded suspects with hostages, sniper incidents, counterterrorist operations, VIP protection, and threatened suicide incidents.

CIVIL POLICE LIAISON

The commander must establish effective relations with civilian law enforcement agencies. This is best coordinated by the CPL. CPL representatives provide a focal point for the serving of legal papers upon the installation. This includes arrest and apprehensions by civilian authorities of soldiers and family members, coordination of judicial proceedings involving soldiers, and coordination between commanders and soldiers and civilian detention centers. CPL do not serve legal papers or apprehend military or civilian suspects on post; however, CPL facilitate the orderly exercise of civil authority on the installation.

MAGISTRATE'S COURT

The US Magistrate system provides the installation commander with the means of processing and disposing of certain categories of misdemeanors in federal court. Primarily, this court handles traffic cases arising on installations. US district courts supervise the US Magistrate courts. These district courts establish the payment of freed sums for fines or forfeiture of collateral in lieu of court appearances for minor offenses. On occasion, US Magistrates will confine individuals for certain misdemeanors.

Personnel subject to the UCMJ who pay a fine or forfeit collateral or whose cases are disposed of through the US Magistrate system normally will not be punished under the provisions of the UCMJ for the same violations. The installation commander, on advice of the SJA, should establish policies on when to refer military

personnel to the US Magistrate or take actions under the UCMJ. This is for offenses constituting violations which are subject to trial in both jurisdictions. DUI offenses are normally tried in US Magistrate Court.

This system provides-

- Uniform procedures for the collection of fines.
- The forfeiture of collateral in lieu of appearance.
- The scheduling of mandatory hearings or voluntary hearings requested by defendants.
- A simple but sure method of accounting for fines, for collateral, and for violation notices issued.
- Convenience to the public.
- Enforcement of misdemeanors laws on Army installations.

PHYSICAL SECURITY

The installation commander must ensure the implementing of physical security measures on the installation. These measures will minimize the loss of supplies, equipment, and materiel through threats, natural or human. He normally exercises this charge through the PM.

PHYSICAL SECURITY PLAN

The PM develops the installation physical security plan for the commander's approval. Security requirements are based on information obtained from the PM's office, the USACIDC field offices, military intelligence units, agencies, and activities. Local civilian law enforcement agencies, annual DA physical security threat statements, and OPSEC evaluations and surveys also provide security requirements information.

All military installations are valuable to the national defense structure. Within each installation, certain facilities are essential to the mission of that installation. Facilities such as primary and auxiliary power sources, ammunition and POL storage, and reactors are examples.

Because of the monetary and manpower costs of physical protection, many commanders will not be able to achieve maximum protection for the entire installation. Therefore, the specific criticality and vulnerability of various areas must be determined. Special protection is provided for the most critical and vulnerable areas.

Areas of less importance and susceptibility are given less protection.

A highly critical area is one in which partial or complete loss would have an immediate and serious impact on the ability of an installation to perform its mission. The relative criticality of such an area may have no direct relationship to its size or whether it produces an end product. This must be determined upon the basis of its importance to the installation mission.

The commander must formulate and implement his physical security design from a total system approach. It should be organized in depth and contain mutually supporting elements. It should be coordinated to prevent gap or overlap in responsibilities and performance.

SECURITY THREATS

Security threat vulnerabilities are acts or conditions that may result in the compromise of information; loss of life; damage, loss, or destruction of property or disruption of the mission of the installation or facility. Before the physical security manager can develop an effective security program, he must be fully aware of the postulated threat statement issued by higher headquarters. He also must determine the possibility of interference with the operational capabilities of the installation or facility from any and all sources. Recognition of all risks is mandatory if he is to make recommendations for physical security measures. The severity of security threat vulnerabilities depends on

such variables as the type of installation or facility involved, mission or processes performed, physical layout, and construction. The geographical location, the enemy situation, terrorist threat, if any, and the existing state of law and order are most important factors.

The PM helps the commander anticipate and prevent the threat of terrorism to the installation. The PM-

- Participates in the overall assessment of the installation vulnerabilities and periodic update of the installation's threat statement.
- Helps designate mission essential vulnerable areas and orient planned protection for these areas.
- Participates in developing MOU with federal, state, and local law enforcement agencies.

SERIOUS INCIDENT REPORT (SIR)

An actual or alleged incident, accident, misconduct, act or condition, either criminal or noncriminal, that warrants timely notice to DA because of its nature, gravity, publicity, or potential consequences requires an SIR. The incident should be reported, in accordance with AR 190-40, despite the rank or position of the person involved.

OBJECTIVES OF THE SIR SYSTEM

- Provides early notice to DA that a serious incident has occurred or may have occurred.
- Provides the chain of command with timely information to respond to queries from Congress, DOD, news media, and others.
- Serves to meet law enforcement reporting requirements for selected criminal incidents.
- Is not designed to be used as a basis for statistical comparisons of commands.
- Is not intended to include reporting of all criminal acts.

REPORTABLE INCIDENTS

Commanders must refer to AR 190-40 when evaluating the incidents that require reporting. More serious

- Helps develop and implement the installation's plan for countering terrorism.
- Reviews antiterrorism programs to ensure OPSEC programs developed by other agencies on the installation complement those developed by his office.
- Coordinates with USACIDC for personal security vulnerability analysis of high-risk personnel. Provides personal security for high-risk persons visiting or leaving the area.
- Participates in the development of and supports all installation contingency plans. Directs the efforts of the installation's SRT.

incidents, classified as Category 1 or Category 2 SIRs, are time sensitive and require immediate (Category 1) or timely notice (Category 2). Commanders must exercise judgment in deciding additional incidents that should be reported. The commander may report any incident based on the implications involved or the need for timely notice.

Before reporting, the commander must consider the following factors:

- Severity of the incident.
- Adverse publicity the incident may cause.
- How the incident may impair unit effectiveness.

All pertinent information known at the time of SIR submission will be included. For some incident reports, all necessary information may be included in the first report, additional reports will be unnecessary. Add-on reports will be submitted if-

- Additional pertinent information later develops through investigation.
- DA requests additional information concerning an SIR.

CRIMINAL INVESTIGATIONS

Investigations into possible criminal activities are conducted by the MP office and the USACIDC. Military police investigators (MPI) assigned to the PM office and enlisted special agents or warrant officers assigned to the USACIDC conduct the investigations. The purview

for investigating crimes is divided among unit commanders, MPI, and USACIDC special agents according to the type and seriousness of the incident. Responsibility for the investigation depends on the nature of the incident and the elements of the crime.

MPI works directly for the PM and special agents are under the direct control of USACIDC. A close and positive liaison is maintained between the PM office and the USACIDC support element. Procedures at the local level ensure mutual cooperation and support. The close working relationship achieves optimum results in investigations, apprehension of offenders, acquisition and transmittal of police information, and the prevention of crime.

MPI and USACIDC teams have been created at some installations for specialized investigative missions such as drug suppression, black market, and criminal investigation. Such joint teams are created by formal MOU between the local PM and the responsible USACIDC supervisor.

USACIDC elements are a part of the US Army Criminal Investigation Command, a major Army command of the DA. Each USACIDC element is normally a tenant activity on an Army installation, providing investigative support to the installation commander. They also support commanders of all other Army elements located within a CIDC specified geographical area of responsibility. The commander or special agent-in-charge at each unit provides advice and guidance on all CIDC matters to supported commanders and provost marshals or security officers.

The CIDC is responsible for investigating those Army-related crimes punishable by death or confinement for more than one year. Exceptions are outlined in AR 195-2.

SUPPLEMENTING RESOURCES

The PM may sometimes need to augment his MP resources. Traditionally, military working dog (MWD) teams are used to extend PM resources. The teams usually consist of one handler and a dog that can function in place of a two-man MP team. Use of an MWD team can double patrol assets.

Other resources available to the PM include the use of Army Reserve Forces, such as unit reserves and ready reserves, the DOD guard or police force, and contracted police services.

If the PM is considering contracting, he first identifies the specific service in need of augmentation. Then he coordinates with the local CA POC to see if the needed service is subject to the Commercial Activities Review Program. See AR 5-20. The CA program allows

privately-owned civilian firms to compete with in-house government activities. Then the PM-

- Coordinates with the installation DOC.
- Identifies the needed contractor services.
- Determines if the services to be contracted can be performed by a civilian company.
- Decides if contracting for the services will be cost effective.
- Decides if the services can be performed more efficiently by a contractor.

With few exceptions, Title 10 Chapter 146 prohibits the use of appropriated funds to contract for security guard services.