



SACRAMENTO POLICE DEPARTMENT

GENERAL ORDERS



538.04 HANDLING OF MILITARY OFFENDERS 09-16-91

PURPOSE

To establish procedures for assisting military agencies when apprehending military subjects absent without leave or deserting.

POLICY

- A. To assist military agencies by apprehending subject who are either absent without leave or deserters.
- B. That officers not accept any reward offered for the apprehension of military AWOLS or Deserters.

PROCEDURE

A. DEFINITIONS

1. ABSENT WITHOUT LEAVE (AWOL) - Military subjects gone for more than 24 hours and less than 30 days without permission.
2. DESERTER - Military subjects absent for 30 days or more without permission.

B. OTHER CRIMINAL CHARGES PRESENT

Military personnel shall be treated exactly like civilians if other criminal charges are present with one exception.

1. Mather Security Police maintains liaison between the Sheriff's Main Jail and the Navy Absentee Collection Unit.
2. An officer of the Security Police contacts the jail every eight-hour shift, determines the status of prisoners (AWOL/Desertion) and then contacts the Navy Absentee Collection Unit (NACU) located at Treasure Island.
3. The NACU collects, processes, and escorts apprehended AWOLS and Deserters to the military agency having authority over that prisoner.

C. NO OTHER CHARGES PRESENT

1. The Sacramento Sheriff's Department Jail policy is to accept military prisoners being booked solely on AWOL/Desertion charges, only when an NCIC teletype verifying a warrant has been issued and accompanies the arrest report.
2. If no criminal charges exist and no warrant for AWOL/Desertion is issued, the subject will not be accepted by the Sacramento Sheriff's Department Jail.
3. Officers of this department shall:
 - a. not arrest subjects for only AWOL or Desertion unless there is a warrant.
 - b. assist the armed services police or the FBI upon a request to do so, following the procedures of G.O. 560.02.

D. REWARDS

1. While Title 10, United States Uniform Code of Military Justice authorizes rewards to be paid to civil officers apprehending AWOL's and Deserters, Section 102, Sacramento City Charter forbids acceptance of any reward by police officers acting within the scope of their official duties.
2. The City Attorney has issued an opinion indicating Title 10, U.S.C., Section 808, only grants authority to civil officers to arrest military deserters. This authority does not extend to private citizens.
 - a. Therefore, officers may lawfully arrest or restrain a military deserter only if acting in their official capacity as a representative of the Police Department.
 - b. An arrest by an off-duty police officer acting as a private citizen would, therefore, be unauthorized and unlawful.