



Las Cruces Police Department
GENERAL ORDERS
FIELD OPERATIONS VOLUME 2
GO-236 ARREST OF MILITARY PERSONNEL (MOST CRITICAL)
Revised 5/31/2011

236 ARREST OF MILITARY PERSONNEL

PURPOSE

The purpose of this policy is to set forth guidelines for the efficient handling and processing of U.S. military personnel reported as deserters and/or arrested for non-related criminal offenses.

POLICY

The Las Cruces Police Department shall take enforcement action as legally authorized to detain and return U.S. military personnel charged with Desertion to the closest military authority. The LCPD will also report the arrest of active duty members of the U.S. armed forces to the appropriate military authority.

APPLICABILITY

This General Order applies to commissioned employees of the Las Cruces Police Department. This General Order supersedes all previous versions.

REFERENCES

- Uniform Code of Military Justice (UCMJ)
- Title 10, United States Code

236.01 DEFINITIONS

AWOL – Absent Without Leave (Synonymous with the military term U/A – Unauthorized Absence)

Desertion - A member of the U.S. military has committed the crime of Desertion if he/she is AWOL and intends to remain away from the military permanently. Desertion is a major crime in the US Military, punishable under Article 85 of the Uniform Code of Military Justice (UCMJ). A member of the U.S. military accused of Desertion will be entered into NCIC with an arrest warrant after being AWOL for 30 days or more.

236.02 PROCEDURES

Title 10, United States Code provides, “Any civil officer having authority to apprehend offenders under the laws of the United States or of a State, Territory, Commonwealth, or



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Possession, or the District of Columbia, may summarily apprehend a deserter from the armed forces and deliver him into custody of those forces.”

- A. When an officer comes into contact with an individual who is listed in NCIC as a deserter, no matter the branch of military service, the officer shall request confirmation of the NCIC notification through MVRDA.
- B. The NCIC hit will be confirmed by contacting the Provost Marshal’s Office at Ft. Bliss, TX. Once the NCIC hit has been confirmed the individual will be arrested and transported to the Dona Ana County Detention Center for holding.
- C. If an active duty member of the armed forces of the United States is arrested, the arresting officer will telephone the Ft. Bliss Provost Marshal’s or the Ft. Bliss MP Station after normal business hours. The officer will advise that an active duty military member has been arrested. For criminal arrests of military personnel officers must provide the following information:
 - 1. Name, rank, date of birth, and serial number of the arrested person
 - 2. Branch of Service
 - 3. The offense(s) with which the person is charged
 - 4. The LCPD case number
- D. Officers will also advise military law enforcement personnel that a copy of the report will be available from the Records Section. Officers will not disclose the criminal history of the arrested military member.
- E. At the discretion of military law enforcement, the arresting officer may be advised to place a “Military Hold” on the arrested person with the detention facility.
- F. In all cases officers will document the incident with a police report. Commissioned employees will not accept any reward for the apprehension of U.S. military service members who are AWOL.