DEPARTMENT OF THE NAVY
FLEET AVIATION SPECIALIZED OPERATIONAL
TRAINING GROUP PACIFIC FLEET
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FASOTRAGRUPACINST 1626.1L
04
01 FEB 1993

FASOTRAGRUPAC INSTRUCTION 1626.1L

Subj: LEGAL PROCEDURES

Ref: (a) FASOTRAGRUPACINST 5830.1E
(b) Manual for Courts-Martial, 1984

Encl: (1) Report and Disposition of Offense(s), NAVPERS 1626/7 (8-81)
(2) Suspect's Rights Acknowledgement/Statement (JAGMAN A-1-N (1)
(3) Record of Authorization for Search
(4) Consent to Search
(5) Competence for Duty Examination NAVMED 6120/1 (REV. 1-82 CH-2)
(6) Toxicological Examination-Request and Report, DD Form 1323

1. Purpose. This instruction sets forth the procedures to be followed at FASOTRAGRUPAC for reporting violations of the Uniform Code of Military Justice (UCMJ), establishes guidelines governing searches of persons and property and sets forth other general information regarding legal procedures to be followed on board FASOTRAGRUPAC.

2. Cancellation. FASOTRAGRUPACINST 1626.1K.

3. Objectives. From time to time personnel are confronted with various legal or disciplinary cases. This instruction is designed to provide information and procedures to process routine legal matters. Additionally, information in this instruction will help to ensure that every search conducted by members of this command is performed in accordance with the law. For this instruction a "search" is defined as a quest for incriminating evidence.

4. Reporting a Violation. Any person, whether military or civilian, who knows or has sufficient reason to believe that a violation of the UCMJ has been committed, may initiate a report to the Commanding Officer. Personnel who are subject to the UCMJ have a duty to report all known and suspected offenses.

a. The form "Report and Disposition of Offense(s)" NAVPERS 1626/7 (8-81), or any subsequent revision there to, shall normally be utilized by personnel who report an offense under the UCMJ (Enclosure (1))

b. Whenever an offense is reported, the offense report shall be delivered as soon as practicable to the Legal Officer, who will screen all report chits and take appropriate action. In the event that the individual accused of the offense if from another command the Legal Officer will take action to inform the other command of the suspected offense(s).

c. After normal working hours the OOD shall be informed of any disciplinary matters that occur. This includes all personnel released from shore patrol to the command. When necessary, the OOD may review the report and where it appears that an immediate investigation is necessary, shall, after complying with reference (a) and with Article 31, UCMJ, conduct such investigation.

d. All persons released from shore patrol to this command after normal working hours shall be directed to report to the Legal Officer (or if not available, the Administrative Officer) at 0800 on the next working day.

5. Rights of the Accused. All personnel connected with processing disciplinary cases are obligated to comply with Article 31, UCMJ. This article grants the accused certain basic rights. All personnel who have occasion to question an individual accused of committing an offense under the UCMJ shall prior to questioning the accused, ensure that the accused is informed of the nature of the offense with which he or she is charged and that:

a. The member has the right to remain silent.

b. Any statement the member does make may be used as evidence against him or her in a trial by court-martial.

c. The member has the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by the member at no expense to the government, a military lawyer appointed to act as his or her counsel without cost to him or her, or both.

d. The member has the right to have such retained civilian lawyer and/or appointed military lawyer present during the interview. Enclosure (2) should be utilized in order to safeguard the rights of the accused and to ensure that the correct interview procedures are followed. In the section titled "Rights" the accused initials all five blocks, indicating merely that he or she understands his or her rights. In the last

section titled "Waiver or Rights" these blocks are initialed only if the accused "intelligently" wishes to waive that particular right (OPNAV 5527/3 (12-82)) may be used as a substitute for enclosure (2).

6. Apprehending an Offender. An offender may be apprehended by any person authorized under Rules for Courts-Martial 302 of reference (b). This paragraph authorizes apprehension by the following:

a. Officers.

b. Warrant Officers.

c. Petty Officers.

d. Non-commissioned Officers.

e. Security Police, Military Police, Master at Arms personnel and members of the Shore Patrol when in the execution of their guard or police duties.

f. Such persons as are designated by proper authority to perform guard or police duties. Apprehension of a commissioned or warrant officer shall only be effected when the situation is in strict accordance with the provisions of Rules for Courts-Martial 302(b)(1) and (2) of reference (b). The person apprehended must be subject to the UCMJ and there must be reasonable cause to believe that an offense has been committed and that the person apprehended committed it. A person authorized to apprehend is not required to place an offender under arrest in order to apprehend the member. He or she need only inform the member that he or she is under military apprehension. Any resistance on the part of the offender constitutes a violation of Article 95, UCMJ.

7. Arrest. As defined in Rules for Courts-Martial 304(a) of reference (b) arrest is "moral restraint imposed upon a person by oral or written orders of competent authority limiting the person's personal liberty pending disposition of charges. The restraint imposed is binding upon the person arrested, not by physical force, but by virtue of his or her moral and legal obligation to obey the order of arrest". A person in the status of arrest cannot be required to perform any full military duties. Arrest is the most severe form of moral restraint and as such will be delegated only to commissioned officers in accordance with rules for Courts-Martial 304(b) of reference (b). Arrest of commissioned officers may not be delegated and is authorized only be the Commanding Officer or his or her successor in command.

8. Restriction in Lieu of Arrest. This is a lesser form of moral restraint than arrest and is generally the only form of moral restraint that is required on board FASOTRAGRUPAC. The provisions of restriction in lieu of arrest are delineated in Rules for Court-Martial 304(a) of reference (b). Moral restraint of this nature is used when the continued presence of the accused is required for a pending investigation or when it may be considered a wise precaution to restrict the accused to an area in which the member will not again be exposed to the temptation of misconduct similar to that for which he or she has already been charged. Restriction of an enlisted member in lieu of arrest is authorized by Commissioned Officers and by Chief Petty Officers when acting in the capacity of Officer-of-the-Day.

9. Physical Restraint

a. Confinement, the most severe form of physical restraint, will normally be authorized only in a pretrial situation and may only be imposed by the Commanding Officer. Naval Brigs are often overcrowded and thus pretrial confinements are usually limited to personnel who have demonstrated bonafide risks to life, limb, or property.

b. Restriction, a lesser form of physical restraint, may only be imposed by the Commanding Officer at Non Judicial Punishment (NJP). Personnel who are assigned restriction must move into the restricted barracks and muster with the Master-at-Arms at the times prescribed in the restriction orders. Restricted persons shall not stand command watches, act as a super or "standby", enter any club on the station where alcoholic beverages are served or indulge in alcoholic beverages.

10. Searches and Seizures

a. Authority. Military Rules of Evidence 315 of reference (b) permits a Commanding Officer to authorize searches of:

(1) Persons subject to military law and to his or her authority.

(2) Privately owned property, physically located in an area under his jurisdiction, provided such property is owned, used or occupied by a person subject to military law.

(3) U.S. Government owned or controlled property under his or her jurisdiction, which has been issued to an individual or group or individuals for their private use.

(4) All other U.S. Government owned or controlled property under his or her jurisdiction.

As to property described in category (4) above, a search may be conducted at any time, by anyone in military authority on the scene, and for any reason.

b. Probable cause. Items or other evidence seized as a result of a search of persons or property falling within categories (1), (2), or (3) above will be admissible in a subsequent court proceeding only if the search was based on probable cause. This means that before a search is ordered, the person ordering the search is in possession of facts and information, more than mere suspicion or conclusions provided to him or her by others, which would lead a reasonable person to believe that (a) an offense has been committed, and (b) that the proposed search will disclose fruits of the offense, instrumentalities with which the offense was committed or which may be used in effecting an escape, contraband, or other evidence of the offense or of the identity of the offender. Before deciding whether to order any search of persons or property described in categories (1), (2), or (3) above, the person responsible is required to take all reasonable steps consistent with the circumstances to ensure that his or her source of information is reliable, and that the information available is complete and correct. The Commanding Officer must then decide whether such information constitutes probable cause as defined above. In making this determination, the responsible person is exercising a judicial, as opposed to a disciplinary function.

c. Individuals empowered to authorize a search. Only the Commanding Officer, acting Commanding Officer, FASOTRAGRUPAC or FASOTRAGRUPAC Detachment Officers in Charge will be responsible for authorizing searches of persons or property described in categories (1), (2), or (3) above.

d. Additional Criteria

(1) An individual who authorizes a search is exercising judicial discretion in deciding whether to or not to order a search, in accordance with the general criteria set forth above. No search will be ordered without a thorough review of the information to determine that probable cause, where required, exists. Due consideration will be given to the advisability of posting a guard or securing a space to prevent the tampering with or alteration of spaces, while a further inquiry is conducted to effect a more complete development of the facts and circumstances giving rise to the request for a search.

(2) The following examples are intended to assist the person responsible in determining the proper category (set forth in paragraph 10a, above) under which to consider the persons or property of which a search is requested.

Category (1): Is limited to members of the armed forces and civilians accompanying armed forces in a combat zone in time of war.

Category (2): Will normally include such items as automobiles, suitcases, civilian clothing, privately owned parcels, etc., physically located on government property and owned or used by a member of the armed forces.

Category (3): Includes lockers issued for the stowage of personal effects, government quarters, or other spaces or containers issued to an individual for their private use.

Category (4): Includes the working spaces of this command, including restricted access spaces, in the custody of one or a group of individuals where no private use has been authorized, government briefcases, and government desks.

e. Instruction

(1) The Commanding Officer, when authorizing a search pursuant to this instruction, may do so orally or in writing only after an oath or affirmation has been administered to the person requesting the authorization. In every case the order shall be specific as to who is to conduct the search; what persons or property are to be searched, and what items or information are expected to be found on such persons or property. A "record of Authorization for Search" (enclosure (4)) shall be completed at the time the search is authorized, or as soon as after as practicable. The Commanding Officer will set forth the time of authorization, the particular persons or property to be searched, the identity of the persons authorized to conduct the search, the items or information which is expected to be found, a complete discussion of the facts and information he or she considered in determining whether or not to order a search and what effort, if any, was made to confirm or corroborate these facts and information. This report will be supplemented at the earliest practicable time by a written report, setting forth any items seized as a result of the search, together with complete details, including location of their seizure and location of their stowage after seizure and when complete will be forwarded to the Commanding Officer.

(2) Ordinarily, searches authorized by this instruction will be conducted by the station Master-at-Arms because of their training in this area. In the event that the station Master-at-Arms is not available to conduct the search it will be conducted by at least two persons not personally interested in the case, at least one of whom will be a commissioned officer or petty officer. Under no circumstances will the person authorizing the search actually conduct the search.

(3) Once a search has been authorized under probable cause, it is not necessary to obtain consent from the individual affected. It is preferred to first request for consent to search and use the probable cause authorization as a back up. Also, if the individual does consent to the search, the individual may withdraw it at any time prior to or during the search. In the event that the individual in possession of the property consents to the search, a "consent to search" form (enclosure (4)) will be used.

(4) Frequently, it will appear desirable to interrogate suspects in connection with a apparent offense. It is essential that the function of interrogation be kept strictly separate and apart from the function of conducting a search pursuant to this instruction. Case law is varied and complex in this area; however, one thing is certain - on many occasions evidence seized during a lawful search has been inadmissible in a court of law because of a statement (verbal or otherwise) made by individuals affected by the search. A simple rule should be followed: Do not ask the individual affected by the search any questions while the search is being conducted.

(5) Personnel conducting a search properly authorized by this instruction will search only those persons and/or spaces ordered. If in the course of the search, they encounter facts or circumstances which make it seem desirable to extend the scope of the search beyond their original authority, they shall immediately inform the Commanding Officer of such facts or circumstances and await further instructions.

(6) Personnel conducting a search properly authorized by this instruction will seize all items which come to their notice in the course of the search which fall within the following categories:

(a) Fruits or products of any offense against the Uniform Code of Military Justice.

(b) Instrumentalities by means of which any such offense was committed, or which may be used to effect the escape of any offender.

(c) Any other evidence of the commission of any such offense and the identity of the offender.

(d) Contraband, i.e., any property the mere possession of which is prohibited by law or lawful regulation.

If in plain view, all such items shall be seized even if their existence was not anticipated at the time of the search.

(7) Any property seized as a result of a search shall be securely tagged or marked with the following information:

Date and time of the search;

(b) Identification of the person or property being searched;

Location of the seized article when discovered;

Name of person ordering the search; and

Signature of the persons conducting the search.

(8) No person conducting a search shall tamper with any items seized in any way, but shall personally deliver such items to the custody of the OOD. In the event that any seized items cannot be moved, one of the persons conducting the search shall personally stand guard over them until the OOD and the Commanding Officer can be notified for further instructions.

(9) Upon receipt of seized property, the OOD shall (1) insure that it is correctly tagged or marked; (2) physically secure it in a space not open to unauthorized access; (3) verbally report the circumstance to the Commanding Officer, Executive Officer and Legal Officer as soon as possible; and (4) submit reports as outlined in paragraph (e) above.

(10) Nothing in this instruction shall be construed as limiting or affecting in any way the authority to conduct searches pursuant to a lawful search warrant issued by a court of competent jurisdiction, or pursuant to the freely given consent of one in the possession of property, or incident to the lawful apprehension of an individual.

(11) The rules for search and seizure also apply to bodily fluids. In many cases this can prove indulgence of alcohol and/or controlled substances and will be used for discipline and/or administrative action when appropriate.

f. Competence for Duty Examinations. A Competence for Duty Examination consists of the seizure of bodily fluids and as such may be authorized only by the Commanding Officer, Executive Officer, Legal Officer and the Officer of the Day. Enclosure (6) and (7) shall be used to request the examination. Military Rules of Evidence 312 and 313 of reference (b) provide additional guidance in this area. As a general rule, a Competence for Duty Examination should be reserved for those situations in which medical documentation would be required and/or extremely beneficial, i.e., aircraft accidents, motor vehicle accidents, or serious disciplinary offenses.

g. Required Forms. Copies of enclosures (1) - (6) will be available from the Legal Officer.

T. J. BERNSEN

Distribution:
FASOTRAGRUPACINST 5216.2S
Lists A & B (CASE I)

REPORT AND DISPOSITION OF OFFENSE(S)
NAVPERS 1626/7 (REV. 8-81) S/N 0106-LF-016-2636

To: Commanding Officer, _____ Date of Report: _____

1. I hereby report the following named person for the offense(s) noted:

NAME OF ACCUSED	SERIAL NO.	SOCIAL SECURITY NO	RATE/GRADE	BR. & CLASS	DIV/DEPT

PLACE OF OFFENSE(S)	DATE OF OFFENSE(S)

DETAILS OF OFFENSE(S) *(Refer by article of UCMJ, if known. If unauthorized absence, give following info: time and date of commencement, whether over leave or liberty, time and date of apprehension or surrender and arrival on board, loss of ID card and/or liberty card, etc.):*

NAME OF WITNESS	RATE/GRADE	DIV/DEPT	NAME OF WITNESS	RATE/GRADE	DIV/DEPT

(Rate/Grade/Title of person submitting report) *(Signature of person submitting report)*

I have been informed of the nature of the accusation(s) against me. I understand I do not have to answer any questions or make any statement regarding the offense(s) of which I am accused or suspected. However, I understand any statement made or questions answered by me may be used as evidence against me in event of trial by court-martial (Article 31, UCMJ).

Witness: _____ *(Signature)* Acknowledged: _____ *(Signature of Accused)*

PRE-MAST RESTRAINT

☐ **PRE TRIAL CONFINEMENT**

☐ **NO RESTRICTIONS**

☐ **RESTRICTED:** You are restricted to the limits of _____ in lieu of arrest by order of the CO. Until your status as a restricted person is terminated by the CO, you may not leave the restricted limits except with the express permission of the CO or XO. You have been informed of the times and places which you are required to muster.

(Signature and title of person imposing restraint) *(Signature of Accused)*

INFORMATION CONCERNING ACCUSED

CURRENT ENL. DATE	EXPIRATION CURRENT ENL. DATE	TOTAL ACTIVE NAVAL SERVICE	TOTAL SERVICE ON BOARD	EDUCATION	GCT	AGE

MARITAL STATUS	NO. DEPENDENTS	CONTRIBUTION TO FAMILY OR QTRS ALLOWANCE *(Amount required by law)*	PAY PER MONTH *(Including sea or foreign duty pay, if any)*

RECORD OF PREVIOUS OFFENSE(S) *(Date, type, action taken, etc. Nonjudicial punishment incidents are to be included.)*

PRELIMINARY INQUIRY REPORT

From: Commanding Officer Date: _____

To: _____

1. Transmitted herewith for preliminary inquiry and report by you, including, if appropriate in the interest of justice and discipline, the preferring of such charges as appear to you to be sustained by expected evidence.

REMARKS OF DIVISION OFFICER *(Performance of duty, etc.)*

NAME OF WITNESS	RATE/GRADE	DIV/DEPT	NAME OF WITNESS	RATE/GRADE	DIV/DEPT

RECOMMENDATION AS TO DISPOSITION:

☐ REFER TO COURT MARTIAL FOR TRIAL OF ATTACHED CHARGES (Complete Charge Sheet (DD Form 458) through Page 2)

☐ DISPOSE OF CASE AT MAST ☐ NO PUNITIVE ACTION NECESSARY OR DESIRABLE ☐ OTHER

COMMENT *(Include data regarding availability of witnesses, summary of expected evidence, conflicts in evidence, if expected. Attach statements of witnesses, documentary evidence such as service record entries in UA cases, items of real evidence, etc.)*

(Signature of Investigation Officer)

ACTION OF EXECUTIVE OFFICER

☐ DISMISSED ☐ REFERRED TO CAPTAIN'S MAST

SIGNATURE OF EXECUTIVE OFFICER

RIGHT TO DEMAND TRIAL BY COURT-MARTIAL

(Not applicable to persons attached to or embarked in a vessel)

I understand that nonjudicial punishment may not be imposed on me if, before the imposition of such punishment, I demand in lieu thereof trial by court-martial. I therefore (do) (do not) demand trial by court-martial.

WITNESS SIGNATURE OF ACCUSED

ACTION OF COMMANDING OFFICER

☐ DISMISSED
☐ DISMISSED WITH WARNING (Not considered NJP)
☐ ADMONITION: ORAL/IN WRITING
☐ REPRIMAND: ORAL/IN WRITING
☐ REST. TO_ ___ FOR_____DAYS
☐ REST. TO_ FOR _____DAYS WITH SUSP. FROM DUTY
☐ FORFEITURE: TO FORFEIT $_ ____ PAY PER MO. FOR _____MO(S)

☐ CONF. ON _____ , 2, OR 3 DAYS
☐ CORRECTIONAL CUSTODY FOR _____ .DAYS
☐ REDUCTION TO NEXT INFERIOR PAY GRADE
☐ REDUCTION TO PAY GRADE OF_ _____
☐ EXTRA DUTIES FOR_____ DAYS
☐ PUNISHMENT SUSPENDED FOR_ .
☐ ART. 32 INVESTIGATION
☐ RECOMMENDED FOR TRIAL BY GCM

☐ DETENTION: TO HAVE $_____ PAY PER MO. FOR (1, 2, 3) MO(S) DETAINED FOR_____MO(S)

☐ AWARDED SPCM ☐ AWARDED SCM

DATE OF MAST: DATE ACCUSED INFORMED OF ABOVE ACTION: SIGNATURE OF COMMANDING OFFICER

It has been explained to me and I understand that if I feel this imposition of nonjudicial punishment to be unjust or disproportionate to the offenses charged against me, I have the right to immediately appeal my conviction to the next higher authority within 15 days.

SIGNATURE OF ACCUSED DATE

I have explained the above rights of appeal to the accused.

SIGNATURE OF WITNESS _____ DATE _____

FINAL ADMINISTRATIVE ACTION

APPEAL SUBMITTED BY ACCUSED

DATED: _____

FORWARDED FOR DECISION ON_____

FINAL RESULT OF APPEAL:

APPROPRIATE ENTRIES MADE IN SERVICE RECORD AND PAY ACCOUNT ADJUSTED WHERE REQUIRED

DATE: _____ *(Initials)*

FILED IN UNIT PUNISHMENT BOOK:

DATE: _____ *(Initials)*

☆ U.S. Government Printing Office: 1985 583-006/11075

SUSPECT'S RIGHTS ACKNOWLEDGEMENT/STATEMENT (See JAGMAN 0170)

SUSPECT'S RIGHTS AND ACKNOWLEDGEMENT/STATEMENT

FULL NAME (ACCUSED/ SUSPECT)	SSN	RATE/RANK	SERVICE(BRANCH)
ACTIVITY/UNIT			DATE OF BIRTH
NAME INTERVIEWER)	SSN	RATE/RANK	SERVICE(BRANCH)
ORGANIZATION		BILLET	
LOCATION OF INTERVIEW		TIME	DATE

RIGHTS

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, he warned me that:

(1) I am suspected of having committed the following offense(s);_____

_____ ☐

I have the right to remain silent; ---------- ☐

(3) Any statement I do make may be used as evidence against me in trial by court-martial; ---------- ☐

(4) I have the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both; and- ☐

(5) I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview,- ---------- ☐

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that, ---------- ☐

(1) I expressly desire to waive my right to remain silent; ---------- ☐

(2) I expressly desire to make a statement; ------ ☐

(3) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to any questioning; ---------- ☐

(4) I expressly do not desire to have such a lawyer present with me during this interview; and ---------- ☐

(5) This acknowledgement and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me. ---------- ☐

SIGNATURE (ACCUSED/SUSPECT)	TIME	DATE
SIGNATURE (INTERVIEWER)	TIME	DATE
SIGNATURE (WITNESS)	TIME	DATE

01 FEB 1998

The statement which appears on this page (and the following _____ page(s), all of which are signed by me), is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

_____
SIGNATURE (ACCUSED/SUSPECT)

_____

_____

_____

01 FEB 1993

RECORD OF AUTHORIZATION FOR SEARCH (see JAGMAN 0170)

RECORD OF AUTHORIZATION FOR SEARCH

1. At _____ on _____ I was approached by _____
Time Date Name
in his capacity as _____ who having been first duly sworn,
Duty
advised me that he suspected _____ of _____
Name Offense
and requested permission to search his _____ for _____
Object or Place Items

2. The reasons given to me for suspecting the above named person were:

_____

_____

_____

_____

_____

_____

_____

3. After carefully weighing the foregoing information, I was of the belief that the crime of _____ [had been] [was being] [was about to be] committed, that _____ was the likely perpetrator thereof, that a search of the object or area stated above would probably produce the items stated and that such items were [the fruits of crime] [the instrumentalities of a crime] [contraband] [evidence].

4. I have therefore authorized _____ to search the place named for the property specified, and if the property be found there, to seize it.

_____
Grade Signature Title

_____
Date and Time

INSTRUCTIONS

1. Although the person bringing the information to the attention of the individual empowered to authorize the search will normally be one in the execution of investigative or police duties, such need not be the case. The information may come from one as a private individual.

2. Other than his own prior knowledge of facts relevant thereto, all information considered by the individual empowered to authorize a search on the issue of probable cause must be provided

under oath or affirmation. Accordingly, prior to receiving the information which purports to establish the requisite probable cause, the individual empowered to authorize the search will administer an oath to the person(s) providing the information. An example of an oath is as follows: Do you solemnly swear (or affirm) that the information you are about to provide is true to the best of your knowledge and belief, so help you God? (This requirement does not apply when all information considered by the individual empowered to authorize the search, other than his prior personal knowledge, consists of affidavits or other statements previously duly sworn to before another official empowered to administer oaths.)

3. The area or place to be searched must be specific, such as wall locker, wall locker and locker box, residence, or automobile.

4. A search may be authorized only for the seizure of certain classes of items: (1) fruits of a crime (the results of a crime such as stolen objects); (2) instrumentalities of a crime (example: search of an automobile for a crowbar used to force entrance into a building which was burglarized); (3) contraband (items, the mere possession of which is against the law--marijuana, etc.); or (4) evidence of crime (example: bloodstained clothing of an assault suspect).

5. Before authorizing a search, probable cause must exist. This means reliable information that would lead a reasonably prudent and cautious man to a natural belief that:

a. An offense probably is about to be, or has been committed;

b. Specific fruits or instrumentalities of the crime, contraband or evidence of the crime exist; and

c. Such fruits, instrumentalities, contraband, or evidence are probably in a certain place.

In arriving at the above determination it is generally permissible to rely on hearsay information, particularly if it is reasonably corroborated or has been verified in some substantial part by other facts or circumstances. However, unreliable hearsay cannot alone constitute probable cause, such as where the hearsay is several times removed from its source or the information is received from an anonymous telephone call. Hearsay information from an <u>informant</u> may be considered if the information is reasonably corroborated or has been verified in some substantial part by other facts, circumstances, or events. The mere opinion of another that probable cause exists is not sufficient; however, along with the pertinent facts, it may be considered in reaching the conclusion as to whether or not probable cause exists. If the information available does not satisfy the foregoing, additional investigation to produce the necessary information may be ordered.

CONSENT TO SEARCH (See JAGMAN 0170) 01 FEB 1993

CONSENT TO SEARCH

I, _____, have been advised that inquiry is being made in connection with _____ _____. I have been advised of my right not to consent to a search of [my person] [the premises mentioned below]. I hereby authorize _____ and _____, who [has] [have been] identified to me as _____ _____ to conduct a complete

Position(s)

search of my [person] [residence] [automobile] [wall locker] [_____] [_____] located at _____ _____.

I authorize the above listed personnel to take from the area searched any letters, papers, materials, or other property which they may desire. This search may be conducted on _____.

Date

This written permission is being given by me to the above named personnel voluntarily and without threats or promises of any kind.

_____

Signature

WITNESSES

_____

_____

A-1-o

Encl (4)

INSTRUCTIONS FOR THE USE AND PURPOSE OF THIS FORM ARE CONTAINED IN BUMEDINST 6120.20 SERIES.
THIS FORM SHALL NOT BE USED FOR PROCEDURES PERFORMED FOR CLINICAL OR THERAPY PURPOSES.

10 1 FEB '002

DEFINITION OF COMPETENCE FOR DUTY

FOR PERSONS IN THE NAVAL SERVICE: The ability to perform fully the naval duties to which the individual normally would be assigned. (Note: A person who has indulged in intoxicating beverages, narcotics or dangerous drugs to such an extent as to impair sensibly the rational and full exercise of his mental and physical faculties cannot be entrusted with the duties incident to naval service. The fact that the person is in a patient, leave, or liberty status is immaterial to the determination of his competence to perform his naval duties.)

FOR ALL OTHERS: The mental and physical ability to perform fully any task or service which the individual may normally be expected to perform.

INSTRUCTIONS

1. Items 1-12 shall be completed in duplicate by the commanding officer or other proper authority requesting examination.
2. Items 13-48 shall be completed by medical officer conducting examination. Under item 13, History, include information provided by examinee as to ingestion and quantity of alcoholic beverage, narcotic, drug substance, or food, and time taken. Note any evidence of disease or injury (other than the condition promoting this examination) in item 16.
3. When conducting an examination for competence for duty and individual is accused or suspected of an offense, comply with BuMedInst 6120.20 series.
4. All treatment provided at the time of examination shall be entered on form NAVMED 6150/3, Sick Call Treatment Record.

A. REQUEST FOR EXAMINATION

1. TO:	2. DATE	3. TIME *(Hours)*

It is requested that a physical examination be given the following individual to determine competence for duty.

4. NAME *(Last, first, middle)*	5. GRADE OR RATE	6. DUTY STATION

7. REASON FOR REFERRAL

☐ Check here if laboratory analysis is desired.

8. SIGNATURE *(Requester)*	9. GRADE OR RATE	10. TITLE
11. NAME OF REQUESTER *(Typewrite or print in ink)*		12. DUTY STATION

CLINICAL EXAMINATION

HISTORY

14. GENERAL APPEARANCE *(Include appearance of clothing)*	15. MENTAL STATE

16. DISEASES OR INJURIES *(Other than the condition prompting this examination, per inst. 2 above)*

17. TEMPERATURE	18. PULSE *(Rate and character)*
19. BLOOD PRESSURE	
20. FACE *(Flushed, pallid, cyanotic)*	21. TONGUE
	22. BREATH
23. SKIN *(Warm, cool, moist, dry, pale)*	24. SPEECH *(Thick, slurred, ability to repeat words such as Merciful, Pedestrain, Peter Piper)*
25. EYES *(Size of pupils, reaction to light, conjunctivae, etc.)*	

26. OTHER CONDITIONS		27. SAMPLE OF HANDWRITING
	VOMITING	
	INCONTINENCE OF URINE	
	INCONTINENCE OF FECES	

C. NEUROLOGICAL EXAMINATION

28. REFLEXES		29. COORDINATION	
	HYPERACTIVE	FINGER TO NOSE	ROMBERG TEST
	HYPOACTIVE	HEEL TO KNEE	
	TREMOR	ABILITY TO APPROACH AND PICK UP OBJECT FROM THE FLOOR	GAIT

D. LABORATORY EXAMINATIONS *(If requested in Part A):*

30. BLOOD ANALYSIS *(Name of test and results expressed as mgm per ml or in other standard units)*	31. TIME TAKEN (HOUR)	33. OTHER TESTS *(Gastric contents, urine, etc.)*	34. TIME TAKEN (HOUR)
	32. DATE		35. DATE

36. SPECIMEN OBTAINED BY *(Name of person)*	37. RESULTS VERIFIED BY *(Name of person)*

E. CONCLUSIONS AS TO COMPETENCE FOR DUTY

Check the applicable "YES" or "NO" box to indicate answer.	YES	NO
38. Is examinee competent to perform duty?		
39. Is examinee's condition due to disease or injury?		
40. Is examinee's condition due to the use of drugs or alcohol?		

If the answer to item 38 is NO, also answer items 39 and 40 and indicate in block 43 the approximate time examinee is expected to become competent to return to duty. If the answer to item 39 is YES, describe in block 16 DISEASES or INJURIES. If answer to item 40 is YES describe under block 42.

41. DISPOSITION:

☐ RETURNED TO FULL DUTY ☐ ADMITTED TO SICKLIST ☐ RELEASE TO CUSTODY OF *(Specify to whom)*

42. REMARKS *(All answers should be as brief as possible. Items requiring more space should be continued in this "Remarks" block. Specify item continued.)*

F. RESPONSE TO REQUESTER

In accordance with the request in Section A, the individual has been examined as set forth above to determine competence for duty.

A signed copy of this report is being inserted in the Health Record of the individual.

43. THE INDIVIDUAL

☐ HAS ☐ HAS NOT RECEIVED A COPY OF THIS REPORT.

44. SIGNATURE *(Examiner)*	45. GRADE OR RATE	46. DUTY STATION	47.
48. NAME *(Typewrite)*			TIME _____ DATE _____

TOXICOLOGICAL EXAMINATION - REQUEST AND REPORT

(Submit in Triplicate)

01 FEB 1993

TO:	FROM:

SECTION A - MEDICAL REPORT

(If examining physician is other than recording authority, his signature must appear on this medical report)

1. NAME OF PATIENT *(Last, first, middle initial)*	2. SERVICE NUMBER	3. AGE	4. SEX	5. RACE

EXAMINATION			9. TIME & DATE OF DEATH
6. HOUR	7. PLACE	8. DATE	

RECENT MEDICATION

10. PRESCRIBED OR ADMINISTERED

11. IN POSSESSION OF PATIENT

12. CONTAINERS FOUND IN PROXIMITY OF PATIENT

SPECIMEN COLLECTION	13. HOUR AND DATE

SPECIMEN	AMOUNT	PRESERVATIVE *(Freezing perferred)*
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		

22. SUMMARY OF EXAMINATION AND/OR AUTOPSY *(Include clinical history, any routine or special laboratory tests performed, and other pertinent information which may suggest drug or poison ingestion)*

23. DATE	24. NAME AND TITLE OF REQUESTER	25. SIGNATURE

DD FORM 1 JUN 60 1323 S/N 0102-LF-012-7800

SECTION B - CHAIN OF CUSTODY

(Each individual charged with custody of specimen must complete information below)

SIGNATURE	ORGANIZATION	HOUR	DATE	CONDITION OF SPECIMEN
26.				
27.				
28.				
29.				
30.				

SECTION C - TOXICOLOGY REPORT

31. LABORATORY	32. DATE	33. CASE NUMBER

LABORATORY ANALYSES	
34. GASES Hydrogen Cyanide; Carbon Monoxide	
35. VOLATILES Cyanide; Ether; Ethanol; Acetaldehyde; Methanol; Formaldehyde; Chloral Hydrate; Chloroform; Phenols and Cresols; Methyl Salicylate; Common Aromatic Hydrocarbons, (e.g. Benzene, Aniline, etc.)	
36. ACIDIC COMPOUNDS Barbiturates; Salicylates; Dicoumarol; Acetanilid; Phenacitin; Antipyrine; Tri- and Di-Hydric Phenols; Theophylline; Caffeine	
37. BASIC COMPOUNDS Alkaloids, Amphoteric Alkaloids, (i.e. Morphine and Morphine Derivatives); Antihistaminics; Tranquilizers	
38. METALS AND METALLOIDS Antimony; Lead; Mercury; Silver; Bismuth; Arsenic	
39. CORROSIVES Sulfuric; Hydrochloric and Nitric Acids Sodium and Potassium Hydroxides and Carbonates	
40. INORGANIC NONMETALLIC COMPOUNDS Bromides, Fluorides, Borates	
41. SPECIAL ANALYSES Any analyses not included above which are specifically requested or warranted by case history	

42. REMARKS

43. DATE COMPLETED	44. TOXICOLOGIST	45. OFFICER-IN-CHARGE

☆ U.S. Government Printing Office: 1982 583-004/1096