OFFICERS ADVANCED TRAINING SCHOOL

25A5

PRECIS: ARREST AND CUSTODY

Appendix: Specimen orders for Escorts of Officers in Close Arrest.

References:-M.A.F.L. - A.F.A. Sects. 4 - 41 and 45.
K.R. Chap. XV. Sect. 11.
A.P. 837, Sect. 23.

Introduction to Air Force Law.

1. Service personnel remain citizens of country subject to civil laws; in addition have to observe special Service code contained in:-

(a) Air Force Act (A.F.A. found in M.A.F.L.)
(b) Rules of Procedure (R.P. " " " )
(c) King's Regulations and Air Council Instructions (K.R.)
(d) Other orders issued by formations, e.g., A.M.Os., C.R.Os., G.R.Os., S.R.Os.

2. All officers should know their way about M.A.F.L. which is divided broadly into:-

(a) Introductory chapters, explaining A.F.A. and R.P.
(b) A.F.A.
(c) R.P.
(d) Miscellaneous Acts and Regulations.

3. Service offences are contained in A.F.A. Sects. 4 - 40. By Sect. 41, every offence against civil law is also made a Service offence.

4. A.F.A. not only lists offences, but contains provisions safeguarding the rights of the individual. The duty of every commander to ensure those rights safeguarded, (see para. 25 below).

Arrest - General

5. Two kinds of arrest: CLOSE AND OPEN. Close arrest, involving greater restrictions on liberty of accused, reserved for most serious offences.

6. Close arrest for officers, W.Os. and N.C.Os. means accused confined to his room with escort of same rank; for aircraftmen, confinement in Guard Detention Room. Accused to be deprived of firearms and potential weapons.

7. Open arrest means accused confined within station boundaries WITHOUT ESCORT.

8. Accused in close arrest not required to perform ordinary duties except in emergency; in open arrest carries out such duties as C.O. considers advisable, but should not normally be sent on operations.

9. Accused in close or open arrest relinquishes acting rank if he ceases to perform acting rank duties, but, if acquitted or case not proceeded with, may recover acting rank retrospectively.

Arrest - who can order

10. An officer, W.O. or N.C.O. can order arrest of any person of inferior rank. Nature of arrest, i.e. close or open, to be specified at time of ordering. Person ordering arrest should avoid contact with offender.

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Arrest of an Officer

11. C.O. does not normally place officer in arrest until satisfied it will be necessary to proceed with case. If charge preferred, must be placed in arrest. Adjutant normally carries out arrest, handing him written notice of arrest specifying type and copy of charge. Notification to A.O.C. and A.M.

12. Close arrest - confined to his room with escort of same rank, Exercise taken with escort as laid down by M.O. Arrangements should include:-

(a) Detailing of escort by roster.
(b) Written orders for escort (See Appendix to this precis)
(c) Three copies of charge (for accused, escort and file).

Open Arrest - No Escort.

13. Accused restricted in following ways :-

(a) Normally to remain within station boundaries.
(b) Not to use Mess.
(c) Not to attend entertainments or public assemblies.

Arrest of W.O. or N.C.O.

14. If offence not serious, need not be placed in arrest.

15. Close arrest - confined to quarters with escort of same rank. Charge preferred in writing on charge Form 252 and details entered on Guard Report F. 160. Written orders for escort.

16. Open arrest - NO ESCORT. Confined within station boundaries. Guard Room informed. W.O. not to use Sergeants' Mess; F/Sgt. and Sgt. may have meals in mess, but not use liquor bar; Cpls. not to use Corporals' Room or liquor bar.

Arrest of Aircraftman

17. Should not be placed in close arrest unless offence accompanied by drunkenness, violence, insubordination or necessary to prevent escape or maintain discipline. Need not be placed in arrest at all if charge not serious.

18. Close arrest - confined in Guard Room. Written charge on F. 252 and details entered on Guard Report F. 160.

19. Open arrest - confined within station boundaries. Usually ordered to report to Guard Room at fixed times. Must not enter liquor bar of institute.

Arrest of W.A.A.F. Personnel

20. Provisions described above apply generally in case of W.A.A.F. personnel, with following exceptions:-

(a) Airwomen in close arrest not to be detained in R.A.F. Guard Room.
(b) Escort or Guard must be W.A.A.F. personnel.

For full explanation of powers of arrest by and over W.A.A.F. personnel see A. 421/44.

Arrest in case of Drunkenness

21. Aircraftman who is drunk is to be placed in close arrest, alone, in Guard Detention Room. No tests to be given. M.O. to be called only

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if offender appears ill or injured, or asks to see him on these grounds. Charge not be heard until accused sober.

(See M.A.F.L. Ch. III Paras. 42 to 45.).

Airmen's Possible loss of Pay when in Close Arrest

22. Airman loses pay for every day in close arrest if:-

(a) Convicted by Court Martial or civil court.
(b) Awarded detention by C.O. for absence without leave. (K.R. 3470 (1) (d))

Delivery of Charge against airman in Close Arrest

23. If airman placed in close arrest written charge on F. 252 to be sent to Guard Room forthwith.

Framing of charges

24. Charge to be framed in simple language showing what accused did or omitted to do. (A.F. 837 para. 1655).

Examples:-

(a) W.O.A.S. Absent without leave from 00.01 hours on 1st June, 1944 to 1701 hours on 3rd June, 1944. Absent 2 days 17 hours.
(b) W.O.A.S. Not leaving the Institute when ordered by 1234567 Cpl. Jones H., to do so.
(c) W.O.A.S. Unshaven on 0830 hours working parade.
(d) W.O.A.S. Being in improper possession of one pair of boots belonging to 1313131 L.A.C. Smith, T.
(e) W.O.A.S. Having an untidy kit on C.O's. inspection.
(f) W.O.A.S. Being out of bounds in the W.A.A.F. lines contrary to Station Standing Orders Pt. 1, No. 28.

Redress of Wrongs

25. Every officer and airman has right to apply for redress of wrong - officers under A.F.A. Sec. 42, airmen under Sec. 43. Commanders are responsible for ensuring that correct procedure followed and that proper system exists in units for such applications to receive appropriate treatment. Necessity for this emphasised strongly in A.M.O. A.1116/42.

Full instructions contained in K.R. 1081 & 1081A (A.L. 131)

Amendments to this Precis

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APPENDIX TO
PRECIS OF LECTURE ON
ARREST AND CUSTODY

## SPECIMEN ORDERS FOR ESCORTS OF OFFICERS IN CLOSE ARREST

1. Your duty is in no circumstances to be relinquished until you are relieved by the officer next detailed for duty.

2. You are personally responsible for the safe keeping of the officer under arrest (hereinafter called the accused) and are to remain with him at all times until relieved. You are not to release the accused from close arrest, or vary the terms of these orders except on written authority from the Station Commander or the Station Adjutant.

3. You are to ensure that the accused does not leave his quarters except to take exercise at hours which will be prescribed by the Medical Officer. You are to accompany the accused when at exercise, which is to be taken only between the Officers' Mess building and ..... You are to see that the accused is properly dressed when outside his quarters.

4. You are to hand these orders and the attached copy of the charge, to the officer who relieves you.

5. You are warned that to permit the accused to escape renders you liable to prosecution under Section 20 (2) of the Air Force Act.

6. You are to search the accused and his room for weapons or potential weapons and remove them.

7. You are not to permit the accused to consume any alcoholic liquor.

8. The accused is not to speak to any person other than yourself, the Chaplain of his denomination, the Medical Officer, any officer detailed as Defending Officer, Defending Counsel, friend of accused and any of his witnesses.

9. You are to remember that, although the accused is under arrest, he is presumed innocent until proved guilty, and this must govern your attitude to him. Conversation regarding the alleged offence is to be avoided.

Amendments to this Appendix

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OFFICERS ADVANCED TRAINING SCHOOL

ARREST AND CUSTODY - QUESTIONS

1. What is the difference between open and close arrest? Restrictions

2. An Acting F/Lt. is placed in arrest. Will he lose his acting rank if arrest is (a) close? (b) open? YES YES if ceases to do duty

3. Whom may an officer order into arrest ? Junior Ranks & Airmen

4. What precautions should an officer, W.O. or N.C.O. take when placing an airman in close arrest ? Award Colonel

5. If an officer is placed in arrest, what higher authority must be notified? A.O.C. R.M.

6. What happens to an officer placed in :-
(a) open arrest, (b) close arrest?

7. How would you ensure that an escort knows his duties ? Written orders

8. What is the difference between close and open arrest for W.Os? as for officer

9. When should an aircraftman be placed in close arrest ? Drunkenness Insubordination Violence Safety/Discipline

10. What happens to an aircraftman placed in:-
(a) open arrest (b) close arrest ?

11. Can an A.C. have a drink in the N.A.A.F.I. when in:-
(a) open arrest (b) close arrest ?

12. (a) Can an officer in open arrest have a meal in the mess ? NO
(b) Can an officer in open arrest play a game of cricket ? NO
(c) Can a W.O. in open arrest have a drink in Sgts. Mess ? NO
(d) Can a Cpl. in open arrest be detailed as Duty N.C.O. ? YES

13. What is the difference between close arrest for N.C.Os. and aircraftmen ? Confined to Barracks Except for N.C.O. Guard YES

14. Must arrest be ordered if :- (a) an officer is charged: (b) a N.C.O. is charged : (c) an aircraftman is charged ? NO No

15. What special precautions should be taken in the case of an airman placed in close arrest for drunkenness ? Cotman Watch, no if removed (in any case)

16. May an airman suspected of being drunk be put through any tests ? No

17. When should the M.O. be called to examine an airman suspected of being drunk ? If question of illness

18. Will an airman lose pay for the days spent in close arrest if he is (a) acquitted (b) convicted by C.M. (c) awarded 14 days detention by his C.O. for absence without leave, (d) awarded 14 days detention by his C.O. for improper possession ? No

19. If an officer, W.O. or N.C.O. orders an aircraftman into close arrest, what action must be taken to charge him ? Under K.R. and Regns. 252. 160 B. Layout

20. Is it legal to place a R.A.F. officer who is an English peer in R.A.F. arrest ? YES

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