

MILPERSMAN 1600-020

APPREHENSION OF ABSENTEES AND DESERTERS

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References	(a) 10 U.S.C. Chapter 47, Uniform Code of Military Justice (UCMJ)
	(b) NAVSO P-6064, Manual for Courts-Martial (MCM)

1. Policy

a. Responsibility for coordinating apprehension and return of unauthorized absentees normally rests with the member's commanding officer (CO). Units may request assistance directly from:

Navy Absentee Collection and Information Center (NACIC) 5720 Integrity Drive Millington, TN 38054-5028 1-877-663-6772
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b. Responsibility for accurate declaration of Navy deserters rests primarily with member's CO. NACIC is responsible for coordinating apprehension and return of Navy deserters from civil law enforcement authorities.

NOTE: Naval activities will not apprehend, collect, or transport Navy deserters, and will not facilitate release of Navy deserters from civil authorities, unless authorized by NACIC.

2. NACIC. Managed by Navy Personnel Command (NAVPERSCOM), Corrections and Programs Office (PERS-00D1), NACIC operates 24 hours a day. Responsibilities include control, accounting, and dissemination of information concerning members classified as deserters, providing timely and complete deserter information to civil law enforcement agencies, and initiating the return of deserters apprehended by civil authorities. NACIC is the only entry point of warrants for desertion into the Federal Bureau of

Investigation, National Crime Information Center's "wanted persons" file.

3. **Rules for Apprehension**

a. Naval personnel will not normally apprehend suspected absentees and deserters outside confines of military installations.

b. Members of the Armed Forces may only apprehend absentees and deserters under circumstances prescribed by article 7(b) of reference (a) and rules for court martial (RCM) 302(b) of reference (b).

c. Any civilian officer having authority to apprehend offenders under laws of the United States, or of a state, territory, commonwealth, possession, or the District of Columbia, is authorized to apprehend deserters from the Armed Forces and deliver them to custody of those forces. This authority is derived from article 8 of reference (a) and RCM 302(b) of reference (b).

d. United States authorities may apprehend absentees and deserters in foreign countries only when authorized by an international agreement with local authorities, or when such apprehension is within purview of an existing international agreement. In the latter case, possible international implications and adverse foreign reactions must be given careful consideration. Outside jurisdiction of the United States, major commands will take such initial actions as the local situation may warrant (within primacy of international agreements) to secure cooperation in apprehending absentees and deserters.

4. **Command Actions**. Commands are responsible for monitoring a member's status while confined by civil authorities or hospitalized. Absentees will not be declared deserters when circumstances surrounding absence are beyond their control, such as:

- a. Civil arrest and confinement;
- b. Hospitalization; or
- c. Other unusual circumstances determined to be unintentional.

5. **Military Attachés or Mission Chiefs.** Military attachés or mission chiefs in foreign countries will not accept the surrender of a deserter or absentee and return them to military control, unless the United States is directly responsible for the presence of that member in the country where assistance is requested. Normally, such deserters and absentees will be advised to report (at their own expense) to a proper United States military installation within United States or overseas. Unless they are citizens of the country in which assistance is requested, absentees and deserters will be reported to authorities of such foreign countries with a view towards deportation. If a Service member is known to have departed a foreign country or is deported, the military attaché or mission chief will make arrangements to have the member taken into custody upon arrival within a territory where United States military officers have the authority to apprehend.