

**8 SEPTEMBER 1993**



**Law**

**MAKING MILITARY PERSONNEL,  
EMPLOYEES, AND DEPENDENTS  
AVAILABLE TO CIVILIAN AUTHORITIES**

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1. The Air Force demonstrates its full support of civil legal authorities by ensuring Air Force military and civilian personnel and dependents do not use military assignments to avoid valid orders of civilian courts. This directive establishes policies for personnel who cooperate with civil legal authorities in enforcing court orders relating to military and civilian personnel and dependents.
2. Requests by Federal authorities for members stationed within the United States will normally be granted when a warrant has been issued pursuant to Rule 4 of the Federal Rules of Criminal Procedure. Requests by state authorities for members located in that state will normally be granted when the state produces documents preferring charges.
  - 2.1. Military members will not be transferred from a base within one state to a base within another state for purposes of making them amenable to prosecution by civil authorities.
3. Members stationed outside the United States will be expeditiously returned to requesting authorities in cases where the member is convicted or charged with a felony or other serious offense (punishable by confinement for more than 1 year) or is sought in connection with unlawful or contemptuous taking of a child from the jurisdiction of a court or from the lawful custody of another, unless noncompliance is legally justified.
4. Commanders ordinarily do not have authority to compel civilian compliance with court orders, but they will strongly encourage civilians associated with their organizations to comply with valid orders of Federal and state courts, to include the use of adverse administrative actions against civilian employees, and withholding of official sponsorship, where appropriate.
5. A member subject to the Uniform Code of Military Justice (UCMJ) may be placed under restraint by military authorities pending delivery to state or Federal authorities. Restraint may be imposed upon receipt of information establishing probable cause that the member committed an offense, and upon reasonable belief that the restraint is necessary. Restraint may continue only so long as necessary to effect delivery.

6. This directive establishes the following responsibilities and authorities:
  - 6.1. Commanders will respond promptly to requests from civil authorities for assistance. A commander exercising general court-martial jurisdiction, or an installation commander when authorized by the officer exercising general court-martial jurisdiction, may authorize delivery of a member of his or her command to Federal or state civil authorities.
  - 6.2. The Assistant Secretary of Defense (Force Management and Personnel) (ASD FM) is the denial authority for all requests in cases described in paragraph 3.
  - 6.3. The Judge Advocate General (TJAG) is the approval authority for requests in cases described in paragraph 3., and may recommend denial. TJAG may approve or deny requests for return of Air Force members from overseas for offenses which do not fit the criteria of paragraph 3., upon a determination by TJAG that the best interests of the Air Force require it. TJAG may also approve a delay of up to 90 days to complete action on any request to return a member from overseas.
  - 6.4. The Air Force Legal Services Agency, Military Justice Division (AFLSA/JAJM), is responsible for timely processing of requests for the return of members to the United States for delivery to civilian authorities.
7. This directive applies to all Air Force military personnel, including reserve members while on active or inactive duty training and Air National Guard members while in Federal status, all Department of the Air Force civilian employees (including nonappropriated fund employees), and all dependents.
  - 7.1. Nothing in this policy directive confers any rights, benefits, privileges, or form of due process procedure on any individual nor does it create any obligations for the United States, the Department of Defense (DoD), or the US Air Force.
8. This directive implements national policies contained in Article 14, UCMJ (Title 10, United States Code, Section 814); Public Law 100-456, Section 721(a); *The Interstate Detainers Act*, 18 U.S.C. App. Section 1 et seq.; DoD Directive 5525.9, *Compliance of DoD Members, Employees, and Family Members Outside the United States With Court Orders*, December 27, 1988, with Change 1.
9. This policy directive interfaces with AFI 34-301, *NAF Personnel Management* (formerly AFRs 40-7 and 215-41); AFI 36-703, *Civilian Conduct and Responsibility* (formerly AFR 40-735); AFI 36-704, *Discipline and Adverse Actions* (formerly AFR 40-750); AFI 51-201, *Military Justice Guide* (formerly AFRs 111-1, 111-2, 111-3, 111-5, 111-7, and 111-17); and AFR 147-14, *Army and Air Force Exchange Service (AAFES) Operating Policies (Joint Departmental Publication)*.

DAVID C. MOREHOUSE, Maj General, USAF  
The Judge Advocate General

## Attachment 1

### MEASURING AND DISPLAYING COMPLIANCE WITH POLICY

**A1.1.** Compliance with the policy of making Air Force members stationed overseas available to civil authorities, will be assessed by comparing the number of requests which are received from state and Federal authorities, for return of Air Force members from locations overseas for civil court actions, to the number of these requests approved by the Air Force, on an annual basis (**Figure A1.1**).

**Figure A1.1. Sample Metric of Requests for Return of Members.**

