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POWERS OF ARREST, CIVIL POLICE
MAR. 1944 - JAN. 1945

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POWERS OF ARREST - CIVIL POLICE

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THIS FOLDER
CONTAINS PAPERS
ON MAR 44
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CATALOGUE

MINUTE SHEET.

RESTRICTED

HEADQUARTERS
MEDITERRANEAN THEATER OF OPERATIONS
UNITED STATES ARMY
APO 512

CIRCULAR) HEADQUARTERS, 2675TH REGT. AC (OVHD)
NUMBER 9) Distributed by this Headquarters for 16 January 1945
Information, Guidance, and Compliance.

OFFENSES, CONFINEMENT AND COURTS-MARTIAL

Absence Without Leave and Desertion I
Confinement, Processing, Disposition and Restoration to Duty II
Courts-Martial III

Circular Number 36; Circular Number 66; Section I, Circular Number 107;
Section II, Circular Number 114; Section III, Circular Number 120 and Section
II, Circular Number 125, all this headquarters, 1944, are rescinded and the
following substituted therefor:

I -- ABSENCE WITHOUT LEAVE AND DESERTION

1. General - The provisions of AR 615-300, 25 March 1944, and AR 605-300,
14 September 1944, are applicable in this theater except as herein modified.

a. Responsibility of Commanders - The prevention of absence without
leave is one of the attributes of a successful commander and non-prevention is
a reflection on leadership. Commanders with any considerable number of person-
nel in confinement for AWOL or desertion must be regarded as being deficient
in those qualities of leadership expected of a commanding officer. Inspector
General reports will include analysis of confinements and causes therefor.

b. Status of Absentees and Deserters - An individual will not be
dropped from the rolls of his organization as a deserter except upon conviction
of desertion by a court-martial. An individual will be dropped from the rolls
of his organization as an absentee:

- (1) After absence of one (1) month.
- (2) Upon inactivation of his unit.

c. An individual AWOL will not be transferred, ^{FROM} ~~except upon inactivation~~
~~of his unit.~~ AMENDED PAR 1 CIR 26

d. A general prisoner restored to duty will not be ~~assigned~~ ^{reassigned} to his
former division or corresponding Air Corps unit. A garrison prisoner, when
eligible for release to duty, will be returned or reassigned to his former unit,
or to the same type unit if his unit has been inactivated or departed from this
theater.

2. Absence without Leave - Procedure

a. Responsibility of Unit Commanders for Reporting Absence Without
Leave of Individuals

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Hq MTOUSA Circular #9 (cont'd)

- (1) The commander of any installation at which an individual is physically present, regardless of status thereof (assigned, attached, or attached-unassigned), and who subsequently goes AWOL from that installation, is responsible for rendering reports required by paragraph 2b of this circular. In addition, copies of these reports will be furnished to his parent or former assigned unit.
- (2) The commander of a unit to which an individual is shipped under orders (transfer to new unit; return to unit from hospital, replacement depot or stockade; or other transfer involving movement of individual) will report to the shipping unit, after reasonable travel time, the individual's failure to join. If the fact of AWOL while enroute to join is determined, the unit to which shipped will promptly prepare reports required by paragraph 2b, this circular.
- (3) Failure to comply promptly with the above responsibilities causes additional administration in determining the individual's status, and in preparing court-martial charges.

b. Immediately upon the establishment of an absence the individual's commanding officer will:

- (1) Make appropriate entry on Morning Report and prepare and certify an Extract copy of Morning Report (WD AGO Form No. 44).
- (2) Prepare and dispatch one (1) copy each of WD AGO Form No. 45 (Descriptive List of Absentee Wanted by the United States Army) to the following:
 - (a) Provost Marshal General, MTOUSA, APO 512.
 - (b) Provost Marshal of the major command to which the unit is assigned.
 - (c) Provost Marshal of the base section in which the reporting unit is located.
 - (d) and, in the case of officers only, also to the Adjutant General, Washington 25, D.C., and this Headquarters
- (3) Conduct a thorough investigation concerning probable cause or motive for absence. Evidence as to intent not to return, to avoid hazardous duty or shirk important service, the names, addresses and testimony of witnesses and any other pertinent information available will be recorded in the investigation and filed with the records of the absentee for future use.

3. Records

- a. The records listed below will be forwarded to this headquarters in the following cases:

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WD AGO Circular #2 (cont'd)

(1) Upon the lapse of sixty (60) days after an individual is dropped from the organization rolls as an absentee, or ninety (90) days after initial date of absence, (see paragraph 1b (1)).

(2) Immediately prior to the departure of an individual's unit from this theater.

in 1 (1) & 2
amended (3) *immediately*
Upon inactivation of ~~the~~ unit if ninety (90) days absence has ~~lapsed~~.

b. The records listed below will be forwarded to the individual's new unit upon inactivation of ~~the~~ unit if ninety (90) days absence has lapsed.

ENLISTED MEN

amended 12/16/26
Service Record - indorsed to The Adjutant General, Washington, 25, D.C.
Individual Clothing Record, showing clothing for which the absentee is still responsible.
Qualification Card (WD AGO Form No. 20).
Certified Extract copy of Morning Report (WD AGO Form No. 44) showing change of status to AWOL.
Soldier's Deposit Book (WD Form 33).
Evidence bearing on the case (see paragraph 2b (3)).
List of agencies notified of the absence on WD AGO Form No. 45 (see paragraph 2b (2)).
Copies of each request for discontinuance of allotments and any acknowledgments thereof which have been received (see paragraph 4).
Statement of Charges.

OFFICERS

WD AGO Form No. 56-1, 56-2 or 56-3 (Officers' and Warrant Officers' Qualification Cards).
Certified Extract copy of Morning Report (WD AGO Form No. 44) showing change of status to AWOL.
Evidence bearing on the case (see paragraph 2b (3)).
List of agencies notified of the absence on WD AGO Form No. 45 (see paragraph 2b (2)).
Copies of each request for discontinuance of allotments and any acknowledgments thereof which have been received. (see paragraph 4).
Copy of notice to disbursing officer (see paragraph 5c, (1), AR 305-300, 14 September 1944).
Copy of inventory of personal property (see paragraphs 2 **2783** AR 605-300 and paragraph 5, this circular).

4. Discontinuance of Allotments and Family Allowances (Class "F")
Regulation - At the expiration of 15 days absence, request for discontinuance of allotments will be made in accordance with paragraph 22: (7) and 24b, AR 35-5520, 30 September 1944, with the exception of Family Allowances for enlisted men. Request for discontinuance of Family Allowances will be made at the expiration of ninety (90) days absence and prior to submission of service records and allied papers to this headquarters. (see paragraph 15b, AR 35-5520, 5 January 1944).

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Hq INTCUSA Circular #9 (cont'd)

5. Effects - Public property will revert to the unit supply section and the individual will be duly credited. Personal effects will be listed and forwarded to the base section quartermaster serving the area in which the unit is located, where they will be retained for one (1) year in the case of enlisted men and for six (6) months in the case of officers, unless return to military control is effected within that period. In the event of return to military control within the specified time, the effects will be dispatched to the absentee. If not, the base section quartermaster will dispose of the effects as prescribed in AR 615-300 or 605-300, whichever is applicable.

6. Return to Military Control

a. The commander of any organization to which an absentee is returned to military control will immediately inform the provost marshal of the base section within which such organization is located, who will assume custody of the absentee.

b. The base section provost marshal receiving the absentee will:

(1) Immediately prepare a report containing the following information, furnishing copies to the Adjutant General, this headquarters, and, if known, to the absentee's unit and major command to which the absentee's unit is assigned, and to the quartermaster and provost marshal of the base section in which the absentee's unit is located:

- (a) Name, rank, ASN, and organization of the absentee.
- (b) Unit to which absentee returned to military control, and place, date and time of return.
- (c) Disposition being made of absentee.

(2) Immediately transfer the absentee to the custody of the provost marshal of the base section within which absentee's unit is located provided such unit has not departed this theater. The provost marshal concerned will be responsible that the absentee is returned to his organization for trial or other disposition. If absentee's unit has departed from this theater, is unknown, or has been inactivated, the absentee will be retained pending disposition instructions from this headquarters.

c. Reports - When an absentee has been returned to his organization, his commanding officer will immediately prepare WD AGO Form 46 (Report of Return of Absentee from the United States Army) and furnish copies to all agencies who were notified of his absence (see paragraph 2b (2)).

d. Trial - Absentees should normally be tried for AWOL rather than for desertion as the limitations on punishment for AWOL have been removed by Executive Order.

II - CONFIRMATION, PROCESSING, DISPOSITION AND RESTORATION TO DUTY7. a. General

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Hq HROUSA Circular #9, (cont'd)

- (1) Confinement, except as a matter of temporary restraint, should not be resorted to for offenses other than those of a highly serious nature, until all other methods of making a disciplined soldier have failed. A confined soldier is as much an "ineffective" soldier as one wounded in action. Soldiers will be instructed that conduct leading to confinement results in immobilizing a soldier as well as those guarding and administering him, thereby directly contributing to the enemy cause.
- (2) Soldiers in confinement for even brief periods are necessarily removed from training with their units. Commanders exercising courts-martial jurisdiction are, therefore, directed to make full use of suspension of the confinement provisions of sentences.
- (3) Where a person subject to military law is charged with a capital offense and has not been brought to trial at the time his unit departs from this theater, the individual will be:
 - (a) Taken with his unit if material witnesses essential to proof of charges accompany unit.
 - (b) Turned over to the custody of the provost marshal of the base section concerned if material witnesses essential to proof of charges do not accompany unit and will be available at the time of trial. Charges and the names and expected testimony of all witnesses will be furnished to such provost marshal at the time the prisoner is delivered. Provost marshals receiving prisoners pursuant to this paragraph will immediately report each case to this headquarters.
- (4) In designating a disciplinary barracks in the United States as the place for confining general prisoners, the commander exercising general courts-martial jurisdiction within this theater will designate the "Eastern Branch, United States Disciplinary Barracks, Greenhaven, New York."
- (5) Civil police and civil law enforcement agencies are authorized to arrest members of the United States Army Forces for such offenses that would warrant their arrest were they civilians. The persons so arrested will be delivered promptly to the appropriate military authority, with information of the circumstances causing the arrest. Proper respect toward the civil police in the exercise of their duties will be observed by military personnel at all times.

b. Stockades for Garrison Prisoners

- (1) Base section, air force and army commanders will establish stockades as required within their areas of control for the confinement of garrison prisoners.

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Hq MTOUSA Circular #9 (cont'd)

- (2) In addition, base section commanders will accept for confinement as garrison prisoners, American personnel of:

- (a) Headquarters Command, Allied Force.
- (b) Replacement Command, MTOUSA, and units thereof.
- (c) Military Railway Service, Italy, and units thereof.
- (d) 15th Army Group.

- (3) Above units are responsible for transporting their garrison prisoners to and from base section stockades.

8. MTOUSA Disciplinary Training Center for General Prisoners

a. The MTOUSA Disciplinary Training Center is under the operational control of this headquarters. *Subs. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 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designated as the place of confinement for general prisoners whose dishonorable discharge is:

- (1) Suspended by the reviewing or confirming authority.
- (2) Not suspended and the Eastern Branch, United States Disciplinary Barracks, Greenhaven, New York, or a Federal penal institution has been designated as the place of confinement. In these cases, the general court-martial order will also state that: "The accused will be confined in MTOUSA Disciplinary Training Center pending further orders."

b. Commanders exercising general courts-martial jurisdiction will deliver all such general prisoners to this Center. If this action is impracticable due to military requirements, the prisoners may be delivered to the nearest base section stockade for transshipment to MTOUSA Disciplinary Training Center.

c. Purpose of and Regulations Governing MTOUSA Disciplinary Training Center.

- (1) Objective - The purpose of the Disciplinary Training Center is the disciplining and training of the individual prisoner undergoing sentence of confinement, to the end that each prisoner be restored to duty among his comrades as a self-respecting, well-disciplined, better-trained soldier, useful to the military service.

- (2) Administration

- (a) The administration of the Disciplinary Training Center shall be conducted in accordance with AR's 600-395 and 600-375 (so far as applicable), War Department policies, and the policies and directives from this headquarters.

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Hq MTOUSA Circular #9 (cont'd)

- (b) In applying the provisions of AR's 600-375 and 600-395, the Commandant is the Commanding Officer of the 6677th Disciplinary Training Company. Full responsibility for the security, management and rehabilitation of all prisoners is vested in the Commandant, who may supplement the regulations as he may deem appropriate provided such supplementary instructions are formulated in accordance with these regulations and with well established principles of security, discipline, sanitation, efficiency and humanity.

See Part II
 (3) *AR 32 added - also (4) added*
Procedure for Admittance

- (a) The records of the prisoner will be indorsed to Commanding Officer, 6677th Disciplinary Training Company, and will accompany the prisoner who will be transferred thereto in an "attached unassigned" status, quoting the general court-martial orders as authority. Proper morning report entry will be made in accordance with AR 345-400. The Commanding Officer, Peninsular Base Section, will be notified of the time the prisoner will be sent to the MTOUSA Disciplinary Training Center.
- (b) Records of the prisoner will be forwarded as shown in paragraph 16c, AR 600-375, except that ten (10) copies of the general court-martial order and the MD Form 78 (Syphilis Register), when applicable, will be included.

(4) Classification

- (a) Prisoners will be classified at time of commitment as follows and will be kept separated:
1. General - Class D - general prisoners convicted of murder, manslaughter, arson, robbery, rape, sodomy, mayhem, and larceny of property of more than \$50.00 in value, or of any of the offenses denounced in Articles of War 75-82 inclusive.
 2. General - Class A - all other general prisoners.

(5) Disciplinary Training Companies

- (a) Upon commitment, a prisoner will be assigned by name to a disciplinary training company, based on his classification, for discipline and training.
- (b) Disciplinary training companies will be trained, armed and equipped as Infantry. The course of instruction will include, insofar as equipment and facilities permit, the subjects covered in MTP for Infantry (basic).

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HQ MTOUSA Circular #9 (cont'd)

(c) A minimum of thirty (30) hours per week will be devoted to training and instructions.

(d) Prisoners will wear the service uniform while undergoing instruction and training.

(6) Employment - Prisoners at the MTOUSA Disciplinary Training Center will ordinarily be assigned work necessary for the maintenance, operation, cleanliness and improvement of the Training Center only. They may be assigned other tasks provided there is no infringement on the number of training hours prescribed. Exceptions to this policy will be made only on the approval of the commander charged with the operations of the Disciplinary Training Center.

9. Release from Confinement - No prisoner will be released from confinement until his sentence has expired or he is ordered restored to duty by proper authority.

10. Restoration to Duty

a. The primary purpose of confinement in MTOUSA Disciplinary Training Center under an unexecuted sentence to dishonorable discharge is to enable the soldier to be rehabilitated and returned to an honorable active duty status. This course is necessary to conserve and employ available manpower to the fullest extent. The length of confinement of a soldier necessary to reach that point of rehabilitation warranting release will be determined by the Commanding Officer, Peninsular Base Section. When he acts to release a soldier, the basis upon which he acts is one of discretion no matter for what period of time the soldier is sentenced to confinement. He will give very careful consideration to each case before returning the individual to a duty status. In no case will the Commanding Officer, Peninsular Base Section, permit a soldier to remain in confinement for a period in excess of six (6) months without considering him for return to a duty status.

b. The restoration is accomplished by suspending the execution of the unexecuted portion of the sentence and assigning the soldier to a Replacement Depot, preferably for further assignment to the same type of unit to which the individual was formerly assigned.

c. The sentence so suspended would normally remain suspended during the whole of the soldier's service. However, company and similar unit commanders will, at the expiration of six (6) months from date of restoration to duty, recommend to the officer exercising general courts-martial jurisdiction over his unit, that the suspended sentence be remitted, provided the soldier has demonstrated his fitness for complete restoration. As a reward for bravery or exceptional service, a unit commander may at any time after a general prisoner has been restored to duty under a suspended sentence, recommend that the sentence be remitted without regard to the six (6) months period.

11. Disposition of Officers under Approved Sentence of Dismissal

a. When an officer exercising general courts-martial jurisdiction has

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approved a sentence of dismissal and confinement in an officer's case and has transmitted the record of trial under AW 48 for action by the confirming authority, he will reassign the officer immediately to the nearest base section stockade at which place he will be reassigned and forwarded to HTOUSA Disciplinary Training Center. Where the approved sentence is one of dismissal only, and the convening authority has transmitted the record of trial under AW 48 for action by the confirming authority, the commanding officer concerned will transfer the officer immediately to the 7th Replacement Depot. In either case, both this headquarters and the commanding officer of the installation to which the officer is transferred will be advised of the transfer and the reason therefor.

b. Upon arrival of an officer sentenced to dismissal and confinement at HTOUSA Disciplinary Training Center, the Commandant thereof will immediately notify the commander of the base section in which the HTOUSA Disciplinary Training Center is located. Upon arrival of an officer sentenced to dismissal only at the 7th Replacement Depot, the commanding officer thereof will immediately notify the Commanding General, Replacement Command.

c. Upon receipt of notification from the HTOUSA Disciplinary Training Center or 7th Replacement Depot, described in "b" above, the base section commander or Commanding General, Replacement Command, as the case may be, will immediately notify the Theater Judge Advocate, Headquarters HTOUSA, APO 512, by cable direct, that the officer referred to in "a" above is at the installation concerned.

III- COURTS-MARTIAL12. Instructionsa. General

- (1) A Manual for Courts-Martial, 1928, as amended, should be readily available for reference at all headquarters down to and including those of companies and detachments. (If not so available, requests therefor will be submitted to the nearest base section).
- (2) The Manual for Courts-Martial, 1928, and these instructions should be consulted in the processing of court-martial charges. Appropriate forms contained in the **2700** of the manual will be followed.

b. Articles of War 104 - Not all offenses for which court-martial may be had should be so punished. The disciplinary powers vested in commanding officers by AW 104 should be exercised fully for the punishment of minor offenses (see Chapter XXIV, RM, 1928). These powers can well be used to maintain discipline and reduce the number of court-martial trials. Unit commanders should see that the authorized maximum punishments are not exceeded. Where it is necessary to punish an offender in excess of the punishment authorized by AW 104, courts-martial must be utilized.

c. Preparation of Charge Sheets

R E S T R I C T E D

Hq HTOUSA Circular #9 (cont'd)

- (1) After the word "Pay", page 1 of the charge sheet, the total of the accused's base pay plus pay for length of service plus pay for duty outside the continental limits of the United States (page 96, MCM, 1923; Circular 140, WD 1942) will be shown.
- (2) In the space following the word "Age", page 1 of the charge sheet, the age of the accused at the date of the commission of the alleged offense will be entered.
- (3) Above the words "Allotments to dependents", page 1 of the charge sheet, the words "Class F deductions" will be inserted, by "None", "\$22", "\$27", or whatever amount of Class F deductions the accused actually has under the Servicemen's Dependents Allowance Act of 1942 (Circular Number 310, War Department, 1943). The amount of Class E allotments, if any, will be shown after "Allotments to dependents".
- (4) Under "Data as to service", prior service will show the inclusive dates of enlistments, organizations from which discharged, manner of discharge (i.e., convenience of the government, purchase, etc.), and the total prior service completed by years, months, and days, as shown by the accused's service record. In addition thereto, the place and date of current enlistment will be shown.
- (5) The charge sheet should never show the record of previous convictions. It should only state that "A certificate as to previous convictions is attached".
- (6) If the accused is not under any restraint, this fact should be affirmatively shown.
- (7) Specifications will show the place, name of the town or camp, and country (Algeria, French Morocco, Sicily, Italy, etc) where the offense took place, and the original and all copies of the Charge Sheet and allied papers will be marked
CONFIDENTIAL.

d. Class F deductions under the Servicemen's Dependents Allowance Act (see paragraph 12c (3) above) are to be deducted from "Pay" (see paragraph 12c (1) above) in computing an enlisted man's pay for the purpose of determining the maximum forfeitures that may be imposed by a court-martial (see paragraph 38, AR 35-5540).

e. Capital Offenses - Officers having authority to appoint special courts-martial do not have authority to refer charges that include a capital offense to a special court-martial for trial without the specific authority in each case of the officer exercising general courts-martial jurisdiction over their commands (AM 12, 13; paragraph 14, page 10, MCM, 1923). At the present time, the offenses denounced by the following Articles of War are capital offenses: 58, 59, 64, 66, 67, 75, 76, 77, 78, 81, 82, & 92 (paragraph 14, page 10, MCM, 1923; Bulletin 6, WD, 1942). Charges including violation of any

RESTRICTED

HQ HQUA Circular #8 (cont'd)

of these Articles of War should be transmitted to the officer exercising general courts-martial jurisdiction over the command, with appropriate recommendation and the required papers (see paragraph 34 and 35a, HCM, 1928), for his action.

f. Summary courts-martial records will be disposed of according to the following regulations:

"* * * * * When trial is had by summary court-martial the original charge sheet will be completed as the record of trial. After recording his action on the sentence, the reviewing authority will deliver the original charge sheet and two copies thereof to the organization commander who will cause the essential data to be entered on the service record and, in due course, on the payrolls. After the prescribed notation as to entry on the service record has been made on the record of trial, the organization commander will immediately forward one copy thereof, completed and certified as a true copy of the original, to The Adjutant General. The remaining copy will be sent to the officer exercising immediate general court-martial jurisdiction over the command (which appointed the court). In cases of acquittal or disapproval of conviction the same procedure will be followed, except that no entries will be made of the trial on the service record." (Paragraph 21b, AR 345-125, as changed).

Units not assigned or attached for administration to a command in this theater exercising immediate general court-martial jurisdiction, will forward the copy of the record of trial, required by the above paragraph to be sent to the officer exercising immediate general court-martial jurisdiction, to this headquarters.

g. Special Court-Martial Records and Orders

- (1) Only the original of a special court-martial record is required (the accused is not entitled to a copy) and when it has been acted upon by the reviewing authority it should be disposed of as provided for in paragraph 87c, HCM, 1928. Units not assigned or attached for administration to a command in this theater exercising general court-martial jurisdiction will forward to this headquarters such records as are required by this paragraph to be sent to the officer exercising immediate general court-martial jurisdiction.
- (2) There is no prescribed distribution for special court-martial orders other than that one copy will accompany the record (paragraph 87c, HCM, 1928), and three (3) copies for each accused will be sent to The Adjutant General, Washington 25, D.C., (paragraph 17, AR 310-50, as changed). Further distribution is desirable in most circumstances to insure that the sentence will be properly executed. In this connection, attention is invited to the required distribution for General Court-Martial Orders (paragraph 34, AR 310-50, as changed) which should be used as a guide in determining what distribution of special court-martial orders is advisable. The copies

RESTRICTED

Hq MTOUSA Circular #9 (cont'd)

of the special court-martial orders which accompany the record of trial and those sent to The Adjutant General should be unexpurgated copies, i.e., complete as to specifications and place of trial.

h. General Courts-Martial Records and Orders

- (1) All records of trial by general courts-martial after being acted upon by the convening authority will be sent direct to Branch Office of the Judge Advocate General, MTOUSA, APO 512, except when such records of trial contain an approved sentence respecting a general officer or dismissal of an officer or death sentence. The records of trial pertaining to cases coming within the above exception will after approval by the convening authority, be sent to the Commanding General, MTOUSA, APO 512, and not to the Branch Office of The Judge Advocate General.
- (2) For distribution of general court-martial orders see paragraph 3d, AR 310-50, as changed. In addition, two (2) copies of each order will be forwarded to this headquarters by the issuing unit.

13. Delays in Completing Trials by Courts-Martial - The greatest disciplinary effect is obtained by the prompt imposition of punishment, whether by a commanding officer under AR 104 or by virtue of a court-martial sentence. Delay in imposing punishment not only reduces its salutary effect, but also, in case the offender is in confinement, unnecessarily continues him as a non-effective soldier. Commanding officers will make periodic checks of men in confinement to determine whether the completion of trials has been delayed, and if so, they will initiate prompt corrective action.

By command of Lieutenant General McNARNEY:

GEORGE D. PENCE,
Brigadier General, GSC,
Chief of Staff.

OFFICIAL:

W. B. McNarney
Colonel, AGD,
Acting Adjutant General.

DISTRIBUTION:

"2"

PEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission

File 3A

10 April 1944.

ACC/14621/PS

SUBJECT: Special Report re OCRR & other Police.

TO : V.P. Administrative Section.

1: Annexed hereto is a copy of a report entitled "General Observations & Recommendations", which was appended to the monthly report of this Sub-Commission for the month of March.

2: In view of the policy questions raised by the recommendations made therein, it is suggested that you consider the advisability of submitting it to the Chief Commissioner for his consideration.

PAUL G. KIRK,
Colonel, Infantry,
Chief, Public Safety
Sub-Commission.

PGK/t

2698

HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission

Folio 17 for action/information

C.F.S.

D.C.P.S.

Police

Prisons

Fire & C.D.

Regn. & Licensing

✓ Ex. Officer

Remarks:

Where is ^{has not} reached des.
circular No 88 ^{office, but} ^{attached}
referred to in 1B ?/C
KFW

SEAF HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Comm. ion

File (27)

7 April 1944.

AGC/14521/PS

SUBJECT: Powers of Arrest - Civil Police.

TO : R.C. & M.G. Section, HQ AGC.

Ref: 322/3/CA of 5 April, 44.

1. The political status of Italy as a co-belligerent means that the Italians are neither enemies, allies nor neutrals. The power to arrest members of the Allied military forces has never been conferred upon the police agencies of Italy.

2. It is recommended that the power to make such arrests be conferred at least upon the Carabinieri Reali, as a military police body.

3. A rather comprehensive report on the subject has been prepared and will be submitted to the Chief Commissioner through the Administrative Vice-President.

*See
App A
Monthly Report
for March*

W. W. Lee
PAUL G. RICE,
Colonel, Infantry,
Chief, Public Safety
Sub-Commission.

PGS/t

2697

HEADQUARTERS,
ALLIED CONTROL COMMISSION
APO 394

Regional Control and Military Government Section.
+++++

REC'D 4 APR 1944 2730

New York
Roosevelt
14

Ref: 322/3/CA.

3rd April 1944.

SUBJECT: Power of Arrest - Civil Police.

TO : Vice President, Adm Sec.
(for Public Safety Sub-Com).

1. Enclosed herewith is copy of letter MGS-250.3 of 31 March received from A.F.H.Q., M.G. Section.
2. Will you please let this Headquarters have your comments on the subject.

1B

Norman E. Fiske
for NORMAN E. FISKE,
Colonel, Deputy
Executive Commissioner.

1 encl.

2696

COPY.

ALLIED FORCE HEADQUARTERS
Military Government Section.

TBJ/mit

31 March 1944

MGS-250.3

SUBJECT: Powers of Arrest - Civil Police.

TO : HQ. A.C.C.

Extract at 1c

1. A suggestion has been made by G-1(B) that a GRO in similar terms to NATOUSA Circular No. 88, III (copy attached) should be published, and the query is posed as to what is the position in Italy.

2. Will you please report to this HQ whether in Italy arrest of Allied Military personnel by Carabinieri is permitted or expressly prohibited and what are your views concerning the issue of a GRO in the terms suggested. In this connection, G-1(B) have stated that they would be pleased if you would liaise on the matter with HQ AAI.

For the Acting Chief of Section:

T. B. JACKMAN,
Major.

Incl. (1) as above.

1C
EXTRACT FROM NATCUSA CIRCULAR 88, PAR. III- MA 7, 1943.

ARRESTS BY CIVIL POLICE -

1. Civil Police and civil law enforcement agencies are authorized to arrest members of the Allied Forces for such offences that would warrant their arrest were they civilians.
2. The persons so arrested will be delivered promptly to the appropriate Military authority, British or American, with information of the circumstances causing the arrest.
3. Proper respect toward the civil police in the exercise of their duties will be observed by military personnel at all times.

*This is rescinded, but renewed in
another Natouss Circular of March 1944,
Vedi Col Grossman, Legal Sec.
18/1/44. [Signature]*

