



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

IN REPLY REFER TO:

5800
JAO
12 Jan 04

Information Paper

Subj: THE MARINE CORPS MILITARY RIDE ALONG PROGRAM

- Ref:
- (a) 18 USC 1385 Posse Comitatus Act
 - (b) 10 USC Chapter 47 Uniform Code of Military Justice
 - (c) DODD 5525.5, DoD Cooperation with Civilian Law Enforcement Officials (15 Jan 86)
 - (d) 32 CFR 631.17 Off-Installation Military Enforcement Services Policy (for Marine Corps Only)
 - (e) MCO 1620.2C Armed Forces Disciplinary Control Boards & Off-Installation Liaison and Operations (30 Jul 93)
 - (f) CMC 091908Z OCT 03 Military Ride Along Program
 - (g) DoDD 5210.56 Use of Force & the Carrying of Firearms by DoD Personnel Engaged in Law Enforcement & Security Duties (1 Nov 01)
 - (h) MCO 5500.6F Arming of Security & Law Enforcement Personnel & the Use of Force (20 Jul 95)
 - (i) SECNAVINST 5820.7B Cooperation with Civilian Law Enforcement Officials (28 Mar 88)
 - (j) Manual for Courts-Martial (2002 edition)

1. The Marine Corps Military Ride Along Program is legally permissible, subject to compliance with the law and policy established in the references and approval from appropriate authority.

2. Approval Authority.

a. Formal Requests for Assistance. Whether there is a "formal" request for assistance from civilian authorities is a deciding factor for DoD on who is the approval authority for a Military Ride Along Program. USD (P&R, formerly ASD FM&P) is the approval authority for formal requests for assistance from civilian law enforcement officials that involve assignment of less than 50 DoD personnel, for 30 days or less. If the formal request is for 50 or more DoD personnel, or for over 30 days, SECDEF is the approval authority (para E4.5.3 of ref (c)). If asked to review a request for assistance, USD (P&R) will ask to see the written request for assistance from civilian authorities.

b. No Formal Request for Assistance. When there is no formal request for assistance from civilian authorities, DoD is not the approval authority (per USD (P&R), Director of Law Enforcement Policy and Support, Mr. Awtrey, and DoD GC, Mr. Schwenk). Instead, HQMC (POS) is the approval authority under references (d) and (e). HQMC (POS) authorized the Military Ride Along Program at all Marine Corps bases and installations for personnel with the 58XX MOS, for the purpose of improving the safety, health and welfare of Marines and Sailors (ref (f)).

3. Posse Comitatus Act.

a. Restrictions. The Posse Comitatus Act (PCA) and implementing directives prohibit direct participation by a military member in a search, seizure, arrest, or other similar law enforcement activity unless participation in such activity is otherwise authorized by law (refs (a), (c) & (i)).

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b. Permissible Direct Assistance - Military Purpose Doctrine. The PCA, DoD and SECNAV policy permit military actions that are taken for the primary purpose of furthering a military affairs function. This category is often referred to as the "Military Purpose Doctrine" and covers actions whose primary purpose is to further a military interest. In the Military Ride Along Program, the military interest is the safety, health and welfare of Marines and Sailors and enforcement of the Uniform Code of Military Justice (UCMJ). Thus, an approved Program is not prohibited by the PCA, regardless of the incidental benefits to civilian authorities (para E4.1.2.1 of ref (c), para 9(a)(2) of ref (i)).

c. Appropriate Action. To comply with law and policy, civilian law enforcement should initiate all stops and address violations. Military personnel should remain in the vehicle and observe, exiting only when clear identification of military status is established. Military personnel may then issue minor offense reports for violations of the UCMJ. Furthermore, reference (d) requires that instructions to military police assigned to off-installation patrols will specifically state that, if they accompany civilian police, they will do so for the sole purpose of enforcing the UCMJ among persons subject to the code; that they are under the command and directly responsible to their military superiors; that they exercise no authority over the civilian police or civilian populace; and that they are not to exercise any authority in a case of misconduct or apparent law violation unless the person concerned has been identified as a member of the military service. Military law enforcement personnel may, however, come to the aid of civilian police in order to prevent the commission of a felony or injury to a civilian police officer (para (d) of ref (d)).

d. Statutory Authority Over Persons Subject to the UCMJ. Military police, commissioned officers, warrant officers, petty officers, and NCOs on active duty or inactive duty training are authorized to apprehend military offenders upon reasonable belief that an offense triable by court-martial has been or is being committed and that the person to be apprehended committed or is committing it. To effect the apprehension, they may use such force and means as reasonably necessary under the circumstances. Commissioned officers, warrant officers, petty officers, and NCOs also have authority to quell quarrels, frays and disorders among persons subject to the UCMJ, and to apprehend such military persons (Art 7, UCMJ & RCM 302 of ref (j)).

4. Weapons. The applicable directives, references (g) and (h), do not prohibit authorizing military police to carry weapons in the Military Ride Along Program. These directives require personnel performing law enforcement or security duties to be armed. HQMC specifically authorized arming military police in the Ride Along Program in reference (f). Commanders should nonetheless understand that there are risks of civil and criminal liability if and when there is an incident, such as injury to persons or property. Additionally, for the formal requests that require DoD approval, DoD may disapprove the use of weapons for policy reasons. However, this DoD policy does not otherwise restrict HQMC's approval authority when there is no formal request for assistance.

5. Training. Military Ride Along Program participants should be trained in accordance with reference (h). Training should include a brief on permissible and impermissible actions in accordance with law and policy under the references.

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