

21 APRIL 1999



Security

**DETENTION OF VEHICLES AND AIRCRAFT
TRANSPORTING CONTROLLED
SUBSTANCES**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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OPR: OO-ALC/JAM (Capt Enges-Maas)
Supersedes OO-ALC-HAFBR 125-5,
5 November 1986

Certified by: OO-ALC/JAM (Capt Enges-Maas)
Pages: 3
Distribution: F

This instruction implements *AFPD 31-2, Law Enforcement*. This instruction establishes standard policy and procedures for detention of vehicles used in transporting controlled substances on Hill Air Force Base. It implements federal statutes (21 U.S.C. 881 and 49 U.S.C Chapter 11) and guidance issued by the US Attorney for the District of Utah. This instruction applies to all persons operating vehicles on Hill Air Force Base.

SUMMARY OF REVISIONS

This revision establishes new detention policy in accordance with Memorandum of Understanding (MOU) between US Attorney for the District of Utah and Judge Advocate (OO-ALC/JA) (introductory para); changes policy to reflect reduced threshold amount from eight to six ounces of marijuana (para 1); publication was also converted from the 125 series the 31 Series to ensure compliance with AFI 33-360, Volume 1. A (|) indicates a revision from the previous edition.

1. POLICY. The policy of this center is to detain vehicles used to transport controlled substances on Air Force property. Air Force Security Forces (SF) personnel may detain subject vehicles until appropriate federal authorities are notified and decide on vehicle forfeiture action. Vehicle detention may be initiated based on a probable cause that a vehicle is or has been used to transport controlled substances. The following quantities of controlled substances justify initiation of detention procedures:

1.1. Four or more ounces of marijuana, cocaine or other controlled substances or any quantity as the US Attorney from time to time determines appropriate; usually any amount exceeding personal use amounts.

2. PROCEDURES:

2.1. Whenever a vehicle containing controlled substance is found on Air Force property, Security Forces will detain it after consulting with OO-ALC/JA. OO-ALC/JA and SF may consult with the Installation Commander (OO-ALC/CC), the United States Attorney, the United States Drug Enforcement Agency, and the Air Force Office of Special Investigation (OSI). The OSI may be called on for assistance in conducting a search of a vehicle when the quantity or type of drug places the case in their purview.

2.2. When a vehicle search reveals presence of controlled substance, the following procedures apply:

2.2.1. Weigh marijuana immediately after its seizure in the presence of a witness from the Investigations (75 SFS/SFOI) office and/or flight sergeant or OSI duty agent if SF investigator is unable to be present.

2.2.2. Notify the OSI and 75 SFS/SFOI when the weight of the marijuana is six or more ounces or when a controlled substance other than marijuana is found, regardless of weight.

2.2.3. Conduct the inventory of the vehicle and its contents. Such inventory is conducted by at least two members of SF in the presence of the owner/operator if readily available. (The presence of the owner/operator is preferred but not required.)

2.2.4. Remove the vehicle after the inventory to the Security Forces Vehicle Impound Lot. Use the Security Forces Vehicle Impoundment operating instruction and *AF Form 52, Evidence Tag*.

2.2.5. Tow detained vehicle to Security Forces Impound Lot. Any further access to the vehicle requires 75 SFS/SFOI, OSI, and/or OO-ALC/JA approval.

2.2.6. Release other personal property having no evidentiary value to the owner and obtain receipt.

2.3. Return of Detained Vehicle. Detained vehicles are returned to the owner with the approval of the Installation Commander when:

2.3.1. OO-ALC/JA determines there is insufficient basis to support referral to the US Attorney for forfeiture process or

2.3.2. The US Attorney declines to institute forfeiture proceedings.

2.4. This instruction is subject to change based on guidance received by the US Attorney. Notices concerning forfeiture proceedings will originate from the US Attorney or designee.

JAMES O. SUTTON III, Colonel, USAF
Staff Judge Advocate

Attachment 1

GLOSSARY OF TERMS

Terms

Aircraft—Aircraft of every description used or capable of being used as a means of transportation through the air.

Controlled Substance—A drug or other substances included in Schedule I, II, III, IV, or V 21 U.S.C. 812 (see AFI 36-2701).

Vehicle—A carriage or contrivance of every description used or capable of being used as a means of transportation on, below or above the land except aircraft.