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Law

**INSPECTION OR SEARCH OF GOVERNMENT
PROVIDED PROPERTY**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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Supersedes OO-ALC-HAFBR 110-3,
10 September 1991

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This instructions implements *AFPD 51-9, Civil Law for Individuals*. It outlines procedures for the inspection or search of government provided property. It applies to all OO-ALC and Hill AFB organizations and tenants units on Hill AFB, and to all military members, government employees, contractor personnel, and other civilians who work, reside, or visit on Hill AFB.

SUMMARY OF REVISIONS

This revision clarifies the well-settled legal proposition that there is no privacy in government lockers, desks, tool boxes, etc. It does not affect or limit existing rights of employees or members. It also changes the nomenclature from OO-ALC-HAFB Regulation 110-3 to Hill AFB Instruction 51-901, and updates unit designations.

1. GENERAL. All government property, such as lockers, desks, tool boxes, or other such items, provided to civilian employees, other civilians, and military personnel for use in carrying out their duties, is subject to inspection or search for any reason with the approval of the appropriate Commander or Supervisor. Government property is provided to employees for the purpose of facilitating the work of the Agency.

2. PRIVATE PROPERTY:

2.1. Employees may avoid exposing personal belongings at work by simply leaving them at home. Lawful private property may, however, be kept in a government-owned receptacle and a private lock for protection may be placed on the receptacle if, in the judgment of the immediate supervisor, use of the receptacle for government purposes is not impaired.

2.2. The presence of private property or a private lock, however, does not diminish the right of Commanders and Supervisors to approve an inspection or search nor does it change an individual's responsibility to protect government property in accordance with other directives and applicable laws.

2.3. This regulation does not require the Department of the Air Force to protect private property stored in government receptacles.

3. PROCEDURES:

3.1. Every effort will be made to have the employee utilizing the government property present when an inspection or search is conducted. However, if the employee is not available, the inspection or search may be conducted without the employee being present.

3.2. At least two management representatives will be present during any such inspection or search.

3.3. Inspections will be random (e.g., every third desk, every other locker, etc.) or total (all lockers or all desks in an identifiable work area).

3.4. If private locks are removed in the absence of the employee, the contents of the item will be safeguarded by management.

3.5. If a private lock is damaged when removed in the absence of the employee, it will be replaced with a comparable lock or the owner advised they may present a claim for its value to the Claims Division (OO-ALC/JAD). No replacement or claim is authorized when the employee refuses or otherwise fails to remove the lock after being notified of the inspection.

4. NONAPPLICABILITY. This instruction has no application to searches or to inspections otherwise authorized. With respect to persons who are subject to the Uniform Code of Military Justice (UCMJ), it does not limit or in any way restrict the power or authority of a commander to authorize and execute searches, seizures, inspections, inventories, views, and intrusions under the Military Rules of Evidence. With respect to persons who are not subject to the UCMJ, it does not limit or in any way restrict the power or authority of the Base Commander (75 ABW) or Military Magistrates to authorize searches on probable cause or for other lawful reasons.

5. PRIVACY. This instruction affects the privacy of persons who place personal property in government provided receptacles.

6. QUESTIONS. If questions arise regarding this instruction, the Staff Judge Advocate (OO-ALC/JA) may be consulted.

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Staff Judge Advocate