



DEPARTMENT OF THE NAVY
JOINT BASE PEARL HARBOR-HICKAM
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JBP HHINST 1620.1
17:LCM
28 Oct 13

JOINT BASE PEARL HARBOR-HICKAM INSTRUCTION 1620.1

From: Commander, Joint Base Pearl Harbor-Hickam

Subj: RESTRAINT OF MILITARY PERSONNEL

Ref: (a) Uniform Code of Military Justice
(b) Manual for Courts-Martial (MCM) (2012)
(c) SECNAVINST 1640.9C

Encl: (1) Rules and Regulations for Restricted Personnel

1. Purpose. To implement the applicable provisions of references (a) and (b), with respect to the apprehension and restraint of military personnel.
2. Cancellation. NAVSTAPEARLINST 1620.1
3. Scope. This instruction is applicable to all persons who are subject to the Uniform Code of Military Justice (UCMJ).
4. Degrees of Restraint. The degrees of restraint of any case shall not be more severe than that which is reasonably warranted by the circumstances. It is vitally important that naval personnel in confinement, arrest, or restriction be restrained only when deemed necessary to ensure the presence of the accused at trial and to prevent serious criminal misconduct. The seriousness of the offense charged will be considered in determining whether the accused is likely to flee in order to avoid prosecution.

a. Apprehension. All Officers, Warrant Officers, Petty Officers, Master-at-Arms, Sentries, or members of Shore Patrol are authorized to apprehend, if necessary, persons subject to the Code or subject to trial there under upon reasonable belief that an offense has been committed and the person apprehended committed it. Petty Officers and enlisted personnel performing police duties should apprehend a Commissioned Officer offender only pursuant to the specific orders of a Commissioned Officer, except when such action is necessary to prevent disgrace to the

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service, the commission of a serious offense, or the escape of one who has committed a serious offense. In all such cases, the individual affecting the apprehension will immediately notify the Officer to whom he is responsible.

(1) Any person empowered to apprehend an offender is authorized to secure the custody of the offender until proper authority may be notified.

(2) The degree of physical restraint to be used is only that reasonably necessary under the prevailing circumstances to secure the custody of the person apprehended.

b. Arrest. "Arrest" is the restraint of a person by oral or written orders of competent authority limiting the person's liberty pending disposition of the charges.

(1) This form of restraint is normally undesirable and should be applied only in unusual circumstances.

(2) Any Officer may order an enlisted person into arrest, but only for probable cause or necessary restraint.

(3) Only the Joint Base Commander (JBC), to whose authority the individual is subject, may order an Officer or Warrant Officer into arrest. It may be effected orally or in writing and may be delivered personally or by another Officer, but the authority to order into arrest or confinement may not be delegated.

(4) Persons in this status shall not be required to perform full military duty since placement on such duty is inconsistent with the status of arrest. Such persons may, however, be required to do ordinary cleaning or policing within the specified limits of the arrest, or routine training in duties not involving the exercise of command or the bearing of arms.

(5) The proper authority to release a person from arrest is normally the Officer who imposed the arrest.

c. Restriction in Lieu of Arrest. "Restriction in Lieu of Arrest" is a less severe restraint imposed by competent authority, either by oral or written orders, and limiting the person's freedom to a certain specified area, normally within the confines of Joint Base Pearl Harbor-Hickam (JBPHH), Hawaii, and with the further provision that the individual will perform

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full military duties while in this status. The purpose of this restraint is to ensure the continued presence of a person pending investigation.

(1) Any Commissioned Officer may order an enlisted person into restriction in lieu of arrest. Only the JBC shall order an Officer or Warrant Officer into this status.

(2) Release from this status shall be effected only by the JBC or Chief Staff Officer (CSO).

(3) Restriction in lieu of arrest shall be governed by the provisions of Enclosure (1).

d. Pretrial Confinement. "Confinement" is physical restraint depriving a person of freedom pending the disposition of charges.

(1) This form of restraint is normally undesirable and should be applied only when necessary to prevent serious misconduct or to ensure the prisoner's presence at trial. It should be used only when lesser forms of restraint would not be effective. When applied, the provisions of reference (c) shall be strictly complied with.

(2) Only the JBC, to whose authority the individual is subject, may order an enlisted person into confinement. In his absence, the authority goes to the CSO, Command Duty Officer, or Officer of the Day. Where the individual concerned is an Officer, Article 7103.2b of reference (c) applies.

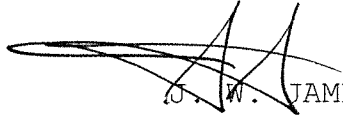
(3) The JBC may lawfully delegate his authority to confine enlisted personnel to Commissioned Officers or Petty Officers.

(4) Confinement of personnel will be at the Navy Brig, JBPHH, Hawaii.

5. Tenant Activities aboard JBPHH. Tenant activities are not required to utilize the facilities provided herein and may administer their own programs of restriction, extra duty, or hard labor without confinement within their own activities should they desire. However, tenant activities utilizing the facilities and services of JBPHH for the administration of extra duties, and hard labor without confinement,

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shall comply with the provisions of this instruction including the requirements set forth in enclosure (1). Prior liaison with the Chief of Staff, JBPHH, and the Staff Judge Advocate is required.


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Distribution:

<https://g2.cnid.navy.mil/tscnrh/JOINTBASEPEARLHARBOR-HICKAMHI/JBPHH%20Instructions/Forms/Instructions.aspx>

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RULES AND REGULATIONS FOR RESTRICTED PERSONNEL

1. You have been awarded (number of days) punitive restriction by Commander, Joint Base Pearl Harbor-Hickam you will remain in a restricted status until _____. You are hereby restricted to the limits of Joint Base Pearl Harbor-Hickam.

You will also be governed by the following rules/regulations while in a restricted status:

a. You will continue to perform full military duties and any other duties assigned. Failure to perform such duties will result in the initiation of disciplinary action.

b. You will wear a complete clean working uniform during the performance of duties unless you are directed to wear a service dress uniform.

c. You are required to muster on all weekdays at the Master-At-Arms (MAA) office/TPU quarterdeck in a clean Navy Working Uniform at the following times: Monday - Friday - 0615, 0715, 1100, 1615, 1730, 1930, 2100, 2200 Saturday, Sundays & Holidays - 0615, 0715, 1100, 1210, 1615, 1730, 1930, 2100, 2200. You are required to be in your bunk between taps and reveille and regular bunk checks will be made between taps and reveille at unspecified times. Personnel missing muster or bunk checks will be charged with unauthorized absence. Laying or sitting on bunks during working hours is prohibited. Bunks and lockers will be properly stowed and tagged.

d. You are not permitted to leave your assigned berthing area without signing out with the duty MAA. All appointments during duty hours to see or visit other personnel or offices, such as the Chaplain, legal, Counseling and Assistance Center (CAAC), Personnel Support Detachment, Navy Exchange (NEX), etc., will be made for you by the duty MAA. You will proceed directly to and from the site of your appointment using a walking chit which will be obtained from the duty MAA.

e. You shall not enter the NEX Cafeteria, base clubs, Package Liquor Store, Bowling Alley, or BEQs other than

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barracks number 1752. On Friday at 1730 you may visit the NEX Retail Store, NEX Barber Shop, NEX Laundry and Tailor Shop, Clothing and Small Stores, Bank, Federal Credit Union, and Post Office. Failure to comply with the above limitations will constitute a breach of restriction and is grounds for disciplinary action. Additionally, your free hour privileges may be suspended.

f. Use of office phones without prior approval of a TPU staff member is prohibited. Personal telephone calls are restricted to no more than 10 minutes duration. A pay phone located in the TPU disciplinary berthing area must be used for personal phone calls. Official incoming messages may be left with the TPU MAA at (808)473-0686 for delivery to you. The duration of phone calls may be extended by the TPU MAA provided this does not restrict phone use by other personnel in a punitive restricted status.

g. Your personal possessions will be inventoried and items not required or authorized will be placed in storage and will not be returned until you are released from a restricted status. Any items in your possession which are prohibited by law will be confiscated as contraband and you are subject to further disciplinary action for such possession. You are not authorized to wear civilian clothing while in a restricted status.

(1) A minimum seabag as outlined on the Joint Base Pearl Harbor-Hickam Commanding Officer's NJP Minimum Seabag Requirements Form will be maintained. If you do not have a minimum outfit, you will be required to buy all missing items. All items of military clothing must be stenciled or embroidered with proper names so that ownership can be determined.

(2) The following is a list of personal possessions which are authorized to be in your possession while in a restricted status. Any items not appearing on this list and not otherwise authorized by applicable regulations will be seized, inventoried, and held by the Chief Master-At-Arms (CMAA) until the period of restriction has terminated. The items so seized will then be returned.

(a) Toiletry and personal hygiene items, to include soap, toothpaste, shampoo, deodorant, etc.

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(b) Reading material of a quantity that can be properly stored in your locker.

(c) Wedding band, school rings, wristwatch, and religious medals that can be worn inside the shirt.

(3) Possession (or, where appropriate, consumption) of the following items are prohibited.

(a) Hair dryers (except for female service member).

(b) Food or mess gear in the restricted barracks.

(c) Weapons of any kind or any objects readily lending themselves to use as a dangerous weapon.

(d) Radios, tape players, televisions, computers, cell phones or musical instruments (i.e., personal entertainment devices).

(e) Alcoholic beverages (including beer), dangerous drugs, or controlled substances.

(f) All jewelry not authorized by U.S. Navy Uniform Regulations.

h. Reveille will be held at 0530 and taps will be held at 2200. Quiet will be maintained after taps until reveille.

i. Smoking is prohibited in the berthing area.

j. Gambling in any form is prohibited.

k. Operation of any government or privately-owned motor vehicle while in a restricted status without express prior authorization is prohibited. Additionally, restricted personnel will not enter nor be transported in a privately-owned vehicle without the express prior written permission of the duty MAA.

l. Only current medications, the prescription of which is reflected in the service member's medical record or which has been prescribed by a competent medical authority, will be authorized.

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m. Personnel using the lounge must be properly dressed in a complete uniform. Restricted personnel may watch TV during the hours of 2000 - 2100, Monday through Friday. Hours for weekends and holidays will be upon completion of working/clean up assignments.

n. The restricted barracks windows shall not be used for entry or exit purposes.

3. Visitation

a. Visiting hours in the restricted dorm are between 1230 and 1600 on Saturdays, Sundays, and holidays and will be conducted in the TPU lounge area. In the event of a restricted member's parents, spouse, or close relative traveling a long distance that would not coincide with the above times, or for some other reason not being able to visit during regular visitor's hours, an exception may be made by the senior duty MAA on watch. Official visitors may be authorized as requested.

b. Any visits by an unmarried person under the age of 18 years, not a relative of the person restricted, will not be permitted unless they are accompanied by either their parent or person authorized by the CMAA.

c. Visiting may be terminated or denied at any time for reasonable cause.

d. All visitors must log in with the duty MAA.

e. All gifts and other items brought for you by visitors must be inspected by the duty MAA before you can accept them.