

# Arrested While Enlisted: How it Differs From Being Arrested as a Civilian

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As a member of the armed forces, you are subject to higher expectations in both your professional and personal conduct. If you are arrested while you are enlisted, what happens to you can be different from what happens to a civilian in several ways. While there are some minor advantages, there are also serious negatives.

## You May Be Eligible for Legal Advice

As a member of the military, you have access to the legal assistance office. If normal civilian legal fees would be a significant hardship for you, you could qualify for help. Married soldiers who are in the E-4 grade or below and single soldiers in E-3 or below generally meet the requirements. Legal assistance is able to provide preliminary legal advice in criminal matters to keep you informed of your best options.

## Postponing Court Appearances

Military commitments, especially during wartime, can make it difficult to attend court dates. While a judge won't grant you a delay for matters of convenience, you can get delays if your military service means you are unable to appear in court. To qualify for a delay, you must apply for the shortest delay possible and have tried your best to appear in court on the original schedule.

## Reductions in Rank

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If you are sentenced to a year or more in prison, your rank will be knocked down to private. Someone who is sentenced to 30 days or more in jail but less than a year can be reduced one or more pay grades. You can also be denied promotions because of criminal matters outside of the armed forces.

## Losing Your Security Clearance

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The military takes security seriously, and they will pull the clearance of someone who they consider an undue risk. Criminal activities are one of reasons for losing clearance. Drug or alcohol abuse is also considered grounds for suspension or revocation of your clearance.

## Separation for Misconduct

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You could also find that arrests for serious charges can lead to the end of your relationship with the armed forces.

If your arrest is part of a pattern of behavior that is considered troublesome, you could receive a general discharge. While you are still eligible for some military benefits, you lose access to education assistance under the Montgomery and Post-9/11 GI Bills. And, if your separation is ruled "Discharge Under Other Than Honorable Conditions," the consequences could follow you for the rest of your life. You can lose veterans' benefits that include pension, health care and other concerns and will not receive a discharge certificate.

Have you or an enlisted member of your family been arrested in Utah? Bad Boys is a family-run bail bondsman available 24 hours a day and 365 days a year to help. Contact us for help.