

Army Regulation 195–3

Criminal Investigation

**The Criminal
Investigation
Command
Special
Agent
Program**

**Headquarters
Department of the Army
Washington, DC
19 January 2017**

UNCLASSIFIED

SUMMARY of CHANGE

AR 195-3

The Criminal Investigation Command Special Agent Program

This major revision, dated 19 January 2017—

- o Changes the title of the regulation from Acceptance, Accreditation, and Release of United States Army Criminal Investigation Command Personnel to The Criminal Investigation Command Special Agent Program (cover).
- o Updates procedures for application for acceptance and accreditation in the U.S. Army Criminal Investigation Command Special Agent Program (chap 2).
- o Revises policies and criteria for elimination from the U.S. Army Criminal Investigation Command Special Agent Program (chap 3).
- o Establishes the employment conditions for civilian criminal investigators (app B).

Criminal Investigation
The Criminal Investigation Command Special Agent Program

By Order of the Secretary of the Army:

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General, United States Army
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Official:


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States, U.S. Army Reserve, and Department of the Army Civilian employees, unless otherwise stated.

Proponent and exception authority. The proponent of this regulation is the Provost Marshal General. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

Army internal control process. This regulation contains internal control provi-

sions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see appendix C).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Provost Marshal General (DAPM–MPO–PS), 2800 Army Pentagon, Washington, DC 20310–2800.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Office of the Provost Marshal General (DAPM–MPO–PS), 2800 Army Pentagon, Washington, DC 20310–2800.

Distribution. This publication is available in electronic media only and is intended for command level A for the Active Army and the U.S. Army Reserve and command level D for the Army National Guard of the United States.

History. This publication is a major revision.

Summary. This regulation prescribes policies and procedures for the U.S. Army Criminal Investigation Command Special Agent Program. It contains provisions for selection, accreditation, and management of all special agents, both military and civilian.

Applicability. This regulation applies to the Active Army, the Army National Guard/Army National Guard of the United

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Glossary

Chapter 1 General

1–1. Purpose

This regulation establishes the U.S. Army Criminal Investigation Command (USACIDC) Special Agent Program. It assigns responsibilities and establishes policy, standards, and procedures for selection, training, accreditation, and release of all USACIDC special agents, both military and civilian.

1–2. References

See appendix A.

1–3. Explanation of abbreviations and terms

See the glossary.

1–4. Responsibilities

- a. Commanding General, U.S. Army Human Resources Command.* The CG, HRC will—
- (1) Approve release of an applicant from a specific military occupational specialty (MOS) for training as a Criminal Investigation Division (CID) special agent.
 - (2) Authorize movement of accepted enlisted CID special agent applicants and issue assignment instructions.
 - (3) Authorize movement of selected warrant officer applicants for warrant officer training and subsequent assignment in MOS 311A (see para 2–1).
- b. Commanding General, U.S. Army Medical Command.* The CG, MEDCOM will provide occupational health services in accordance with AR 40–5.
- c. Commanding General, U.S. Army Recruiting Command.* The CG, USAREC will process applications for appointment as a warrant officer CID special agent in accordance with AR 135–100 and Department of the Army (DA) Pam 601–6.
- d. Commanding General, U.S. Army Criminal Investigation Command or the Deputy Commanding General or Deputy Commanding Officer.* The CG, USACIDC or the Deputy Commanding General or Deputy Commanding Officer will—
- (1) Approve applications appropriate for acceptance and accreditation for the CID Special Agents (enlisted MOS 31D and warrant officer MOS 311A) Program.
 - (2) Approve applicants appropriate for selection as criminal investigation supervisors for all USACIDC components.
 - (3) Approve, as appropriate, requests for waiver of specific prerequisites required for entry to the CID Special Agent Program.
 - (4) Establish and control access to USACIDC special agent criminal investigation accreditation files (CIAFs).
 - (5) Issue the USACIDC badge and credentials to civilian and military CID special agents following their successful completion of the CID Special Agent Course (CIDSAC) at the U.S. Army Military Police School (USAMPS) (or an equivalent military criminal investigative organization or Federal basic criminal investigator course) and assignment to a USACIDC unit.
 - (6) Eliminate personnel from the CID Special Agent Program (see para 3–3).
 - (7) Issue implementing instructions for the physical readiness program.
 - (8) In coordination with CG, HRC, assists in the development of position description(s) that will be applied uniformly to civilian personnel and that identify any medical and physical requirements of the position(s).
 - (9) Ensure the commanders, supervisors, and special agents-in-charge (SACs) of subordinate USACIDC elements will—
 - (a)* Ensure personnel employed as special agents are qualified, capable, reliable, and trustworthy.
 - (b)* Ensure appropriate reliability investigations are conducted in accordance with this regulation and the CG, USACIDC’s guidance before personnel are assigned to special agent duties.
 - (c)* Implement internal controls pursuant to AR 11–2 to ensure adherence to this regulation and to ensure that the CID Special Agent Program is managed efficiently and effectively.

Chapter 2 Acceptance and Accreditation

2-1. Personnel classification

a. The personnel classifications in the criminal investigation field are as follows:

(1) Warrant officer MOS 311A (USACIDC special agent) is an accession MOS. The enlisted feeder MOS is 31D (see Smartbook DA Pam 611-21 at: <https://www.milsuite.mil/book/groups/smartbookdapam611-21>). Classification of individuals in MOS 311A is contingent on their acceptance for the CID Special Agent Program by the CG, USACIDC, and satisfactory completion of all required training.

(2) Enlisted MOS 31D (CID special agent) is an in-service accession MOS, open to all MOSs in the Army inventory who meet the eligibility criteria (see Smartbook DA Pam 611-21). Classification of individuals in MOS 31D is contingent on their acceptance for the CID Special Agent Program by the CG, USACIDC, and satisfactory completion of all required training.

(3) Civilian criminal investigators are classified in the Office of Personnel Management (OPM) criminal investigation occupational series (series 1811, Criminal Investigator). Only the USACIDC may employ individuals as an 1811 Criminal Investigator in the U.S. Army. Civilian criminal investigators may be further defined by individual position descriptions (for example, Procurement fraud, Polygraph, Computer crimes, Sexual assault, and so forth). The OPM medical requirements for occupational series are identified at <https://www.opm.gov>.

(4) All USACIDC special agents (military and civilian) are recognized as Federal agents (law enforcement) under Title 28, Code of Federal Regulations (CFR), Section 60.3a(2) (28 CFR 60.3a(2)).

b. Classification of warrant officers in the specialty of polygraph examiner is governed by the provisions of Smartbook DA Pam 611-21 and AR 195-6.

2-2. Basic character traits

a. Basic character traits of honesty, courtesy, tact, cooperation, personal appearance, and bearing are important factors required of USACIDC special agents. Personal qualities of good conduct and character, integrity, dependability, and good mental and physical fitness are also required of such personnel.

b. The nature of the USACIDC Special Agent Program necessitates that all individuals assigned to the program, regardless of their status, maintain the highest standards of personal conduct and professionalism to—

- (1) Preclude the possibility of compromising criminal investigations.
- (2) Prevent criticism that assails the credibility of the USACIDC Special Agent Program.
- (3) Avoid embarrassment to the U.S. Army and the U.S. Government.

2-3. Qualification standards

Individuals requesting acceptance in the USACIDC Special Agent Program must possess the qualifications listed below. Additionally, individuals must possess emotional and mental stability and be physically able to perform the duties of the position efficiently without being a hazard to themselves or to others. Waivers of certain prerequisites may be requested as outlined in this chapter.

a. The CID special agent (enlisted, warrant officer or civilian) candidate qualifications are as follows:

(1) Must have no impairment of judgment, reliability, or stability that would preclude eligibility for a TOP SECRET clearance or suitability to carry a firearm, including personal habits or traits of character such as financial irresponsibility, history of domestic violence, heavy drinking, drug abuse, or gambling.

(2) Must have no evidence of excessive anxiety, tenseness, or emotional responses to situations of stress (both combat and noncombat), when in the opinion of the behavioral health examiner such reactions will interfere with the efficient and safe performance of the duties of a CID special agent.

(3) Must have no history of learning, psychiatric, or behavioral disorders, including any history of psychosis or attempted suicide at any time, disorders with psychotic features, mood disorders, anxiety, somatoform, or dissociative disorders. When, in the opinion of the behavioral health examiner, the disorder will not impact the applicant's ability to perform the duties of a special agent, waiver may be recommended if—

(a) Psychiatric disorders demonstrate a pattern of stability without significant symptoms for at least two years prior to application.

(b) The applicant demonstrates behavioral stability and minimal potential for deterioration or recurrence of symptoms in a stressful or dangerous environment, to the extent this can be predicted. The potential for deterioration must be evaluated by considering potential occupational demands and individual vulnerabilities.

b. Qualifications specific to enlisted (MOS 31D) applications are—

- (1) Meet the requirements outlined in Smartbook DA Pam 611-21.

(2) Meet current qualifications and prerequisites outlined on the USACIDC Web site (www.cid.army.mil).

c. Qualifications specific to warrant officer (MOS 311A) applications are—

(1) Meet the warrant officer administrative requirements outlined in AR 135–100, DA Pam 601–6 and Smartbook DA Pam 611–21.

(2) Meet current qualifications and prerequisites are outlined on the USAREC Web site—<http://www.usarec.army.mil/hq/warrant/>.

d. Qualifications specific to civilian special agent applications are—

(1) Meet the minimum qualification standards established by the OPM for the 1811 criminal investigation occupation series and possess any selective factors determined to be critical for the position which cannot be reasonably acquired through on-the-job training during the orientation period.

(2) Meet conditions of employment found in appendix B. Failure to meet these qualification standards and conditions of employment is a basis for non-selection of an applicant or for proposing an incumbent's removal from Federal service.

(3) Must show they are qualified based upon the information contained in their resume.

(4) Must be eligible for a TOP SECRET clearance.

2–4. Disqualification factors

Permanent disqualifiers are non-waiverable standards that will automatically disqualify an individual from applying for the USACIDC Special Agent Program. These disqualifiers are—

a. Positive urinalysis or use of illegal drugs while in the military or Federal service, or while in a position of public trust.

b. Sale or smuggling of illegal drugs or convictions involving illegal drug use.

c. Conviction by a general, special, or summary court-martial.

d. Any felony conviction by civil court.

e. Felony or misdemeanor conviction for domestic violence under Title 18, United States Code (USC) section 922(g)(8) and (9) (18 USC 922(g)(8) and (9)), pursuant to the 1996 Amendment to the Gun Control Act (known as the Lautenberg Amendment), which prohibits individuals convicted of a qualifying misdemeanor crime of domestic violence from possessing any firearm or ammunition.

f. Conscientious Objection (see AR 600–43).

g. Non-judicial punishment for any offenses involving sexual assault as specified under Articles 120 (including 120a, 120b, and 120c) and 125, Uniform Code of Military Justice (UCMJ).

h. Commission, conviction of, or a plea of guilty or no contest to a felony or to any other crime that would indicate potentially dangerous or violent behavior or the propensity to break the law.

i. Receipt of any discharge with a characterization of service less favorable than honorable, or discharge for cause, misconduct, or criminal violations while serving in a position of public trust.

j. Pattern of non-compliance with Army physical fitness and weight control standards.

k. Prior elimination from the USACIDC Special Agent Program (as a military or civilian agent), or had acceptance revoked for derogatory reasons.

l. Denied entry in the USACIDC Special Agent Program based on a permanent disqualifier (for example, integrity, medical).

m. Any record of an adjudicated and substantiated (by inquiry, investigation, board, or court proceeding, and so forth) offense, or allegation involving a false statement (or integrity violation including a false statement).

n. Relief for Cause Evaluation Report.

2–5. Waivers

Requests for waiver of the specific prerequisites referenced in paragraph 2–3 and the listed Web sites will be submitted with the application and will contain complete justification to support approving the waiver.

a. *Military candidates.*

(1) *Moral.* Moral waivers are required for all offenses regardless of time frame or disposition if the applicant was arrested, charged, cited, or prosecuted (including traffic violations when the applicant was charged a fine of \$250 or more). A separate moral waiver request must be submitted for each offense and will include the following:

(a) The nature, date, and place of the offense, punishment imposed, and detailed information related to the incident.

(b) Mitigating circumstances surrounding the charge; accepting responsibility for these actions; lessons learned; and contributions to unit, community, and military Service.

(2) *Civilian education.* Waiver requests will include the applicant's current academic achievement, enrollment status and projected date of completion. Waiver of college semester hours will be annotated in the individual's accreditation file until the requirement is satisfied.

(3) *Maximum age and active Federal service.* Waiver requests will clearly state the current active Federal service and/or age maximum, in what manner the applicant is non-compliant, and justification for approving the waiver.

(4) *Law enforcement/police experience.* Waiver requests will include any experience or formal training/certification that can be incorporated into the criminal investigation realm. For example, a degree in law enforcement or a law enforcement related field, security patrol, and so forth. The law enforcement/police experience requirement will not be waived for Reserve Component Soldiers. The remaining qualification requirements in paragraph 2–3 cannot be waived.

b. Civilian candidates. The maximum entry age for a primary criminal investigator position that has been designated for special retirement coverage is 37. Persons not appointed by the last day of the month in which they become age 37 shall not be originally appointed or assigned to these positions. The Secretary of the Army may, however, approve an age waiver for an individual who has passed the maximum entry age when there is a compelling hardship to the USACIDC (for example, to overcome a recruitment shortage). Age waivers do not apply to appointments to secondary criminal investigator positions, as there is no maximum entry age requirement when filling secondary positions. The remaining qualification requirements in paragraph 2–3a and d and in the applicable Web sites (<http://www.cpol.army.mil> or <http://www.usajobs.gov>) cannot be waived.

2–6. Applications

The Privacy Act of 1974 (5 USC 552a) establishes a code of fair information practices that governs the collection, maintenance, use, and dissemination of information (for example, full name, social security number, date, and place of birth, and so forth) about individuals that is maintained in systems of records by Federal agencies. It requires that prior to disclosure of personal information, applicants be provided Privacy Act notification. Applicants will be informed that the purpose of the requested information is to establish an applicant's eligibility for acceptance and accreditation in the USACIDC Special Agent Program. Routine uses of the information include making a security determination; verification of health, education, and military training; demonstration of ability to express oneself in written communication; and demonstration of eligibility for continued assignment to criminal investigative duties. Although furnishing the information is voluntary, failure to furnish all or part of the information may result in a delay in processing the application or denial of entrance in the CID Special Agent Program.

a. Enlisted applicants.

(1) Regular Army Soldiers who meet the basic eligibility requirements for reclassification into MOS 31D will initiate his or her application through the USACIDC Web site at: <http://www.cid.army.mil/>. Qualified applicants will receive further instructions regarding application requirements from a member of the USACIDC Special Agent Accessions Branch. Reserve Component will initiate their application through the local Reserve USACIDC unit.

(2) A complete background check will be conducted during the initial screening, and chain-of-command interviews (first line supervisor to company commander or equivalent) to determine suitability. The application process will be terminated if disqualifying information is found.

(3) Applicants will be required to pass a complete physical and psychological evaluation and maintain eligibility for a TOP SECRET clearance; otherwise, the application process will be terminated.

(4) An interview will be conducted by the SAC or acting SAC, or Reserve Component equivalent. The results of the assessment will be documented and forwarded to the Special Agent Accessions Branch, USACIDC for inclusion in the application packet.

(5) Completed application packets will be submitted to Commander, U.S. Army Criminal Investigation Command (CISP-AC), 27130 Telegraph Road, Quantico, VA 22134 for quality control and referral to the selection panel.

(6) Approved applicants will be scheduled to attend the earliest available CIDSAC and will be awarded the primary MOS of 31D upon successful completion of the CIDSAC.

b. Warrant officer applicants.

(1) Application for appointment as a warrant officer CID special agent from members of the Active Army will be forwarded in accordance with DA Pam 601–6 and the warrant officer recruiting Web site: <http://www.usarec.army.mil/hq/warrant>.

(2) Applications from the U.S. Army Reserve (USAR) will be forwarded in accordance with DA Pam 601–6 and the USAR warrant officer recruiting Web site: <http://www.usarec.army.mil/hq/warrant/woreserve.shtml>.

c. Civilian applicants. Information on available positions and application procedures can be found on civilian personnel Web sites: <http://www.cpol.army.mil> or <http://www.usajobs.gov>.

2-7. Pre-employment security screening procedures for civilian criminal investigators

a. All individuals tentatively selected for appointment to USACIDC special agent positions are required to initiate a TOP SECRET clearance request packet prior to reporting to duty. Criminal investigators are categorized as critical-sensitive and require completion of a favorable single scope background investigation (SSBI). Persons unable to obtain a favorable TOP SECRET/SSBI clearance will be terminated from employment.

b. The selecting official will—

(1) Conduct pre-employment inquiries to include, at a minimum, checks with former employers and supervisors and personal references.

(2) Conduct a check of arrest and criminal history records (except where prohibited by local and state law) of the state(s) in which an applicant has resided. The checks will be made through the hiring organization's National Crime Information Center (NCIC) terminal. If it does not have a NCIC terminal, a request may be submitted to the immediate headquarters who can request another Army installation conduct the check, or they may request support through a local police or sheriff department.

(3) Submit a request for a name check of nominated individuals to Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command (CICR-CR), Quantico, VA. Include the individual's full name, social security number, and date and place of birth. A specific inquiry into the individual's suitability under 18 USC 922(g)(8) and (9) (The Lautenberg Amendment), which amended 18 USC 921 et seq. (The Gun Control Act of 1968), will be made as part of the pre-employment screening.

(4) Notify the civilian personnel advisory center with a decision to continue or discontinue the processing of a civilian USACIDC special agent application.

2-8. Apprenticeship period

a. All military special agents will serve an apprenticeship period of one year, beginning on the date the apprentice agent arrives at the unit of assignment after successful completion of the CIDSAC. Normal absences for leave or schools will not cause an extension of the apprenticeship period unless of such duration that a comprehensive assessment of the apprentice agent's abilities cannot be made.

b. Field commanders/SACs must ensure that apprentice special agents are properly supervised and managed during the apprenticeship period to ensure that a proper evaluation for continued USACIDC service can be made. Apprentice special agents will not be placed in positions where they cannot be evaluated.

c. If a special agent (Active Duty or Reserve) is reassigned before the one-year apprenticeship period has concluded, the losing battalion commander will forward the completed apprenticeship documentation (copies of monthly counseling and record of cases worked) to the gaining battalion for use in determining the CID special agent's termination of apprenticeship at the end of the one-year period.

d. Termination of the apprenticeship period will occur one year after the date the apprentice agent arrived at the first unit of assignment after successful completion of CIDSAC, unless the gaining or losing (see para 2-8c) battalion commander determines that an extension is needed.

(1) If the battalion commander determines that the apprentice agent has fulfilled all apprenticeship requirements, he or she will forward a memorandum, along with the monthly counseling statements and their record of cases worked through the chain-of-command to the Chief, Special Agent Accreditation Branch, USACIDC for inclusion in the special agent's CIAF (see para 4-2a(3)).

(2) If an apprenticeship extension is desired by the battalion commander, the request will be submitted to the group commander for approval. The group commander may approve requests for extensions up to six months. A copy of the extension approval will be forwarded to Chief, Special Agent Accreditation Branch, USACIDC for inclusion in the CID special agent's CIAF (see para 4-2a(3)). Commanders who desire to recommend elimination of an apprentice CID special agent during the normal apprenticeship period may do so at any time in accordance with chapter 3 of this regulation.

2-9. Accreditation

a. Accreditation of special agents is accomplished by the authority of the CG, USACIDC, acting through the Chief, Special Agent Accreditation Branch, USACIDC.

b. Special agents must maintain all standards as prescribed by AR 195-3 to remain accredited. Loss of accreditation can result in reassignment for civilian agents, or elimination from the program in accordance with chapter 3 or other existing regulations and/or separation from the military under the provisions of AR 635-200, AR 600-8-24, AR 135-178, and AR 135-175 for all military special agents.

c. Military personnel will be considered for, and maintain accreditation based upon the standards as defined by this regulation and—

(1) Successful completion of CIDSAC. The CIDSAC must be completed within one year of acceptance date to the CID Special Agent Program. Failure to successfully complete CIDSAC will constitute grounds for revocation of acceptance. The Deputy Commander, USACIDC, will be the final authority on recommendations to withdraw acceptance.

(2) Successful completion of a one-year apprentice period from the date the apprentice agent is assigned to or returns to the unit after graduation from CIDSAC.

(3) Favorable SSBI, and the granting of a TOP SECRET security clearance.

(4) Adherence to the standards in chapter 2, paragraph 3-1, and elsewhere listed in this regulation, to include the requirement to abstain from agent misconduct, both criminal and non-criminal, and the requirement to report any known or suspected incidents of misconduct by USACIDC personnel. For the purposes of this regulation, "misconduct" refers to conduct that violates Federal and non-Federal criminal or punitive statutes, including the UCMJ; DOD 5500.7-R, and the references cited therein; and Army, DOD, and USACIDC specific regulations and rules of conduct.

d. Civilian candidates will be considered for, and maintain accreditation based upon the standards as defined by this regulation, by successfully graduating from a basic agent accrediting course recognized by the USACIDC or providing proof of acceptable training or previous accreditation or graduation from an academy, and by maintaining a minimum level of satisfactory performance and conduct.

2-10. Lautenberg Amendment requirements for criminal investigators

a. Per DODD 5210.56, all military and civilian agents applicants will complete a DD Form 2760 (Qualification to Possess Firearms or Ammunition), certifying they do not have a qualify conviction under the Lautenberg Amendment. The DD Form 2760 completed by applicants will be forwarded to the Chief, Special Agent Accreditation Branch, USACIDC for inclusion in their CIAF (see para 4-2a(2)).

b. All current military and civilian agents will annually complete a DD Form 2760. The annual recertification serves a purpose of reminding covered personnel of their affirmative, continuing obligation to inform commanders and supervisors if they have or obtain a qualifying conviction. The yearly DD Form 2760 will be forwarded to the Chief, Special Agent Accreditation Branch, USACIDC for inclusion in the CIAF.

Chapter 3

Elimination from the U.S. Army Criminal Investigation Command Special Agent Program

3-1. Standards

a. General. No one has an inherent right to be a CID special agent. Special agents who exhibit unsatisfactory performance or conduct, a deficient character, or is otherwise unsuited for the CID Special Agent Program will be processed for elimination from the CID Special Agent Program.

b. Dual status. If a CID special agent is dual status (civilian (see para 3-3b) and military USACIDC special agent (see para 3-3a)) and is eliminated for misconduct or unsatisfactory duty performance while in one status, that action may result in them being eliminated as a CID special agent in the other status as well.

c. Basis for elimination.

(1) The USACIDC special agents are in positions of special trust and confidence. Therefore, special agents may be eliminated from the USACIDC Special Agent Program under one or a combination of the following circumstances:

(a) Failure to maintain the standards specified in chapter 2.

(b) Any military or civilian conviction for misconduct, nonjudicial punishment under the provisions of Article 15, UCMJ, and/or adverse action under civilian personnel regulations and policies, may be used for the purpose of elimination from the USACIDC Special Agent Program.

(c) Felony or misdemeanor conviction for domestic violence under 18 USC 921 et seq., pursuant to the 1996 Amendment to the Gun Control Act of 1968 (known as the Lautenberg Amendment), which prohibits individuals convicted of a qualifying misdemeanor crime of domestic violence from possessing any firearm or ammunition.

(d) Loss of credential, badge, weapon, or any part thereof, purposely or as a result of gross negligence.

(e) Failure to secure or account for evidence or contingency limitation (.0015) funds, either purposely or as a result of gross negligence.

(f) Indiscretion, disaffection, breach of discipline, or abuse of privilege reflecting adversely on the USACIDC or the Army.

(g) Any acts or omissions that could impair the ability to effectively perform any USACIDC duties, including but not limited to, loss of security clearance, failure to maintain qualifications to carry a weapon, substantiated allegations of a false statement (for example, Brady-Giglio), violations of the UCMJ, commission of a criminal offense or violation of foreign law.

(h) Moral or professional dereliction, acts of intemperance to the discredit of the service, or intentional omissions or misstatements of facts in official statements.

(i) Unsatisfactory duty performance.

(j) Failure to successfully complete the prescribed apprentice/probationary period.

(k) Failure to report any known or suspected incidents of misconduct, both criminal and non-criminal, by USACIDC personnel.

(l) Failure of a civilian agent to honor a mobility agreement.

(2) Individuals who are eliminated from the USACIDC Special Agent Program are ineligible for reentry into the program in any status (for example, if a military agent is removed from the program he/she is ineligible to become a civilian agent and vice versa).

3–2. Voluntary release from the U.S. Army Criminal Investigation Command Special Agent Program

a. Military Criminal Investigation Division special agents. All military special agents may request voluntary reclassification. Requests for voluntary release will be submitted to the USACIDC chain-of-command to the Chief, Special Agent Accreditation Branch, USACIDC, and will include justification to support the release and chain-of-command endorsements. If the special agent has not fulfilled the required service obligation, or if insufficient justification exists to warrant the release, the request for voluntary release may be denied based on the current needs of the command and/or MOS strength posture. Special agents will retain their badge and credentials and continue to perform their investigative duties pending final action by the CG, USACIDC. If approved, personnel will be processed for reclassification (MOS 31D) or branch transfer (MOS 311A) and reassignment.

b. Civilian Criminal Investigation Division special agents. Civilian special agents may voluntarily request to be reassigned to other work. Requests will be considered per established statutes and policy.

3–3. Involuntary release from the U.S. Army Criminal Investigation Command Special Agent Program

a. Military Criminal Investigation Division special agents.

(1) When a group commander, the USACIDC Deputy Commander or CG, USACIDC, determines that a special agent's conduct or unsatisfactory duty performance warrants elimination from the CID program, the group commander will notify the military special agent in writing of his or her decision to process the special agent for elimination. The military special agent will be provided a copy of all documents pertaining to the elimination action.

(2) Military special agents will be given 10 calendar days to provide matters in rebuttal of the elimination except when the military special agent is convicted by a general or special courts-martial or of a felony crime in a civilian court trial. Military special agents convicted in such judicial proceedings, will be notified of final decision and the reasons for elimination, but they will not have the right to rebut or respond.

(3) Military special agents may request to have their elimination from the CID program reviewed by an Accreditation Review Board (ARB). The decision to convene an ARB is solely at the discretion of the CG.

(4) Recommendations for elimination or retention from the special agent's chain-of-command and ARB (if applicable), investigative reports, allied documents/evidence to support the recommendation(s), as well as any matters submitted in rebuttal, will be forwarded through command channels through the Special Agent Accreditation Branch to the CG, USACIDC, for decision. The CG, USACIDC, may—

(a) Return the agent to investigative duty.

(b) Return an agent to investigative duty in a probationary status.

(c) Initiate an ARB for the agent.

(d) Eliminate the agent from the CID Special Agent Program.

(5) An elimination action and other adverse or disciplinary action may be processed simultaneously. For example, a commander may give written notice of a recommendation to eliminate and process an Article 15 at the same time. If the circumstances warrant, a commander may recommend holding an elimination decision in abeyance until the completion of judicial or non-judicial actions.

b. Civilian Criminal Investigation Division special agents. Civilian agents may be separated from Federal service when failing to perform or conduct him/herself in a satisfactory manner. The commander will immediately contact the servicing civilian personnel advisory center for civilian human resources advice when an agent is determined to be failing expectations for performance and/or standards of conduct.

Chapter 4

Criminal Investigation Accreditation Files

4-1. Establishment of accreditation files

On application to the USACIDC Special Agent Program, an individual file is established at Headquarters, USACIDC, containing documents that establish the individual's acceptance or non-acceptance and continued eligibility for assignment to criminal investigation duties.

4-2. Documents authorized for filing in the criminal investigation accreditation file

a. The following documents, when they exist, will be filed in the CIAF:

- (1) Applications, including all enclosures, required for acceptance as a CID special agent (MOS 31D or 311A) or civilian (Series 1811) criminal investigator. (Permanent)
- (2) Current DD Form 2760 (Qualification to Possess Firearms or Ammunition). (Temporary)
- (3) Termination or extension of apprenticeship memorandum, including all enclosures. (Permanent)
- (4) The CIDSAC graduation certificate and evaluation report. (Permanent)
- (5) Warrant Officer Technical Training Completion Certificate. (Permanent)
- (6) The CID Special Agent Badge, credential, and sequence number information. (Permanent)
- (7) Copy of signed CID Special Agent Oath. (Permanent)
- (8) Other data as included in Privacy Act systems notice. (Permanent)
- (9) Document removing CID special agent from the program (Elimination Memorandum, Retirement Order, Separation Order, Reclassification, SF 50, and so forth). (Permanent)

b. Documents will be forwarded to the Chief, Special Agent Accreditation Branch, USACIDC for inclusion in the CIAF.

c. Most documents filed in the CIAF are directed to be filed permanently, CID special agents may request removal of a document if they believe the probative value has been met or sufficient justification exists to remove the document. These requests will be submitted through their chain-of-command to the Chief, Accreditations Branch, USACIDC for processing. Prior to any removal from the CIAF, documents must be reviewed by the Office of the Staff Judge Advocate, USACIDC.

4-3. Access to and use of criminal investigation accreditation file

a. All CIAF are considered to be "For Official Use Only" unless classified in accordance with AR 380-5, and will be protected accordingly.

b. The Chief, Special Agent Accreditation Branch, USACIDC is responsible for controlling access to and loan of the CIAF.

c. The primary use of the CIAF is to determine an applicant's acceptance into the CID Special Agent Program; continued eligibility, placement, and standing therein USACIDC.

d. All special agents will be granted access to their CIAF upon request. Information within CIAF may not be withheld from the requestor except per AR 25-55 or AR 340-21.

Appendix A

References

Section I

Required Publications

AR 11–2

Managers' Internal Control Program (Cited in para 1–4*d*(9)(*c*.)

AR 25–55

The Department of the Army Freedom of Information Act Program (Cited in para 4–3*d*.)

AR 40–5

Preventive Medicine (Cited in para 1–4*b*.)

AR 135–100

Appointment of Commissioned and Warrant Officers of the Army (Cited in para 1–4*c*.)

AR 135–175

Separation of Officers (Cited in para 2–9*b*.)

AR 135–178

Enlisted Administrative Separations (Cited in para 2–9*b*.)

AR 195–6

Department of the Army Polygraph Activities (Cited in para 2–1*b*.)

AR 340–21

The Army Privacy Program (Cited in para 4–3*d*.)

AR 380–5

Department of the Army Information Security Program (Cited in para 4–3*a*.)

AR 600–8–24

Officer Transfers and Discharges (Cited in para 2–9*b*.)

AR 600–43

Conscientious Objection (Cited in para 2–4*f*.)

AR 635–200

Active Duty Enlisted Administrative Separations (Cited in para 2–9*b*.)

DA Pam 601–6

Warrant Officer Procurement Program (Cited in para 1–4*c*.)

DA Pam 611–21

Military Occupational Classification and Structure (Cited in para 2–1*a*(1).)

DOD 5500.7–R

Joint Ethics Regulation (Cited in para 2–9*c*(4).)

DODD 5210.56

Arming and the Use of Force (Cited in para 2–10*a*.)

UCMJ, Art. 120

Rape, sexual assault, and other sexual misconduct (Cited in para 2–4*g*.)

UCMJ, Art. 125

Sodomy (Cited in para 2–4*g*.)

5 CFR 842.802

Definitions (Cited in para B–1.)

28 CFR 60.3a(2)

Agencies with Authorized Personnel (Cited in para 2–1*a*(4).)

5 USC 552a

The Privacy Act of 1974 (Cited in para 2–6)

5 USC 8401(17)

Definition of law enforcement officers (Cited in para B–1)

18 USC 921 et seq.

The Gun Control Act of 1968 (Cited in para 2–7b(3).)

18 USC 922(g)(8) and (9)

The Lautenberg Amendment (Cited in 2–4e.)

Section II**Related Publications**

A related publication is a source of additional information. The user does not have to read it to understand the publication.

AR 15–6

Procedures for Administrative Investigations and Boards of Officers

AR 25–30

Army Publishing Program

AR 614–200

Enlisted Assignments and Utilization Management

DODD 5500.07, a through m

Standards of Conduct

UCMJ, Art. 15

Commanding officer's non-judicial punishment

5 CFR

Administrative Personnel

10 USC

Armed Forces

Section III**Prescribed Forms**

This section contains no entries.

Section IV**Referenced Forms**

Unless otherwise indicated, DA forms are available on the Army Publishing Directorate (APD) Web site (<http://www.apd.army.mil>); DD forms are available on the Office of the Secretary of Defense (OSD) Web site (<http://www.dtic.mil/whs/directives/forms/index.htm>).

DA Form 11–2

Internal Control Evaluation Certification

DA Form 2028

Recommended Changes to Publications and Blank Forms

DA Form 3822

Report of Mental Status Evaluation

DD Form 2760

Qualification to Possess Firearms or Ammunition

Appendix B

Employment Conditions for Civilian Criminal Investigators

B–1. General

Physical readiness is a condition of employment for USACIDC civilian criminal investigators. Criminal investigator (Law Enforcement Officer) as defined in 5 CFR 842.802 is an employee occupying a rigorous position, whose primary duties are the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, or the protection of officials of the United States against threats to personal safety, as provided in 5 USC 8401(17). Rigorous position means a position the duties of which are so rigorous that employment opportunities should, as soon as reasonably possible, be limited (through establishment of a maximum entry age and physical qualifications) to young and physically vigorous individuals whose primary duties are investigating, apprehending, or detaining individuals suspected or convicted of offenses against the criminal laws of the United States or protecting the personal safety of United States officials.

B–2. Conditions of employment for prospective civilian criminal investigators

a. Requirements. Applicants are required to sign a condition of employment statement as part of the pre-employment process. The sample statement follows:

- As a prospective employee, I understand I must also meet other conditions of employment, for example, TOP SECRET clearance; drug testing; the Lautenberg Amendment requirements; pass weapons qualification; successfully graduate from a basic agent accrediting course recognized by the USACIDC or provide proof of acceptable training or previous accreditation or graduation from an academy, or receive an initial training waiver; complete initial/annual cardiopulmonary resuscitation recertification and first aid; be able to work extended hours and weekends as required; be able to wear chemical protection equipment; deploy; be mobile.
- As an applicant, tentatively selected for this position, I understand I will not be appointed to the position if I decline to sign the conditions of employment. I understand if I sign the conditions of employment and cannot meet any one of the conditions of employment, this serves as a basis for my not being appointed to the position, or upon appointment, for proposing my removal in accordance with applicable Federal regulations and/or agency regulations.

b. Position description. Position descriptions for criminal investigators, General Schedule–1811, will include all conditions of employment.

c. Employee agreement. The new agent will also sign an employee agreement. The agreement follows: “This is to certify I understand the contents of the policy described above and the reasons therefore, and I agree to adhere to the terms of this policy as a continuing condition of my employment. A copy of this signed agreement will be given to me and to my supervisor and the original will be placed in my official personnel file.”

Appendix C

Internal Control Evaluation

C-1. Function

The function covered by this evaluation is the USACIDC Special Agent Program.

C-2. Purpose

The purpose of this evaluation is to assist commanders in evaluating the key internal controls listed. It is intended as a guide and does not cover all controls.

C-3. Instructions

Answers must be based on the actual testing of key internal controls (for example, document analysis, direct observation, sampling, simulation, and/or other). Answers that indicate deficiencies must be explained and the corrective action identified in supporting documentation. These internal controls must be evaluated at least once every 5 years. Certification that the evaluation has been conducted must be accomplished on DA Form 11-2 (Internal Control Evaluation Certification).

C-4. Test questions

- a.* Does an individual selected for CID special agent training meet the qualification standards as specified in paragraph 2-3?
- b.* Does an individual selected for CID special agent training meet any of the disqualification factors as specified in paragraph 2-4?
- c.* Does the Civilian selected for special agent training meet the pre-employment security screening procedures as specified in paragraph 2-7?
- d.* Is USAMPS or an equivalent military criminal investigative organization or Federal Basic Criminal Investigator Course the sole source of basic special agent training?
- e.* Did the special agent complete a one-year apprentice?
- f.* Did the special agent complete a DD Form 2760?
- g.* Did the special agent complete an annual DD Form 2760?
- h.* Was the pre-employment security screening conducted as specified in paragraph 2-7?
- i.* Were the elimination procedures conducted as specified in chapter 3?
- j.* Is a current DD Form 2760 on file in the CIAF of the special agent?
- k.* Are only the authorized documents maintained in the CIAF?
- l.* Is the CIAF only accessed by the appropriate personnel?
- m.* Is the CIAF used as specified in paragraph 4-3?
- n.* Does an individual selected as a civilian criminal investigator meet the employment conditions as specified in appendix B?

C-5. Suppression

Not applicable.

C-6. Comments

Help make this a better tool for evaluating internal controls. Submit comments to the Office of the Provost Marshal General (DAPM-MPO-PS), 2800 Army Pentagon, Washington, DC 20310-2800.

Glossary

Section I

Abbreviations

AR

Army regulation

ARB

Accreditation Review Board

CFR

Code of Federal Regulations

CG

Commanding General

CIAF

criminal investigation accreditation file

CID

Criminal Investigation Division

CIDSAC

USACIDC Special Agent Course

DA

Department of the Army

HRC

U.S. Army Human Resources Command

MEDCOM

U.S. Army Medical Command

MOS

military occupational specialty

NCIC

National Crime Information Center

OPM

Office of Personnel Management

PMG

Provost Marshal General

SAC

special agent-in-charge

SSBI

single scope background investigation

TRADOC

U.S. Army Training and Doctrine Command

UCMJ

Uniform Code of Military Justice

USACIDC

U.S. Army Criminal Investigation Command

USACIL

U.S. Army Criminal Investigation Laboratory

USAMPS

U.S. Army Military Police School

USAR

U.S. Army Reserve

USAREC

U.S. Army Recruiting Command

USC

United States Code

Section II**Terms****Acceptance**

The action taken by the CG, USACIDC that authorizes qualified enlisted personnel, civilian personnel, and warrant officers admission to the USACIDC Special Agent Program or admission of commissioned officers into supervisory positions.

Accreditation

Relative to special agents, an action taken by the CG, USACIDC or the designated representative, to signify successful completion of the 1-year apprentice period.

Accreditation Review Board

An administrative board held at the direction of the CG, USACIDC to review matters presented on behalf of a CID special agent recommended for elimination from the CID Special Agent Program to make a recommendation on if they should be eliminated from the program or retained.

Apprentice period

A 1-year period beginning the day the individual graduates from CIDSAC. During this period, the individual will be continually evaluated for demonstrated overall performance, capabilities, and potential as a USACIDC special agent.

Army Criminal Investigation Program

Includes those criminal investigation procedures, techniques, resources, training, and communication procedures used by USACIDC throughout the Army.

Credential

An identification document issued to U.S. Army military and civilian personnel involved in USACIDC-related duties.

Gross negligence

A conscious and voluntary disregard of the need to use reasonable care, which is likely to cause foreseeable grave injury or ham to persons, property, or both. It is conduct that is extreme when compared with ordinary negligence, which is a mere failure to exercise reasonable care.

Primary position

Law enforcement officer/Special agent occupying a rigorous position, whose primary duties are the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, or the protection of officials of the United States against threats to personal safety.

Secondary position

(1) Is clearly in the law enforcement or firefighting field; (2) Is in an organization having a law enforcement or firefighting mission; and (3) Is either - (i) Supervisory; for example, a position whose primary duties are as a first-level supervisor of law enforcement officers or firefighters in primary positions; or (ii) Administrative; for example, an executive, managerial, technical, semiprofessional, or professional position for which experience in a primary law enforcement or firefighting position, or equivalent experience outside the Federal government, is a prerequisite.

Special agent

An individual who has been accepted or accredited as a criminal investigator by the CG, USACIDC, in accordance with this regulation. This term includes both U.S. Army military personnel and DA civilian personnel who have been designated to perform USACIDC investigations.

USACIDC Badge

A distinctive shield issued in conjunction with the credential that identifies the individual as a USACIDC special agent or criminal investigation supervisor. Receipt of the USACIDC Special Agent Badge provides the authority to conduct criminal investigations.

USACIDC polygraph examiner

A warrant officer or civilian who has been certified and authorized by the CG, USACIDC, to conduct polygraph examinations.

USACIDC supervisor

A commissioned officer, special agent, or DA Civilian who has been assigned as a group, laboratory, battalion, or field office commander or executive officer, or to other positions within USACIDC as designated by the CG, USACIDC, such as operations officers, and SACs or resident agents-in-charge.

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