

**Army Regulation 195–2**

**Criminal Investigation**

# **Criminal Investigation Activities**

**Headquarters  
Department of the Army  
Washington, DC  
21 July 2020**

**UNCLASSIFIED**

# ***SUMMARY of CHANGE***

AR 195–2  
Criminal Investigation Activities

This major revision, dated 21 July 2020--

- o Rescinds Army Directive 2020–02 (Designee to Claim of Privilege Under Military Rule of Evidence 506) (para 1–4).
- o Adds the requirement for the submission of fingerprint cards and deoxyribonucleic acid collection kits (para 1–4c(2)).
- o Adds the authorization for Criminal Investigation Division supervisors to sign completed DA Forms 4833 (para 1–4e).
- o Establishes the criteria in which U.S. Army Criminal Investigation Command investigates CTA–50 thefts (para 3–3a(1)(c)).
- o Establishes the criteria in which U.S. Army Criminal Investigation Command investigates thefts of prescription medication (para 3–3a(2)(b)).
- o Establishes criteria in which U.S. Army Criminal Investigation Command investigations of drug offenses at the entrance to a military installation when the subject is non-DoD affiliated (para 3–3a(2)(c)).
- o Establishes the criteria in which U.S. Army Criminal Investigation Command will investigate aggravated assaults associated with strangulation and suffocation (para 3–3a(10)).
- o Adds legal coordination in accordance with DODI 5505.03 (para 3–16b).
- o Adds sharing criminal justice information in accordance with DODI 5525.16 (para 3–16f).
- o Adds authority to carry alternate duty weapon in accordance with DODD 5210.56 (para 3–26b).
- o Adds requirement for submission of fingerprints and other criminal history to federal databases (para 5–2m).
- o Adjusts investigative responsibilities of the U.S. Army Criminal Investigation Command, installation law enforcement, and unit commander based on the changes associated with the Military Justice Act of 2016 (app B).
- o Deletes sensitive items in appendix D and adds the information into appendix B (app B).
- o Deletes preparation of the DA Form 2804 (Crime Records Data Reference) (app C).
- o Changes report of investigation and DA Form 3975 to law enforcement report (throughout).
- o Rescinds the DA Form 2804 (Crime Records Data Reference).

**Criminal Investigation**  
**Criminal Investigation Activities**

By Order of the Secretary of the Army:

**JAMES C. MCCONVILLE**  
General, United States Army  
Chief of Staff

Official:

  
**KATHLEEN S. MILLER**  
Administrative Assistant  
to the Secretary of the Army

**History.** This publication is a major revision.

**Summary.** This publication establishes policies on criminal investigation activities, including the utilization, control, and investigative responsibilities of all personnel assigned to the U.S. Army Criminal Investigation Command elements. It also delineates responsibility and authority between Military Police and the U.S. Army Criminal Investigation Command.

**Applicability.** This regulation applies to the Regular Army, the Army National Guard/Army National Guard of the

United States, and the U.S. Army Reserve, unless otherwise stated. It also applies to the Army National Guard when in active Federal service, as prescribed in Section 802, Title 10, United States Code.

**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

provisions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see app D).

**Supplementation.** Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Provost Marshal General (DAPM–MPO–LE), 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 U.S. Army Criminal Investigation Command (CIOP–PO), 27130 Telegraph Road, Quantico, VA 22153–2253.

**Distribution.** This regulation is available in electronic media only and is intended for the Regular Army and the U.S. Army National Guard/U.S. Army National Guard of the United States, and the U.S. Army Reserve.

**Contents** (Listed by paragraph and page number)

**Chapter 1**

**General, page 1**

Purpose • 1–1, page 1

References and forms • 1–2, page 1

Explanation of abbreviations and terms • 1–3, page 1

Responsibilities • 1–4, page 1

Records management (recordkeeping) requirements • 1–5, page 2

Objectives • 1–6, page 3

Criminal incident policies • 1–7, page 3

Investigative policies • 1–8, page 3

**Chapter 2**

**U.S. Army Criminal Investigation Command Organization, page 5**

General • 2–1, page 5

U.S. Army Criminal Investigation Command support to the Army in the field • 2–2, page 5

\*This regulation supersedes AR 195-2, dated 9 June 2014; rescinds DA Form 2804, dated 1 January 1980; and AD 2020-02, dated 16 March 2020.

## Contents—Continued

### Chapter 3 Criminal Investigation Activities, page 6

#### *Section I*

##### *General, page 6*

Investigative authority of the Army • 3–1, page 6

U.S. Army Criminal Investigation Command investigative responsibility • 3–2, page 6

Investigative responsibility of the U.S. Army Criminal Investigation Command and military police • 3–3, page 7

Assumption of investigative responsibility by the U.S. Army Criminal Investigation Command • 3–4, page 10

Agreements between the U.S. Army Criminal Investigation Command and installation law enforcement activities • 3–5, page 10

Referral of investigations • 3–6, page 10

Army Substance Abuse Program • 3–7, page 10

Immigration customs enforcement and postal matters • 3–8, page 10

#### *Section II*

*Crime Prevention Surveys, Protective Services, Procurement Fraud Program, and Criminal Intelligence Program, page 11*

Crime prevention surveys • 3–9, page 11

Protective services • 3–10, page 11

Procurement Fraud Program • 3–11, page 11

Criminal intelligence • 3–12, page 11

Law enforcement reporting of suspicious activity • 3–13, page 11

#### *Section III*

*Operational Considerations, page 11*

Freedom of movement • 3–14, page 11

Crime scenes • 3–15, page 11

Coordination • 3–16, page 12

Access to Army facilities and records • 3–17, page 12

Security clearances and background investigations • 3–18, page 12

U.S. Army Criminal Investigation Command use of the National Crime Information Center • 3–19, page 13

Warning of rights • 3–20, page 13

#### *Section IV*

*U.S. Army Criminal Investigation Command Special Agents, page 13*

General • 3–21, page 13

Utilization • 3–22, page 13

Authority to apprehend or detain • 3–23, page 14

Authority to search and seize • 3–24, page 14

Authority to administer oaths • 3–25, page 15

Firearms • 3–26, page 15

Civilian clothing • 3–27, page 15

Billets and messes • 3–28, page 15

Disclosure of rank or grade • 3–29, page 15

Retention and use of investigative property • 3–30, page 15

Standards of conduct • 3–31, page 16

#### *Section V*

*U.S. Army Criminal Investigation Command Drug Suppression Operations in Foreign Countries, page 16*

Purpose • 3–32, page 16

Definitions • 3–33, page 16

Policy considerations • 3–34, page 16

Approvals and coordination • 3–35, page 17

#### *Section VI*

*U.S. Army Criminal Investigation Command Support to the Army and Air Force Exchange Service, page 17*

## Contents—Continued

Purpose • 3–36, *page 17*

Air Force Office of Special Investigations • 3–37, *page 17*

Air Force Office of Special Investigations responsibilities • 3–38, *page 17*

Army law enforcement responsibilities • 3–39, *page 18*

General guidelines on types of crimes • 3–40, *page 18*

### Chapter 4

#### **Investigative Records, Files, and Reports, *page 19***

Policy • 4–1, *page 19*

Preparation and maintenance • 4–2, *page 19*

Release and use of information • 4–3, *page 19*

Individual requests for access to, or amendment of, U.S. Army Criminal Investigation Command law enforcement reports • 4–4, *page 21*

### Chapter 5

#### **Army Crime Records Center, U.S. Army Criminal Investigation Command, *page 21***

General • 5–1, *page 21*

Functions • 5–2, *page 21*

Routine investigative name checks • 5–3, *page 22*

Immediate name checks • 5–4, *page 22*

Requesting U.S. Army Crimes Records Center files and reports • 5–5, *page 22*

Use of information contained in U.S. Army Criminal Investigation Command and Military Police reports • 5–6, *page 23*

### Chapter 6

#### **U.S. Army Criminal Investigation Laboratory, *page 23***

General • 6–1, *page 23*

Responsibilities • 6–2, *page 23*

Request for examination • 6–3, *page 23*

Court appearance • 6–4, *page 23*

U.S. Army Criminal Investigation Laboratory quality management documents and accreditation documents • 6–5, *page 24*

On scene assistance • 6–6, *page 24*

### Appendixes

A. References, *page 25*

B. Offense Investigative Responsibility, *page 30*

C. Telephone Name Check Format, *page 38*

D. Internal Control Evaluation, *page 39*

### Table List

Table B–1: Offense investigative responsibility, *page 30*

### Glossary



## Chapter 1 General

### 1–1. Purpose

This regulation prescribes policies and procedures pertaining to criminal investigation activities within the Department of the Army (DA). It prescribes the authority for conducting criminal investigations, crime prevention surveys, protective service missions, force protection and antiterrorism efforts and the collection, retention, and dissemination of criminal information. It delineates responsibility and authority between installation law enforcement (LE) activities and the U.S. Army Criminal Investigation Command (USACIDC).

### 1–2. References and forms

See appendix A.

### 1–3. Explanation of abbreviations and terms

See the glossary.

### 1–4. Responsibilities

*a. Secretary of the Army.* Appoints the Commanding General (CG), USACIDC, under the provisions of Military Rule of Evidence (MRE) 506, Government information, as his designee to claim the government information privilege over law enforcement information contained in policies and criminal investigation operational procedures.

*b. Commanders of Army commands, Army service component commands, and direct reporting units.* Commanders of ACOMs, ASCCs, and DRUs, within their respective areas of responsibilities, will ensure that known or suspected criminal activity is reported to the installation LE activity and, when appropriate, to USACIDC for investigation.

*c. Senior commanders.* Senior commanders, within their respective areas of responsibilities, will—

(1) Support the USACIDC by providing facilities and support required by the USACIDC mission and authorized by applicable regulations or memorandum of understanding (MOU) to assist the USACIDC in meeting the criminal investigative, crime prevention, force protection, antiterrorism, and protective service requirements of subordinate commands, installations, and other support Army activities.

(2) Ensure subordinate law enforcement elements process fingerprint cards and deoxyribonucleic acid (DNA) collection kits in accordance with DODI 5505.11 and DODI 5505.14.

*d. Commanding General, U.S. Army Training and Doctrine Command.* The CG, TRADOC, will oversee the formal training of USACIDC personnel at TRADOC schools to meet the requirements of USACIDC.

*e. Commanding General, U.S. Army Criminal Investigation Command.* The CG, USACIDC, exercises command authority, direction, and control of Army criminal investigative activities worldwide. The CG, USACIDC will—

(1) Establish policies for the release of information from, and the amendment of, criminal investigation records and law enforcement reports (LERs).

(2) Establish policies and criminal investigation operational procedures that govern all aspects of USACIDC operations, including, but not limited to, internal procedures, practices, discipline, permissions, interrogations, interviews, polygraphs, tactics, and techniques.

(3) Evaluate Army LE polygraph program activities and provide membership on DOD polygraph committees.

(4) Maintain overall responsibility for Army investigations of offenses involving controlled substances listed in Title 21, United States Code, Section 812 (21 USC 812).

(5) Conduct preliminary investigation into losses of all Category I and Category II AA&E items, regardless of dollar value, to determine if a crime was committed (see AR 190–11, app b).

(6) Conduct preliminary investigation into losses of Category III and Category IV items meeting the quantities listed in 190–11, appendix E, regardless of dollar value, to determine if a crime was committed.

(7) Conduct investigations of actual or attempted break-ins or armed robberies of AA&E storage facilities.

(8) Conduct preliminary investigations into the theft, suspected or attempted theft, loss or recovery of any nuclear, biological, or chemical weapons and/or agents in any quantity.

(9) Plan for and provide USACIDC support for each contingency plan maintained by Headquarters, Department of the Army (HQDA) and its subordinate commands. Plans for criminal investigative support will be coordinated with the commander responsible for the overall contingency plan.

(10) Ensure that the command and its field elements report known or suspected espionage, indicators of potential terrorist associated insider threats or extremist activity, and any of the other reportable matters of counterintelligence

(CI) interest defined in AR 381–12 and DODD 5240.06 to the nearest Army CI office within 72 hours of receipt of the information.

*f. Commanders, supervisors, and special agents of subordinate U.S. Army Criminal Investigation Command elements.* Commanders, supervisors, and special agents of subordinate USACIDC elements will—

- (1) Provide criminal investigative services to the U.S. Army on an area basis.
- (2) Provide reports and or statistical data to installation activity directors to provide supported commands with the relative number and types of serious crimes and incidents investigated, subjects identified, value of property stolen or recovered, and other information reflecting the status of discipline, law, and order necessary for the completion of reports required by HQDA.
- (3) Provide statistical data necessary to support locally established reports within the administrative and record-keeping capabilities of the supporting USACIDC element.
- (4) Ensure fingerprint cards and DNA collection kits are processed in accordance with DODI 5505.11 and DODI 5505.14.

*g. Commanders and supervisors receiving reports.* Commanders and supervisors receiving USACIDC reports for action or receiving action copies of final USACIDC LERs pertaining to a member of their organization will—

(1) Reply within 60 days through local command channels (using DA Form 4833 (Commander's Report of Disciplinary or Administrative Action)), ensuring that battalion commanders or the first lieutenant colonel in the chain of command, in accordance with applicable regulations and USACIDC directives, completes the DA Form 4833 and returns to the USACIDC element preparing the LER, indicating the judicial, nonjudicial, or administrative action, or lack thereof, taken against persons listed in the subject/suspect block of the final LER. Only a colonel (O–6) or higher with special court-martial convening authority will complete the DA Form 4833 within 60 days in cases of rape, sexual assault, and, forcible sodomy, in violation of Article 120, Uniform Military Code of Justice (UCMJ) (UCMJ, Art. 120), or corresponding civilian statutes, and all attempts to commit such offenses, in violation of UCMJ, Art. 80, UCMJ, or corresponding civilian statutes. Changes to judicial, nonjudicial, or administrative action resulting from subsequent appellate action will also be reported by commanders and supervisors to the USACIDC. The report of action taken is necessary to ensure completion of investigative files, to protect the rights of individuals involved, and to provide commanders with information for force protection and the state of discipline in their command. Criminal Investigative Division (CID) supervisors (special agent-in-charge (SAC) and detachment sergeant) are authorized to complete and sign the DA Form 4833 in lieu of a commander provided the completion is based on a reliable source (that is, court-martial order, UCMJ, Art. 15, direct telecom with O–5/O–6 commander).

(2) Notify all persons listed in the subject/suspect block, whether action is taken against them or not, that their name will remain in the subject/suspect block of the report and that the report will be indexed and therefore, retrievable by their name. Individuals will also be informed of the purposes for which the reports are used (for example, other criminal investigations, security clearances, other purposes as authorized by 5 USC 552a and AR 25–22 and the fact that such use may have an impact upon their military or civilian careers). Individuals will also be informed that the removal of their name from the subject and/or suspect block or other amendment of the report may be accomplished only by submitting a written request to the Director, U.S. Army Crime Records Center, 27130 Telegraph Road, Quantico, VA 22134–2253. Requests for amendment will be considered only as set forth in this regulation.

(3) Notify all persons listed in the subject and/or suspect block, where probable cause exist to believe the subject and/or suspect committed the listed offense, that the fingerprint cards collected by the special agent were submitted to the Criminal Justice Information Services Division of the Federal Bureau of Investigation (FBI).

(4) Commanders or supervisors of activities, facilities, units, or installations who have received a crime prevention survey by the USACIDC will furnish a report of corrective action taken or a statement that no corrective action was taken as a result of the survey, to the USACIDC field element within 90 days of the date of the survey. This report of corrective action must be forwarded by the commanders or supervisors through local command channels to the commander two levels above the activity, unit, facility, or installation surveyed, but in no case will reports be forwarded above ACOM, ASCC, or DRU level. A report of corrective action is not required for crime prevention surveys when—

- (a) Requested by the commanders or supervisors of activities, facilities, units, or installations.
- (b) Conducted in support of a crime prevention program.
- (c) Crime conducive conditions are not identified.

## **1–5. Records management (recordkeeping) requirements**

The records management requirements for all record numbers, associated forms, and reports required by this regulation are addressed in the Records Retention Schedule-Army (RRS–A). Detailed information for all related record numbers, forms, and reports are located in Army Records Information Management System (ARIMS)/RRS–A at

<https://www.arims.army.mil>. If any record numbers, forms, and reports are not current, addressed, and/or published correctly in ARIMS/RRS–A, see DA Pam 25–403 for guidance.

### **1–6. Objectives**

The operational procedures of each Army USACIDC element will be directed toward attaining the following objectives:

- a.* Ensuring known or suspected serious crimes and crimes which may result in damaging the public confidence in the Army are thoroughly and impartially investigated by USACIDC special agents.
- b.* Participating in the Army crime prevention program by identifying areas which are especially vulnerable to crime and by making recommendations to appropriate authorities for elimination of conditions conducive to criminal activity. This USACIDC effort, in the form of crime surveys, includes the examination of all aspects of management and property and fiscal accountability in which malfeasance and misfeasance may occur. Additionally, the Army crime prevention program will be conducted when criminal conditions, either engaged in or directed against Army personnel, may affect troop health, discipline, and welfare both on and off military installations.
- c.* Informing promptly appropriate authorities of facts uncovered during criminal investigations and crime prevention activities by preparing and submitting required reports in accordance with applicable directives.
- d.* Maintaining a proactive criminal intelligence collection, analysis and reporting cycle to alert commanders to threats and criminal elements. Commanders who are provided with validated criminal intelligence can initiate appropriate force protection measures.

### **1–7. Criminal incident policies**

The following policies will receive continuing command emphasis and attention:

- a.* Criminal incidents in the Army will be reported to the installation LE activity. These criminal incidents include those affecting or involving persons subject to the UCMJ, Department of the Army Civilians (DACs) and DOD contractors in connection with their assigned duties, and Government property under Army jurisdiction. Criminal incidents occurring at an installation or activity without an assigned LE activity will be reported to the appropriate supporting installation LE activity.
- b.* Serious crimes and incidents, in accordance with this regulation, will be reported to, and investigated by, USACIDC personnel. Commanders will immediately report all incidents or allegations of sexual assault to USACIDC. The commander of the appropriate USACIDC activity will direct the initiation of an investigation immediately upon receipt of information that a criminal incident falling within the investigative purview of USACIDC has occurred or is suspected. Once initiated, a criminal investigation will continue until completion.
- c.* Constant liaison and cooperation will be maintained with civilian and military LE and investigative agencies and military intelligence activities to ensure that criminal investigative, or other information of mutual interest, is exchanged or disseminated.

### **1–8. Investigative policies**

- a.* The USACIDC is the sole agency within the U.S. Army responsible for the criminal investigation of felonies (offenses punishable by death or confinement for more than 1 year), listed in appendix B of this regulation and relevant felonies identified in Federal, state, or foreign statutes. The USACIDC directives and policies, as they relate to criminal investigation activities, will be followed by all USACIDC personnel and elements throughout the U.S. Army.
- b.* Offenses will be reported as follows:
  - (1) Commanders will ensure criminal incidents or allegations whenever an Army interest exists or involving persons subject to the UCMJ, DAC, and DOD contractors, if related to their assigned duties or position, government property under Army jurisdiction, or those incidents occurring in areas under Army control are reported to installation LE activity in accordance with AR 190–45. Information indicating a violation of DOD 5500.7–R or the Federal Acquisition Regulation that develops into possible criminal activity will also be reported to the installation LE activity.
  - (2) Barracks larcenies of property of a value of less than \$1,500, simple assaults occurring in unit areas and not resulting in hospitalization and bigamy when there is no fraud of entitlements involved, will be reported to LE for statistical and crime reporting purposes, but a LE investigation is not required. Unit commanders will take appropriate action on these incidents. A LE investigation will normally be conducted only when it is considered necessary by the installation Provost Marshal (PM), Director of Emergency Services (DES), the commander of USACIDC element, or when requested by a field grade commander in the chain of command of the unit concerned.
  - (3) Nothing in this regulation will be construed to allow the withholding of medical treatment to avoid installation LE or USACIDC involvement.

c. Installation LE will promptly refer all crimes or incidents falling within USACIDC investigative responsibility to the appropriate USACIDC element for investigation. Initially, notification will normally be accomplished by direct contact between the installation LE desk sergeant and the supporting USACIDC unit. Formal referral will be conducted through the law enforcement reporting system.

d. Commanders of installations or activities without assigned installation LE will report criminal incidents or allegations to the supporting USACIDC element or the supporting installation LE, or both as appropriate. USACIDC locations and contact information worldwide is available at USACIDC website (<http://www.cid.army.mil/>).

e. The USACIDC will determine appropriate investigative action in accordance with this regulation for all criminal incidents or allegations reported to it or developed through its own sources. Reports will be prepared reflecting the results.

f. The USACIDC element receiving reports of criminal incidents or allegations from other than the installation LE will notify the appropriate installation PM/DES and affected commanders of the incident, unless such notification will compromise the investigation in accordance with this regulation.

g. 28 USC 535 requires that any information, allegation, or complaint relating to violations of Federal criminal law, involving Government officials and employees will be reported expeditiously to the Department of Justice (DOJ), unless the responsibility to investigate the matter is conferred upon the DOD (for example, an offense under the UCMJ) or as otherwise provided by law or agreement with the Attorney General (for example, the DOD/DOJ memorandum of understanding).

(1) For violations in the U.S, the normal method of referral and consultation is with the appropriate DOJ agency (for example, FBI or U.S. Attorney) on all such violations involving civilian personnel in accordance with AR 27-10.

(2) In the case of overseas violations or loss or injury to the U.S that affect U.S. Armed Forces activities, and which involve any civilian as a suspect or subject, whether or not such person is a DOD employee (for example, a defense contractor), a full LER on the nature and apparent scope of the violation, loss, or injury will be provided through USACIDC channels. HQ, USACIDC, will notify DOJ, as appropriate. A prompt initial notification should be submitted through USACIDC channels in all instances involving bribery or conflict of interest, and in those instances of fraud, theft, and unlawful destruction of government property when the loss to the U.S. exceeds, or is expected to exceed, \$5,000. In overseas areas, civilians may be titled for certain felony offenses under the provisions of 18 USC 3261 and DODI 5525.11, or during a declared war or contingency operation under UCMJ, Art. 2. Civilians may also be titled for violations of local laws.

h. Information concerning purely political activities and personalities, or disorders in which no crime is indicated or suspected will not be collected, recorded, or reported by the USACIDC.

i. USACIDC elements will share the following types of information with Army CI:

(1) Any information reportable to CI under the provisions of AR 381-12, including any information indicating a potential terrorist associated insider threat.

(2) Any incident or matter involving DA personnel with access to Top Secret, Sensitive Compartmented Information, Top Secret cryptographic information, Special Access Program information, or critical nuclear weapons design information.

j. Army CI elements will share the following types of information with USACIDC—

(1) Any threat to the safety or security of DA personnel, property, or installations.

(2) Any criminal matter or incident involving DA personnel which is not under Army CI investigative jurisdiction.

k. The USACIDC and Army CI special agents have parallel jurisdiction in matters such as sabotage; known, suspected, or attempted intrusions into Army information systems; personnel who have or had access to classified information who absent themselves without leave or who desert or defect; those who commit or attempt suicide; and deliberate security violations. In these instances, Army CI special agents will generally investigate for the presence of threats to national security, while USACIDC special agents may focus on the criminal aspects of these matters.

l. The receiving USACIDC element will refer information related to systemic weaknesses or managerial deficiencies, not of a criminal nature, to the appropriate commander.

m. Criminal intelligence (LE information gathering activities) will be handled as follows:

(1) The USACIDC has primary responsibility to operate a criminal intelligence program. The program will be designed to obtain, record, process, analyze, and disseminate information concerning criminal activities and terrorist threats directed against, involving, or affecting U.S. Army operations, material, personnel, and installations. The program will also develop, analyze, and report on the methods of operations used in criminal activities and terrorist operations. It will also be used to assess the vulnerability of Army activities to crime. The focus of the criminal intelligence program will be the detection, analysis, and prevention of criminal activity affecting the Army. Information gathered may be factual, fragmentary, or unsubstantiated.

(2) The USACIDC criminal intelligence gathering activities are not “CI related” and are excluded from the provisions of AR 380–13. Safeguards will be established to preclude unauthorized release of information.

(3) The USACIDC units will ensure that within their area of responsibility there is close coordination and mutual exchange of criminal intelligence between their unit and other military and civilian LE agencies on matters of common interest (in accordance with DOD and/or DOJ instructions concerning criminal intelligence sharing). Source confidentiality will be maintained.

(4) In no case will criminal information be restricted to USACIDC channels, when that information provides strong indications that an offense is imminent and the commission of that offense will affect the safety or security of Army operations, personnel, or material. Release will be made only to the extent necessary to prevent the commission of the offense.

(5) Information concerning criminal activity of interest to agencies other than the DOD will be reported to the appropriate agency. In overseas areas where representatives of other Federal investigative agencies are not present, information of interest to those agencies will be forwarded to the Commander, USACIDC (CIOP–IN), 27130 Telegraph Road, Quantico, VA 22134–2253, for appropriate dissemination. All releases of information under this provision will be in accordance with AR 25–22.

(6) Criminal intelligence about an individual may be disseminated outside LE channels only to those persons whose official duties create a definite and identifiable need for them to have access. Dissemination will be made to the minimum number of persons possible. All releases of information under this provision will be in accordance with AR 25–22.

*n.* The contents of Army investigative files will be restricted to information that is necessary and relevant to authorized criminal investigation and LE information gathering activities. When a U.S. Army Soldier (or in cases outside the U.S. (not in contingency operation)) when a DAC in the scope of the duties, or while on government time, or the immediate Family member of a U.S. Army Soldier) is identified as a suspect/subject for an off-post incident involving one of the following offenses: death (less accidental and natural death and fatal traffic accident (unless the driver of a Government vehicle is at fault), all sexual assaults, kidnapping, forcible sodomy, aggravated arson, robbery of a business, and drug offense(s) and weapons theft/smuggling, meeting the Criminal Investigation Command (CID) criteria for reporting as a serious and sensitive incident, or if a Soldier is the victim of a suspected suicide, coordination will be made with local LE to conduct a joint investigation. If local LE does not wish to participate in a joint investigation, CID elements will report the aforementioned investigation as a collateral investigation. Collateral LERs (transmitting reports of criminal investigations received from civilian agencies) pertaining to other offenses within USACIDC normal investigative responsibility will be forwarded by installation PM/DES in accordance with AR 190–45 to the U.S. Army Crime Records Center (CRC). An information copy of the military policy (MP) LER, with the civilian police report as an enclosure, will be provided to the supporting USACIDC element to ensure the receipt of criminal information. When the overall interests of the Army would be best served, the USACIDC may assume collateral reporting responsibility for any particular off-post investigation by notifying the appropriate installation PM/DES.

## **Chapter 2**

### **U.S. Army Criminal Investigation Command Organization**

#### **2–1. General**

*a.* The USACIDC is a DRU to the Provost Marshal General (PMG) (see AR 10–87 and DA General Order 2006–22). It is composed of a command headquarters, the Defense Forensic Science Center, the CRC, and subordinate brigades down to detachments.

*b.* The CG, USACIDC claims the government information privilege over law enforcement information contained in policies and criminal investigation operational procedures.

*c.* In nontactical situations, each USACIDC unit is a tenant activity at an Army installation, providing investigative support to the senior commander, as well as to the commanders of all other Army elements located within a USACIDC-specified geographic area of responsibility. The commander or special agent-in-charge at each unit provides advice and guidance on all USACIDC matters to supported commanders and the installation LE.

#### **2–2. U.S. Army Criminal Investigation Command support to the Army in the field**

*a.* During tactical operations, field exercises, and in active theaters of operation, the CG, USACIDC, will provide support to tactical units and their supporting elements. Pursuant to AR 350–28, field exercise planners must coordinate with the supporting USACIDC unit to determine appropriate participation.

*b.* The selection of the method of support will be coordinated between the appropriate USACIDC headquarters and the headquarters planning for the contingency or operation. The supporting USACIDC unit normally receives administrative and logistical combat support from the supported headquarters or the supporting combat support MP headquarters. The CG, USACIDC, maintains command and control of USACIDC units. In all operations, criminal investigations will be conducted, prepared, administered, reported, and distributed in accordance with this regulation and applicable USACIDC regulations and directives.

## **Chapter 3**

### **Criminal Investigation Activities**

#### **Section I**

#### **General**

##### **3–1. Investigative authority of the Army**

*a.* Investigative authority refers to matters for which the Army has the legal authority and jurisdiction to conduct a criminal investigation. Investigative responsibility refers to those matters within the Army’s overall investigative authority which the USACIDC has responsibility to ensure are properly investigated.

*b.* The Army has investigative authority whenever an Army interest exists and investigative authority has not been specifically reserved to another agency in accordance with AR 27–10; and the MOU between the DOD and the DOJ relating to the investigation and prosecution of certain crimes (see DODI 5525.07). Generally, an Army interest exists when one or more of the following apply:

- (1) The crime is committed on a military installation or facility, or in an area under Army control.
- (2) There is a reasonable basis to believe that a suspect may be subject to the UCMJ.
- (3) There is a reasonable basis to believe that a suspect may be a DOD civilian employee or a DOD contractor who has committed an offense in connection with his or her assigned contractual duties which adversely affects the Army.
- (4) The Army is the victim of the crime; for example, the offense involves the loss or destruction of government property or allegations of fraud (in accordance with DOD/DOJ instructions concerning the criminal investigation of fraud offenses) relating to Army programs or personnel.
- (5) There is a need to protect personnel, property, or activities on Army installations from criminal conduct on, or directed against, military installations that has a direct adverse effect on the Army’s ability to accomplish its mission; for example, the introduction of controlled substances onto Army installations, acts of terrorism, and logistics security.
- (6) In contingency operations there is a need to investigate crimes to establish law and order as identified by senior commanders.

##### **3–2. U.S. Army Criminal Investigation Command investigative responsibility**

*a.* Inside the United States and its territories and possessions, the USACIDC will normally exercise investigative responsibility for those offenses listed in appendix B and which are within the Army’s investigative authority. However, when Federal, State, or local civil LE authorities have concurrent jurisdiction, a joint investigative responsibility exists and the lead agency will be determined in coordination with that authority. When concurrent jurisdiction or authority to investigate exists and neither the Army nor the civil authorities accede to the other’s primary responsibility to investigate, both may pursue the investigation in fulfillment of their respective interests, with neither impeding the other.

*b.* Outside the United States and its territories and possessions, the USACIDC will normally have investigative responsibility for those violations of the offenses listed in appendix B and for felony violations of extraterritorial Federal criminal law and foreign criminal law that are within the Army’s investigative authority. Investigations of foreign nationals known or suspected of committing criminal offenses against the Army may be undertaken for purposes of pursuing prosecution under foreign laws or civil, contractual or administrative remedies. These investigative responsibilities are subject to any limitations imposed by treaty or other international agreements, such as a Status of Forces Agreement (SOFA) or by host country laws. In the absence of any agreement, the USACIDC will investigate offenses after coordination with appropriate host country authorities.

*c.* In a deployed environment, USACIDC agents will generally encounter the following regarding foreign governments:

- (1) When the Army is deployed to a foreign country which has an established and functioning government and LE system (police, prosecutors, and judicial system), the following applies:

(a) Authority to investigate will normally be determined by international treaty or agreement (such as, the SOFA), by the policies of the host government, or the U.S. Ambassador. The USACIDC will not conduct any investigations in violation of such agreements or policies.

(b) The USACIDC will not normally conduct investigations concerning non-DOD affiliated civilians committing crimes on other non-DOD affiliated civilians or non-DOD affiliated equipment and/or supplies outside Army controlled property. If requested to conduct an investigation by a field grade officer or higher due to Army interest, USACIDC will conduct a joint investigation to the extent allowed by treaty or policy and local LE authorities.

(c) When criminal incidents involve DOD affiliated personnel (military, civilian, or contractor) or DOD property outside of Army controlled property, the conduct of a joint investigation will be accomplished to the extent allowed by treaty or policy and local LE authorities.

(d) When criminal incidents occur on Army controlled property (such as, an installation, kaserne, or camp), investigations will be conducted in accordance with this regulation and applicable USACIDC regulations and directives. The conduct of such investigations will follow any guidelines, notifications, or other limitations set forth by treaty or policy and local LE authorities.

(2) When the Army is deployed to a foreign country that has no established (or severely limited) functioning government and no LE system (police, prosecutors, and a judicial system), the following applies:

(a) Authority to investigate in this situation is usually determined by the Army's mission and the requests of the senior supported Army commander (or senior U.S. commander in Joint operations). If the senior commander delegates an authority, USACIDC will respect requests from this commander's delegate. If the senior commander sets threshold criteria for investigations, USACIDC will respect those limitations. The USACIDC will not investigate outside the authority of the senior commander (or senior U.S. commander in Joint operations).

(b) The USACIDC may conduct investigations concerning non-Army affiliated civilians committing crimes on other non-Army affiliated civilians or equipment/supplies outside of Army controlled property, if such investigations are requested by the senior U.S. supported commander or meet some predetermined threshold criteria established by the senior U.S. supported commander.

(c) When criminal incidents involve Army affiliated personnel (military, civilian, or contractor) or Army property, the conduct of the investigation will be accomplished to the extent allowed by local environment and threat conditions.

(d) When criminal incidents involving anyone occur on actual Army controlled and occupied property (such as a base camp), investigations will be conducted in accordance with this regulation.

### **3-3. Investigative responsibility of the U.S. Army Criminal Investigation Command and military police**

a. The USACIDC is solely responsible for investigating the criminal aspects of those Army related felonies (offenses punishable by death or confinement for more than 1 year) listed in appendix B. Exceptions to this general policy are described in this regulation. Only CID special agents and other personnel assigned to or under the operational control of USACIDC are authorized to investigate felony crimes as delineated in this regulation. The CID special agents assigned outside of USACIDC are not authorized to conduct felony investigations and are limited to the duties for which they are assigned.

#### *(1) Property-related offenses.*

(a) The USACIDC is responsible for investigating property-related offenses (for example, stolen, destroyed, or damaged) when the fair market value of the property, using the preferred method discussed in AR 735-5, is \$5,000 or more (except as listed in this regulation) or when the property is of a sensitive nature (see this reg). An investigation by the USACIDC is also required for purposes of determining criminal intent in the case of lost arms, ammunition, and explosives, when the quantities involved meet the thresholds in AR 190-45. When no criminal intent is discovered, an initial/final law enforcement report will be completed in accordance with applicable USACIDC regulations and directives. The installation LE is responsible for investigating property-related offenses when the value is less than \$5,000. When requested by a supported commander, the USACIDC may investigate property crimes of lesser value, such as a series of minor larcenies which appears to be the work of an organized group.

(b) The USACIDC will conduct investigations regarding the larceny of privately owned vehicles (to include bicycles, motorcycles, all-terrain vehicles, and boats) if the thefts appear to be part of an organized group or criminal conspiracy.

(c) The USACIDC will not investigate thefts of common table of allowances (CTA)-50 series items issued to individual Soldiers regardless of value. The USACIDC may investigate thefts of CTA-50 items if the thefts appear to be part of an organized group or criminal conspiracy.

(2) *Drug offenses.* The USACIDC has investigative responsibility for all offenses involving substances listed in 21 USC 812 and found controlled substances or thefts of controlled (prescription) medication issued to individual

users where a subject is known or likely to be identified. This includes synthetic substances regardless whether they are temporarily or permanently placed in 21 USC. Incidents of found controlled substances where a subject is not known or likely to be identified will be referred to the installation LE activity, unless a MOU assigns investigative responsibility to the local USACIDC element.

(a) The investigation by a joint USACIDC and/or installation LE team is required when installation LE resources are available. This can be accomplished with the primary investigative and reporting procedures of the installation LE and USACIDC remaining unchanged. This approach fosters better coordination and is encouraged when deemed in the best interest of the overall drug suppression effort.

(b) The USACIDC will not investigate thefts of controlled (prescription) medication issued to an individual user when the subject is unknown or not likely to be identified.

(c) If a non-DOD affiliated person(s) attempts to enter a military installation (gate and/or entrance) and during the inspection or search, it is determined there is marijuana and/or illegal synthetic cannabinoid possession drugs in personal use amounts (less than 56 grams or 2 ounces) then the installation LE activity are authorized to refuse the person access to the installation without further investigation. This is authorized for only non-DOD affiliated person(s). The installation LE activity may investigate and/or refer the matter to local civilian LE if deemed appropriate. Amounts greater than personal use (56 grams or 2 ounces) will be investigated by the local USACIDC element.

(d) LE Operating Force Installations with an MP battalion headquarters and 3 MP companies will provide a minimum of one MP per 4,000 active duty population in support of drug suppression team initiatives. Active duty service population will be derived from the stationing and installation plan database. An MOU of combined drug suppression team investigative activities should provide for supervisory structure, commitment, and continuity of personnel and operations. An installation MOU may increase the number of personnel assigned to the drug suppression team above one per 4,000 population based on high drug incidents and upon agreement by all signing the MOU.

(3) *Misdemeanors.* A misdemeanor is any offense not punishable by death or imprisonment for a term exceeding 1 year; including violations of those provisions of state laws made applicable to U.S. military reservations. The USACIDC retains investigative responsibility of misdemeanor offenses only when they are committed in conjunction with another offense investigated by USACIDC. USACIDC may assume investigative responsibility for any crime, felony, or misdemeanor, if it is in the best interest of Army LE.

(4) *Noncombat deaths.* In accordance with DODI 5505.10, USACIDC will investigate noncombat deaths as potential homicides until evidence establishes otherwise. Pursuant to DODI 5505.03, the criminal investigation has primacy over other "collateral" investigations (for example, AR 15-6). These investigations can be conducted concurrent to, but not impede or interfere with, the criminal investigation. Close coordination between the criminal and collateral investigations will take place to the maximum legal extent and will improve the outcome of all investigations.

(a) Hospice deaths are considered attended deaths only when the CID element is notified of the hospice situation by a recognized hospice representative in advance of the death. Absent advanced notification, if a preliminary investigation discloses the death was a hospice death, the investigation can be terminated and a serious or sensitive incident only report will be generated.

(b) The Armed Forces Medical Examiner (AFME) has sole responsibility for determining the cause and manner of death. When a USACIDC investigation results in conclusions that conflict with the manner of death as reported by the AFME, USACIDC will convene a Manner of Death Review Board to review the investigative findings and recommend courses of action to the CG, USACIDC, in accordance with CID policy. The AFME staff possess a variety of forensic disciplines (for example, forensic pathology, anthropology, and odontology) which are available for investigative consultation. In the event a particular discipline is not available within the AFME, Headquarters (HQ) USACIDC will coordinate and vet any external agency's subject matter expert (such as, Smithsonian Institute, University of Tennessee "Body Farm," National Association of Forensic Engineers, American Academy of Forensic Sciences) to ensure they possess the necessary credentials to qualify as an expert in their field.

(c) In accordance with DODI 5505.10, USACIDC will establish a Casualty Liaison Officer Program, in order to keep the next of kin apprised of the progress of the investigation. The appointed casualty liaison officer duties will be in support of those officials with responsibility for notification, assistance and arranging survivor benefits.

(5) *Military offenses.* Certain military offenses, such as misbehavior as a sentinel or disrespect, will not normally be investigated either by the USACIDC or the installation LE; however, when the significance of the incident or the complexity of the facts dictate, the USACIDC or the LE may assume investigative responsibility. The listing of a person in a USACIDC report as a subject/suspect for the commission of a military offense (such as, dereliction of duty) is authorized and may be appropriate in certain cases.

(6) *War crimes.* The USACIDC is responsible for investigating suspected war crimes when a violation of 18 USC, or the UCMJ, as listed in this regulation, or when a violation of the law of land warfare is indicated, or when otherwise

directed by HQDA. This includes maltreatment or abuse of prisoners of war or detainees when the alleged crime meets the USACIDC threshold as identified in appendix B.

(7) *Crimes affecting the U.S. Army Reserve and the Army National Guard.* Crimes in which the USAR or ARNG are affected by fraud, theft, diversion, or destruction of government funds or property may be investigated by the USACIDC. Other cases affecting an Army interest may be investigated pursuant to instructions of the CG, USACIDC. The USACIDC investigations involving members of the ARNG, when in active Federal service, as prescribed in 10 USC 802, will be reported to the appropriate state adjutant general. Cases involving USAR personnel not in active duty training or extended active duty training status at the time of the offense will be reported to the Commander, U.S. Army Reserve Command responsible for the unit to which the subject belongs.

(8) *Adult private consensual sexual misconduct.* The adult private consensual sexual misconduct (APCSM) or “sexual misconduct” is a sexual act or acts in violation of the UCMJ, which occur between consenting adults, in private, whether on or off the installation, such as, adultery and indecent acts. In accordance with DODI 5505.08, the USACIDC or installation LE will not investigate APCSM when that is the sole offense. APCSM will only be investigated by USACIDC when aggravating circumstances exist; and only if approved by the CG, USACIDC. When investigated by USACIDC, the offenses will be reported to the appropriate commander.

(9) *Fraternization.* Will not normally be investigated by either the USACIDC or installation LE when this is the only offense. The offense will be reported by the installation LE through command channels to the appropriate commander.

(10) *Offenses involving senior personnel.* Whenever a law enforcement official receives or becomes aware of an allegation of criminality or impropriety against a senior official, HQ, USACIDC G-3 will be notified immediately by the most expeditious means (for example, telephone, fax, and email) of the allegation. Senior officials are general or flag officers on active duty or retired; a general or flag officer on active duty or retired of the U.S. Army Reserve or National Guard; a general officer designee (promotable O-6); a DOD civilian employee in the grade of Senior Executive Service or higher; or other personnel of equivalent rank who occupy a key position as designated by an appropriate commander. HQ, USACIDC, in coordination with the Office of the Department of the Army Inspector General, will determine if it is a USACIDC or Inspector General responsibility to investigate the allegation. USACIDC may investigate other offenses involving these personnel as subject, without regard for the limitations imposed in this regulation, if the sensitivity of the incident or complexity of the matter so dictates. The coordination procedures as noted above will be followed. Commanders and inspector generals are reminded that this guidance is available in AR 20-1. All allegations of impropriety or misconduct (including criminal allegations) against senior officials will be reported to the Department of the Army Inspector General’s Investigations Division within two working days of receipt of an allegation.

(11) *Assaults.* The USACIDC is responsible for investigating aggravated assaults which result in the victim being hospitalized for treatment (not mere observation) for a period of more than 24 hours. Any assault consummated by a battery on a child under the age of 16 years by an adult or assault where the victim (adult or child) indicates he/she was strangled or suffocated (victim may indicate he/she was choked) and admitted to the hospital for observation or treatment will be investigated by USACIDC. All other assaults will be investigated by the installation LE.

(12) *Domestic violence:* The USACIDC is responsible for investigating aggravated assaults (to include allegations of strangulation or suffocation) causing grievous bodily harm as defined in the UCMJ. Any domestic violence consummated by a battery on a child under the age of 16 years by an adult or assault where the victim (adult or child) indicates he/she was strangled or suffocated (victim may indicate he/she was choked) will be investigated by USACIDC. All other domestic violence will be investigated by the installation LE.

(13) *Misuse of government computers.* The USACIDC will not routinely investigate allegations of the misuse of government computers. Misuse as part of a personal business venture may fall under other violations investigated by USACIDC. The USACIDC retains primary investigative jurisdiction over incidents involving child pornography, and unauthorized access and/or intrusions into Army interest computers.

(14) *Violations of general regulations.* The USACIDC will investigate these offenses only when the regulation violated is punitive in nature and the underlying offense is, in itself, a felony crime by statute such as currency violations and certain black-market offenses as listed in this regulation.

b. The USACIDC may conduct a preliminary investigation as required to determine whether the USACIDC has investigative authority or responsibility or whether there is an Army interest in the matter. If the preliminary investigation reveals that one or more of the foregoing is lacking, the matter will be referred to the appropriate action agency.

### **3–4. Assumption of investigative responsibility by the U.S. Army Criminal Investigation Command**

The USACIDC may assume responsibility for investigating any criminal offense within the investigative authority of the Army when appropriate to a related investigation or to further LE, crime prevention, or force protection goals of the Army. When the USACIDC assumes control of an investigation from the installation LE and initiates a LER, the investigation will be carried through to conclusion by the USACIDC. Conducting a preliminary investigation does not presuppose assuming control of an investigation.

### **3–5. Agreements between the U.S. Army Criminal Investigation Command and installation law enforcement activities**

Modification of investigative responsibility by mutual agreement is not authorized at local, ACOM, ASCC, or DRU levels. A MOU establishing drug or other crime suppression teams and delineating their logistical and administrative support is authorized.

### **3–6. Referral of investigations**

For some criminal offenses within the USACIDC investigative responsibility, another agency may have primary responsibility to investigate. In such cases, the other agency will be promptly informed of the allegation and, if the other agency assumes the responsibility to investigate the case, it may be referred to that agency. The USACIDC field element will submit a LER reflecting the conduct of the investigation to date and a statement that the other agency has assumed responsibility for the investigation. If the other agency ceases the development or completion of investigative leads, the USACIDC may conduct further investigation, provided the other agency presents no valid objections. If the other agency declines to investigate, the USACIDC may conduct the investigation.

### **3–7. Army Substance Abuse Program**

In compliance with the Army's Substance Abuse Program (ASAP) policy, the USACIDC will investigate participants in the ASAP for controlled substance offenses only if the offense occurred after entry into the program or if the participant had been identified as a suspect or subject prior to the time of entry into the program. Participants in ASAP will not be knowingly approached by the USACIDC special agents, installation LE, or other investigative personnel for the purpose of soliciting information about controlled substances or distribution, unless the participant voluntarily offers to provide such information. If the ASAP participant volunteers the information, it will not be obtained in the ASAP facility or in such a manner as to jeopardize the safety of the sources of information or compromise the confidentiality and credibility of the ASAP. The USACIDC special agents, installation LE and other investigative personnel will not enroll in or infiltrate the ASAP treatment program for the purpose of LE activities in accordance with AR 600–85.

### **3–8. Immigration customs enforcement and postal matters**

- a.* Immigration Custom Enforcement (ICE) and postal authorities periodically find unauthorized material (for example, contraband, explosives, ammunition, unauthorized, or illegal weapons, or illegal drugs).
- b.* When notified by ICE or the U.S. Postal Service of unauthorized material discovered in the mail system or in transit from theater of operations during an ICE inspection, a joint investigation may be conducted.
- c.* When requested, USACIDC special agents or LE will receive as evidence such confiscated U.S. Government property. Such property will be returned to Government supply channels, when no longer required for evidentiary purposes.
- d.* Recovery of weapons, ammunition, and explosives will be reported by the Army installation element to which the item(s) are assigned in accordance with AR 190–11.
- e.* The USACIDC will investigate such incidents when appropriate and in conformance with this regulation and according to guidance issued by the CG, USACIDC.

## **Section II**

### **Crime Prevention Surveys, Protective Services, Procurement Fraud Program, and Criminal Intelligence Program**

#### **3–9. Crime prevention surveys**

The USACIDC conducts crime prevention surveys to support commanders within the context of the Army Crime Prevention Program. Crime prevention surveys may be initiated by the USACIDC element commander or may be conducted in response to a request by the supported commander.

#### **3–10. Protective services**

The USACIDC will conduct protective services operations per DODI O–2000.22 and AR 190–58. The USACIDC plans for and conducts protective service operations generally using methods, procedures, and equipment similar to those of the United States Secret Service. When conducting such operations, USACIDC personnel will be provided logistical, administrative, and personnel support from Army elements as required to accomplish its mission.

#### **3–11. Procurement Fraud Program**

As part of the overall mission to investigate felony crimes in which there is an Army interest in accordance with this regulation and AR 10–87, USACIDC is responsible for investigating procurement fraud and corruption. Evidence gathered during these investigations is used in criminal, civil, or administrative proceedings.

#### **3–12. Criminal intelligence**

As a part of its overall mission, USACIDC is responsible for the collection, analysis and reporting of actual or potential criminal threats, patterns, and trends, actual or potential threats by terrorists or insiders and suspicious activities that may have indicators of such threats. Comparisons among installations or commands will be avoided as there are unique circumstances and situations at each installation/command that cannot be captured just through a statistical data review. Such comparisons often present a flawed or slanted view.

#### **3–13. Law enforcement reporting of suspicious activity**

*a.* The authorized DOD LE suspicious acting reporting (SAR) system is eGuardian. In accordance with AR 190–45, USACIDC and PM/DES will submit SARs using eGuardian. SAR reports submitted via eGuardian will be in addition to any reporting required by AR 381–12 or local command reporting requirements.

*b.* The collection, use, maintenance, and dissemination of information critical to the success of the DOD efforts to counter terrorist threats must comply with all applicable laws, regulations, and policies regarding the safeguarding of personal freedoms, civil liberties, and information privacy.

## **Section III**

### **Operational Considerations**

#### **3–14. Freedom of movement**

*a.* During the course of a criminal investigation, USACIDC special agents or supervisors are authorized freedom of movement between geographical areas of responsibility.

*b.* All USACIDC personnel must obtain special area, country, and/or theater clearance for any travel outside the United States (including Alaska and Hawaii), its territories, and possessions. In some cases all, one or more, or none of these clearances may be required. DODD 4500.54E should be consulted when planning to travel. The lead time for requesting travel clearances varies with each individual country, so <https://www.fcg.pentagon.mil/fcg.cfm> should be reviewed during initial travel planning.”

*c.* Accredited USACIDC supervisors and special agents may obtain official U.S. passports through their servicing passport control office, military personnel section. DD Form 1056, item 12 (Authorization to Apply for a “No-Fee” Passport and/or Request for Visa), accompanying each application will show the special assignment code of “USACIDC.” Item 11 may be left blank. Item 7 must show the military rank or civilian pay grade.

*d.* The USACIDC offices and facilities will not be shared with other units under any circumstances.

#### **3–15. Crime scenes**

The control and processing of a crime scene and the collection and preservation of the evidence found at the scene are the exclusive responsibilities of the USACIDC special agent or supervisor in charge of the crime scene, when the

USACIDC has investigative responsibility. To prevent the possible loss or destruction of evidence, the USACIDC special agent or supervisor in charge of the crime scene is authorized to exclude all personnel from the scene. The exercise of this authority in a particular case may be subject to the requirement to preserve human life and the requirement for continuing necessary operations and security. This should be determined in conjunction with the appropriate commander and, where applicable, local host country LE authorities.

### **3–16. Coordination**

*a. General.* All USACIDC elements will establish liaison with the headquarters responsible for the installation, activity, or area supported. Commanders and installation PM/DES will be kept informed of the status of criminal investigations, criminal threats and analysis and crime prevention surveys in which they have an interest. If the release of this information would prejudice the successful completion of any investigation or survey, this coordination may be delayed or withheld up to and including the level of commanders of ACOMs, ASCCs, or DRUs. When such a release of information is withheld or delayed as determined by the USACIDC detachment commander or special agent-in-charge, the USACIDC element will inform the HQ, USACIDC, Investigative Operations Division, and the USACIDC battalion and the group headquarters. The withholding or delay of the release of such information to commanders of ACOMs, ASCCs, or DRUs requires approval of the CG, USACIDC, who will inform the Chief of Staff of the Army or the Secretary of the Army of the intent to delay or withhold the release.

*b. Legal coordination.* In accordance with DODI 5505.03, to avoid the appearance of investigative bias, USACIDC field elements will not formulate or document investigative conclusions (for example, founded or unfounded) in investigative reports. CID field elements will coordinate and document the trial counsel's probable or no probable cause opinion for each offense listed in the investigative report.

*c. Other services.* The USACIDC element will promptly notify the appropriate headquarters of another military service of any known or suspected crime for which the USACIDC has investigative responsibility in which the personnel or property of the other service are involved. Upon request from the headquarters having jurisdiction over the personnel or property concerned, an investigation may be conducted by the USACIDC. In crimes involving both Army personnel and personnel of another service, local coordination of the investigation with that service's criminal investigative agency will be accomplished by the USACIDC element concerned.

*d. Release of derogatory information.* Derogatory information that mentions or can be tied to particular individuals will be released only to those persons whose official duties create a definite need to have access to the information. Derogatory information will not be released outside of the DOD, except as authorized by 5 USC 552a and AR 25–22.

*e. Notification of Soldier apprehension.* CID will notify commanders within four hours when a Soldier is apprehended or advised of their UCMJ, Art. 31 rights, and Military Rule of Evidence (MRE) 305 in the Manual for Courts-Martial (MCM). Such notification is subject to delay based on the need to prevent investigative compromise.

*f. Sharing Criminal Justice Information.* In accordance within DODI 5525.16, USACIDC and MPs share CJI across organizational boundaries to enhance the DOD's crime prevention and investigative lead sharing. CJI sharing within DOD must be accomplished through the Law Enforcement Defense Data Exchange (LE D-DEX). USACIDC will share complete, accurate, and timely CJI with counterpart civil law enforcement agency to enhance public safety for all jurisdictions concerned. LE D-DEX is DOD's CJI portal to externally share CJI with the Federal Bureau of Investigation's (FBI's) Law Enforcement National Data Exchange, CJI sharing with civilian counterpart law enforcement agencies must be accomplished through the LE D-DEX linkage with National Data Exchange.

### **3–17. Access to Army facilities and records**

*a.* The USACIDC special agents, military police investigators (MPIs) and DAC detectives will be granted access to all Army facilities and records when necessary for criminal investigations, criminal intelligence efforts, protective service missions, or crime prevention surveys, when access is consistent with the provisions of applicable laws governing such access.

*b.* AR 40–66 and DODM 6025.18 describe policy and procedures to be used by USACIDC special agents, MPI, and DAC Detectives to gain access to information in medical records when conducting official investigations. Approved permission for access to information is authorization to make extracts or transcripts, for official purposes only, of specific information obtained by the custodian from medical records. The medical records will remain under the control of the records custodian who will make either the records or legible certified copies available for judicial, non-judicial, or administrative proceedings.

### **3–18. Security clearances and background investigations**

*a.* All accredited USACIDC special agents and supervisors are required to have a Tier 5 background investigation, fully adjudicated with Top Secret and/or Special Compartmented Information eligibility.

*b.* Any USACIDC personnel who have access to investigative records or files and the Defense Central Index of Investigations (DCIIs) and their supervisors are required to have a Tier 5 background investigation, fully adjudicated with Top Secret/Special Compartmented Information eligibility.

*c.* Any USACIDC personnel who have access to investigative records or files (without being DCII account holder) and their supervisors are required to have a Tier 3 background investigation, fully adjudicated secret eligibility.

### **3–19. U.S. Army Criminal Investigation Command use of the National Crime Information Center**

*a.* All USACIDC elements within the United States will make maximum use of the National Crime Information Center (NCIC). The USACIDC terminal is located at the CRC; however, terminals located outside the United States (including Alaska and Hawaii) and its territories and some elements located outside U.S. installations are available for use by USACIDC personnel in accordance with AR 190–45. Coordination with the installation LE is encouraged.

*b.* The use of the NCIC will be in accordance with AR 190–45 and the operating instructions of the FBI. The CG, USACIDC will issue appropriate instructions for use of the NCIC by USACIDC elements.

*c.* Data entered into the NCIC through the terminals located at U.S. installations will include information pertaining to stolen Government or private property, a theft of which is investigated by the USACIDC and which meets the criteria established by the FBI for entry into the system. Information pertaining to absentees or deserters whose personal identifiers have already been entered by the U.S. Army Deserter Information Point (USADIP) will be entered through the USACIDC terminal at the CRC, if they have become suspects or subjects in a USACIDC investigation.

*d.* The CRC enters stolen property and weapon reports for installation LE outside the U.S. in accordance with AR 190–45. The CRC will conduct NCIC inquiries for USACIDC special agents in support of criminal investigations or related inquiries for elements located outside the U.S. locations, based on a request from the individual USACIDC element.

*e.* The USACIDC and USADIP will establish a liaison to ensure timely exchange of information on matters pertaining to absentees and deserters. The CRC will provide USADIP with the names of those Army deserters in whom the USACIDC has an interest. The USADIP will ensure that notification of apprehension or inquiries from civil LE authorities on subjects of USACIDC investigations are transmitted to the CRC by the most expeditious means. The USACIDC will ensure that timely notification of a cancellation of interest in an absentee or deserter, previously listed in the wanted file, is provided to the USADIP and entered into the NCIC immediately.

### **3–20. Warning of rights**

Prior to any questioning, all persons subject to the UCMJ who are suspected of a criminal offense must be properly advised of their rights in accordance with UCMJ, Art. 31 and MRE 305 in the MCM. U.S. civilian subjects, not otherwise subject to the UCMJ, will be warned per current Federal law. Generally, Federal law requires that civilians be advised of their Constitutional rights only in those circumstances amounting to a “custodial interview.” During wartime and contingency operations, or in other circumstances determined by the President of the United States, civilians may be subject to the UCMJ. Under those circumstances, UCMJ, Art. 31 would apply and would require the appropriate rights warning.

## **Section IV**

### **U.S. Army Criminal Investigation Command Special Agents**

#### **3–21. General**

*a.* All USACIDC special agents are authorized to enforce the criminal laws of the U.S. concerning any offense over which the Army has investigative authority. Nothing in this regulation purports to authorize any action that would constitute a violation of 18 USC 1385.

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

#### **3–22. Utilization**

*a.* The USACIDC special agents will not be assigned to other than criminal investigative duties without prior approval of the CG, USACIDC. The USACIDC special agents or supervisory personnel will not be assigned duties such as post or staff duty officer, LE duty officer, casualty assistance officer, membership on boards (except boards considering applicants for appointment as warrant officers in military occupational specialty 311A, promotion boards, or reclassification boards requiring a member knowledgeable of duties required of USACIDC personnel). This does not preclude the performance by USACIDC special agents or supervisors of those additional duties assigned by, and

performed within, the USACIDC unit. The USACIDC special agents, Defense Forensic Science Center, and U.S. Army Criminal Investigation Laboratory (USACIL) personnel will not be assigned to defense counsels to serve as a member of the defense team or as an expert witness for the defense for courts-martial proceedings.

*b.* When the interests of effective LE require special expertise or technical assistance, the CG, USACIDC, may authorize civilian or military personnel of the Army to assist in criminal investigations and to perform other USACIDC related duties, to include administering oaths.

*c.* The USACIDC special agents and certified polygraph examiners may perform all the requirements of their respective duty positions without regard to whether they hold military or civilian status.

### **3–23. Authority to apprehend or detain**

*a.* Pursuant to rule for court-martial (RCM) 302, MCM; UCMJ; and 10 USC 807; USACIDC special agents are authorized to apprehend any person subject to the UCMJ, regardless of location, if there is probable cause to believe that person has committed, is committing, or is about to commit a criminal offense punishable by courts-martial. In affecting apprehensions, such force as may be reasonably necessary, in accordance with AR 190–14, may be used. Apprehensions to be made in private dwellings, on a military installation or off a military installation, will be accomplished in accordance with the procedures specified in RCM 302(e)(2). All USACIDC special agents are also authorized to conduct investigative stops of any person subject to the UCMJ, regardless of location, if there is an articulable and reasonable belief the person has committed, is committing, or is about to commit a criminal offense.

*b.* All USACIDC special agents are authorized to apprehend civilian personnel on military installations, facilities, DOD property (50 USC 797) or areas under military administration, when there is probable cause to believe that person has committed an offense cognizable under the criminal laws of the U.S. to include offenses assimilated from State law, in areas of exclusive Federal, concurrent Federal-State or proprietary Federal jurisdiction. Such persons will be held only until they can be released to an appropriate Federal, State, or local LE agency, or to civilian authorities in accordance with local procedures.

*c.* Military USACIDC special agents, in their official capacity, have no authority to arrest, with or without an arrest warrant, civilians outside the limits of a military installation. When such an arrest is necessary in the conduct of a USACIDC investigation, an arrest warrant must be obtained and executed by a civil LE officer with statutory arrest authority for a civilian USACIDC special agent. The USACIDC special agents may accompany the arresting civil LE official for purposes of identifying the person to be arrested and providing backup assistance.

*d.* In accordance with 10 USC 4027, the Secretary of the Army, in conjunction with the Secretary of Defense and the Attorney General, has granted USACIDC civilian special agents statutory arrest authority enabling them to execute and serve arrest warrants and arrest any person without a warrant off DOD controlled property in the U.S. under specified circumstances. This authority will be exercised under the guidelines that the Secretary of Defense and the Attorney General approved in November 2005.

*e.* The USACIDC military and civilian special agents are authorized to make arrests outside the U.S for offenses subject to prosecution under 18 USC 3261 and DODI 5525.11.

*f.* Personnel apprehended by USACIDC special agents will be released to civil or installation LE, as appropriate, for confinement or detention. Confinement or detention in military facilities will be in accordance with AR 190–47. Nothing in this regulation is intended to restrict the inherent authority of military commanders to maintain law and order on the installation for which they are responsible or to restrict the personal authority of special agents under various state laws concerning citizen’s arrest.

### **3–24. Authority to search and seize**

*a.* Searches and seizures within the confines of a U.S. military installation will be conducted in accordance with the MRE, in the MCM; or other applicable law.

*b.* All USACIDC special agents are authorized to seek a search warrant from a civil (state and Federal) magistrate or judge, and, if issued, to execute the search warrant outside of a military installation. This authority is granted under the provisions of the Federal Rules of Criminal Procedure; 28 CFR Part 60; Part II, MCM, 2019, RCM 302(b); and Part III, MCM, 2019, MRE 315 and pertains to those offenses within the investigative authority of the Army over which the USACIDC has assumed investigative responsibility. When executing such a search warrant, military USACIDC special agents will be accompanied by a civil LE officer having statutory arrest authority or a civilian USACIDC special agent.

### **3–25. Authority to administer oaths**

The USACIDC special agents, and other personnel designated in accordance with this regulation, are authorized to administer oaths under the provisions of 10 USC 936 for military investigative personnel and 5 USC 303, for civilian investigative personnel.

### **3–26. Firearms**

*a.* The USACIDC special agents are authorized to carry concealed weapons in accordance with instructions issued by the CG, USACIDC, DODD 5210.56, and AR 190–14. Any weapon lost, stolen, or unaccounted for will be reported immediately to HQ, USACIDC, Investigative Operations.

*b.* Unless privately owned firearms and ammunition are authorized by the CG, USACIDC, or the CG’s designated representative, only government issued and acquired weapons and ammunition will be utilized for official duties.

### **3–27. Civilian clothing**

*a.* Unless precluded by theater requirements, (for example, combat operations), or when directed otherwise by a USACIDC unit commander, USACIDC special agents may wear civilian clothing in the performance of their duties, to include permanent change of station travel to a new duty station. The USACIDC supervisors may also wear civilian clothing when appropriate for mission accomplishment. Civilian clothing allowances for USACIDC special agents may be obtained in accordance with AR 700–84.

*b.* The USACIDC special agents and supervisors may obtain non-standard spectacle frames in accordance with AR 40–63.

*c.* The personal appearance standards of AR 670–1 may be waived by USACIDC supervisors for USACIDC special agents and other personnel attached for investigative duties.

### **3–28. Billets and messes**

*a.* Enlisted USACIDC special agents must be billeted with other USACIDC personnel in facilities separate from other Soldiers, or in senior bachelor enlisted or bachelor officer quarters. If a lack of suitable facilities precludes this policy, USACIDC special agents will be provided certificates of non-availability to support claims for basic allowance for housing (BAH) or per diem, as appropriate in accordance with AR 420–1.

*b.* The USACIDC unit administrative personnel will be billeted with USACIDC personnel or with MP personnel. Alternate billeting arrangements may be provided when it is determined that the USACIDC mission will not be adversely affected. If a lack of suitable facilities precludes this policy, administrative personnel will be provided certificates of non-availability to support claims for BAH in accordance with AR 420–1.

*c.* The policy in paragraphs 3–28*a* and *b* does not apply when LE personnel are billeted as a unit during combat operations, contingency operations, field exercises, or other training periods. Housing policy for non-LE type personnel prevails during these periods.

*d.* Enlisted USACIDC special agents are authorized basic allowance for subsistence (BAS) in accordance with DOD 7000.14–R.

*e.* The above provisions do not apply in outside the continental U.S. areas not authorized BAH and BAS.

### **3–29. Disclosure of rank or grade**

*a.* The USACIDC special agents conducting USACIDC investigation activities are not required to reveal their military or civilian rank, grade, or position other than as “CID special agent.” Their status as members of the U.S. Army or as a USACIDC special agent may also be concealed, if such concealment is in the interest of effective LE.

*b.* The USACIDC special agents will include their military or civilian rank or grade in signing all correspondence, except USACIDC LERs and documents related to the LERs.

*c.* The USACIDC special agents may wear the “U.S.” insignia in lieu of insignia of rank when wearing field uniforms.

*d.* Civilian USACIDC special agents, as directed by the CG, USACIDC, may wear the field uniform in a combat environment or military operations other than war in the manner in accordance with AR 670–1.

### **3–30. Retention and use of investigative property**

The LERs, files, photographs, exhibits, handwritten notes, sketches, and other material pertaining to USACIDC duties, including copies, negatives, compact discs, and reproductions, are either the property of the DA or in its custody and will not be retained or used as personal property. Photographs taken during the conduct of criminal investigations or related duties are exempt from the requirements of AR 25–1.

### **3–31. Standards of conduct**

Standards of conduct for DOD personnel are contained in DOD 5500.07–R and will apply to all personnel in the USACIDC program. Additional restrictions on off-duty employment and any other limitations of personnel assigned to the USACIDC may be determined by the CG, USACIDC.

## **Section V**

### **U.S. Army Criminal Investigation Command Drug Suppression Operations in Foreign Countries**

#### **3–32. Purpose**

This section sets forth Army policy for all USACIDC drug suppression operations conducted outside the U.S. and its possessions. It applies to all levels of drug suppression operations, whether conducted on or off a military installation and whether or not conducted in conjunction with other U.S. or non-U.S. LE agencies.

#### **3–33. Definitions**

*a.* Level One operations are those operations conducted only in outside the U.S and its territories, and uses special agents in an undercover role intended to identify high level traffickers of narcotics and dangerous drugs and to intercept controlled substances destined for resale and/or use by U.S. Armed Forces personnel.

*b.* Level Two operations are those drug suppression operations conducted by special agents assigned to local USACIDC units and drug suppression team personnel operating in a semi-undercover capacity with the mission of identifying traffickers, wholesale or retail, who operate on or close to installations or areas where U.S. Armed Forces personnel are stationed and/or who sell directly to U.S. Armed Forces personnel.

*c.* Level Three operations are those drug suppression operations conducted by special agents assigned to the local USACIDC units who operate in an overt manner investigating reported or detected controlled substance violations by members of the U.S. Armed Forces. The term U.S. Armed Forces personnel includes all employees, military or civilian, of the DOD and the Family members of such persons, except where the term is more narrowly defined by provision of applicable treaties or international agreements, in which case that definition will apply.

#### **3–34. Policy considerations**

Individuals in charge of USACIDC drug suppression operations and the approving authorities set forth in this regulation will ensure that all operations are conducted in accordance with the following policy considerations:

*a.* The objective of USACIDC drug suppression operations is to support Army commanders by limiting the use or possession of illegal drugs by U.S. Armed Forces personnel and by interdicting the supply of illegal drugs directed to such persons. Drug suppression operations will be conducted only to the extent necessary to achieve this objective and only when resources from other U.S. and non-U.S. LE agencies are not available or cannot be used due to prevailing operational conditions or necessities. A particular drug operation should not be conducted unless there is an identifiable connection between the drug traffickers being investigated and U.S. Armed Forces personnel. Such a connection is present only if the traffickers are known or suspected to have had recent drug transactions with U.S. Armed Forces personnel or if the traffickers distribute in an area where experience indicates a substantial portion of the available drug supply is obtained by U.S. Armed Forces personnel. The general scope of drug suppression operations should be coordinated with the supporting staff judge advocate, when the operation may have significant impact on nonmilitary personnel.

*b.* Level One operations will be conducted only as necessary in light of the following factors:

(1) The connection of the drug trafficking activities and lines of distribution to the supply of illegal drugs available to U.S. Armed Forces personnel.

(2) The resources available to the USACIDC to support the operation.

(3) The political effect of a refusal to support a foreign government in a combined operation that has an impact on U.S. Armed Forces.

(4) The effect on relations with foreign LE agencies of providing or failing to provide requested assistance.

(5) The potential effect on U.S. Armed Forces should the drug trafficker be successful, despite efforts of foreign LE agencies or other U.S. LE agencies.

*c.* Level One and, to a lesser extent, Level Two operations can adversely impact U.S. relations with other countries. Hence, diplomatic and political considerations must always be taken into account. Questions as to the foreign relations impact of drug suppression operations should be referred to the U.S. Embassy Narcotics Coordinator as set forth in this regulation.

d. To the extent necessary to accomplish the drug suppression objective, the USACIDC should maintain relations with other U.S. and non-U.S. police organizations and participate in the exchange of LE information and support to assist investigative goals.

e. All drug enforcement operations in foreign countries will be conducted in accordance with the provisions of SOFA or other international agreements.

f. The USACIDC drug suppression operations outside the U.S and its territories represent an effort to counter a significant threat to the health, welfare, morale, and readiness of the Army. In view of the significant Army interest involved, USACIDC narcotics control efforts are generally within the usual SOFA arrangements. However, if any USACIDC investigative activity is outside the authority of such provisions (for example, a host country LE agency requests USACIDC interpreter assistance in a narcotics case having no military interest) 22 USC 2291c applies. Therefore, when the action to be taken is not within a SOFA arrangement, no USACIDC or other Army personnel or employee may “engage or participate in any direct police arrest action in any foreign country” or “interrogate or be present during the interrogation of any U.S. person arrested in a foreign country with respect to narcotics control efforts without the written consent of such person” (see 22 USC 2291(c)).

### **3–35. Approvals and coordination**

All USACIDC drug suppression operations will be conducted in accordance with the following provisions:

a. *Embassy narcotics coordinators.* The general scope of all levels of operations in a foreign country must be fully coordinated with the Drug Enforcement Administration (DEA) representative and approved by the U.S. Embassy Narcotics Coordinator to ensure compliance with U.S. Embassy policy. In addition, prior case-by-case approval by the Embassy Narcotics Coordinator is required for all Level One operations. Approval in individual cases will be obtained by the USACIDC group commander before seeking DA and DOD approval. In approving cases, the Embassy Narcotics Coordinator will confirm with the DEA representative that DEA is unable to provide necessary investigative resources. The Embassy Narcotics Coordinator should be contacted regarding Level Two or Three operations, if it appears at any time before or during an operation that the operation may adversely affect U.S. foreign relations.

b. *Foreign governments.* Level One and significant off-post Level Two drug suppression operations will be conducted only if, and to the extent requested by, the host country police agency and with the knowledge and concurrence of an appropriate agency in the government of that country. However, in countries where an agreement giving prior approval to such operations is in effect, the operations may be conducted as prescribed by the agreement.

c. *Commanders of Army service component commands.* Must approve all Level One operations on a case-by-case basis. The USACIDC group commander must obtain this approval prior to seeking DA or DOD approval.

d. *Department of the Army and Department of Defense.* All Level One operations will be approved on a case-by-case basis by DA and DOD. Requests for approval should be forwarded through USACIDC command channels to the Office of the Army General Counsel. The DA and DOD approval is also necessary prior to the initial commencement of Level One operations in a country. In all cases approved by DA and DOD, the USACIDC will provide periodic follow-up reports explaining the extent and results of off-post activities and all other significant aspects of the approved operations.

## **Section VI**

### **U.S. Army Criminal Investigation Command Support to the Army and Air Force Exchange Service**

#### **3–36. Purpose**

This section sets forth Army policy to support Army and Air Force Exchange Service (AAFES) with criminal investigations and LE functions in conjunction with the U.S. Air Force Office of Special Investigations (AFOSI).

#### **3–37. Air Force Office of Special Investigations**

The AF is the executive agency for AAFES and AFOSI is the lead criminal investigative agency.

#### **3–38. Air Force Office of Special Investigations responsibilities**

The AFOSI is responsible for overall coordination of investigations relating to AAFES matters, for ensuring mutual exchange of information by AFOSI and USACIDC elements at all echelons, and for making recommendations to USACIDC elements in cases involving overlapping or conflicting jurisdiction, or otherwise requiring special handling.

a. The AFOSI will exercise its responsibility in a way that preserves the individual authority of the U.S. Air Force (USAF) and Army LE elements.

b. The AFOSI responsibilities include the following:

(1) Providing the personnel to consolidate all investigations arising at HQ, AAFES, outside the U.S. Exchange System headquarters, and at the U.S. Exchange Region HQ. Matters may be investigated by AFOSI or Air Force security forces in accordance with U.S. Air Force (USAF) regulations, which will determine if AFOSI or the security forces could more appropriately conduct the investigation.

(2) Conduct all investigations concerning—

(a) Procurement and contract fraud investigation at HQ, AAFES, and at Exchange System and Exchange Region headquarters, regardless of location. A joint investigation may be conducted when located on Army installations.

(b) Conduct all criminal and fraud investigations arising at HQ, AAFES.

(c) Exchange facilities or offices located on USAF installations.

(d) Exchange facilities, offices, or activities not located on installations of either the USAF or the Army, but primarily serving USAF personnel or installations.

(3) Serves as the executive representative and professional consultant to the AAFES Commander.

(4) Taking part with Army LE activities on Joint investigations.

c. AFOSI does not investigate an individual or activity under Army jurisdiction without knowledge and concurrence of the Commander, USACIDC.

d. Any major disagreement regarding the conduct of AAFES investigations will be resolved between the Commander, AFOSI, and the Commander, USACIDC or the Chief, LE Branch, Office of the Provost Marshal General (OPMG), HQDA, if involving installation LE.

### **3–39. Army law enforcement responsibilities**

The AAFES may be investigated by the USACIDC or installation LE in accordance with this regulation. Army LE elements are responsible for conducting all investigations concerning—

a. Exchange facilities, offices, or activities located on Army installations. Procurement and contract fraud investigations at HQ, AAFES, Exchange System, and Exchange Region headquarters located on Army installations may be investigated jointly, although primary responsibility remains with AFOSI.

b. Exchange facilities, offices, or activities not located on installations of either the AF or the Army but primarily serving Army personnel or installation.

c. Other exchange facilities as agreed on between AFOSI, USACIDC, and the OPMG. The Chief, LE Branch, OPMG, HQDA is the responsible official for coordinating matters related to installation LE support to AAFES.

### **3–40. General guidelines on types of crimes**

The following crimes are particularly applicable to the activity of AAFES and should be referred for investigation in accordance with this regulation:

a. *Fraud.*

(1) The AAFES should refer to Army LE elements any manipulation or alteration of records to perpetrate a fraud affecting only one local exchange facility.

(2) The AAFES should refer to AFOSI all complaints involving the centralized procurement of goods, services, or concession contracts affecting the AAFES system. Joint investigation may be conducted, when the offense occurs on Army installations.

b. *Pilferage.* Promptly refer to Army LE elements for investigative determination of any loss strongly suspected as pilferage by AAFES employees.

c. *Break-ins.* The AAFES will refer to Army LE elements all housebreaking of exchange facilities and warehouses. Usually, this type of offense necessitates a crime scene search requiring investigative expertise.

d. *Bad checks.*

(1) *Insufficient funds.* The AAFES usually administratively processes insufficient funds and checks bearing the true name of the maker.

(2) *Forgery.* The AAFES will refer to Army LE elements checks not bearing the true name of the maker.

e. *Inventory variance.* Normally, AAFES will not refer inventory variances to Army LE elements for investigation, unless an internal management review conducted by AAFES indicates criminal involvement.

f. *Shoplifting.* The AAFES safety and security personnel must report incidents of shoplifting to the installation LE for investigation. Under extraordinary circumstances or when specialized investigative techniques are required, complaints of shoplifting may be investigated by USACIDC. For example, specialized techniques may be required when systematic, undetected shoplifting is apparent and professional criminal activity is suspected.

g. *Misuse of exchange privileges.* The AAFES will refer misuse of exchange privileges to Army LE elements only if misuse indicates exploitation for commercial purposes or, in outside the United States areas, for black-marketing or customs violations.

*h. Other violations.* In outside the U.S and its territories, AAFES will refer to Army LE elements other violations involving AAFES matters or facilities committed to the extent or degree indicative of professional criminal activity such as: theft of goods in transport, customs violations, black-marketing, counterfeiting, and currency manipulations.

## **Chapter 4**

### **Investigative Records, Files, and Reports**

#### **4-1. Policy**

Investigative records, files, and reports will be prepared, maintained, and released by USACIDC elements in accordance with AR 25-22, AR 25-55, AR 25-400-2, AR 190-45, this regulation, and other applicable laws, regulations, or directives.

#### **4-2. Preparation and maintenance**

*a. Policies and procedures.* The CG, USACIDC, will establish policies and procedures for the preparation and maintenance of investigative records and reports as prescribed in this and other applicable regulations.

*b. Investigative files.*

(1) The CG, USACIDC, will establish policies and procedures for the transmittal and maintenance of USACIDC investigative records and reports; recommend to DA, Army Records Management and Declassification Agency (RMDA) standards for the retention of this material; direct the conduct of special studies and research utilizing data contained therein; and determine the releasability of information in these files.

(2) The CG, USACIDC, will recommend to DA, RMDA, standards for the retention of selected MPI LERs and MP LERs submitted to the CRC in accordance with AR 190-45 and for the release of information.

*c. Requirements control.* USACIDC, MP, MPI, and DAC Detective investigative reports are exempt from requirements control under AR 25-98.

*d. Classification and safeguards.* The USACIDC investigative records and reports will be marked "FOR OFFICIAL USE ONLY" (FOUO) in accordance with AR 25-55 and any clarifying guidance issued by the CG, USACIDC. The USACIDC investigative records and reports are exempt from automatic termination of protective marking. However, when investigative records and reports, or portions thereof, are inserted in, or attached to a record of trial by courts-martial or released outside DOD, the FOUO markings will be automatically cancelled. When the records or reports contain National Defense Information, classifying and handling will be in accordance with AR 380-5.

(1) Access to USACIDC reports will be limited to those individuals whose official duties require them to have access to such reports and should be restricted to the minimum number of persons necessary.

(2) Reports procured from USACIDC elements or the CRC, when not under personal control of an authorized individual, will be stored in a locked room, file cabinet, desk, shelf-file, or under other conditions which furnish an equivalent or greater degree of physical security.

(3) Reports provided by the USACIDC will be destroyed by the receiving agency upon completion of the action for which requested or required. As a minimum, all USACIDC reports will be destroyed following procedures for FOUO material in accordance with AR 25-55 and other applicable directives. Classified reports will be destroyed in accordance with the provisions of AR 380-5.

#### **4-3. Release and use of information**

*a. Release of investigative information.* Release of investigative information includes any visual access, oral disclosure, explanation of contents, or reproduction of material in investigative records, reports, or related documents of USACIDC origin.

*b. Release of U.S. Army Criminal Investigation Command investigative records and reports of investigation.* Release is authorized in accordance with AR 27-40, AR 190-45, AR 195-6, AR 25-22, AR 25-55, and policy on external agency information, as applicable.

*c. Distribution.* Routine distribution for final USACIDC and MPI LERs will be as follows:

(1) Routine distribution within DOD, but external to USACIDC, of final USACIDC LERs will be through the next higher field grade commander to the commander responsible for initiation of disciplinary or corrective action. Copies will also be provided to the staff judge advocate supporting the action commander, the installation LE responsible for LE in the area in which the incident occurred, and as further directed by the CG, USACIDC. Classified LERs will not be distributed routinely. Classified information will be distributed in accordance with AR 380-5.

(2) Routine distribution within DOD, but external to the installation LE, of final MPI LERs will be in accordance with AR 190–45.

(3) Disclosures outside DOD, under the authority of this paragraph, must be accounted for in accordance with appropriate USACIDC and MP regulations.

(4) When the disclosure of a USACIDC investigation presents a threat of the possible compromise of an operation or investigation, USACIDC may restrict distribution of the report(s) to USACIDC channels only. The decision for limited distribution will be an operational determination based on the facts of each case. Once the potential for compromise no longer exists, the restriction will be lifted and a status report dispatched to all parties requiring notification.

*d. Law enforcement criminal intelligence exchange.*

(1) Disclosure of criminal intelligence originated or maintained by the USACIDC may be made to any federal, state, local, or foreign LE agency that has an investigative or LE interest in the matter disclosed, provided the disclosure is not in contravention of any law, regulation, or directive, as applied to LE. Disclosures under this paragraph to non-DOD LE elements are a routine use under 5 USC 552a and must be accounted for in accordance with AR 25–22. Classified criminal intelligence will be disseminated in accordance with the provisions of AR 380–5.

(2) Acquisition of criminal intelligence from Federal, state, local, or foreign LE agencies is authorized provided it relates to a matter within USACIDC investigative authority or responsibility. Criminal intelligence may be acquired for the purpose of determining whether it meets the criteria in this regulation but will not be retained, if determined to be outside its scope.

*e. Sensitive investigative information.* The identity of sources, information pertaining to USACIDC investigative techniques, and data contained in internal USACIDC records, reports, or indexes thereof, will be released only as authorized by this regulation or by the CG, USACIDC. All other inquiries or requests regarding this type of information, not made under the provisions of this regulation, will be forwarded to the Director, U.S. Army Crime Records Center (CICR–FP), 27130 Telegraph Road, Quantico, VA 22134–2253.

*f. Juvenile records.*

(1) Investigative information pertaining to juveniles identified in any USACIDC report as suspects, subjects, or victims may be disclosed only as provided by this regulation. The status of “juvenile” is determined with reference to the age of the person as of the date of the offense.

(a) To those persons in the normal distribution channels of USACIDC reports.

(b) To other LE authorities when information acquired or maintained by USACIDC indicates criminal activity which may fall within another LE agency’s jurisdiction or responsibility.

(c) To other persons as required or authorized by law (for example, parents, pursuant to 18 USC 5033). The fact that the individual to whom the information pertains has become an adult does not alter the protection provided juvenile records. The USACIDC reports pertaining to juvenile subjects, suspects, or victims will be marked, so that they are readily identifiable as juvenile records when filed with other records. This requirement also applies when automated indexing of juvenile records is used.

(2) Any order from a Federal or state court of competent jurisdiction directing the sealing of juvenile records or juvenile court proceedings will be attached to the file at the local level and, if appropriate, at the CRC. When it appears that the terms of a court order or statute pertaining to the sealing of juvenile records or court proceedings restrict DOD use of records remaining in the custody of the USACIDC, clarification or guidance must be obtained from the CG, USACIDC (CIJA–ZA), 27130 Telegraph Road, Quantico, VA 22134–2253.

(3) Requests for release of juvenile records that appear to conflict with the guidance in this regulation and proposed denials for such USACIDC juvenile records will be forwarded promptly to the CG, USACIDC Staff Judge Advocate for determination of the USACIDC position and response.

*g. Requests for information.* Legislative or civilian judicial requests from Federal, state or foreign governments for access to, or copies of, USACIDC reports or information from USACIDC investigative efforts will be forwarded to the CG, USACIDC (CIJA–ZA), 27130 Telegraph Road, Quantico, VA 22134–2253. Congressional requests will be processed in accordance with AR 1–20 and AR 25–22. Responses to Congressional and White House requests and inquiries will be approved by the USACIDC CG, Deputy Commanding General, Deputy Commander or Chief of Staff, prior to their return to the Office of the Chief of Legislative Liaison. Civilian judicial requests or subpoenas, including those originated by prosecution and defense counsel, will also include that information in accordance with AR 27–40. The USACIDC field elements will not release information without prior approval of the CG, USACIDC (CIJA–ZA), 27130 Telegraph Road, Quantico, VA 22134–2253.

*h. Official requests.* Official requests for information from USACIDC LERs from agencies of the executive branch of the Federal Government identified as routine users in AR 25–22 and similar requests from other DOD components, will be referred to the Director, U.S. Army Crime Records Center, 27130 Telegraph Road, Quantico, VA 22134–2253. The Director, CRC is authorized direct communication with these agencies and components for this purpose.

*i. Disclosure.* Individuals, agencies, or components that receive USACIDC investigative reports or other information may further disclose such material only for administrative, non-judicial, or judicial purposes or proceedings. No other disclosure is permitted without the prior approval of the CG, USACIDC. These limitations do not apply to requesters or recipients under 5 USC 552 and 5 USC 552a.

*j. News media requests.* Inquiries from news media concerning ongoing criminal investigations will be responded to by USACIDC elements through the public affairs officer of the appropriate supported command. The USACIDC supervisors are authorized to withhold any information, the release of which, in their determination, may jeopardize the successful completion of the investigation and/or apprehension of perpetrators or which meets the criteria of AR 25–55. News media requests under AR 25–55 for USACIDC criminal investigative information not resolved at the investigating element’s level may be directed to the CG, USACIDC (CIO–PA), 27130 Telegraph Road, Quantico, VA 22134–2253. Other records requested by the news media through public affairs channels should be released upon request only with prior approval of HQ, USACIDC (CIO–PA).

*k. Other requests.* All other requests not specifically addressed above for copies of USACIDC investigative reports or information will be referred to the Director, U.S. Army Crime Records Center (CICR–FP), 27130 Telegraph Road, Quantico, VA 22134–2253.

#### **4–4. Individual requests for access to, or amendment of, U.S. Army Criminal Investigation Command law enforcement reports**

*a. Access to U.S. Army Criminal Investigation Command reports.* All requests for access to USACIDC reports made under 5 USC 552 and 5 USC 552a will be processed in accordance with AR 25–22 and AR 25–55, respectively.

*b. Amendment of U.S. Army Criminal Investigation Command reports.* The USACIDC LERs are exempt from the amendment provisions of 5 USC 552a and AR 25–22. Requests for amendment will be considered only under the provisions of this regulation. Requests to amend or unfound offenses in USACIDC LERs will be granted only if the individual submits new, relevant, and material facts that are determined to warrant revision of the report. The burden of proof to substantiate the request rests with the individual. Requests to delete a person’s name from the subject block will be granted if it is determined that credible information did not exist to believe that the individual committed the offense for which titled as a subject at the time the investigation was initiated, or the wrong person’s name has been entered as a result of mistaken identity. The decision to list a person’s name in the title block of a USACIDC LER is an investigative determination that is independent of judicial, nonjudicial, or administrative action taken against the individual or the results of such action. Within these parameters, the decision to make any changes in the report rests within the sole discretion of the CG, USACIDC. The decision will constitute final action on behalf of the Secretary of the Army with respect to requests for amendment under this regulation.

*c. Submission of requests.* Requests for access to, or amendment of, USACIDC investigative reports will be forwarded to the Director, U.S. Army Crime Records Center (CICR–FP), 27130 Telegraph Road, Quantico, VA 22134–2253.

### **Chapter 5 Army Crime Records Center, U.S. Army Criminal Investigation Command**

#### **5–1. General**

The CRC will receive and maintain the permanent files of USACIDC, select MPI LERs, select MP LERs and the DA Form 4833 (Commander’s Report of Disciplinary or Administrative Action). The Director, CRC will ensure the retention and proper use of these records and furnish data and copies of files, documents, or information to persons or agencies authorized to receive such information. The Director will refer requests to agencies controlling release of the requested information. For crime records purposes, the Director will maintain liaison for the CG, USACIDC, the Defense Security Services, Intelligence and Security Command, Defense Central Investigations Index (DCII), the DOD National Agency Check Center, and other Federal agencies, as appropriate.

#### **5–2. Functions**

The Director, CRC will—

- a.* Receive and file all records and reports as directed by the CG, USACIDC.
- b.* Receive and file MP LERs acquired under the provisions of AR 190–45.
- c.* Process for filing all USACIDC and MPI, and MP LERs, to include review of offense coding and ensure that each report is administratively complete.

- d.* Provide emergency and routine records checks for installation PM/DES, USACIDC elements, DA, DOD, and other LE identified by the CG, USACIDC, as routine users of records maintained by the CRC.
- e.* Operate and maintain criminal investigative data reference indexes.
- f.* Provide DCII with indexing data for individuals listed as subjects of all USACIDC LERs and subjects of MPI and MP reports.
- g.* Transmit on request, for LE purposes, copies of USACIDC, MPI, and MP reports to installation PM/ DES, USACIDC elements, DA, and Defense officials who are authorized to obtain and use reports, and other LE identified by the CG, USACIDC, and the Provost Marshal General as routine users of USACIDC and MP records, respectively.
- h.* Implement applicable release policy and procedures as delineated in this regulation.
- i.* Refer requesters to appropriate agencies, if information requested does not fall within the CRC control for release action.
- j.* Receive official requests for information from USACIDC LERs from agencies of the Federal government identified as routine users in AR 25–22 and similar requests from DOD components. The Director, CRC is authorized direct communication with these agencies for this purpose.
- k.* Upon request, transmit copies of appropriate final USACIDC and MPI, and MP LERs to DA and DOD agencies and elements of the executive branch of the Federal government authorized by statute, executive order, directive, or regulation to have access to LE files to make determinations regarding—
  - (1) Suitability for access to classified National Defense Information.
  - (2) Filing of unfavorable information in official military personnel files in accordance with AR 600–37.
  - (3) Accreditation per AR 190–13, AR 190–30, and AR 190–56.
  - (4) Suitability for sensitive positions such as child care providers and promotion to senior positions in the Army.
- l.* Upon written request, transmit USACIDC reports and MP reports to the Office of the Inspector General, HQDA, for those activities in accordance with AR 20–1.
- m.* Manage the submission of fingerprints and other criminal history information to various federal databases as authorized or required by statute, executive order, directive, or regulation.

### **5–3. Routine investigative name checks**

- a.* The CRC will, upon request by authorized individuals, conduct a search of available files and indexes to determine if information pertaining to a particular individual is on file. Commanders will oversee requests to ensure submissions are in accordance with this regulation.
- b.* Name checks are made by full name, date of birth (DOB), place of birth, social security number or DOD identification number, and former military service number. The LE and USACIDC elements requesting routine name checks must provide as much of this information as possible and may submit such requests by letter or message to the CRC. Requests for name checks for other than LE investigation purposes will state the reason for the request and the use to be made of the data. The specific statute, directive, or regulation upon which the request is based will be cited. Requests for LE purposes will include, if available, the LER number and the CRC cross-reference number for USACIDC, MPI, and MP reports.

### **5–4. Immediate name checks**

- a.* The CRC has facilities available to conduct expeditious checks for criminal justice purposes. If, during the course of a criminal investigation, the requirement arises to determine if an individual has any previous military criminal record, this may be done by using telephone, facsimile, or electronic means. Requests for immediate name checks should be limited to situations in which an investigative need for immediate results exists and will include the locally assigned report or sequence number.
- b.* The format to be followed in requesting name checks by telephone is in this regulation. Telephonic name checks by appropriate officials pursuant to AR 25–55 and AR 25–22 requests are authorized.

### **5–5. Requesting U.S. Army Crimes Records Center files and reports**

- a.* Requests for USACIDC, MPI, and MP LERs as outlined AR 190–45 will be forwarded to the Director, U.S. Army Crime Records Center (CICR–FP), 27130 Telegraph Road, Quantico, VA 22134–2253.
- b.* Requests for these reports in connection with LE and investigative activities should include the following:
  - (1) Full name of the subject or victim of the investigation (and any alias used).
  - (2) Place and DOB.
  - (3) Social security number and/or former military service number.
  - (4) Complete LER number and CRC number.

c. Requests in connection with LE or investigative activities for investigative files of the AFOSI, the Naval Criminal Investigative Service, the U.S. Army Intelligence and Security Command, DOD Inspector General for Criminal Investigations, and the Defense Security Service may also be sent to the CRC, which will refer them to the appropriate agency.

d. Requests for USACIDC, MPI, and MP LERs or information from the reports for other than LE purposes will include the following:

- (1) Full name of the individual.
- (2) Place and DOB.
- (3) Social security number and/or former military service number.
- (4) Nature and purpose of the request, including the statute, directive, or regulation governing such activity and authorizing that activity to use crime records.

## **5–6. Use of information contained in U.S. Army Criminal Investigation Command and Military Police reports**

If a criminal investigative record is used as a basis for denying any individual a right, privilege, or benefit to which that individual is entitled by Federal law, or for which he or she would otherwise be eligible, the individual affected will normally be granted access to the record except in accordance with this regulation, AR 25–55, or AR 25–22. Classified information will be released in accordance with AR 380–5. Such information will not be released, until verification of the person to whom it is to be released occurs.

## **Chapter 6 U.S. Army Criminal Investigation Laboratory**

### **6–1. General**

The USACIL provides forensic laboratory assistance to U.S. Army investigative elements, other DOD investigative agencies, and Federal LE when directed.

### **6–2. Responsibilities**

The CG, USACIDC, is responsible for policies and procedures concerning the quality control and technical proficiency in USACIL operations and training laboratory examiners.

### **6–3. Request for examination**

a. All requests for laboratory examination will be forwarded to the Director, U.S. Army Criminal Investigation Laboratory, 4930 North 31st Street, Building 925, Forest Park, GA 30297–5205, in accordance with AR 195–5, unless an exception is granted by the Director, USACIL.

b. Evaluation of materials in investigations involving allegations of product substitution may require unique testing procedures beyond the capabilities of the USACIL. In these cases, DA components with appropriate testing capabilities will, upon request of the investigating USACIDC element, provide testing support necessary to completely identify the defective nature of substituted products. Costs associated with such tests, whether provided by an Army, DOD, or commercial testing facility, will be assumed by the procurement program involved in the investigation.

c. Requests for examinations not conducted internally by the USACIL (that is, outside the scope of traditional criminalistic disciplines) should be coordinated through the USACIL prior to submission.

d. The USACIL will not re-examine evidence which has been previously examined at the USACIL in the same forensic discipline or has been examined in the same forensic discipline by another laboratory. Exceptions are as follows:

- (1) When ordered to do so by a court of competent authority.
- (2) The USACIL has more exacting and sophisticated equipment or techniques for the examination, which could significantly improve the reliability of the findings, as determined by the Director, USACIL.

### **6–4. Court appearance**

a. If temporary duty travel is involved, the appearance of laboratory examiners at a legal proceeding will, to the extent practicable, be requested by memorandum or electronic means available at <http://www.cid.army.mil/judicial-support.html> to reach the Director, USACIL, at least 10 working days prior to the requested appearance date. This lead-time is necessary to avoid conflicts with other commitments and to allow time for administrative processing and court preparation. When USACIL personnel receive a request to appear for litigation in civilian courts, they should

forward subpoenas or witness requests to the Army Litigation Division. The request will include at a minimum the following:

- (1) The USACIL referral number (from laboratory report).
  - (2) Examiner(s) completing the examination(s).
  - (3) Date, time, place, and to whom the examiner is to report.
  - (4) Number of days temporary duty is required.
  - (5) The DOD fund cite for travel and per diem. The examiner is not committed to the request for appearance at a legal proceeding, until the USACIL receives the approved fund cite.
- b.* The Director, USACIL, will have appropriate orders published. If an examiner is not available, the Director, USACIL, will notify the requester by return message explaining the reason for the non-availability of the witness, such as a conflict with another court appearance, and give the exact dates that the witness will be available.
- c.* When the presence of an examiner is desired for trial, the examiner should be requested to appear the day the examiner is expected to testify, rather than the day the trial is to begin. This will assist in reducing, to a minimum, the examiner's absence from the laboratory. Additionally, the examiner should be released, in order to return to the USACIL, as soon after testifying as permitted.
- d.* Unless otherwise approved by the Director, USACIL, examiners will not be made available as expert witnesses to provide testimony contradicting results of laboratory examinations conducted by other USACIL examiners. Similarly, USACIL examiners will not be made available as consultants to the government or defense counsel, in cases where they have performed testing as a part of their duties.
- e.* The USACIL examiners will be made available for pre-trial conferences with defense counsel and/or trial counsel for specific cases, for the purpose of providing sufficient information for the counsel to understand the findings rendered by the examiners. Whenever possible, pretrial conferences should be conducted telephonically, or through video teleconference, in advance of examiner's travel to the site of the legal proceeding. Coordination and arrangements for such conferences are the responsibility of the trial counsel for the specific case.

#### **6–5. U.S. Army Criminal Investigation Laboratory quality management documents and accreditation documents**

USACIL will not release case file material without a written request by the trial counsel or the staff judge advocate responsible for the case. Such materials will only be released to the responsible trial counsel for the submitting USACIDC agency or activities authorized by the submitting USACIDC agency. The request from the defense counsel will be submitted through the trial counsel responsible for the case. Requests for USACIL quality management documents, accreditation documents and all discovery requests will be submitted in accordance with AR 195–3. The requests will be in writing or by common access card signed electronic mail to <http://www.cid.army.mil/judicial-support.html> no later than 20 days prior to the court-martial or other hearing for which the documents are needed.

#### **6–6. On scene assistance**

When particular expertise is required to process crime scenes, the presence of laboratory examiners may be requested by USACIDC supervisors from the Director, USACIL.

## **Appendix A**

### **References**

#### **Section I**

##### **Required Publications**

DOD publications are available at <https://www.esd.whs.mil/dd/dod-issuances/>.

##### **AR 1–20**

Legislative Liaison (Cited in para 4–3g.)

##### **AR 10–87**

Army Commands, Army Service Component Commands, and Direct Reporting Units (Cited in para 2–1a.)

##### **AR 20–1**

Inspector General Activities and Procedures (Cited in para 3–3a(10).)

##### **AR 25–1**

Army Information Technology (Cited in para 3–30.)

##### **AR 25–22**

The Army Privacy Program (Cited in para 1–4g(2)).

##### **AR 25–55**

The Department of the Army Freedom of Information Act Program (Cited in para 4–1.)

##### **AR 25–400–2**

The Army Records Information Management System (ARIMS) (Cited in para 4–1.)

##### **AR 27–10**

Military Justice (Cited in para 1–8g(1).)

##### **AR 27–40**

Litigation (Cited in paras 4–3b.)

##### **AR 40–66**

Medical Record Administration and Healthcare Documentation (Cited in para 3–17b.)

##### **AR 190–11**

Physical Security of Arms, Ammunition, and Explosives (Cited in para 1–4e(5).)

##### **AR 190–13**

The Army Physical Security Program (Cited in para 5–2k(3).)

##### **AR 190–14**

Carrying of Firearms and Use of Force for Law Enforcement and Security Duties (Cited in paras 3–23a.)

##### **AR 190–30**

Military Police Investigations (Cited in para 5–2k(3).)

##### **AR 190–45**

Law Enforcement Reporting (Cited in para 1–8b(1).)

##### **AR 190–47**

The Army Corrections System (Cited in para 3–23f.)

##### **AR 195–5**

Evidence Procedures (Cited in para 6–3a.)

##### **AR 350–28**

Army Exercises (Cited in para 2–2a.)

##### **AR 381–12**

Threat Awareness and Reporting Program (Cited in para 1–4e(10).)

##### **AR 420–1**

Army Facilities Management (Cited in paras 3–28a, 3–28b.)

**AR 600–85**

The Army Substance Abuse Program (Cited in para 3–7.)

**AR 670–1**

Wear and Appearance of Army Uniforms and Insignia (Cited in paras 3–27*c*, 3–29*d*.)

**AR 735–5**

Property Accountability Policies (Cited in para 3–3*a*(1)(*a*)).

**DOD 5500.07–R**

The Joint Ethics Regulation (Cited in para 3–31.)

**DODD 4500.54E**

DOD Foreign Clearance Program (FCP) (Cited in para 3–14*b*.)

**DODD 5210.56**

Arming and The Use of Force (Cited in para 3–26*a*. and 3-26*b*.)

**DODD 5240.06**

Counterintelligence Awareness and Reporting (Cited in para 1–4*e*(10)).

**DODI 5505.03**

Initiation of Investigations by Defense Criminal Investigative Organizations (Cited in para 3–3*a*(4)).

**DODI 5505.08**

Military Criminal Investigative Organizations (MCIO) and Other DoD Law Enforcement Organizations Investigations of Adult, Private, Consensual Sexual Misconduct (Cited in para 3–3*a*(8)).

**DODI 5505.10**

Criminal Investigations of Noncombat Deaths (Cited in para 3–3*a*(4)).

**DODI 5505.11**

Fingerprint Card and Final Disposition Report Submission Requirements (Cited para 1–4*c*(2)).

**DODI 5505.14**

Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders (Cited in para 1–4*c*(2)).

**DODI 5525.07**

Implementation of the Memorandum of Understanding (MOU) Between the Departments of Justice and Defense Relating to the Investigation and Prosecution of Certain Crimes (Cited in para 3–1*b*.)

**DODI 5525.16**

Law Enforcement Defense Data Exchange (LE D-DEx) (Cited in para 3–16*f*.)

**DODM 6025.18**

Implementation of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule in DoD Health Care Programs (Cited in para 3–17*b*.)

**UCMJ, Art. 2**

Persons Subject to this Chapter (Cited in para 1–8*g*(2)). (Available at <http://www.au.af.mil/au/awc/awcgate/ucmj.htm>.)

**UCMJ, Art. 31**

Compulsory Self-incrimination Prohibited (Cited in para 3–16*e*.) (Available at <http://www.au.af.mil/au/awc/awcgate/ucmj.htm>.)

**Section II****Related Publications**

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

**AR 11–2**

Managers' Internal Control Program

**AR 15–6**  
Procedures for Administrative Investigations and Boards of Officers

**AR 25–30**  
Army Publishing Program

**AR 25–98**  
Information Management Control Requirements Program

**AR 40–63**  
Ophthalmic Services

**AR 190–56**  
The Army Civilian Police and Security Guard Personnel

**AR 190–58**  
Designation and Protection of High Risk Personnel

**AR 195–3**  
The Criminal Investigation Command Special Agent Program

**AR 195–6**  
Department of Army Polygraph Activities

**AR 380–5**  
Department of Army Information Security Program

**AR 380–13**  
Acquisition and Storage of Information Concerning Non-Affiliated Persons and Organizations

**AR 381–10**  
U.S. Army Intelligence Activities

**AR 381–20**  
Army Counterintelligence Program

**AR 600–20**  
Army Command Policy

**AR 600–37**  
Unfavorable Information

**AR 700–84**  
Issue and Sale of Personal Clothing

**CTA 50–900**  
Clothing and Individual Equipment

**CTA 50–909**  
Field and Garrison Furnishings and Equipment

**CTA 50–970**  
Expendable/Durable Items (Except Medical, Class V, repair parts, and heraldic items)

**DA General Order 2006–22**  
Reinforcing the Designation of the United States Army Criminal Investigation Command as a Direct Reporting Unit

**DA Pam 25–403**  
Guide to Recordkeeping in the Army

**DOD 7000.14–R**  
Military Pay Policy and Procedures—Active Duty and Reserve Pay

**DODI O–2000.22**  
Designation and Physical Protection of DoD High Risk Personnel

**DODI 5525.11**

Criminal Jurisdiction Over Civilians Employed By or Accompanying the Armed Forces Outside the United States, Certain Service Members, and Former Service Members

**EO 12473**

Manual for Courts-Martial, United States, 1984 (Available at: <http://www.archives.gov/federal-register/codification/executive-order/12473.html>.)

**FAR**

Federal Acquisition Regulation (Available Federal Rules//[www.acquisition.gov/far](http://www.acquisition.gov/far).)

**Federal Rules of Criminal Procedure**

Federal Rules of Criminal Procedure (Available at <http://www.uscourts.gov/>.)

**MCM**

Manual for Courts-Martial, United States

**MRE 305**

Warnings about rights

**MRE 315**

Probable cause searches

**RCM 302**

Apprehension

**UCMJ, Art. 112a**

Wrongful use, possession, etc., of controlled substances

**10 CFR 436**

Federal Energy Management and Planning Programs

**28 CFR Part 60**

Authorization of Federal Law Enforcement Officers to Request the Issuance of a Search Warrant

**5 USC 303**

Oaths to witnesses

**5 USC 552**

Public information; agency rules, opinions, orders, records, and proceedings

**5 USC 552a**

Records maintained on individuals

**10 USC 802**

Persons subject to this chapter

**10 USC 807**

Apprehension

**10 USC 912a**

Wrongful use, possession, etc., of controlled substances

**10 USC 936**

Authority to administer oaths

**10 USC 4027**

Civilian special agents of the Criminal Investigation Command: authority to execute warrants and make arrests

**18 USC**

Crimes and Criminal Procedure

**18 USC 1385**

Use of the Army and Air Force as *posse comitatus*

**18 USC 3261**

Criminal offenses committed by certain members of the Armed Forces and by persons employed by or accompanying the Armed Forces outside the United States

**18 USC 5033**

Custody prior to appearance before magistrate judge

**21 USC**

Food and Drugs

**21 USC 812**

Schedules of controlled substances

**22 USC 2291**

Policy, general authorities, coordination, foreign police actions, definitions, and other provisions

**28 USC 535**

Investigation of crimes involving Government officers and employees; limitations

**50 USC 797**

Penalty for violation of security regulations and orders

**Section III**

**Prescribed Forms**

This section contains no entries.

**Section IV**

**Referenced Forms**

Unless otherwise indicated, DA Forms are available at <http://armypubs.army.mil> and DD Forms are available at <http://www.dtic.mil/whs/directives/infomgt/forms>.

**DA Form 11-2**

Internal Control Evaluation Certification

**DA Form 2028**

Recommended Changes to Publications and Blank Forms

**DA Form 4833**

Commander's Report of Disciplinary or Administrative Action

**DD Form 1056**

Authorization to Apply for a "No-Fee" Passport and/or Request for Visa

## Appendix B

### Offense Investigative Responsibility

#### B-1. Contacting organization for offense investigative responsibility

The following table portrays which organization has the authority and responsibility for investigating a committed criminal offense when the U.S. Army has an interest. See table B-1.

Offense committed	USACIDC	Installation law enforcement	Unit commander
Principals of an offense listed in this appendix	ALL when within USACIDC purview.	ALL when within installation LE purview.	All other instances.
Accessory after the fact to an offense listed in this appendix	ALL when within USACIDC purview.	ALL when within installation LE purview.	All other instances.
Attempts to commit an offense listed in this appendix	ALL when within USACIDC purview.	ALL when within installation LE purview.	All other instances.
Conspiracy to commit an offense listed in this appendix	ALL when within USACIDC purview.	ALL when within installation LE purview.	All other instances.
Soliciting commission of offense	ALL when within USACIDC purview.	ALL when within installation LE purview.	All other instances.
Malingering involving intentional self-inflicted injury requiring hospitalization	ALL		
Breach of medical quarantine			ALL
Desertion		ALL	
Absence without leave		ALL	
Missing movement; jumping from vessel; Resistance, flight, breach of arrest, and escape; Offenses against correctional custody and restriction		ALL	
Contempt toward officials			ALL
Disrespect toward superior commissioned officer			ALL
Assault of superior commissioned officer	ALL when within USACIDC purview.	ALL when within installation LE purview.	All other instances.
Willfully disobeying superior commissioned officer			ALL
Insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer			ALL
Violation of a punitive lawful general order or regulation. Criminal offenses not covered by a specific article such as:	Currency violations, black-marketing in aggregate amount greater than, or equal to, \$5,000, or more in a 30-day period; or conflict of interest. Other when in conjunction with another offense normally investigated by USACIDC.	Currency violations, black-marketing in aggregate amount less than, or equal to, \$4,999 or less in a 29-day period. All other.	

**Table B-1**  
**Offense investigative responsibility—Continued**

Cruelty, oppression, or maltreatment	When in conjunction with another offense normally investigated by USACIDC; or there is a pattern of abuse and USACIDC investigation is requested by battalion or brigade commander.	When in conjunction with another offense normally investigated by installation LE.	All other instances.
Prohibited activities with military recruit or trainee by person in position of special trust	When in conjunction with another offense normally investigated by USACIDC; or there is a pattern of abuse or non-consensual by the specially protected junior member of the Armed Forces.	When in conjunction with another offense normally investigated by installation LE.	All other instances.
Mutiny, sedition	ALL		
Offenses by sentinel or lookout	ALL when within USACIDC purview.	ALL when within installation LE purview.	All other instances.
Disrespect toward sentinel or lookout			ALL
Release of prisoner without authority		ALL	
Drinking with prisoner		ALL	
Unlawful detention	ALL		
Misconduct as prisoner	Misconduct normally within USACIDC purview	Misconduct normally within Installation LE purview	All other instances
Misbehavior before the enemy			ALL
Subordinate compelling surrender			ALL
Improper use of countersign			ALL
Forcing a safeguard			ALL
Spies; Espionage; Aiding the enemy.	ALL required coordination with military intelligence		
Public records offense	The aggregate amount of the fraud is greater than, or equal to \$5,000.	The aggregate amount of the fraud is less than, or equal to, \$4,999.	All other (no fraud)
Fraudulent enlistment, appointment, or separation	ALL as prescribed in a memorandum of understanding with USAREC.		All other instances
Unlawful enlistment, appointment, or separation	ALL as prescribed in a memorandum of understanding with USAREC.		All other instances
Forgery	The aggregate amount is greater than, or equal to, \$5,000.	The aggregate amount is less than, or equal to, \$4,999.	
False or unauthorized pass offenses	The aggregate amount is greater than, or equal to, \$5,000 or with the intent to defraud.	The aggregate amount is less than, or equal to, \$4,999.	
Impersonation of officer, noncommissioned or petty officer, or agent or official; Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button	The aggregate amount of the fraud is greater than, or equal to \$5,000 or with the intent to defraud.	The aggregate amount of the fraud is less than, or equal to, \$4,999.	All other

**Table B-1  
Offense investigative responsibility—Continued**

False official statements	When in conjunction with another offense normally investigated by USACIDC.	All other.	
False swearing;	When in conjunction with another offense normally investigated by USACIDC.	All other.	
Parole violations		ALL	
Military property of the United States	Selling or otherwise disposing of an aggregate value greater than, or equal to, \$5,000, or any property of a sensitive nature as described in appendix D; Willfully damaging, destroying or losing, or willfully suffering to be lost, damaged, destroyed, sold, or wrongfully disposed of greater than, or equal to, \$5,000.	Selling or otherwise disposing of an aggregate value less than, or equal to, \$4,999 or more, willfully damaging, destroying or losing, or willfully suffering to be lost, damaged, destroyed, sold, or wrongfully disposed of less than, or equal to, \$4,999.	
Captured or abandoned property	Selling or otherwise disposing of an aggregate value greater than, or equal to, \$5,000, or any property of a sensitive nature as described in appendix D; Willfully damaging, destroying or losing, or willfully suffering to be lost, damaged, destroyed, sold, or wrongfully disposed of greater than, or equal to, \$5,000.	Selling or otherwise disposing of an aggregate value less than, or equal to, \$4,999 or more, willfully damaging, destroying or losing, or willfully suffering to be lost, damaged, destroyed, sold, or wrongfully disposed of less than, or equal to, \$4,999.	
Property other than military property of the United States	Wasting, spoiling, destroying, or damaging of an aggregate value or damage greater than, or equal to, \$5,000.	Wasting, spoiling, destroying, or damaging of an aggregate value or damage less than, or equal to, \$4,999.	
Mail matter: wrongful taking, and opening	Takings, opening, secreting, destroying or stealing of an aggregate value or damage greater than, or equal to, \$5,000.	Takings, opening, secreting, destroying or stealing of an aggregate value or damage less than, or equal to, \$4,999.	
Improper hazarding of vessel or aircraft	ALL		
Leaving scene of vehicle accident	When in conjunction with another offense normally investigated by USACIDC.	All other	
Drunkenness and other incapacitation offenses	When in conjunction with another offense normally investigated by USACIDC.	All other	
Wrongful use, possession, manufacture, distribution, introduction, importation, exportation of controlled substances	ALL, except as prescribed in paragraphs 3-3a(2)(a) through 3-3a(2)(d) of this regulation.	Refer to paragraphs 3-3a(2)(a) through 3-3a(2)(d) for further guidance.	
Drunken or reckless operation of a vehicle, aircraft, or vessel	When in conjunction with another offense normally investigated by USACIDC.	All	
Endangerment offenses – Reckless endangerment		All	
Endangerment offenses - Dueling		All	

**Table B-1**  
**Offense investigative responsibility—Continued**

Endangerment offenses – Firearm discharge, endangering human life		All	
Endangerment offenses – Carrying concealed weapon		All	
Communicating threats; hoax	Death threats with evidence of planning beyond mere expression of ideation. Any death threat where an explosive device (including components for an explosive device) or toxic substance is found.	MPI all other instances. All threats (for example, terrorist, insider) to unlawfully kill, injure, or intimidate a person or to unlawfully damage or destroy certain property will be reported to USACIDC for evaluation.	
Riot or breach of peace	ALL		
Provoking speeches or gestures	ALL when within USACIDC purview.	ALL when within installation LE purview.	All other instances.
Wrongful Broadcast or Distribution of Intimate Visual Images	All		
Murder	ALL		
Manslaughter	ALL		
Death or injury of an unborn child	ALL		
Child endangerment	ALL involving grievous bodily harm, harm, or culpable negligence resulting in grievous bodily harm.	All other instances involving culpable negligence.	
Rape, Rape of a Child, Sexual Assault, Sexual Assault of a Child, Aggravated Sexual Contact, Sexual Abuse of a Child, Abusive Sexual Contact, forcible sodomy; Indecent Act, Forcible Pandering, Indecent Visual Recording, Broadcasting or Distribution of an Indecent Visual Recording (Including all applicable sexual assault offenses committed prior to 28 June 2012)	ALL, except consensual indecent conduct (acts), and adult consensual sexual misconduct (acts). Refer to para 3-3a.(10) for additional guidance.		Consensual Indecent acts and adult consensual sexual misconduct (acts).
Mails: deposit of obscene matter	ALL		
Indecent Exposure, Indecent Viewing	Only when committed in conjunction with another offense investigated by USACIDC.	All other.	
Larceny and wrongful appropriation	The amount involved is greater than, or equal to, \$5,000.	The amount involved is less than, or equal to, \$4,999.	
Larceny or wrongful appropriation of personal vehicles (to include automobiles, bicycles, motorcycles, and all-terrain vehicles).	If the thefts appear to be part of an organized group or criminal conspiracy.	All others vehicles	
Larceny or wrongful appropriation of U.S. Government vehicles	All vessels, aircraft, tracked vehicle or damages of an aggregate value of greater than or equal to \$30,000.	All other vehicles	

**Table B-1**  
**Offense investigative responsibility—Continued**

Larceny or wrongful appropriation of property, excluding vessels, aircraft, or vehicles (automobiles, bicycles, motorcycles, and all-terrain vehicles).	An aggregate value of greater than, or equal to, \$5,000 less CTA-50; or of a sensitive nature, as defined in appendix D.	An aggregate value of \$1,500 to \$4,999	\$1,500 or less in the unit area
Wrongful appropriation of a motor vehicle when damages result	When damage is greater than or equal to \$5,000.	When damage is less than or equal to \$4,999.	
Fraudulent use of credit cards, debit cards, and other access devices	The amount involved is greater than, or equal to, \$5,000.	The amount involved is less than, or equal to, \$4,999.	
False pretenses to obtain services	The amount involved is greater than, or equal to, \$5,000.	The amount involved is less than, or equal to, \$4,999.	
Robbery	ALL when a weapon is used (strong armed)	All other instances when no weapon is used.	
Receiving stolen property	Value is greater than, or equal to, \$5,000.	Value is less than, or equal to, \$4,999.	
Offenses concerning Government computers	ALL required coordination with military intelligence.		
Check, worthless, making, drawing, uttering, or delivering, with intent to defraud (for procurement of any article or thing of value)	The aggregate amount is greater than, or equal to, \$5,000.	The aggregate amount is less than, or equal to, \$4,999.	
Frauds against the United States	The amount involved is greater than, or equal to, \$5,000.	The amount involved is less than, or equal to, \$4,999.	
Bribery; accepting, asking, receiving, offering, promising, or giving	The amount involved is greater than, or equal to, \$5,000 and all reports of associated retaliation	The amount involved is less than, or equal to, \$4,999. (USACIDC will be notified of all reports of bribery for evaluation).	
Graft; accepting, asking, receiving, offering, promising, or giving	ALL		
Kidnapping	ALL		
Arson	Aggravated; or simple where property damage is greater than, or equal to, \$5,000.	Simple where property damage is less than, or equal to, \$4,999.	
Burning property with intent to defraud	The amount involved is greater than, or equal to, \$5,000.	The amount involved is less than, or equal to, \$4,999.	
Extortion	The amount involved is greater than, or equal to, \$5,000 and all reports of associated retaliation	The amount involved is less than, or equal to, \$4,999. (USACIDC will be notified of all reports of extortion for evaluation).	
Assault; Assault with intent to commit murder, voluntary manslaughter, rape, robbery, sodomy, arson, burglary, or housebreaking	Consummated by a battery on a child under the age of 16 years; or aggravated assault when the victim is hospitalized for	Simple assaults; Aggravated assault when victim is hospitalized for less than 24 hours.	Simple assault occurring in the unit area not

**Table B-1**  
**Offense investigative responsibility—Continued**

	more than 24 hours, for other than observation. Or assault involving strangulation/suffocation when admitted to the hospital. Refer to para 3-3a.(10) for additional guidance.		resulting in hospitalization.
Domestic Violence	Consummated by a battery on a child under the age of 16 years; or aggravated assault causing grievous bodily harm as defined in the UCMJ or assault involving strangulation/suffocation. Must contact the appropriate Family Advocacy Program representative.	Simple assaults; Aggravated assault causing bodily harm or substantial bodily harm as defined in the UCMJ. Must contact the appropriate Family Advocacy Program representative.	
Maiming	ALL		
Burglary (Housebreaking)	When associated with another crime normally investigated by the USACIDC.	All other instances.	
Unlawful entry	When in conjunction with another offense normally investigated by USACIDC.	All other instances.	
Stalking	ALL		
Perjury	ALL		
Subornation of perjury	ALL		
Obstructing justice	When in conjunction with another offense normally investigated by USACIDC.	When in conjunction with another offense normally investigated by installation LE.	
Misprision of serious offense	When in conjunction with another offense normally investigated by USACIDC.	When in conjunction with another offense normally investigated by installation LE.	
Wrongful refusal to testify			ALL
Prevention of authorized seizure of property	When in conjunction with another offense normally investigated by USACIDC.	All other instances.	
Noncompliance with procedural rules	When in conjunction with another offense normally investigated by USACIDC.	When in conjunction with another offense normally investigated by installation LE.	All other instances.
Wrongful interference with adverse administrative proceeding	When in conjunction with another offense normally investigated by USACIDC.	When in conjunction with another offense normally investigated by installation LE.	All other instances.
Retaliation	When in conjunction with another offense normally investigated by USACIDC and the retaliation is a criminal offense.	When in conjunction with another offense normally investigated by installation LE and the retaliation is a criminal offense.	All other instances.
Conduct unbecoming an officer and a gentleman	When in conjunction with another offense normally investigated by USACIDC.	When in conjunction with another offense normally investigated by installation LE.	All other instances.
Animal abuse	If the animal abuse resulted in the death or injury greater than, or equal to \$5,000.	If the animal abuse resulted in the death or injury is less than, or equal to, \$4,999.	All other instances.
Extramarital sexual misconduct (for example, adultery)	Germane to the investigation in accordance with DODI 5505.08		All other instances.

**Table B-1  
Offense investigative responsibility—Continued**

Bigamy	In conjunction with a fraud greater than, or equal to, \$5,000.	In conjunction with a fraud of \$4,999 or less.	All other when no fraud involved.
Check, worthless, making and uttering – by dishonorably failing to maintain funds	The amount involved is greater than, or equal to, \$5,000.	The amount involved is less than, or equal to, \$4,999.	
Child pornography	ALL		
Cohabitation, wrongful			ALL
Correctional custody – offenses against		ALL	
Debt, dishonorably failing to pay		ALL	
Disloyal statements			ALL
Disorderly conduct, drunkenness			ALL
Fraternization	Germane to the investigation in accordance with DODI 5505.08		All other instances.
Gambling with a subordinate			ALL
Homicide, negligent	ALL		
Identity theft	In connection with fraud and or larceny \$5,000 or greater.	In connection with fraud and or larceny \$4,999 or less or involving false documents only.	
Indecent conduct	All indecent conduct (acts) involving children under the age of 16-years-old USACIDC will be contacted and when in conjunction with another offense normally investigated by USACIDC.	All indecent conduct (acts) involving children not investigated by USACIDC and when in conjunction with another offense normally investigated by installation LE.	All adult related instances.
Indecent language	All indecent language involving children under the age of 16-years-old USACIDC will be contacted and when in conjunction with another offense normally investigated by USACIDC.	All indecent language involving children not investigated by USACIDC and when in conjunction with another offense normally investigated by installation LE.	All adult related instances.
Pandering	ALL		
Prostitution	Only when committed in conjunction with another offense investigated by USACIDC.	All other instances.	
Self-injury without intent to avoid service			ALL
Stragglng			ALL
Human Trafficking	ALL		
Counterfeiting of U.S. obligations and securities	Value greater than, or equal to, \$5,000; or evidence indicative of manufacturing of	Value is less than, or equal to \$4,999.	

**Table B-1**  
**Offense investigative responsibility—Continued**

	counterfeit U.S. currency on a military installation or location under the control of the U.S. Army.		
Sensitive Items	All Category I and Category II AA&E items, regardless of dollar value, to determine if a crime was committed (AR 190-11, app B). Category III and Category IV items meeting the quantities listed in AR 190-11, app E, regardless of dollar value, to determine if a crime was committed. The theft, suspected or attempted theft, loss or recovery of any nuclear, biological, or chemical weapons and/or agents in any quantity	Refer to AR 190-11 for investigative responsibilities.	Refer to AR 190-11 for investigative responsibilities.
War Trophy Offenses, as below	USACIDC	Installation LE	Unit commander
Ammunition	Greater than, or equal to, 1,000 rounds	Less than, or equal to, 999 rounds	
Art work (paintings and sculptures)	ALL		
Atropine		ALL	
Edged weapons		ALL	
Currency (U.S. and foreign)	Greater than, or equal to, \$5,000.	Less than, or equal to, \$4,999.	
Enemy individual equipment, any helmets, canteens, and so forth		ALL	
Enemy military equipment, any vehicles, communication, and so forth	ALL		
Explosive devices and munitions	ALL		
Non-coalition firearms and any weapons parts	ALL		
Suspected contraband (not previously listed)	Greater than, or equal to, \$5,000	Less than, or equal to, \$4,999.	
Precious gems/metals	ALL		

**B -2. Other investigative responsibility**

Army CI has primary jurisdiction for the national security crimes of espionage, treason, subversion, sedition, aiding the enemy, and spying. In addition, Army CI has parallel jurisdiction with USACIDC and other agencies regarding those matters cited in this regulation.

## **Appendix C**

### **Telephone Name Check Format**

#### **C-1. General**

The CRC, USACIDC, will conduct records checks on an immediate basis upon receipt of a telephonic request from an authorized user of CRC services.

#### **C-2. Immediate action request procedures**

*a.* Requests for criminal history name checks during normal business hours (0600–1800, Monday through Friday, excluding Federal holidays) may be made to CRC by telephoning (571) 305–4224. Urgent requests for criminal history checks during other than normal business hours can be made to CRC by telephoning (703) 472–7184. Urgent is defined as time-sensitive and necessary for the safety and protection of life and property and/or successful resolution of ongoing criminal investigative activities.

*b.* Requests transmitted by facsimile will not exceed 20 names of the total number that can be listed double spaced on a single sheet of letter-size paper.

*c.* Requests transmitted orally by telephone will not exceed five names.

*d.* The requester will be provided the results of the check of the CRC records during the same telephone connection.

*e.* The requester will provide the following information when making a telephone name check:

(1) Requestor's name, organization, and credential or sequence number. Installation LE and USACIDC requesters will provide the LER or the CRC cross reference number.

(2) Last name, first name, middle name or initial; date and place of birth; social security number; and service number of the person on whom the check is being requested. Omit any element not available.

#### **C-3. Crime Records Center reply**

The CRC reply will state that no record is on file or will cite the specific files available.

#### **C-4. Recording telephone name checks**

The results of all telephone name checks will be recorded for accountability and retained in the appropriate case activity summary of the appropriate USACIDC or Military Police LER.

## Appendix D

### Internal Control Evaluation

#### D–1. Function

The function covered by this evaluation is criminal investigation activities.

#### D–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.

#### D–3. Instructions

Answers must be based on the actual testing of key internal controls (for example, document analysis, direct observation, sampling, simulation, 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 five years. Certification that the evaluation has been conducted must be accomplished on DA Form 11–2 (Internal Control Evaluation Certification).

#### D–4. Test questions

- a. Are commanders ensuring that known or suspected criminal activity is reported to the installation LE and, when appropriate, to USACIDC for investigation?
- b. Are commanders ensuring that positive urinalysis results are reported to the installation LE or USACIDC?
- c. Are commanders and supervisors who receive USACIDC reports for action or receiving action copies of final USACIDC reports of investigation pertaining to a member of their organization ensuring that completes the DA Form 4833 along with MP LER, 15–6 Investigation executive summary, Commander’s Inquiry Final Report are provided to the appropriate USACIDC element within 60 days?
- d. Are commanders ensuring that all persons within their commands, who are listed as subjects in the subject/suspect block of a LER, are notified that they will remain in the subject/suspect block of the report and that the report will indexed, and, therefore, retrievable by their name?
- e. Are fingerprint cards being processed in accordance with DODI 5505.11?
- f. Are DNA samples processed in accordance with DODI 5505.14?
- g. Are reported criminal offenses investigated by the responsible organization as prescribed in appendix B?
- h. Are USACIDC Special Agents used in accordance with paragraph 3–20?
- i. Are USACIDC Special Agents and laboratory examiners billeted in accordance with paragraph 3–26?
- j. Are procedures in place to ensure that release of LE information is done in accordance with 5 USC 552, 5 USC 552a, AR 190–45, and this regulation?

#### D–5. Supersession

This evaluation replaces the management control evaluation checklist previously published in AR 195–2, dated 9 June 2014.

#### D–6. Comments

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

## **Glossary**

### **Section I**

#### **Abbreviations**

**AAFES**

Army and Air Force Exchange Service

**ACOM**

Army Command

**AFME**

Armed Forces Medical Examiner

**AFOSI**

Air Force Office of Special Investigations

**APCSM**

Adult Private Consensual Sexual Misconduct

**ARIMS**

Army Record Information Management System

**ARNG**

Army National Guard

**ASAP**

Army Substance Abuse Program

**ASCC**

Army service component command

**BAH**

basic allowance for housing

**BAS**

basic allowance for subsistence

**CFR**

Code of Federal Regulations

**CG**

Commanding General

**CI**

counterintelligence

**CID**

Criminal Investigation Command

**CJI**

Criminal Justice Information

**CRC**

U.S. Army Crime Records Center

**CTA**

common tables of allowances

**DA**

Department of the Army

**DAC**

Department of the Army Civilian

**DCII**

Defense Central Investigations Index

**DEA**  
Drug Enforcement Administration

**DES**  
Director of Emergency Services

**DNA**  
deoxyribonucleic acid

**DOB**  
date of birth

**DOJ**  
Department of Justice

**DRU**  
direct reporting unit

**FBI**  
Federal Bureau of Investigation

**FOUO**  
For Official Use Only

**HQ**  
Headquarters

**HQDA**  
Headquarters, Department of the Army

**ICE**  
Immigration Custom Enforcement

**LE**  
Law Enforcement

**LE D–DEx**  
Law Enforcement Defense Data Exchange

**LER**  
law enforcement report

**MCM**  
Manual for Courts-Martial

**MOU**  
memorandum of understanding

**MP**  
Military Police

**MPI**  
Military Police Investigator

**MRE**  
Military Rules of Evidence

**NCIC**  
National Crime Information Center

**OPMG**  
Office of the Provost Marshal General

**PM**  
Provost Marshal Officer

**PMG**  
Provost Marshal General

**RCM**

Rule for Court-Martial

**RMDA**

Records Management and Declassification Agency

**RRS–A**

Records Retention Schedule–Army

**SAC**

special agent-in charge

**SAR**

suspicious acting reporting

**SOFA**

Status of Forces Agreement

**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

**USADIP**

U.S. Army Deserter Information Point

**USAF**

U.S. Air Force

**USAR**

U.S. Army Reserve

**USC**

United States Code

**Section II****Terms****Army Criminal Investigation Program**

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

**Barracks larcenies**

Larcenies occurring within the living area of a barracks environment involving the theft of personal property or U.S. Government property for which the individual Soldier is responsible (for example, CTA–50 property), which theft aggregates less than \$1500. Larcenies from unit supply, arms, day or orderly rooms located within barracks buildings are not considered barracks larcenies.

**Choking**

Partial or complete obstruction of the airway can be due to a foreign body (for example, food, a bead, and toy). The onset of respiratory distress may be sudden with cough. There is often agitation in the early stage of airway obstruction. The victim may confuse choking with strangulation which reduces the air flow and/or blood flow to or from the brain.

**Controlled (prescription) medications**

Substances in this schedule have a high potential for abuse which may lead to severe psychological or physical dependence. Examples of **Schedule II narcotics** include: **hydromorphone** (Dilaudid®), **methadone** (Dolophine®), **meperidine** (Demerol®), **oxycodone** (OxyContin®, Percocet®), and **fentanyl** (Sublimaze®, Duragesic®).

**Controlled substances**

Those substances defined in UCMJ, Art. 112a (10 USC 912a). General categories include, but are not limited to, narcotics, derivatives of the cannabis plant, amphetamines, barbiturates, hallucinogens, methaqualone and phencyclidine.

**Credible Information**

Information disclosed to or obtained by an investigator that, considering the source and nature of the information and the totality of the circumstances, is sufficiently believable to indicate that criminal activity has occurred and would cause a reasonable investigator under similar circumstances to pursue further the facts of the case to determine whether a criminal act occurred or may have occurred.

**Crime Prevention Survey**

A formally recorded review and analysis of existing conditions within a specified facility, activity, or area for the purpose of detecting crime, identifying conditions or procedures conducive to criminal activity, and minimizing or eliminating the opportunity to commit a criminal offense or engage in criminal activity. It seeks to determine the nature, extent, and underlying causes of crime, and provides the commander with information for use in the crime prevention program.

**Criminal intelligence**

Information compiled and analyzed in an effort to anticipate, prevent, or monitor possible or potential criminal activity or terrorist threats directed at or affecting the U.S. Army operations, material, activities personnel or installations.

**Criminal investigation**

An investigation of a criminal incident or allegation conducted by the USACIDC, MPI, or DA detectives.

**Criminal Investigation Command battalion**

A subordinate operating element of a USACIDC group normally consisting of headquarters leaders and support personnel and subordinate detachments. It provides USACIDC support within a specified geographic area of responsibility.

**Criminal Investigation Command detachment**

A subordinate operating element of a USACIDC Group, Battalion, or Field Office; normally consisting of 20 USACIDC special agents who may be geographically dispersed at multiple located USACIDC field elements. It provides USACIDC support within a specified geographic area of responsibility.

**Criminal Investigation Command field office**

A subordinate operating element of a USACIDC group normally consisting of headquarters leaders and support personnel and subordinate detachments. It provides USACIDC support within a specified geographic area of responsibility.

**Criminal Investigation Command group**

A major subordinate command and control elements of the USACIDC that controls USACIDC support within an assigned geographic area.

**Criminal Investigation Command office**

A subordinate operating element of a USACIDC group, battalion, field office, or detachment consisting of between two and twenty USACIDC special agents. It provides USACIDC support within a specified geographic area of responsibility.

**Criminal Investigation Division**

The historic term (and acronym) for matters specifically identified with USACIDC activities or organizations.

**Criminal investigative information**

Information compiled in the course of a criminal investigation.

**Criminal justice**

Refers to the enforcement of criminal laws, including efforts to prevent, control, or reduce crime, or to identify or apprehend criminals, and to the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities.

**Criminal offense**

Any criminal act or omission as defined and prohibited by the UCMJ, the USC, State and local codes, foreign law, or international law or treaty. As used herein, this term does not include military offenses as defined below. In the case of juveniles, this term refers to those acts which, if committed by an adult, would be subject to criminal sanctions.

**Custodial interview**

Questioning initiated by law enforcement officers after a civilian subject/suspect is apprehended and not free to leave police custody. Once a person is in police custody, the suspect must be read their Miranda rights (Miranda v. Arizona, 384 U.S. 436 (1966)) if the police want to question him.

**Drug suppression team**

A team composed of USACIDC special agents and, if appropriate, installation LE personnel used for semi-undercover criminal investigations and drug suppression and drug-related criminal information collection operations at military installations.

**Economic crime**

A loss (normally a loss of property or funds, but may include nonquantifiable resources such as public confidence) to the Government (not to an individual, although individuals may be affected, for example, through increased taxes or erosion of benefits) due to the subversion of a system (that is, the manipulation or undermining of a visible system, for example, the finance system; or less apparent system, for example, public confidence in elected officials; any system which serves the processes of government) by a component of that system (whether the component is permanent, for example, a contracting officer; or temporary, for example, an individual contractor, or firm) acting with criminal intent, (for example, that which distinguishes “economic crime” from simple mismanagement, human error, or non-criminal negligence).

**Felony**

A criminal offense punishable by death or confinement for more than 1 year.

**Founded offense**

A determination made by law enforcement, in conjunction with the appropriate prosecution or legal representative, that a criminal offense has been committed. The determination that a founded offense exists is a decision independent of any judicial/court finding opinion or disciplinary action taken or not taken.

**Hospitalization**

As used in this regulation, hospitalization refers to being admitted to a medical facility for more than 24 hours for medical treatment and not for mere observation.

**Installation law enforcement**

As used in this regulation refers to LE body that provides basic police support to an installation, this can be Military Police, Security Police, DA civilian police, and DOD civilian police.

**Juvenile**

For purposes of this regulation, a person under the age of 18 at the time of the offense and who was not at that time a military member.

**Law enforcement report**

An official written record of all pertinent information and facts obtained in a USACIDC and MP law enforcement report or criminal investigation.

**Military offense**

Any wrongful act or omission which is unique in the military context and has no correlative application in a civilian context.

**Misdemeanor**

Any offense not punishable by death or imprisonment for a term exceeding 1 year. Included are violations of those provisions of state laws made applicable to U.S. military reservations.

**Narcotics**

Opium, opium derivatives (morphine, codeine, and heroin); synthetic opiates (meperidine and methadone); the coca leaf, and its derivative, cocaine.

**Noncustodial interview**

Questioning initiated by law enforcement officers with a civilian subject and/or suspect who freely wishes to be interviewed concerning a CID investigation, and who is not detained in any manner. A rights advisement is not necessary during a noncustodial interview. The civilian subject and/or suspect must clearly understand that he may freely terminate the interview at any time.

**Non–narcotic controlled substances**

Synthetic cannabinoids. Synthetic cannabinoids are a psychoactive herbal and chemical product which when consumed mimics the effects of cannabis. Synthetic stimulants—Synthetic stimulants are psychoactive chemical products perceived as mimics of cocaine, methamphetamines, lysergic acid diethylamide, or methylenedioxy-methamphetamine. When consumed they may cause impaired perception, reduced motor control, disorientation, extreme paranoia and violent episodes. Those substances or their immediate precursors listed in the current schedules of 21 USC 812, which do not contain a narcotic, such as derivatives of the cannabis plant (marihuana), amphetamines, barbiturates, hallucinogens, methaqualone, and phencyclidine.

**Preliminary investigation**

An examination by the USACIDC of a particular situation or set of circumstances to determine if there is credible information to believe that a crime may have occurred, or is about to occur, and, if so, whether the USACIDC has investigative authority and responsibility.

**Protective services**

Those measures taken to provide personal security to individuals, both domestic and foreign, as designated by higher authority.

**Resident agency**

A resident agency is normally a subordinate element of a USACIDC Battalion or field office. It provides USACIDC support within a specified portion of a geographic area of responsibility.

**Special agent–in–charge**

A USACIDC special agent appointed as the supervisor of a USACIDC field element.

**Strangulation**

Intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of a person by applying pressure to the throat or neck, regardless of whether that conduct results in any visible injury or whether there is any intent to kill or protractedly injure the victim (see 18 USC 113). Notably, however, many victims of strangulation refer to the assault as "choking".

**Subject**

A person, corporation or other legal entity about whom probable cause exists to believe that the person or entity committed a particular criminal offense.

**Suffocation**

Intentionally, knowingly, or recklessly impeding the normal breathing of a person by covering the mouth of the person, the nose of the person, or both, regardless of whether that conduct results in any visible injury or whether there is any intent to kill or protractedly injure the victim (see 18 USC 113).

**Suspect**

A person, corporation or other legal entity about which some credible information exists to believe that the person or entity committed a particular criminal offense.

**Title section of U.S. Army Criminal Investigation Command report**

The section of a USACIDC report where suspects, subjects, and victims are identified.

**U.S. Army Criminal Investigation Command special agent**

An individual (military or civilian) who has been accepted and accredited as a criminal investigator by the CG, USACIDC, in accordance with AR 195–3.

**U.S. Army Criminal Investigation Command supervisor**

A commissioned officer, special agent, or DA civilian who has been assigned as a group, battalion, or field office commander or executive officer or to other positions within the USACIDC as designated by the CG, USACIDC. Also a special agent-in-charge of a CID Office.

**Section III****Special Abbreviations and Terms**

This section contains no entries.



**UNCLASSIFIED**

**PIN 002225-000**