



SECRETARY OF THE ARMY  
WASHINGTON

17 NOV 2020

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2020-16 (Determination and Reporting of Missing, Absent-Unknown, Absent Without Leave, and Duty Status-Whereabouts Unknown Soldiers)

1. References.

a. Department of Defense Instruction 1300.18 (Department of Defense (DoD) Personnel Casualty Matters, Policies, and Procedures), 8 January 2008, incorporating Change 1, effective 14 August 2009

b. Army Regulation (AR) 190-9 (Absentee Deserter Apprehension Program and Surrender of Military Personnel to Civilian Law Enforcement Agencies), 28 September 2015

c. AR 190-45 (Law Enforcement Reporting), 27 September 2016

d. AR 600-8-6 (Personnel Accounting and Strength Reporting), 1 April 2015

e. AR 630-10 (Absence Without Leave, Desertion, and Administration of Personnel Involved in Civilian Court Proceedings), 13 January 2006

f. AR 638-8 (Army Casualty Program), 7 June 2019

2. Purpose. The Army will always place people first and will never leave a Soldier behind. Army policies will reinforce our focus on caring for Soldiers and Families. This directive clarifies expectations and responsibilities of unit commanders and Army law enforcement authorities when accounting for Soldiers who fail to report for duty. It creates an additional duty status code to provide commanders with time to make the appropriate determination of an absent Soldier's status. This directive provides guidance on classifying Soldiers as absent-unknown, absent without leave (AWOL), and duty status-whereabouts unknown (DUSTWUN), and on processing Soldiers for desertion.

3. Applicability. This directive applies to all Soldiers in the Regular Army, Army National Guard/Army National Guard of the United States, and U.S. Army Reserve who are reportable to the Casualty and Mortuary Affairs Operations Division (CMAOD) pursuant to AR 638-8.

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4. Policy. See enclosure 1 for definitions and terms used in this directive.

a. Effective immediately, commanders will change the duty status of any Soldier determined to be absent from the place of duty to “absent-unknown.” This duty status change must occur within 3 hours of discovering that the Soldier’s whereabouts are unknown. Soldiers will not be carried in this duty status for longer than 48 hours.

b. During the time that a Soldier is listed as absent-unknown, unit leaders and Army law enforcement officials will make every effort to locate the Soldier. Unit commanders will report the Soldier’s status to local Army law enforcement officials (Directorate of Emergency Services, or DES) within 3 hours of discovering the Soldier is absent. Unit commanders or their designated representatives will notify the next of kin within 8 hours of discovering the Soldier is absent.

c. Within 3 hours of notification that a Soldier is listed as absent-unknown, DES will—

(1) Create a blotter entry.

(2) Submit a Law Enforcement Report (LER) and a Be-On-The-Lookout (BOLO) into the Army Law Enforcement Reporting and Tracking System (ALERTS).

(3) Enter all relevant information into the Missing Persons File of the National Crime Information Center (NCIC) database. (The Missing Persons File entry into the NCIC database notifies civilian law enforcement (LE) agencies of the circumstances, enabling the civilian LE agency to notify the Army if the civilian LE agency contacts the Soldier.)

(4) Request an Attempt-To-Locate (ATL) from local civilian LE agencies.

d. If the Soldier cannot be located within 48 hours, commanders will make a determination as to whether the Soldier’s absence is voluntary or involuntary. See enclosure 2 for a checklist to help facilitate this determination. If the commander determines, by a preponderance of evidence, that the Soldier’s absence is voluntary, the duty status will be reported as AWOL. An AWOL determination can occur at any time once the Soldier is discovered absent from the place of duty; there is no requirement to wait 48 hours. If there is credible evidence to determine the absence is involuntary, or there is insufficient evidence to conclude the absence is voluntary, Soldiers will be reported as “missing.” A determination that the Soldier is missing can occur at any time once the Soldier is discovered absent from the place of duty; there is

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no requirement to wait 48 hours. Commanders will report as missing any Soldier who indicates the potential for self-harm and is not located during the initial 48 hours.

e. Soldiers reported as missing are classified as DUSTWUN casualties, and the Army will execute casualty operations in accordance with this directive and reference 1f.

(1) AWOL Soldiers.

(a) Within 24 hours after the Soldier is determined to be AWOL, commanders must submit to their local DES a Department of the Army (DA) Form 4187 (Personnel Action) annotating the duty status change from “absent-unknown” to “AWOL.”

(b) Within 3 hours of receiving the DA Form 4187 submitted by the commander, the installation DES will: complete a blotter entry, submit an LER and BOLO into the ALERTS, enter pertinent information into the Missing Persons File of the NCIC database, and request an ATL from local civilian LE agencies.

(2) DUSTWUN Soldiers.

(a) As soon as there is credible evidence that a Soldier’s absence is involuntary, regardless of duty status, commanders will submit to the servicing Casualty Assistance Center (CAC) a DA Form 1156 (Casualty Feeder Card) signed by the commander with Special Court Martial Convening Authority, requesting the Soldier be declared as DUSTWUN. Commanders and LE personnel must use enclosure 2 of this directive as a checklist for additional responsibilities for missing person’s cases.

(b) Within 24 hours after CMAOD approves the Soldier’s status as DUSTWUN, commanders will submit to their local DES a DA Form 4187 annotating the duty status change from “absent-unknown” to “missing.” Once approved, CMAOD will coordinate accordingly for follow-on documents and investigations as prescribed in AR 638–8, paragraph 11–3.

(c) Units will report to Headquarters, Department of the Army (HQDA) the name of any Soldier categorized as DUSTWUN, in accordance with HQDA Senior Leader Commanders Critical Information Requirements #50 (Incident of Concern to HQDA).

(d) A Soldier is typically retained in DUSTWUN status for a maximum of 10 days. The unit commander will submit a DD Form 2812 (Commander’s Preliminary Assessment and Recommendation Regarding Missing Person) and an informal investigation to the U.S. Army Human Resources Command (HRC) via CMAOD within

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10 days of the incident. If commanders require additional time to complete the investigation, or request to continue categorizing the Soldier's casualty status as DUSTWUN, commanders will submit a request to CMAOD. Only the Secretary of the Army or Secretary's designee can approve a request to extend DUSTWUN casualty status beyond 10 days.

(3) Status change. In the event that the Soldier returns to military control or the Soldier is deemed AWOL after being declared DUSTWUN, the commander will coordinate the status change with the servicing CAC and CMAOD and forward the completed investigation to CMAOD within 10 days.

(4) Desertion. At any time, if a preponderance of the evidence suggests that the Soldier committed desertion as defined in AR 190-9, within 3 hours, commanders will submit to their local DES a DD Form 553 (Deserter/Absentee Wanted by the Armed Forces). Commanders and LE personnel must use enclosure 3 of this directive as a checklist for additional desertion reporting responsibilities.

5. Proponent. The Assistant Secretary of the Army for Manpower and Reserve Affairs is the proponent for this policy and will oversee its implementation. The Provost Marshal General will incorporate the provisions of this directive into AR 190-9, AR 190-45, and AR 630-10 within 2 years of the date of this directive. The Deputy Chief of Staff, G-1 will incorporate the provisions of this directive into AR 600-8-6 and AR 638-8 within 2 years.

6. Duration. This directive will be rescinded on publication of the revised regulations.



Ryan D. McCarthy

Encls

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## DEFINITIONS

**absent-unknown.** A transitory duty status, applicable only to military personnel, used to report a servicemember absent from the assigned unit, organization, or required place of duty. This transitory duty status allows commanders time to determine a Soldier's duty status. Soldiers will not be carried in this duty status for longer than 48 hours.

**absent without leave (AWOL).** A duty status applicable for Soldiers who are voluntarily absent from a place of duty without permission or authorization for more than 24 hours. (AR 600-8-6, Table 2-1)

**credible evidence.** Information disclosed or obtained 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 person under similar circumstances to pursue additional facts of the case to determine whether a criminal act occurred or may have occurred.

**duty status-whereabouts unknown (DUSTWUN).** A transitory casualty status, applicable only to military personnel, that is used when the responsible commander suspects the servicemember may be a casualty whose absence is involuntary, but does not feel sufficient evidence currently exists to make a determination of missing or deceased. (Department of Defense Instruction 1300.18) Note: DUSTWUN is a *casualty code*. The correlating *duty status* is "missing."

**missing.** A duty status applicable for a person of any age who is missing under circumstances indicating that the disappearance was not voluntary and that the person's physical safety may be in danger. (National Crime Information Center, or NCIC) Missing is a *duty status*; the correlating *casualty code* is "DUSTWUN."

**preponderance of the evidence.** Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. (AR 15-6)

## RESPONSIBILITIES CHECKLIST FOR MISSING PERSONS CASES

This checklist is provided only for informational purposes in support of the Office of the Provost Marshal General's mission to serve as a resource center for law enforcement, Families, unit commanders, and the public to help find missing persons. This checklist is meant to provide a framework for recommended actions, considerations, and activities to perform competent, productive, and thorough investigation of missing persons' cases with the goal of better assisting Families, victims, and the military community. This checklist supplements DA Pamphlet 190-45.

### RESPONSIBILITIES CHECKLIST FOR MISSING PERSONS CASES

#### Unit Commanders

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Has an initial assessment been conducted to determine whether the Soldier's absence is involuntary?

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Has absence been clarified with unit members to determine if they believe the Soldier's absence is involuntary?

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Have local medical treatment facilities been contacted to determine if they know the Soldier's whereabouts?

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Have next of kin (NOK) been contacted to determine if they know the whereabouts of the Soldier? Which commander is designated to communicate with the family and provide routine updates? What is the engagement plan with the family?

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Was the Directorate of Emergency Services (DES) and/or Criminal Investigation Division (CID) contacted immediately?

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Has request been made to law enforcement to put out a local Be-On-The-Lookout (BOLO) on the Soldier and to list the Soldier as missing in the ALERTS and the National Crime Information Center (NCIC)?

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If the absence is involuntary, has assistance been provided to CID in its investigation of the missing Soldier by facilitating unit interviews and visits/inspection of workplace and barracks room and/or place of residence?

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Has the unit's supporting attorney been contacted to discuss the matter and provide legal advice? Who is responsible for the media engagement plan? (unit vs. installation senior commander) Who is the release authority for information related to the missing Soldier?

#### Military Police/First Responders

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Have interviews been conducted with commander/unit leaders/parent(s)/guardian(s)/person who made the initial report?

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Has the Soldier been confirmed missing?

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Have the circumstances of the missing episode been identified?

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Has there been a determination of when, where, and by whom the missing Soldier was last seen?

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Have interviews been conducted with the individuals who last had contact with the missing Soldier?

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Have details about the missing Soldier been obtained, such as:

- name of the missing Soldier, including any aliases
- date of birth
- identifying marks, such as birthmarks, moles, tattoos, and scars
- height and weight
- gender
- race/ethnicity
- current hair color and true or natural hair color
- eye color
- prosthetics, surgical implants, or cosmetic implants
- physical anomalies
- medications the missing Soldier is taking or needs to take
- driver's license number, if known
- social security number, if known
- recent photograph of the missing Soldier, if available
- description of the clothing the missing Soldier is believed to be wearing at the time of disappearance
- description of notable items that the missing Soldier may be carrying
- information about the missing Soldier's electronic communications devices, such as a cell phone number or email address
- reasons why the reporting person believes that the Soldier is missing
- date and time of last contact
- name and location of the missing Soldier's unit
- name and location of the missing Soldier's dentist and primary care physician, if known
- any circumstances indicating that the missing Soldier may be at risk of injury or death
- description of the possible means of transportation used by the missing Soldier, such as the make, model, color, license, and Vehicle Identification Number (VIN) of a motor vehicle
- identifying information about a known or possible abductor or the person last seen with the missing person, including: name; physical description; date of birth; identifying marks; description of possible means of transportation, such as the make, model, color, license, and VIN of a motor vehicle; and known associates
- any other information that can aid in locating the missing Soldier

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Has everyone at the scene been identified and separately interviewed? Has their interview and identifying information been properly recorded?

- Note name, address, home/business phone numbers of each person.
- Determine each person's relationship to the missing Soldier.
- Determine if any suspicious activity or people were seen in the area.
- Determine if any people were seen who seemed unusual or out-of-place.

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Was an immediate, thorough search of the missing Soldier's place of residence conducted, even if the Soldier was reported missing from a different location? Was an off-post search coordinated with local law enforcement?

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Was the scene and area of the Soldier's place of residence protected, including the Soldier's personal articles (such as hairbrush, journals, photos, and items with the Soldier's fingerprints/footprints/teeth impressions) so that evidence is not destroyed during or after the initial search and to help ensure items that could help in the search for and/or to identify the Soldier are preserved? Are any of the Soldier's personal items missing? If possible, have photographs/videos of these areas been taken? Has any off-post search been coordinated with local law enforcement?

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**Provost Marshal Office (PMO) / Directorate of Emergency Services (DES)**

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Was a briefing and/or written reports obtained from the first responding officer and other personnel at the scene?

- Has blotter entry been created?
- Have an LER and BOLO been submitted into ALERTS?

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Has an NCIC entry into the Missing Persons File been created?

- Has an ATL from local civilian LE agencies been requested?

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Has a cell phone ping been conducted and/or other immediate community-notification systems accessed, if applicable?

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Are additional personnel needed to assist in the investigation?

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Has a command post been established away from the Soldier's residence?

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Is additional assistance necessary from State/territorial/local police, the missing persons' clearinghouse, the Federal Bureau of Investigation (FBI), or victim-witness services, etc.?

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Are all the required resources, equipment, and assistance necessary to conduct an efficient investigation requested and expedited?

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Has cooperation among all law enforcement personnel involved in the investigation and search efforts been coordinated?

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Have all required notifications been made?

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Are all policies and procedures in compliance?

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Has Public Affairs been consulted to use media, including print, radio, television, and the Internet/social media to assist in the search throughout the duration of the case?

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**Criminal Investigation Division (CID) / Investigative Officer (if absence is involuntary)**

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Was briefing obtained from the first responding officer/MP and other on-scene personnel?

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Were the accuracy of all descriptive information and other details developed during the preliminary investigation verified?

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Has a unit canvass using a standardized questionnaire been initiated?

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Has a brief on recent history of family and work dynamics been obtained?

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Have the reasons for conflicting information offered by witnesses and other individuals been corrected and investigated?

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Have article(s) of the Soldier's clothing been collected for scent-tracking purposes?

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Have all available information and evidence collected been reviewed and evaluated?

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Have the Soldier's latest medical and dental records been secured?

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Has an investigative plan been developed and executed?

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Has a criminal-history background check on all principal suspects, witnesses, and participants in the investigation been conducted?

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What additional resources and specialized services are required?

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Have bulletins for local law-enforcement agencies, missing persons' clearinghouse, the FBI, and other appropriate agencies been prepared and updated?

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Has a phone hotline for receipt of tips and leads been established? Has an email address or other methods of electronically receiving leads been established?

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Has a leads-management system been established to prioritize leads and help ensure each is reviewed and investigated?

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**Installation Public Affairs**

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Who is the designated spokesperson?

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What is the media engagement plan?

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What is the plan for using social media?

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## RESPONSIBILITIES CHECKLIST FOR DESERTION CASES

### Unit Commanders

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Within 3 hours, have deserters been reported to the installation DES and/or the Deserter Control Officer (DCO) (if applicable) by means of DD Form 553 (Deserter/Absentee Wanted by the Armed Forces) when one or more of the following applies?

- The facts and circumstances of the absence, without regard to the length of absence, indicate that the Soldier may have committed the offense of desertion, as defined by Article 85, Uniform Code of Military Justice (UCMJ).
- The Soldier, without authority, has gone to or remains in a foreign country and, while in the foreign country has requested, applied for, or accepted, any type of asylum or resident permit from the country or any governmental agency.
- The Soldier meets the criteria outlined in AR 190–9, appendix B (Special Category Absentee), appendix C (High Risk Caution Indicators), or appendix D (Desertion Under Aggravated Circumstances).
- The Soldier escapes from pretrial custody or confinement.
- The Deputy Assistant Secretary of the Army (Manpower and Reserve Affairs) and Director, Army Review Boards Agency have revoked the parole or Mandatory Supervised Release status of the individual.
- The Soldier remains absent for 30 consecutive days and is administratively dropped from the rolls (DFR) by means of DA Form 4187 (Personnel Action).

### Directorate of Emergency Services (DES)

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Was the DD Form 553 for warrant entry submitted into the NCIC no later than 3 hours following receipt of all instances of desertion identified above?

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Was a BOLO on the deserting Soldier initiated within 3 hours of receiving the DD Form 553?

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Has a memorandum of agreement been maintained to outline information dissemination and coordination between the civilian and military responses to locating servicemembers who commit desertion?

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Have steps been taken to maintain control of the warrant and ensure that warrant control is not transferred to the U.S. Army Deserter Information Point (USADIP)? This allows DES to maintain responsibility as the point of contact for deserter verification and return to military control efforts.