

Army Regulation 195-2

Criminal Investigation

Criminal Investigation Activities

**Headquarters
Department of the Army
Washington, DC
15 May 2009**

UNCLASSIFIED

SUMMARY of CHANGE

AR 195-2

Criminal Investigation Activities

This major revision, dated 15 May 2009--

- o Incorporates policy on the Army Criminal Investigation Program and criminal investigative support to the Army and Air Force Exchange Services.
- o Makes administrative changes (throughout).

Effective 15 June 2009


Criminal Investigation

Criminal Investigation Activities

By Order of the Secretary of the Army:

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General, United States Army
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Official:


JOYCE E. MORROW
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History. This publication is a major revision.

Summary. This publication is a consolidation of AR 195–1 and AR 195–7. It 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 Active Army, the Army National

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

Proponent and exception authority.

The proponent of this regulation is the Provost Marshal General. The proponent has the authority to approve exceptions 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 in the grade of colonel or 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 management control process.

This regulation contains management control provisions in accordance with AR 11–2, but does not identify key management controls that must be evaluated.

Supplementation. Supplementation of this regulation and establishment of command and local forms other than DA Forms are prohibited without prior approval from the Provost Marshal General (DAPE–MPD), 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–COP), 6010 6th Street, Fort Belvoir, VA 22060–5506

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

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*This regulation supersedes AR 195–1, dated 12 August 1974; AR 195–2, dated 30 October 1985; and AR 195–7, dated 25 April 1986.

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Glossary

Chapter 1 General

1-1. Purpose

a. This regulation prescribes responsibilities, mission, objectives, and policies pertaining to the Army Criminal Investigation Program.

b. This regulation prescribes Department of the Army (DA) policy on criminal investigation activities, including the utilization, control, investigative authority, and responsibilities of all personnel assigned to elements of the U.S. Army Criminal Investigation Command (USACIDC).

c. This regulation constitutes the basic authority for the conduct of criminal investigations, crime prevention surveys, protective service missions, force protection and antiterrorism efforts; computer crimes, procurement fraud, and the collection, retention, and dissemination of criminal information.

d. This regulation delineates responsibility and authority between the installation law enforcement activity (Military Police (MP), DA civilian police, Department of Defense (DOD) civilian police) and the USACIDC.

1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Responsibilities

a. The Commanding General (CG), USACIDC, will exercise command authority, direction, and control of Army criminal investigative activities worldwide. The Commanding General, USACIDC, will—

(1) Establish policies for the release of information from, and the amendment of, criminal investigation records and reports of investigations (ROIs).

(2) Evaluate Army law enforcement polygraph program activities and provide membership on DOD polygraph committees.

(3) Maintain overall responsibility for Army investigations of offenses involving “controlled substances” as defined in Section 812, Title 21, United States Code (USC) (21 USC 812).

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

b. The Commanding General, U.S. Army Training and Doctrine Command (TRADOC) will oversee the formal training of USACIDC personnel at TRADOC schools as necessary to meet the requirements of USACIDC.

c. Commanders of Army Commands (ACOMS) and Army Service Component Command (ASCC) and Direct Reporting Units (DRUs), within their respective areas of responsibilities, will—

(1) Ensure that known or suspected criminal activity is reported to the installation law enforcement activity and, when appropriate, to USACIDC for investigation.

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

d. Commanders, supervisors, and special agencies of subordinate U.S. Army Criminal Investigation Command 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 law enforcement 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. Statistical data necessary to support locally established reports may be provided within the administrative and recordkeeping capabilities of the supporting USACIDC element.

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

(1) Reply within 45 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 completes the DA Form 4833 with attached supporting documentation to the USACIDC element preparing the ROI, indicating the judicial, non-judicial, or administrative action, or lack thereof, taken against persons listed in the title block of the final ROI. Changes to judicial, non-judicial, 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 and to protect the rights of individuals involved.

(2) Notify all persons listed in the title block, who have no action taken against them, that their name will remain in the title 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 the Privacy Act and AR 340–21, para 3–2) 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 title 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, 6010 6th Street, Fort Belvoir, VA 22060–5585. Requests for amendment will be considered only as set forth in paragraph 4–4.

(3) The USACIDC will conduct crime prevention surveys to support commanders in crime prevention efforts. Crime prevention surveys will be initiated by the USACIDC element or will be conducted in response to a request from the supported commander. 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 Army Command 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. 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, as well as criminal conditions, either engaged in or directed against Army personnel, which may affect troop health, discipline, and welfare both on and off military installations.
- c. Promptly informing appropriate authorities of facts uncovered during criminal investigation and crime prevention activities, and preparing and submitting required reports in accordance with applicable directives.

1–6. Policies

Continuing command emphasis and attention will be given to the application of the following policies:

- a. Criminal incidents in the Army will be reported to the installation law enforcement activity. These criminal incidents include those affecting or involving persons subject to the Uniform Code of Military Justice (UCMJ), civilian employees and contractors of the DOD in connection with their assigned duties, and Government property under Army jurisdiction. Criminal incidents occurring at an installation or activity without an assigned law enforcement activity will be reported to the appropriate supporting installation law enforcement activity.
- b. Serious crimes and incidents, as defined in this regulation, will be reported to, and investigated by, USACIDC personnel. 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 law enforcement and investigative agencies and military intelligence activities to ensure that criminal investigative, or other information of mutual interest, is exchanged or disseminated.

1–7. 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 and relevant felonies identified in Federal, state, or foreign statutes. Exceptions to this general policy are described in AR 190–30, chapter 4, and this regulation. 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, civilian employees, 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 law enforcement activity in accordance with AR 190–45, paragraph 1–4c. Information indicating a violation of DOD Regulation 5500.7–R or the Federal Acquisition Regulation (FAR) that develops into possible criminal activity will also be reported to the installation law enforcement 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 law enforcement activities for statistical and crime reporting purposes, but a law enforcement investigation is not required. Unit commanders will take appropriate action on these incidents. A law enforcement investigation will normally be conducted only when it is considered necessary by the provost marshal or security officer, the commander of USACIDC element, or when requested by a field grade commander in the chain of command of the unit concerned. Nothing in this regulation will be construed to allow the withholding of medical treatment to avoid installation law enforcement activity or USACIDC involvement.

c. Installation law enforcement activity 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 law enforcement activity desk sergeant and the supporting USACIDC unit. Formal referral will be by DA Form 3975 (Military Police Report (MPR)), or the equivalent report from the installation law enforcement activity.

d. Commanders of installations or activities without assigned installation law enforcement will report criminal incidents or allegations to the supporting USACIDC element or the supporting installation law enforcement activity, or both as appropriate.

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. Necessary reports will be prepared reflecting the results thereof.

f. The USACIDC element receiving reports of criminal incidents or allegations from other than the installation law enforcement activity will notify the appropriate provost marshal or security officer of the incident, unless such notification will compromise the investigation (See para 3–14.)

g. Title 28 USC 535 (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 United States, the normal method of referral and consultation with the appropriate DOJ agency (for example, Federal Bureau of Investigation (FBI), U.S. Attorney) on all such violations involving either military or civilian personnel established pursuant to AR 27–10, chapter 2, will suffice and should be used.

(2) In the case of overseas violations or loss or injury to the United States 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 report of investigation on the nature and apparent scope of the violation, loss, or injury will be provided through USACIDC channels. Headquarters, 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 United States exceeds, or is expected to exceed, \$5,000. In overseas areas, civilians may be titled for certain felony offenses under the provisions of the Military Extraterritorial Jurisdiction Act (MEJA) (18 USC 3261) and DODI 5525.11, or during a declared war or contingency operation under Article 2, UCMJ. 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. Continuous criminal investigation-military intelligence liaison will be maintained. Information concerning an offense or incident involving any person having access to classified defense information will be expeditiously provided to the proper military intelligence (MI) representative. Similarly, in accordance with AR 381–20, chapter 2, MI components are obliged to expeditiously report criminal information to the appropriate military law enforcement authority. Certain computer intrusions, along with intelligence related crimes such as actual or alleged espionage, treason, or sedition may present situations where MI and USACIDC have concurrent investigative jurisdiction. The primary responsibility of MI is to investigate such incidents for intelligence and security-related purposes. The USACIDC shares the responsibility to investigate the incident to determine and investigate violations of criminal law for the purpose of reporting crime within Army investigative jurisdiction. The USACIDC and MI investigations are carried out on parallel tracks. Neither organization is considered the “lead” in any case. Due to these independent investigative responsibilities, neither USACIDC nor MI has an inherent right of first refusal for offenses within each organization’s respective jurisdiction; however, USACIDC and MI investigations must be closely coordinated. The USACIDC may hold in abeyance its investigation in order to allow MI to first exhaust intelligence or security aspects of an incident. Conversely, in such situations such as known or suspected sabotage, when immediate evaluation of a crime scene is of paramount importance, the USACIDC should not delay investigative activity. Executive Order 12333

mandates that intelligence activity authorities shall not interfere with any authorized criminal law enforcement responsibility.

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

k. Criminal intelligence (law enforcement 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 “counter-intelligence related” and are excluded from the provisions of AR 380–13 in accordance with AR 380–13, paragraph 3*b*(6). 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 law enforcement agencies on matters of common interest. 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 U.S. 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), 6010 6th Street, Fort Belvoir, VA 22060–5506, for appropriate dissemination. All releases of information under this provision will be in accordance with AR 340–21, paragraph 3–2.

(6) Criminal intelligence about an individual may be disseminated outside law enforcement 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 340–21, paragraph 3–2.

l. The contents of Army investigative files will be restricted to information that is necessary and relevant to authorized criminal investigation and law enforcement information gathering activities. Off-Post Incidents. When a U.S. Army Soldier (or in cases outside the United States (not in contingency operation) when a DA Civilian in the scope of his 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 Serious and Sensitive Incident (SSI) reporting criteria as defined in CIDR 195–1, or if a Soldier is the victim of a suspected suicide, coordination will be made with local law enforcement to conduct a joint investigation. If local law enforcement does not wish to participate in a joint investigation, CID elements will report the aforementioned investigation as a collateral investigation. Collateral ROIs (transmitting reports of criminal investigations received from civilian agencies) pertaining to other offenses within USACIDC normal investigative responsibility will be forwarded by provost marshals or security officers in accordance with AR 190–45, chapter 4, to the U.S. Army Crime Records Center (USACRC). An information copy of the DA Form 3975, 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 provost marshal or security officer.

Chapter 2

U.S. Army Criminal Investigation Command Organization

2–1. General

a. The USACIDC is a direct reporting unit (DRU) of the Provost Marshal General (See AR 10–87 and General Orders No. 22, 16 Oct 06). It is composed of a command headquarters, the U.S. Army Criminal Investigation Laboratory (USACIL), the USACRC, and subordinate brigades down to detachments.

b. In non-tactical situations, each USACIDC unit is a tenant activity at an Army installation, providing investigative support to the installation 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 law enforcement activity.

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 Commanding General, USACIDC, will provide USACIDC support to tactical units and their supporting elements. In accordance with AR 350–28, paragraph 4–10, field exercise planners must coordinate with the supporting USACIDC unit to determine USACIDC 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 Commanding General, USACIDC, maintains command and control of USACIDC units. In all operations, criminal investigations will be conducted, prepared, administered, reported, and distributed in accordance with appropriate provisions of 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 (see AR 27–10, chap 2; and the Memorandum of Understanding between the DOD and the DOJ relating to the Investigation and Prosecution of Certain Crimes, (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 civilian employee of the DOD 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 (as defined in 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 logistical security.
- (6) In contingency operations there is a need to investigate crimes to establish law and order as identified by senior mission commander.

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

a. Inside the continental United States (CONUS), Alaska, Hawaii, U.S. 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 law enforcement 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 CONUS, Alaska, Hawaii, and U.S. 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. Deployment Considerations. In a deployed environment, USACIDC agents will generally encounter the following regarding foreign governments:

(1) *Functioning government:* When the U.S. Army is deployed to a foreign country which has an established and functioning government and law enforcement 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 (however limited or preliminary in nature) 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/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 law enforcement 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 law enforcement 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.

(e) The conduct of such investigations will follow any guidelines, notifications, or other limitations set forth by treaty or policy and local law enforcement authorities.

(2) *Non-Functioning government:* When the Army is deployed to a foreign country that has no established (or severely limited) functioning government and no law enforcement 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 Army commander delegates an authority, USACIDC will respect requests from this commander's delegate. If the senior Army commander sets threshold criteria for investigations, USACIDC will respect those limitations. The USACIDC will not investigate outside the authority of the senior Army 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 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 and CIDR 195-1.

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 paragraphs *a*(1) through (13) and 3-4, below. 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 investigation 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, as determined by AR 735-5, appendix B, is \$5,000 or more (except as listed in paras b and c, below, and app B) or when the property is of a sensitive nature (see app E). 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 190-11, paragraph 1-8 and appendix E. When no criminal intent is discovered, an initial/final report of investigation will be completed in accordance with applicable USACIDC regulations and directives. The installation law enforcement activity 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) when the current value is more than \$30,000.

(c) The USACIDC will not investigate thefts of Common Table of Allowance (CTA)-50 items issued to individual Soldiers regardless of value.

(2) *Drug offenses.* The USACIDC has overall responsibility for offenses involving controlled substances. The

installation law enforcement activity will investigate use, possession, and the positive urinalysis of non-narcotic controlled substances, such as marijuana, and controlled substances described in Schedules IV and V of the Controlled Substances Act, in amounts indicative only of personal use. The USACIDC investigates use, possession, manufacture, or distribution of controlled substances described in Schedules I, II, and III of the Controlled Substances Act, excluding marijuana unless the quantity of marijuana is indicative of intent to distribute; and the manufacturing and distribution of all non-narcotic controlled substances. When appropriate, the investigation by a joint USACIDC/installation law enforcement team of all drug offenses on an installation is recommended. This can be accomplished with the primary investigative and reporting procedures of the installation law enforcement activity and USACIDC remaining unchanged. This approach fosters better coordination and is encouraged when deemed in the best interest of the overall drug suppression effort.

(3) *Misdemeanors*. A misdemeanor is any offense not punishable by death or imprisonment for a term exceeding one 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.

(4) *Non-combat deaths*. The USACIDC is responsible for investigating non-combat deaths to the extent necessary to determine whether criminality is involved, with the exception of hospice deaths. Hospice deaths are considered attended deaths when the USACIDC element is notified of the hospice situation by a recognized hospice representative in advance of the death. If during the conduct of a preliminary investigation it is determined and verified that the death was a hospice death and the USACIDC was not notified in advance, the investigation will be terminated and a Serious or Sensitive Incident (SSI) only report will be generated without further investigation.

(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 law enforcement activity; however, when the significance of the incident or the complexity of the facts dictate, the USACIDC or the military police may assume investigative responsibility.

(6) *War crimes*. The USACIDC is responsible for investigating suspected war crimes when a violation of 18 USC, the UCMJ, as listed in appendix B of this regulation, 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 (POWs) 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 U.S. Government funds or property may be investigated by the USACIDC. Other cases affecting a U.S. Army interest may be investigated pursuant to instructions of the Commanding General, 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, Reserve Command (Liaison Officer), 3d MP Group (CID), 4699 North 1st Street, Forest Park, GA 30297-5119.

(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, consensual sodomy, and indecent acts. The USACIDC or installation law enforcement activity will not investigate adultery when that is the sole offense. The USACIDC and the installation law enforcement activity will not normally initiate an investigation into adult private consensual sexual misconduct where such misconduct is the only offense involved. The offenses will be reported to the appropriate commander. The APCS will only be investigated by USACIDC when aggravating circumstances exist; and only if approved by the Commanding General, USACIDC. The USACIDC and the installation law enforcement activity will not conduct investigations into a Soldier's sexual preference or orientation. These allegations will be referred to the Soldier's chain of command.

(9) *Fraternization*. Will not normally be investigated by either the USACIDC or installation law enforcement activity when this is the only offense. The offense will be reported by the installation law enforcement activity, using DA Form 3975, through command channels to the appropriate commander.

(10) *Offenses involving senior personnel*. Whenever an allegation of criminality or impropriety against senior personnel is received, HQ, USACIDC, G-3, will be notified immediately by the most expeditious means (for example, telephone, e-mail or fax) of the allegation(s). Senior personnel are general or flag officers on active duty or retired; a member (or retired) of a Reserve Component or National Guard; a general officer designee (promotable O-6); a DOD civilian 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. A determination will be made at HQ, USACIDC if it is a USACIDC or DAIG responsibility to investigate the allegation. Other offenses involving these personnel as subjects, without regard for the limitations imposed in appendix B, may be investigated by the USACIDC if the sensitivity of the incident or complexity of the matter so dictates. The notification procedure identified above will be followed.

(11) *Aggravated 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. All other aggravated assaults will be investigated by the installation law enforcement activity.

(12) *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.

(13) *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 appendix B.

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 the law enforcement or crime prevention goals of the Army. When the USACIDC assumes control of an investigation from the installation law enforcement activity and initiates an ROI, the investigation will be carried through to conclusion by the USACIDC unless otherwise specified in paragraph 3-6 of this regulation. 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, Army Service Component Command, DRU, or ACOM levels. Memoranda of understanding establishing drug or other crime suppression teams and delineating their logistical and administrative support are 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 report of investigation 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 Army 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 law enforcement activities, 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 law enforcement activities and other investigative personnel will not enroll in or infiltrate the ASAP treatment program for the purpose of law enforcement activities (See AR 600-85, para 1-31n).

3-8. Immigration Customs Enforcement and postal matters

a. Immigration Customs 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 military police 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, paragraph 8-2.

e. The USACIDC will investigate such incidents when appropriate and in conformance with this regulation, and guidance issued by the Commanding General, USACIDC.

Section II

Crime Prevention Surveys, Protective Services, and Procurement Fraud 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 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 U.S. 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 as prescribed in this regulation and AR 10–87, chapter 17, USACIDC is responsible for investigating procurement fraud and corruption. Evidence gathered during these investigations is used in criminal, civil, or administrative proceedings.

Section III

Operational Considerations

3–12. 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, its territories, and possessions. In some cases all, one or more, or none of these clearances may be required. The individual country pages listed in the DOD Foreign Clearance Guide (FCG) General Information Booklet (DOD Guide 4500.54–G) should be consulted when planning to travel. The lead time for requesting travel clearances varies with each individual country, so the FCG 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. Item 12 of the DD Form 1056 (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 special agent’s military rank, general schedule grade, or National Security Personnel System pay band.

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

3–13. 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 law enforcement authorities.

3–14. Coordination

a. *General.* All USACIDC elements will establish liaison with the headquarters responsible for the installation, activity, or area supported. Commanders and provost marshals or security officers will be kept informed of the status of criminal investigations 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. 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 requires approval of the Commanding General, USACIDC, who will inform the Chief of Staff of the Army or the Secretary of the Army of the intention to delay or withhold the release.

b. *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 made 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.

c. 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 340–21, paragraph 3–2.

3–15. Access to Army facilities and records

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

b. The AR 40–66, chapter 2, and DOD Regulation 6025.18–R, section C7.6, 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. Authorization 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.

3–16. Security clearances and background investigations

a. All accredited USACIDC special agents and supervisors are required to have a top secret clearance based on a single scope background investigation, in accordance with DOD Regulation 5200.2–R, paragraph C3.6.10, and AR 380–67, paragraph 3–609.

b. Any USACIDC personnel who have access to investigative records or files are required to have a single scope background investigation, for suitability purposes only, in accordance with DOD Regulation 5200.2–R, paragraph C3.6.10, and AR 380–67, paragraph 3–609.

3–17. U.S. Army Criminal Investigation Command use of the National Crime Information Center

a. All USACIDC elements within CONUS will make maximum use of the National Crime Information Center (NCIC). The USACIDC terminal is located at the USACRC; however, terminals located at CONUS installations are available for use by USACIDC personnel as specified in AR 190–45, chapters 13 and 14. Coordination with the installation law enforcement activity is encouraged.

b. The use of the NCIC will be in accordance with AR 190–45, chapters 13 and 14, and the operating instructions of the FBI. The Commanding General, USACIDC will issue appropriate instructions for use of the NCIC by USACIDC elements.

c. Data to be entered into the NCIC through the terminals located at CONUS 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 USACRC, if they have become suspects or subjects in a USACIDC investigation.

d. The USACRC enters stolen property and weapon reports for installation law enforcement activities in overseas locations as specified in AR 190–45, paragraph 14–3. The USACRC will conduct NCIC inquiries for USACIDC special agents in support of criminal investigations or related inquiries for elements in overseas locations, based on a request from the individual USACIDC element.

e. The USACIDC and USADIP will establish liaison to ensure timely exchange of information on matters pertaining to absentees and deserters. The USACRC 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 law enforcement authorities on subjects of USACIDC investigations are transmitted to the USACRC 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.

3–18. Warning of rights

Prior to any questioning, all persons subject to the UCMJ who are reasonably suspected of a criminal offense must be properly advised of their rights in accordance with Article 31, UCMJ, and Military Rule of Evidence (MRE) 305, Manual for Courts-Martial (MCM). U.S. civilian subjects, not otherwise subject to the UCMJ, will be warned in accordance with current Federal law. Generally, Federal law requires that civilians be advised of their Constitutional

rights only in those circumstances amounting to a “custodial interrogation.” During wartime and contingency operations, or in other circumstances determined by the President of the United States, civilians may be subject to the UCMJ in accordance with Article 2, UCMJ. Under those circumstances, Article 31 would apply and would require the appropriate rights warning.

Section IV

U.S. Army Criminal Investigations Command Special Agents

3–19. General

a. All USACIDC special agents are authorized to enforce the criminal laws of the United States 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 the Posse Comitatus Act (18 USC 1385).

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

3–20. Utilization

a. The USACIDC special agents will not be assigned to other than criminal investigative duties without prior approval of the Commanding General, USACIDC. The USACIDC special agents or supervisory personnel will not be assigned duties such as post or staff duty officer, military police duty officer, casualty assistance officer, membership on boards (except boards considering applicants for appointment as warrant officers in MOS 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 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.

b. When the interests of effective law enforcement require special expertise or technical assistance, the Commanding General, USACIDC, may authorize civilian or military personnel of the U.S. 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.

3–21. Authority to apprehend or detain

a. Pursuant to Rules for Courts-Martial (R.C.M) 302, MCM, U.S., UCMJ, and Article 7 (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, as specified in AR 190–14, chapter 3, may be used. Apprehensions to be made in private dwellings, on or off a military installation, will be accomplished in accordance with the procedures specified in R.C. M. 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 intelligible 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, National defense areas (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 United States 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 law enforcement agency, or to civilian authorities in accordance with local procedures.

c. No military USACIDC special agents, in their official capacity, have 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 law enforcement officer with statutory arrest authority or a civilian USACIDC Special Agent. The USACIDC special agents may accompany the arresting civil law enforcement 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 United States 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 under the MEJA, outside the United States for offenses subject to prosecution under the MEJA (18 USC 3261 and DODI 5525.11).

f. Personnel apprehended by USACIDC special agents will be released to civil or installation law enforcement, as appropriate, for confinement or detention. Confinement or detention in military facilities will be in accordance with AR

190–47, chapter 3. 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.

3–22. 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 Military Rules of Evidence (MRE), MCM, U.S.; 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 Rule 41, Federal Rules of Criminal Procedure (FRCP), and 28 CFR 60, and Executive Order 12473 (MCM, U.S.), RCM 302(b) and 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 law enforcement officer having statutory arrest authority or a civilian USACIDC special agent.

3–23. Authority to administer oaths

The USACIDC special agents, and other personnel designated in accordance with paragraph 3–20*b*, above, are authorized to administer oaths under the provisions of 10 USC 936 for military investigative personnel and 5 USC 303, for civilian investigative personnel.

3–24. Firearms

a. The USACIDC special agents are authorized to carry concealed weapons in accordance with instructions issued by the Commanding General, USACIDC, and AR 190–14, paragraph 2–8. Any weapon lost, stolen, or unaccounted for will be reported immediately to Commanding General, USACIDC (CIOP–COP).

b. Unless authorized by the Commanding General, USACIDC, or the commander’s designated representative, only government issued and acquired weapons and ammunition will be utilized. The use of personally owned weapons and ammunition for official duties (other than officially sanctioned marksmanship competition) is prohibited.

3–25. 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, paragraph 8–2*a*(9).

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.

3–26. Billets and messes

a. Enlisted USACIDC special agents and laboratory examiners 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 statements of non-availability to support claims for basic allowance for housing (BAH) or per diem, as appropriate (AR 420–1).

b. The USACIDC unit administrative personnel will be billeted with USACIDC personnel or with military police 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 statements of non-availability to support claims for BAH (AR 420–1).

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

d. Enlisted USACIDC special agents will be authorized basic allowance for subsistence (BAS) under the provisions of the DOD Military Pay and Allowances Manual, chapter 1, part 3.

e. The above provisions do not apply in overseas areas not authorized BAH and BAS.

3–27. 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 law enforcement.

b. The USACIDC special agents will include their military or civilian rank or grade in signing all correspondence except USACIDC ROIs and documents related thereto.

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 Commanding General, USACIDC, may wear the field uniform in a combat environment or military operations other than war in the manner described in AR 670-1.

3-28. Retention and use of investigative property

The ROIs, 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, paragraph 7-8.

3-29. Standards of conduct

Standards of conduct for DOD personnel are contained in the Joint Ethics Regulation (DOD 5500.7-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 Commanding General, USACIDC.

Section V

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

3-30. 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-United States law enforcement agencies.

3-31. Definitions

a. Level One Operations are those operations conducted only in overseas areas and using 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. Level Three Operations are also conducted by MP/MPI/DAC Police/Detectives assigned to the installation law enforcement activity. 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.

3-32. Policy considerations

Individuals in charge of USACIDC drug suppression operations and the approving authorities set forth in paragraph 3-33, below, 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. law enforcement 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 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 non-military 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 law enforcement 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 law enforcement agencies or other U.S. law enforcement 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 paragraph 3-33a, below.

d. To the extent necessary to accomplish the drug suppression objective stated in paragraph a, above, the USACIDC should maintain relations with other U.S. and non-U.S. police organizations and participate in the exchange of law enforcement 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 overseas 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 law enforcement agency requests USACIDC interpreter assistance in a narcotics case having no military interest) the International Narcotics Control Section of the Foreign Assistance Act of 1961 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” (22 USC 2291(c)).

3-33. 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 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 System

3-34. Purpose

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

3-35. Air Force Office of Special Investigations

The Air Force Office of Special Investigations (AFOSI) is the executive agency providing criminal investigation support for AAFES as agreed upon by the Secretaries of the Army and Air Force.

3-36. Air Force Office of Special Investigations responsibilities

The AFOSI, as the executive agency, 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 and Army law enforcement elements.

b. The AFOSI responsibilities include—

(1) Providing the personnel to consolidate all investigations arising at HQ AAFES, overseas Exchange System headquarters, and at CONUS Exchange Region headquarters. Matters may be investigated by AFOSI or Air Force security police as determined by Air Force regulations, which will determine if AFOSI or the security police 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 Air Force installations

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

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

(4) Taking part with Army law enforcement activities on joint investigations.

c. 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, Law Enforcement Division, Office of the Provost Marshal General, HQDA, if involving installation law enforcement.

3-37. Army law enforcement responsibilities

The AAFES may be investigated by the USACIDC or installation law enforcement as determined by appendix B. Army law enforcement 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 Air Force or the Army but primarily serving Army personnel or installation.

c. Other exchange facilities as agreed on between AFOSI, USACIDC and the Office of the Provost Marshal General. The Chief, Law Enforcement Division, Office of the Provost Marshal General, HQDA is the responsible official for coordinating matters related to installation law enforcement support to AAFES.

3-38. 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 appendix B:

a. Fraud.

(1) The AAFES should refer to Army law enforcement 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 law enforcement elements for investigative determination of any loss strongly suspected as pilferage by AAFES employees.

c. Break-ins. The AAFES will refer to Army law enforcement 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 law enforcement elements checks not bearing the true name of the maker.

e. Inventory variance. Normally, AAFES will not refer inventory variances to Army law enforcement 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 law enforcement activity 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 law enforcement elements only if misuse indicates exploitation for commercial purposes or, in overseas areas, for black-marketing or customs violations.

h. Other violations. In overseas areas, AAFES will refer to Army law enforcement 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 as prescribed by AR 340-21, 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 Commanding General, 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 forms. This regulation is the prescribing directive for DA Form 2804 (Crime Records Data Reference). This form will be utilized as an index card for subjects, suspects, and victims of each USACIDC ROI, for subjects of MPI ROIs, and for subjects of MPRs forwarded to the Director, USACRC, for filing. The Automated Criminal Investigative and Intelligence System and Centralized Operations Police Suite produce the form; however, under some circumstances, such as deployments, the form may be produced manually. The MP/MPI/DAC detectives will use DA Form 2804 for subjects of MPI ROIs and MPRs forwarded to the Director, USACRC, with the report. See appendix C for instructions on completing this form.

c. Investigative files.

(1) The Commanding General, 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 release ability of information in these files.

(2) The Commanding General, USACIDC, will recommend to DA, RMDA, standards for the retention of selected MPI ROIs and MPRs submitted to the USACRC in accordance with AR 190-45 and for the release of information.

d. Requirements control. USACIDC, MP, MPI, and DAC Detective investigative reports are exempt from requirements control under AR 335-15, paragraph 5-2b(6).

e. Classification and safeguards.

(1) The USACIDC investigative records and reports will be marked "FOR OFFICIAL USE ONLY" (FOUO) in accordance with AR 25-55, paragraph 4-200, and any clarifying guidance issued by the Commanding General, 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.

(2) 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.

(3) Reports procured from USACIDC elements or the USACRC 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.

(4) Reports provided by the USACIDC will be destroyed by the requesting agency upon completion of the action for which requested. As a minimum, all USACIDC reports will be destroyed following procedures for FOUO material as described in AR 25-55, paragraph 4-501. Classified reports will be destroyed in accordance with the provisions of AR 380-5, chapter 3.

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 Investigations Command investigative records and reports of investigation. Release is authorized when it conforms with this regulation, AR 190–45, AR 195–6, AR 340–21, and policy on external agency information, as applicable.

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

(1) Routine distribution within DOD, but external to USACIDC, of final USACIDC ROIs 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 law enforcement activity responsible for law enforcement in the area in which the incident occurred, and as further directed by the Commanding General, USACIDC. Classified ROIs will not be distributed routinely. Classified information will be distributed in accordance with AR 380–5, chapter 2.

(2) Routine distribution within DOD, but external to the installation law enforcement activity, of final MPI ROIs will be in accordance with AR 190–45, chapter 3.

(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 law enforcement agency that has an investigative or law enforcement interest in the matter disclosed, provided the disclosure is not in contravention of any law, regulation, or directive, as applied to law enforcement activities. Disclosures under this paragraph to a non-DOD law enforcement element are a routine use under the Privacy Act and must be accounted for in accordance with AR 340–21, paragraph 3–4. Classified criminal intelligence will be disseminated in accordance with the provisions of AR 380–5, chapter 2.

(2) Acquisition of criminal intelligence from Federal, state, local, or foreign law enforcement 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 of this paragraph, 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 paragraph d, above, or by the Commanding General, USACIDC. All other inquiries or requests regarding this type of information, not made under the provisions of the paragraph below, will be forwarded to the Director, U.S. Army Crime Records Center (CICR–FP), 6010 6th Street, Fort Belvoir, VA 22060–5585.

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 below. 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 law enforcement authorities when information acquired or maintained by USACIDC indicates criminal activity which may fall within another law enforcement agency’s jurisdiction or responsibility.

(c) To other persons as required or authorized by law (for example, parents, pursuant to the Juvenile Justice Act of 1992 and 18 USC 5033).

(2) 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 utilized.

(3) 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 USACRC. 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 Commanding General, USACIDC (CIJA–ZA), 6010 6th Street, Fort Belvoir, VA 22060–5506.

(4) 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 Commanding General, USACIDC (CIJA–ZA), 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

Commanding General, USACIDC (CIJA-ZA), 6010 6th Street, Fort Belvoir, VA 22060-5506. Congressional requests will be processed in accordance with AR 1-20, paragraph 2-3, and AR 340-21, paragraph 3-2. Civilian judicial requests or subpoenas, including those originated by prosecution and defense counsel, will also include that information required by AR 27-40, chapter 7. The USACIDC field elements will not release information without prior approval of the Commanding General, USACIDC (CIJA-ZA), 6010 6th Street, Fort Belvoir, VA 22060-5506.

h. Official requests. Official requests for information from USACIDC ROIs from agencies of the executive branch of the Federal Government identified as routine users in AR 340-21, paragraph 3-2, and similar requests from other DOD components, will be referred to the Director, U.S. Army Crime Records Center, 6010 6th Street, Fort Belvoir, VA 22060-5585. The Director, USACRC, 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 Commanding General, USACIDC. These limitations do not apply to requesters or recipients under the Freedom of Information or Privacy Acts. (See para 4-4.)

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, paragraph 5-101d(2). 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 Commanding General, USACIDC (CIIO-PA), 6010 6th Street, Fort Belvoir, VA 22060-5506. Other records requested by the news media through public affairs channels should be released upon request only with prior approval of HQ, USACIDC (CIIO-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), 6010 6th Street, Fort Belvoir, VA 22060-5585.

4-4. Individual requests for access to, or amendment of, U.S. Army Criminal Investigations Command reports of investigations

a. Access to U.S. Army Criminal Investigations Command reports. All requests for access to USACIDC reports made under the Privacy Act or Freedom of Information Act will be processed in accordance with AR 340-21, paragraph 2-1, and AR 25-55, paragraph 5-101, respectively.

b. Amendment of U.S. Army Criminal Investigations Command reports. The USACIDC ROIs are exempt from the amendment provisions of the Privacy Act and AR 340-21, paragraph 2-10e. Requests for amendment will be considered only under the provisions of this regulation. Requests to amend or unfound offenses in USACIDC ROIs 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 title 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 ROI is an investigative determination that is independent of judicial, non-judicial, 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 Commanding General, 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), 6010 6th Street, Fort Belvoir, VA 22060-5585.

Chapter 5

U.S. Army Crime Records Center, U.S. Army Criminal Investigations Command

5-1. General

The USACRC will receive and maintain the permanent files of USACIDC, selected MPI ROIs, selected MPRs, and commander's reports of disciplinary or administrative action taken (DA Form 4833). The Director, USACRC, will ensure the retention and proper use of these records and furnish data and copies of files, documents, or information there from 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

Commanding General, USACIDC, the Defense Security Services, Intelligence and Security Command, Defense Central Index of Investigations (DCII), the DOD National Agency Check Center, and other Federal agencies, as appropriate.

5-2. Functions

The Director, USACRC, will—

- a.* Receive and file all records and reports as directed by the Commanding General, USACIDC.
- b.* Receive and file MPRs and MPI reports acquired under the provisions of AR 190-45, paragraph 1-4*e* and 2-1*j*.
- c.* Process for filing all USACIDC and MPI ROIs, other agency criminal investigation reports, and MPRs, to include review of offense coding and ensure that each report is administratively complete.
- d.* Provide emergency and routine records checks for provost marshals or security officers, USACIDC elements, DA, DOD, and other law enforcement agencies identified by the Commanding General, USACIDC, as routine users of records maintained by the USACRC.
- e.* Operate and maintain criminal investigative data reference indexes.
- f.* Provide DCII with indexing data for individuals listed as subjects of all USACIDC ROIs and subjects of MPI and MP reports.
- g.* Develop specialized statistics and reports pertaining to crime within the Army for the USACIDC as required by HQDA.
- h.* Transmit on request, for law enforcement purposes, copies of USACIDC and MPI ROIs and MP reports to provost marshals or security officers, USACIDC elements, DA, and Defense officials who are authorized to obtain and use reports, and other law enforcement agencies identified by the Commanding General, USACIDC, and the Provost Marshal General as routine users of USACIDC and MP records respectively.
- i.* Implement applicable release policy and procedures as delineated in paragraphs 4-3*f*, *h*, and *i*, and 5-2 *h*, *k*, and *l*.
- j.* Refer requests or requesters to appropriate agencies if information requested does not fall within the USACRC control for release action.
- k.* Receive official requests for information from USACIDC ROIs from agencies of the Federal Government identified as routine users in AR 340-21, paragraph 3-2, and similar requests from DOD components. The Director, USACRC, is authorized direct communication with these agencies for this purpose.
- l.* Upon request, transmit copies of final USACIDC and MPI ROIs and MP reports reflecting only founded known subjects 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 law enforcement files to make determinations regarding:
 - (1) Suitability for access to classified National Defense Information.
 - (2) Filing of unfavorable information in official military personnel files (AR 600-37, para 3-3*c*).
 - (3) Accreditation as provided in AR 190-13, paragraph 3-5, and AR 190-30, paragraph 1-4.
 - (4) Suitability for sensitive positions such as child care providers and promotion to senior positions in the Army.
- m.* Upon written request, transmit USACIDC reports and MP reports to the Office of The Inspector General, HQDA, for those activities authorized in AR 20-1, paragraph 1-9*d*.

5-3. Routine investigative name checks

- a.* The USACRC 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, place of birth, social security number, and former military service number. Military police, security police, 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 USACRC. Requests for name checks for other than law enforcement 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 law enforcement purposes will include, if available, the MPR number, the USACRC cross-reference number for the military police or security police, and the sequence number or ROI number for USACIDC reports.

5-4. Immediate name checks

- a.* The USACRC 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 either telephone, facsimile, or electrical message. 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 at appendix F.
- c.* Telephonic name checks by appropriate officials pursuant to Freedom of Information Act (AR 25-55, paragraph 4-300) and Privacy Act (AR 340-21, para 3-2) requests are authorized.

5-5. Requesting U.S. Army Crimes Records Center files and reports

a. Requests for USACIDC and MPI ROIs and MPRs as outlined in paragraph 4-3 and AR 190-45, paragraph 3-4c, will be forwarded to the Director, U.S. Army Crime Records Center (CICR-FP), 6010 6th Street, Fort Belvoir, VA 22060-5585.

b. Requests for these reports in connection with law enforcement 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 date of birth.
- (3) Social security number and/or former military service number.
- (4) Complete ROI number.

c. Requests in connection with law enforcement 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 Investigations, and the Defense Investigative Service may also be sent to the USACRC, which will refer them to the appropriate agency.

d. Requests for CID and MPI ROIs and MPRs or information from the reports for other than law enforcement purposes will include the following:

- (1) Full name of the individual.
- (2) Place and date of birth.
- (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 Investigations Command and military police reports

If a military police or 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 would otherwise be eligible, the individual affected will normally be granted access to the record except as provided by this regulation, AR 25-55, paragraph 5-101, or AR 340-21, paragraph 2-9. Classified information will be released in accordance with AR 380-5, chapter 6. Such information will not be released until verification of the person to whom released.

Chapter 6 U.S. Army Criminal Investigation Laboratory

6-1. General

The U.S. Army Criminal Investigation Laboratory (USACIL) provides forensic laboratory assistance to U.S. Army investigative elements, other DOD investigative agencies, and Federal law enforcement agencies as appropriate.

6-2. Responsibilities

The Commanding General, 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 N. 31st Street, 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 criminalistics 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 electrical message 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. The request will include at a minimum:

- (1) The USACIL referral number (from laboratory report).
- (2) Name of the accused.
- (3) Examiner(s) completing the examination(s).
- (4) Date, time, place, and to whom the examiner is to report.
- (5) Number of days temporary duty is required.
- (6) 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 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 defense counsels.

e. The USACIL examiners will be made available for pre-trial conferences with defense counsels and/or trial counsels for specific cases, for the purpose of providing sufficient information for the counsels to understand the findings rendered by the examiners. Whenever possible, pretrial conferences should be conducted telephonically, or through video teleconference, in advance of an 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. 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

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 paras 2–1a , 3–11.)

AR 20–1

Inspector General Activities and Procedures (Cited in para 5–2m.)

AR 25–1

Army Knowledge Management and Information Technology (Cited in para 3–28.)

AR 25–55

The Department of the Army Freedom of Information Act Program (Cited in paras 4–1, 4–2e(1), 4–2e(4), 4–3j, 4–4a, 5–4c, and 5–6.)

AR 25–400–2

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

AR 27–10

Military Justice (Cited in para 1–7g(1) and 3–1b.)

AR 27–40

Litigation (Cited in paras 4–3g, 7–2a.)

AR 40–66

Medical Record Administration and Healthcare Documentation (Cited in para 3–15b.)

AR 190–11

Physical Security of Arms, Ammunition, and Explosives (Cited in paras 3–3a, 3–8d, 3–24a, and appendix E.)

AR 190–13

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

AR 190–14

Carrying of Firearms and Use of Force for Law Enforcement and Security Duties (Cited in paras 3–21a , 3–24a.)

AR 190–30

Military Police Investigations (Cited in paras 1–7a , 5–2l(3).)

AR 190–45

Law Enforcement Reporting (Cited in paras 1–7b(1), 1–7m, 3–17a, 3–17b, 3–17d, 4–1, 4–2c2, 4–3b, 4–3c(2), 5–2b, 5–5a, and appendix C–2a.)

AR 190–47

The Army Corrections System (Cited in para 3–21f.)

AR 195–5

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

AR 340–21

The Army Privacy Program (Cited in paras 1–4f(1)(b), 1–7k(5), 1–7k(6), 3–14c, 4–1, 4–3b, 4–3d(1), 4–3g, 4–3h, 4–4a, 4–4b, 5–2k, 5–4c, and 5–6.)

AR 350-28

Army Exercises (Cited in para 2-2a.)

AR 380-67

The Department of the Army Personnel Security Program (Cited in para 3-16a and 3-16b.)

AR 420-1

Army Facilities Management (Cited in para 3-26a and 3-26b.)

AR 600-85

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

AR 670-1

Wear and Appearance of Army Uniforms and Insignia (Cited in para 3-25c and 3-27d.)

AR 735-5

Policies and Procedures for Property Accountability (Cited in para 3-3a(1)(a).)

DOD Guide 4500.54-G

Travel Overseas (Cited in para 3-12b.) (Available at <http://www.dtic.mil/whs/directives/>)

DODI 5525.07

Implementation of the MOU between DoJ and Defense Relating to the Investigation and Prosecution of Certain Crimes (Cited in para 3-1b.) (Available at <http://www.dtic.mil/whs/directives/>)

DOD 5200.2-R

Personnel Security Program (Cited in para 3-16a and 3-16b.) (Available at <http://www.dtic.mil/whs/directives/>)

DOD 5500.7-R

The Joint Ethics Regulation (Cited in paras 1-7b(1), and 3-29.) (Available at <http://www.dtic.mil/whs/directives/>)

DOD 6025.18-R

DOD Health Information Privacy Regulation (Cited in para 3-15b.) (Available at <http://www.dtic.mil/whs/directives/>)

UCMJ

Uniform Code of Military Justice (Cited in paras 1-6a, 1-7b(1), 1-7g, 1-7g(2), 3-1b(2), 3-3a(1), 3-18, and 3-21a.) (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 regulation. DOD publication are available at <http://www.dtic.mil/whs/directives/>. U.S. Codes are available at <http://www.gpoaccess.gov/uscode/>.

AR 40-63

Medical, Dental, and Veterinary Care

AR 195-6

Department of Army Polygraph Activities

AR 335-15

Management Information Control System

AR 380-5

Department of Army Information Security Program

AR 380-13

Acquisition and Storage of Information Concerning Non-Affiliated Persons and Organizations

AR 381–20

The Army Counterintelligence Program

AR 600–37

Unfavorable Information

AR 700–84

Issue and Sale of Personal Clothing

28 CFR 60.3(a)(2)

Judicial Administration; Authorization of Federal Law Enforcement Officers to Request the Issuance of a Search Warrant; Agencies with authorized personnel (Department of Defense) (Available at <http://www.gpoaccess.gov/cfr/index.html>)

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

Executive Order 12333

United States Intelligence Activities (Available at: <http://www.archives.gov/federal-register/codification/executive-order/12333.html>)

Executive Order 12473

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

FAR

Federal Acquisition Regulation (Available at <http://www.arnet.gov/far/>)

FRCP

Federal Rules of Criminal Procedure (Available at <http://www.uscourts.gov/rules/civil2007.pdf>)

MCM

Manual for Courts-Martial, United States (2008 Edition) (Available at <http://www.jag.navy.mil/documents/mcm2008.pdf>)

5 USC 303

Oaths to witnesses

5 USC 552a

Records maintained on individuals

10 USC 802

Article 2 of the Uniformed Code of Military Justice, Person subject to this chapter

10 USC 807

Article 7 of the Uniformed Code of Military Justice, Apprehension

10 USC 4027

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

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 812

Schedule of Controlled Substance

28 USC 535

Investigation of crimes involving Government officers and employees; limitations

50 USC 797

Penalty for violation of security regulations

Section III

Prescribed Forms

Except where otherwise indicated below, forms are available as follows: DA forms are available on the Army Publishing Directorate website (www.apd.army.mil); DD forms are available from the OSD website (<http://www.dtic.mil/wha/directives/infomgt/forms/formsprogram.htm>); SF Forms are available at <http://www.gsa.gov>.

DA Form 2804

Crime Records Data Reference (Prescribed in para 4-2*b*.)

Section IV

Referenced Forms

DA Form 2028

Recommended Changes to Publications and Blank Forms

DA Form 3975

Military Police Report

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 should be contacted when an offense is committed and when the U.S. Army has an interest.

Table B-1 Offense investigative responsibility¹			
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 law enforcement purview	
Accessory after the fact to an offense listed in this appendix	ALL	NONE	
Attempts to commit an offense listed in this appendix	ALL	NONE	
Conspiracy to commit an offense listed in this appendix	ALL	NONE	
Solicitation to mutiny or commit an act of sedition	ALL	NONE	
Effecting an unlawful enlistment, appointment, or separation	ALL	NONE	
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 violation, black-marketing in aggregate amount less than, or equal to, \$4,999 or less in a 29 day period. All other	
Cruelty, oppression, or maltreatment	ALL	NONE	
Mutiny, sedition	ALL	NONE	
Prisoners: releasing without proper authority; suffering to escape.	ALL	NONE	
Unlawful detention	ALL	NONE	
Captured or abandoned property	Value greater than, or equal, to \$5,000; or any property of a sensitive nature as described in appendix E; failing to secure, report and turnover, selling, or otherwise wrongfully dealing in or disposing of; looting or pillaging.	Value less than, or equal, to \$4,999.	
False official statements	When in conjunction with another offense normally investigated by USACIDC.	All other.	
Military property of the U.S.	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 E; 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.	

Table B-1
Offense investigative responsibility¹—Continued

Property other than military property of the U.S.	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.	
Hazarding or suffering to be hazarded any vessel of the armed forces	ALL	NONE	
Wrongful use, possession, manufacture, distribution, introduction, importation, exportation of controlled substances	All, except as provided in paragraph 3-3a(2).	As provided in paragraph 3-3a(2).	
Malingering involving intentional self-inflicted injury requiring hospitalization	ALL	NONE	
Riot	ALL	NONE	
Murder	ALL	NONE	
Manslaughter	ALL	NONE	
Rape, Rape of a Child, Aggravated Sexual Assault, Aggravated Sexual Assault of a Child, Aggravated Sexual Contact, Aggravated Sexual abuse of a Child, Aggravated Sexual Contact with a Child, Abusive Sexual Contact, Abusive Sexual Contact with a Child, Indecent Act, Forcible Pandering, Wrongful Sexual Contact	ALL, except indecent acts, when consensual		Indecent acts when consensual
Indecent Exposure	Only when committed in conjunction with another offense investigated by USACIDC.	All other.	
Stalking	ALL	NONE	
Larceny or Wrongful Appropriation of privately owned vehicles (to include bicycles, motorcycles, all terrain vehicles, and boats)	The current value is greater than, or equal to, \$30,000.	The current value is less than, or equal to, \$29,999.	
Larceny or wrongful appropriation of property, including aircraft or boats	An aggregate value of greater than, or equal to, \$5,000 less CTA-50; or of a sensitive nature, as defined in appendix E.	An aggregate value of \$1,500.00 to \$4,999	\$1,500.00 or less in the unit area
Robbery	ALL	NONE	
Forgery	The aggregate amount is greater than or equal to \$5,000.	The aggregate amount is less than or equal to \$4,999.	
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.	
Maiming	ALL	NONE	
Sodomy	Forced	NONE	Consensual
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	
Extortion	ALL	NONE	
Assault	Consummated by a battery on a child under the age of 16 years; or aggravated assault when the victim is hospitalized for more than 24 hours, other than observation.	Simple Assaults; Aggravated assault when victim is hospitalized for less than 24 hours.	Simple assault occurring in the unit area not resulting in hospitalization
Burglary	When associated with another crime normally investigated by the USACIDC.	All other instances.	

Table B-1
Offense investigative responsibility¹—Continued

Housebreaking	When associated with another crime normally investigated by the USACIDC.	All other instances.	
Perjury	ALL	NONE	
Frauds against the U.S.	The amount involved is greater than, or equal to, \$5,000.	The amount involved is less than, or equal to, \$4,999.	
Bigamy	In conjunction with a fraud greater than, or equal to, \$5,000.	In conjunction with a fraud of \$4999.00 or less.	All other no fraud involved
Bribe or graft: accepting, asking, receiving, offering, promising, or giving	ALL	NONE	
Burning, with intent to defraud	The amount involved is greater than, or equal to, \$5000.00	The amount involved is less than, or equal to, \$4999.00	
False pretenses (obtaining services under).	Value is greater than, or equal to, \$5,000.	Value is less than, or equal to, \$4,999.	
Homicide, negligent	ALL	NONE	
Impersonating an officer, warrant officer, non-commissioned or petty officer or agent of superior authority, with intent to defraud	ALL	NONE	
Kidnapping	ALL	NONE	
Mail (taking, opening, secreting, destroying, or stealing)	ALL	NONE	
Mail (depositing or causing to be deposited obscene or indecent matters in)	ALL	NONE	
Misprision of felony	ALL	NONE	
Obstructing justice	ALL	NONE	
Perjury (subornation of)	ALL	NONE	
Public record, wrongfully altering, concealing, removing, mutilating, obliterating, or destroying	ALL	NONE	
Soliciting another to commit an offense listed in this appendix (other than Article 94)	ALL	NONE	
Stolen property, knowingly receiving, buying, concealing	The aggregate value is greater than, or equal to, \$5,000.	The aggregate value is less than, or equal to, \$4,999.	
Threat or hoax	A bomb, device, or toxic substance is found.	All other instances.	
Identity Theft	In connection with fraud and or larceny \$5,000.00 or greater.	In connection with fraud and or larceny \$4,999.00 or less or involving false documents only.	
Pandering	ALL	NONE	
Prostitution	NONE	ALL	
War Trophy Offenses	USACIDC	Installation law enforcement	Unit Commander
Ammunition	Greater than or equal to 1,000 rounds	Less than or equal to 999 rounds	
Art work (Paintings, sculptures, and so forth)	ALL		
Atropine	NONE	ALL	
Edged weapons	NONE	ALL	

Table B-1
Offense investigative responsibility¹—Continued

Currency (US 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.)	NONE	ALL	
Enemy military equipment, any (Vehicles, communication, and so forth.)	ALL	NONE	
Explosive devices and munitions	ALL	NONE	
Non-coalition firearms and any weapons parts	ALL	NONE	
Suspected contraband (not previously listed)	Greater than or equal to \$5,000	Less than or equal to \$4,999.	
Precious gems/metals	ALL	NONE	

Notes:

¹ </tabnote>

B-2. Other investigative responsibility

The U.S. Army Counterintelligence Agents are responsible for investigating the counterintelligence aspects of treason, espionage, subversion, sedition, and terrorist activities directed against the U.S. Army and assassination or incapacitation of U.S. Army personnel by terrorist or agents of foreign powers.

Appendix C

Preparation of the DA Form 2804, Crime Records Data Reference

C-1. General

Potential investigative assistance can be negated by failure to provide complete data on DA Form 2804, Crime Records Data Reference, by misspelling names, or by listing incorrect data. Careful attention to the completion of this form is essential to its utility.

C-2. Requirement

A separate DA Form 2804 will be made for each of the following:

- a. Each individual, firm, or other legal entity listed as a subject of a DA Form 3975, forwarded to the USACRC, USACIDC, in accordance with AR 190-45.
- b. Each individual, U.S. Government agency or organization, private firm or corporation, or other legal entity listed as a victim in the report of investigation. If the individual is being deleted as a victim, the word "Deletion" will be entered in the remarks section of the form.
- c. Each alias or other name to include the maiden name and any present or former name of individuals for whom DA Form 2804 has been prepared in accordance with paragraphs *a* and *b*, above, when different personal identifiers (date of birth (DOB) or social security number) are used. All known names and all appropriate personal identifiers will be listed in item 6, or if insufficient space is available, in the remarks section, or on the reverse of the form.
- d. When there is no change in personal identifiers, each alias or other name, to include the maiden name and any present or former name, will be entered in item 6, or, if there is insufficient space, in the remarks section, or on the reverse side of the form. There is no requirement to prepare separate forms for each name in this situation.

C-3. Preparation

The items on DA Form 2804 will be completed as follows (shaded blocks will be completed by the USACRC):

- a. *Item 1, Name.* Enter the last, first, and middle name of the person or name of the firm or legal entity. If deceased, enter "Deceased" immediately following the name.
- b. *Item 2, Subject Status Code.* USACRC use only.
- c. *Item 3, Grade.* The appropriate entry will be made in accordance with the following:
 - (1) Military personnel, list the grade of the named individual, for example, "E-4," "W03," "O-5."

(2) U.S. civilian employees of the U.S. Government, show the rating of the named individual, for example, “GS-07,” “WG-5.”

(3) Spouses or Family members, show one of the following abbreviations to reflect relationship:

(a) “FMW” for dependent wife

(b) “FMH” for dependent husband.

(c) “FMS” for dependent son.

(d) “FMD” for dependent daughter.

(e) “FMO” for other dependent.

(4) Other U.S. civilians use the abbreviation “CIV.”

(5) Foreign nationals, reflect nationality, for example, “GER,” “KOR,” “THI.”

d. Item 4, Major Command Activity Code. Enter the code if applicable.

(1) See AR 680-29 for the two-position codes used to identify major commands and subcommands.

(2) U.S. civilian employees of the U.S. Army will be coded according to the major command or activity to which their organization of employment is assigned.

(3) U.S. civilian DOD employees (employed by other than U.S. Army) will be coded “DF” (Defense Agencies).

(4) Military and civilian Army-Air Force Exchange Service (AAFES) employees will be coded “JA” (Joint Activities).

(5) Nonappropriated Fund (NAF) activity civilian employees employed by the U.S. Army will be coded according to the major command or activity responsible for operation of the installation on which employed.

(6) Foreign military personnel assigned or attached to a U.S. Army element will be coded listing the MCAC of the U.S. Army element to which assigned or attached.

(7) Spouses or Family members of U.S. military personnel will be coded to reflect the MCAC of their sponsor.

(8) U.S. military personnel other than U.S. Army will be coded “DF” (Defense Agencies).

e. Item 5, Social Security Number. Enter the SSN of the individual, where applicable. For foreign nationals, list passport number, identity card, or other numerical identifier, when available.

f. Item 6, Aliases/Nicknames. Enter any known alias, nickname, maiden name, or other married name used by the individual named in Block 1.

g. Item 7, Sex. Enter “M” for males and “F” for females.

h. Item 8, Race. Enter one of the following codes:

Table C-1
Race Code

Code: C

Race: White

Explanation: Caucasian-original people of Europe, North Africa, or Middle East

Code: M

Race: Yellow

Explanation: Asian/Mongoloid-original people of Asia, including China, Japan, and Korea

Code: N

Race: Black

Explanation: Negroid-the black racial groups of Africa or other areas

Code: R

Race: Red

Explanation: American Indian-original people of North America

Code: X

Race: Other

Explanation: A racial identification not included above

Code: Z

Race: Unknown

Explanation: The racial identification is not known.

i. Item 9, Ethnic Group.

(1) Enter one of the following ethnic codes:

Table C-2
Ethnic Group

Ethnic Code: 1

Race: OTHHISPANIC (Other Hispanic Descent)

Explanation: Persons of Spanish extraction not determined as Mexican, Puerto Rican, Cuban, or Latin American

Ethnic Code: 2

Race: USCANINDIAN (U.S./Canadian Indian Tribes)

Explanation: Persons of U.S. or Canadian Indian tribes other than Aleut or Eskimo

Ethnic Code: 3

Race: OTHASIAN (Other Asian Descent)

Explanation: Persons of Asian descent not determined separately as Chinese, Japanese, Korean, Indian, Filipino, or Vietnamese

Ethnic Code: 4

Race: Puerto Rican

Explanation: Persons of Puerto Rican descent

Ethnic Code: 5

Race: Filipino

Explanation: Persons from the Philippine Islands and their descendants

Ethnic Code: 6

Race: Mexican

Explanation: Persons of Mexican descent and Chicanos

Ethnic Code: 7

Race: Eskimo

Explanation: Persons of Eskimo descent not including Aleuts

Ethnic Code: 8

Race: Aleut

Explanation: Person of Aleut descent

Ethnic Code: D

Race: Indian

Explanation: Person from India and their descendants.

Ethnic Code: E

Race: Melanesian

Explanation: Persons of Melanesian descent

Ethnic Code: G

Race: Chinese

Explanation: Persons of Chinese descent

Ethnic Code: J

Race: Japanese

Explanation: Persons of Japanese descent

Ethnic Code: K

Race: Korean

Explanation: Persons of Korean descent

Ethnic Code: L

Race: Polynesian

Explanation: Persons of Polynesian descent

Ethnic Code: Q

Race: OTHPACISLAND (Other Pacific Island Descent)

Explanation: Persons from the Pacific Islands and their descendants not delineated separately as Melanesian, Micronesian, or Polynesian

Ethnic Code: S

Race: LATINAMER (Latin-American)

Explanation: Persons of Central and South American descent who have Spanish heritage

Table C-2
Ethnic Group—Continued

Ethnic Code: V**Race:** Vietnamese**Explanation:** Persons of Vietnamese descent

Ethnic Code: W**Race:** Micronesian**Explanation:** Persons of Micronesian descent

Ethnic Code: X**Race:** Other**Explanation:** Persons who are members of an ethnic group not listed above

Ethnic Code: Y**Race:** None**Explanation:** Persons not associated with a particular group

Ethnic Code: Z**Race:** Unknown**Explanation:** Persons whose ethnic group is unknown

(2) Persons listed in the first row below must have only one of the corresponding race and ethnic codes. No other ethnic and race combinations may be used for these persons.

Table C-3
Ethnic and Race Combinations

Identity: American Indian**Race Code:** R**Ethnic Code:** 8, 7, 2

Identity: Alaskan (original People)**Race Code:** R**Ethnic Code:** 8, 7, 2

Identity: Asian**Race Code:** M, C, N, X, Z**Ethnic Code:** G, J, K, 5, D, V, 3, W, L, Q

Identity: Black**Race Code:** N**Ethnic Code:** X, Y, Z

Identity: Hispanic**Race Code:** C, N, X, Z**Ethnic Code:** 6, 4, 9, S, 1

Identity: Other**Race Code:** X**Ethnic Code:** X, Y, Z

Identity: Pacific Islander**Race Code:** M, C, N, X, Z**Ethnic Code:** G, J, K, 5, D, V, 3, E, W, L, Q

Identity: Unknown**Race Code:** Z**Ethnic Code:** X, Y, Z

Identity: White**Race Code:** C**Ethnic Code:** X, Y, Z

j. Item 10, Former Service Number. Enter any previous number held by the listed individual.

- k. Item 11, Date of Birth (DOB).* Enter the named individual's date of birth using numerical designation for year, month, and day, in order; for example, "42-06-20" for 20 June 1942.
- l. Item 12, Place of Birth (POB).* Enter the city and state of birth of the named individual. Country of birth will be entered for individuals born outside the U.S.
- m. Item 13, Report of Investigation or Military Police Report Number.* All USACIDC elements will enter the ROI number, if one has been assigned. Otherwise, the USACIDC sequence number will be entered. When an ROI number is entered, it will include the primary offense code for the case under investigation. Military police will enter the MPR number and will include the primary offense code.
- n. Item 14, Survey Code.* USACRC use only.
- o. Item 15, Other Offense Codes.* When an ROI/MPR number has been entered in item 13, offense codes other than the primary code will be entered here.
- p. Item 16, Organization and Station.* Enter the military unit and station to which the individual is assigned. If a military unit is inapplicable, enter the individual's address.
- q. Item 17, Station Code.* USACRC use only.
- r. Item 18, Date Opened.* USACRC use only.
- s. Item 19, Date Closed.* USACRC use only.
- t. Item 20, Drug Involvement.* USACRC use only.
- u. Item 21, Other Involvement.* USACRC use only.
- v. Item 22, File Location.* USACRC use only.
- w. Item 23, Suspect/Subject/Victim.* Check the appropriate box. Military police will indicate subjects only.
- x. Item 24, Disposition.* USACRC use only.
- y. Item 25, Date Reported.* Enter the date the complaint was reported to the preparing element.
- z. Item 26, Action Taken.* When item 23 reflects a check in the "Subject" box, check the appropriate box in item 26 to indicate whether a report of action taken has been received.

Appendix D

Telephone Name Check Format

D-1. General

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

D-2. Immediate action request procedures

- a.* Immediate action requests may be made to USACRC on a 24-hour-a-day basis by telephoning DSN: 656-0397 or (703) 806-0397.
- 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.* Search may be requested of the Criminal Records Files, the Defense Central Index for Investigation Files, or both.
- e.* The requester will be provided the results of the check of the USACRC records during the same telephone connection.
- f.* The requester will provide the following information when making a telephone name check:
- (1) Requestor's name, organization, and credential or sequence number. The information required. Authorization for the receipt of the requested information. If available, installation law enforcement activity will provide the MPR number or the USACRC cross reference number. The USACIDC requesters will provide the sequence number or report of investigation 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.

D-3. USACRC reply

The USACRC reply will state that no record is on file or will cite the specific files available. If any USACRC files are involved, additional data pertaining to the individual(s) will be provided.

D-4. Recording telephone name checks

The results of all telephone name checks will be recorded for accountability and retained in the appropriate USACIDC or military police file.

Appendix E Sensitive Items

In accordance with AR 190–11, paragraph 1–8*a* and *b*, and appendixes B and E, the USACIDC will conduct a preliminary investigation into losses of all Category I and II AA and E items, regardless of dollar value, to determine if a crime was committed. The USACIDC will conduct a preliminary investigation into losses of Category III and IV items meeting the quantities listed below regardless of dollar value, to determine if a crime was committed.

E–1. Missiles and rockets

All non-nuclear missile systems in a ready-to-fire configuration or when the launcher tube and explosive rounds are jointly stored or transported.

E–2. Arms

One or more of the following:

- a.* Machine guns and automatic weapons up to, and including, .50 caliber.
- b.* Launch tube and grip stock for Stinger missile.
- c.* Launch tube, sight assembly, and grip stock for Hamlet and Redeye missiles.
- d.* Tracker for Dragon Missiles.
- e.* Mortar tubes.
- f.* Grenade launchers.
- g.* Rocket and missile launchers, unpacked weight of 100 pounds or less.
- h.* Flame thrower.
- i.* Launcher and/or missile guidance set and/or the optical sight for the Tube-launched Optically-tracked Wire-guided missile.
- j.* Shoulder-fired weapons, other than grenade launchers, not fully automatic.
- k.* Handguns.
- l.* Recoilless rifles up to and including 90mm.
- m.* Major parts (for example, barrels, frames, receivers, major subassemblies).
- n.* Sub caliber training aids capable of firing a projectile by means of a powder charge.
- o.* Other individually operated weapons that are—
 - (1) Portable and can be fired without special mounts or firing devices.
 - (2) Have potential use in civil disturbances.
 - (3) Vulnerable to theft.

E–3. Ammunition and explosives

One or more of the following:

- a.* Explosive complete rounds or warheads for Category I missiles and rockets.
- b.* Hand or rifle grenades (fragmentation, high explosive, concussion, white phosphorus, or incendiary).
- c.* Mortar rounds up to and including 81mm.
- d.* Mines, antitank, or antipersonnel.
- e.* High-explosive complete rounds or war-heads for missiles and rockets other than Category I (unpacked weight of 50 pounds or less each).
- f.* Safety and arming device.
- g.* Incendiary destroyer.
- h.* 40mm grenades for grenade launcher.
- i.* Demolition kits.
- j.* Ten pounds or more of explosives used in demolition operations (for example, C–4; military dynamite, TNT, and so on).
- k.* 100 or more blasting caps, detonators, destruction or firing devices, primers, squibs, and igniters.
- l.* 100 or more fuses.
- m.* 100 or more supplementary charges.
- n.* 100 or more explosive bolts, explosive cartridges, and related devices.
- o.* 50 pounds or more bulk explosives.
- p.* 1000 feet or more detonating cord and safety fuse.
- q.* Two or more riot control agents, 100-pound package or less.
- r.* Two or more rounds of ammunition of 40mm and larger non automatic weapon.
- s.* One or more artillery, naval, tank, and mortar ammunition, 75mm and larger.
- t.* Ammunition for weapons in paragraph b, above, not otherwise categorized.
- u.* One box or more (normally 16 or more) grenades, illumination, smoke, and tear producing).

- v. End items of conventional and guided missile ammunition (except artillery rounds, bombs, and torpedoes)

E-4. Biological select agents and toxins

All biological select agents and toxins.

Glossary

Section I Abbreviations

AA&E

arms, ammunition, and explosives

AAFES

Army and Air Force Exchange Service

ACOM

Army command

AFOSI

Air Force Office of Special Investigations

APCSM

adult private consensual sexual misconduct

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

CID

Criminal Investigation Command

CONUS

continental United States

CTA

common table of allowance

DA

Department of the Army

DAC

Department of the Army civilian

DAIG

Department of the Army Inspector General

DCII

Defense Central Index Investigations

DEA

Drug Enforcement Administration

DOB

date of birth

DOD

Department of Defense

DODI

Department of Defense instruction

DOJ

Department of Justice

DRU

Direct Reporting Unit

DST

Drug Suppression Team

EC

economic crime

FAR

Federal Acquisition Regulation

FBI

Federal Bureau of Investigation

FCG

Foreign Clearance Guide

FOUO

for official use only

FRCP

Federal Rules of Criminal Procedure

HQ

headquarters

HQDA

Headquarters, Department of the Army

ICE

immigration custom enforcement

MCM

Manual for Courts-Martial

MEJA

Military Extraterritorial Jurisdiction Act

MI

military intelligence

MOS

military occupational specialty

MP

military police

MPI
military police investigator

MPR
military police report

MRE
military rules of evidence

NAF
nonappropriated fund

NCIC
National Crime Information Center

POB
place of birth

POW
prisoner of war

RMDA
Records Management and Declassification Agency

ROI
report of investigation

R.C.M.
rules for courts-martial

SAC
special agent-in-charge

SOFA
status of forces agreement

SSI
serious or sensitive incident

SSN
social security number

TRADOC
Training and Doctrine Command

UCMJ
Uniform Code of Military Justice

USACIDC
United States Army Criminal Investigation Command

USACIL
United States Army Criminal Investigation Laboratory

USACRC
United States Army Crime Records Center

USADIP
United States Army Deserter Information Point

USC

United States Code

USAR

United States Army Reserve

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.

CID detachment

A subordinate operating element of a USACIDC group, district/battalion, or field office; normally consisting of 20 USACIDC special agents who may be geographically dispersed at multiple located CID offices. It provides USACIDC support within a specified geographic area of responsibility.

CID district/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.

CID 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.

CID group

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

CID office

A subordinate operating element of a USACIDC group, district/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.

Controlled substances

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

Criminal Investigation Division (CID)

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

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 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 Uniform Code of Military Justice, the United States Code, 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.

Drug suppression team (DST)

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

Economic crime (EC)

A loss (normally a loss of property or funds, but may include non-quantifiable 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 "EC" from simple mismanagement, human error, or non criminal negligence).

Felony

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

Founded offense

A criminal offense, the commission of which has been adequately substantiated by police investigation. The determination that a founded offense exists is made by the appropriate police agency and is not dependent upon judicial decision.

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 law enforcement body that provides basic police support to an installation, this can be Military Police, Security Police, DA civilian police, DOD civilian police, and so forth.

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.

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 one year. Included are violations of those provisions of state laws made applicable to U.S. military reservations.

Narcotics

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

Non-narcotic controlled substances

Those substances or their immediate precursors listed in the current schedules of Title 21, United States Code, section 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.

Report of investigation

An official written record of all pertinent information and facts obtained in a criminal investigation.

Resident agency

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

Special agent-in-charge (SAC)

A USACIDC special agent appointed as the supervisor of a CID office.

Single scope background investigation

An expanded background investigation conducted by the Defense Investigative Service to verify information concerning an individual's personal qualifications, loyalty, and suitability for assignment to a special position of trust.

Subject

A person about whom probable cause exists to believe that the person committed a particular criminal offense.

Suspect

A person about whom some credible information exists to believe that the person committed a particular criminal offense.

Title section of USACIDC report

The section of a USACIDC report where suspects, subjects, and victims are identified. This section is similar to the "Subject Block" of the Military Police Report (DA Form 3975).

USACIDC special agent

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

USACIDC supervisor

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

Section III**Special Abbreviations and Terms**

There are no special terms.

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