

Army Regulation 195-2

Criminal Investigation

Criminal Investigation Activities

**Headquarters
Department of the Army
Washington, DC
30 October 1985**

Unclassified

SUMMARY of CHANGE

AR 195-2

Criminal Investigation Activities

Effective 30 October 1985

Criminal Investigation

Criminal Investigation Activities

By Order of the Secretary of the Army:

JOHN A. WICKHAM, JR
General, United States Army
Chief of Staff

Official:

MILDRED E. HEDBERG
Brigadier General, United States Army
The Adjutant General

History. This UPDATE printing publishes a revision which is effective 30 October 1985. Because the structure of the entire revised text has been reorganized, no attempt has been

made to highlight changes from the earlier regulation dated 6 May 1977.

Summary. This regulation covers Department of the Army policy on criminal investigation activities, including the utilization, control, and investigative responsibilities of all personnel assigned to CID elements. It also delineates responsibility and authority between Military Police (MP) and The United States Army Criminal Investigation Command (USACIDC).

Applicability. This regulation applies to the Active Army and the U.S. Army Reserve (USAR). It applies to the Army National Guard (ARNG) when in active Federal service.

Proponent and exception authority. Not applicable

Impact on New Manning System. This regulation does not contain information that affects the New Manning System.

Army management control process.

Supplementation. Supplementation of this regulation and establishment of forms other than DA Forms are prohibited without prior approval from the Commander, United States Army Criminal Investigation Command, ATTN: CIPP-PD, 5611 Columbia Pike, Falls Church, VA 22041-5015.

Interim changes. Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Users will destroy interim changes on their expiration date unless sooner superseded or rescinded.

Suggested Improvements. The proponent agency for this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAPE-HRE-PO), Washington, DC 20310.

Distribution. Active Army, A; USAR, A; ARNG, D.

Contents (Listed by paragraph and page number)

Chapter 1

General, page 1

Purpose • 1-1, page 1

References • 1-2, page 1

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

Responsibilities • 1-4, page 1

Investigative policies • 1-5, page 1

Chapter 2

USACIDC Organization, page 3

General • 2-1, page 3

CID support to the Army in the field • 2-2, page 3

Chapter 3

Criminal Investigation Activities, page 3

Section I

General, page 3

Investigative authority of the Army • 3-1, page 3

USACIDC investigative responsibility • 3-2, page 3

Investigative responsibility of the USACIDC and military police • 3-3, page 3

Assumption of investigative responsibility by the USACIDC • 3-4, page 4

Agreements between the USACIDC and provost marshals or security elements • 3-5, page 4

Referral of investigations • 3-6, page 4

Army Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) • 3-7, page 4

Self-admitted homosexuality • 3-8, page 4

Customs and postal matters • 3-9, page 4

Section II

Crime Prevention Surveys and Protective Services, page 4

Crime prevention surveys • 3-10, page 4

Protective services • 3-11, page 4

Section III

Operational Considerations, page 5

Freedom of movement • 3-12, page 5

Crime scenes • 3-13, page 5

Coordination • 3-14, page 5

Access to Army facilities and records • 3-15, page 5

Security clearances and special background investigations • 3-16, page 5

CID use of the National Crime Information Center (NCIC) • 3-17, page 5

Warning of rights • 3-18, page 6

Section IV

CID Special Agents, page 6

* This regulation supersedes AR 195-2, 6 May 1977; and rescinds DA Form 2800, January 1976, and DA Form 4733 (Test), November 1978.

Contents—Continued

General • 3-19, *page 6*
Utilization • 3-20, *page 6*
Authority to apprehend or detain • 3-21, *page 6*
Authority to search and seize • 3-22, *page 6*
Authority to administer oaths • 3-23, *page 6*
Firearms • 3-24, *page 6*
Civilian clothing • 3-25, *page 6*
Billets and messes • 3-26, *page 6*
Disclosure of grade • 3-27, *page 7*
Retention and use of investigative property • 3-28, *page 7*
Standards of conduct • 3-29, *page 7*

Section V

USACIDC Drug Suppression Operations in Foreign Countries,
page 7

Purpose • 3-30, *page 7*
Definitions • 3-31, *page 7*
Policy considerations • 3-32, *page 7*
Approvals and coordinations • 3-33, *page 8*

Chapter 4

Investigative Records, Files, and Reports, *page 8*

Policy • 4-1, *page 8*
Preparation and maintenance • 4-2, *page 8*
Release and use of information • 4-3, *page 8*
Individual requests for access to or amendment of CID reports of
investigation • 4-4, *page 9*

Chapter 5

Crime Records Center, USACIDC, *page 9*

General • 5-1, *page 9*
Functions • 5-2, *page 10*
Routine investigative name checks • 5-3, *page 10*
Immediate name checks • 5-4, *page 10*
Requesting Crime Records Center files and reports • 5-5, *page 10*
Use of information contained in CID and MP reports • 5-6,
page 10

Chapter 6

U.S. Army Criminal Investigation Laboratories, *page 11*

General • 6-1, *page 11*
Responsibilities • 6-2, *page 11*
Request for examination • 6-3, *page 11*
Court appearance • 6-4, *page 11*
On scene assistance • 6-5, *page 11*

Appendixes

- A.** References, *page 12*
- B.** Offenses within CID Investigative Responsibility, *page 13*
- C.** Preparation of DA Report of Investigation, *page 14*
- E.** Preparation of the DA Form 2804, Crime Records Data
Reference, *page 14*
- F.** Telephone Name Check Format, *page 16*
- G.** Sensitive Items, *page 17*

Glossary

Chapter 1 General

1-1. Purpose

This regulation—

a. Prescribes Department of the Army policy on criminal investigation activities, including the utilization, control, and investigative authority and responsibilities of all personnel assigned to criminal investigation (CID) elements.

b. Constitutes the basic authority for the conduct of criminal investigations, crime prevention surveys, protective service missions, and the collection, retention, and dissemination of criminal information.

c. Delineates responsibility and authority between military police and the U.S. Army Criminal Investigation Command (USACIDC).

1-2. References

Required and related publications 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, USACIDC, will—

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

(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 21 U.S.C. 812.

(4) Plan for and provide CID 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 Doctrinal Command (TRADOC) is responsible for the formal training of USACIDC personnel at TRADOC schools as necessary to meet the requirements of USACIDC.

c. The Commanding General, U.S. Army Materiel Command (AMC) is responsible for the formal training of USACIDC personnel at AMC schools as necessary to meet the requirements of USACIDC.

d. Within their respective areas of responsibilities, major Army commanders and subordinate commanders will support the Army CID program by providing facilities and support required by the USACIDC mission and authorized by applicable regulations or memoranda of understanding to assist the USACIDC in meeting the criminal investigative, crime prevention, and protective service requirements of subordinate commands, installations, and other supported Army activities.

e. CID elements at all levels will provide statistical data to supported commands relative to the 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 (e.g., DA Form 2819, Law Enforcement and Discipline Report). Statistical data necessary to support locally established reports may be provided within the administrative and record keeping capabilities of the supporting CID element.

f. Commanders or supervisors receiving CID reports for action will take the following actions:

(1) Commanders or supervisors receiving action copies of final CID Reports of Investigation (ROI) pertaining to a member of their organization are required to—

(a) Reply within 60 days through local command channels (using

DA Form 4833, Commander’s Report of Disciplinary or Administrative Action), to the USACIDC element preparing the ROI, indicating the judicial, nonjudicial, or administrative action, or lack thereof, taken against persons listed in the title block of the final ROI who are under their supervision or command. Changes to judicial, nonjudicial, or administrative action resulting from subsequent appellate action will also be reported by commanders and supervisors to the USACIDC. The report of action taken is necessary to ensure completion of investigative files and to protect the rights of individuals involved.

(b) 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 (e.g., other criminal investigations, security clearances, other purposes as authorized by the Privacy Act and AR 340-21) and the fact that such use may have an impact upon their military or civilian careers. Individuals will be informed also 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, 2301 Chesapeake Ave, Baltimore, MD 21222-4099. Requests for amendment will be considered only as set forth in paragraph 4-4.

(2) 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. 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 within 90 days of the date of the survey, but in no case will reports be forwarded above MACOM level. An information copy of the corrective actions will be provided the appropriate USACIDC field element within 90 days of the date of the survey. A report of corrective action is not required for crime prevention survey 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. Investigative policies

a. The USACIDC is the sole agency within the United States Army responsible for the investigation of felonies, except as otherwise prescribed in this regulation and AR 190-30. USACIDC directives and policies as they relate to criminal investigation activities will be followed by all CID personnel and elements throughout the United States Army.

b. Offenses will be reported as follows:

(1) Commanders will ensure that criminal incidents or allegations in the Army affecting or involving persons subject to the Uniform Code of Military Justice, civilian employees of the Department of Defense 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 military police or security police in accordance with AR 210-10, paragraph 2-19. Information indicating a violation of AR 600-50 or the Federal Acquisition Regulation (FAR) that develops into possible criminal activity will also be reported to the military police or security police.

(2) Barracks larcenies of property of a value of less than \$1,000 and simple assaults occurring in unit areas and not resulting in hospitalization 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; commander, CID 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 MP or CID involvement.

c. Military police and security police will promptly refer all crimes or incidents falling within CID investigative responsibility to the appropriate CID element for investigation. Initially, notification will normally be accomplished by direct contact between the military police or security police desk sergeant and the supporting CID unit. Formal referral will be by DA Form 3975, Military Police Report. This form will also be used by the USACIDC to report acceptance or declination of the investigation.

d. Commanders of installations or activities without assigned military police or security police will report criminal incidents or allegations to the supporting USACIDC element or the supporting military police or security police 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 military police or security police 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, U.S.C., Section 535, requires that any information, allegation, or complaint relating to violations of title 18, U.S. Code, involving Government officials and employees will be reported expeditiously to the Department of Justice, unless the responsibility to investigate the matter is conferred upon the DOD (e.g., an offense under the Uniform Code of Military Justice (UCMJ)) or as otherwise provided by law or agreement with the Attorney General (e.g., the DOD/DOJ Memorandum of Understanding).

(1) For violations in the United States, the normal method of referral and consultation with the appropriate Department Of Justice agency (e.g., 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 Armed Forces activities, and which involve any civilian as a suspect or subject, whether or not such person is a DOD employee (e.g., a defense contractor), a full report on the nature and apparent scope of the violation, loss, or injury will be provided through USACIDC channels. Headquarters, USACIDC, will notify DOJ through DAJA-LT 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 \$1,000.

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 381-10 and AR 381-20, MI components are obliged to expeditiously report criminal information to the appropriate military law enforcement authority. Certain intelligence-related crimes such as actual or alleged espionage, treason, or sedition may present situations where MI and CID have concurrent investigative jurisdiction. The primary responsibility of MI is to investigate such incidents for intelligence and security-related purposes. CID shares the responsibility to investigate the incident for the purpose of reporting crime within Army investigative jurisdiction. The lead agency concept will be employed, based on coordination with the proper MI component, to determine the agency to undertake primary investigative responsibility. Generally, MI will take the investigative lead to first exhaust all intelligence or security dimensions of an incident before investigation for possible criminal prosecution is initiated. In situations such

as known or suspected sabotage, when immediate evaluation of a crime scene is of paramount importance, the USACIDC should take the investigative lead.

j. The receiving USACIDC element will refer information related to systemic weaknesses or managerial deficiencies not of a criminal nature to the appropriate Inspector General office, in accordance with AR 20-1, appendix D.

k. Criminal information will be handled as follows:

(1) The USACIDC has primary responsibility to operate a criminal information program. The program will be designed to obtain, record, process, and disseminate information concerning criminal activities directed against, involving, or affecting U.S. Army operations, material or personnel. The program will also develop, analyze, and report on the methods of operations used in criminal activities and assess the vulnerability of Army activities to crime. The focus of the criminal information 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 investigation information gathering activities are not "counter-intelligence related" and are excluded from the provisions of AR 380-13. AR 380-13 restrictions are applicable to any information acquired through criminal investigations or criminal investigation activities which is not related to law enforcement or crime prevention. Criminal information files will be maintained and reviewed in accordance with AR 380-18. Safeguards will be established to preclude unauthorized release of information.

(3) CID units will ensure that within their area of responsibility there is close coordination and mutual exchange of criminal information 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 CID 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 U.S. Government agencies other than the Department of Defense and other law enforcement agencies 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, ATTN: CIOP-ZA, 5611 Columbia Pike, Falls Church, VA 22041-5015 for appropriate dissemination. All releases of information under this provision will be in accordance with AR 340-21.

(6) Criminal information 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.

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.

m. Collateral reports of investigations (transmitting reports of criminal investigations received from civilian agencies) pertaining to offenses within USACIDC's normal investigative responsibility will be forwarded by provost marshals or security officers in accordance with AR 190-45 to the U.S. Army Crime Records Center. An information copy of the DA Form 3975, with the civilian police report as an enclosure, will be provided to the supporting CID 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.

n. All requests for USACIDC elements to become involved in missions or tasks not enumerated in AR 10-23 or this regulation

will be referred to the Commanding General, USACIDC, ATTN: CIOP-ZA.

Chapter 2 USACIDC Organization

2-1. General

a. The USACIDC is a major Army command of the Department of the Army. (See AR 10-5 and AR 10-23.) It is composed of a command headquarters, forensic laboratories, the U.S. Army Crime Records Center, the U.S. Army Protective Services Activity, and worldwide field investigative units.

b. In non-tactical situations, each USACIDC unit is normally 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 CID matters to supported commanders and provost marshals or security officers.

2-2. CID support to the Army in the field

a. During tactical operations and field exercises and in active theaters of operation, the Commanding General, USACIDC, will provide CID support to tactical units and their supporting elements under one of the following options:

(1) *General support.* CID support is provided to the supported force in a given geographic area by CID elements under command and control of a USACIDC headquarters.

(2) *Direct support.* CID support is provided by a USACIDC element on a dedicated support basis to the supported organization, although the CID element is neither attached to nor under the command or control of the supported organization.

(3) *Attachment.* USACIDC elements are temporarily placed under the command and control of the supported commander. Reassignment, promotion, and accreditation responsibilities are retained by the USACIDC.

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. Final approval concerning the attachment of USACIDC elements rests with the Commanding General, USACIDC. The commander of the supported tactical force will provide necessary logistical and administrative support to CID elements when attached or in direct support.

c. Regardless of the support option selected, criminal investigations will be conducted, prepared, administered, reported, and distributed in accordance with AR 10-23, AR 195-1, 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 concerning which the Army has the legal authority (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 para 3-6 below; AR 20-1, app D; and

the Memorandum of Understanding between the Department of Defense and the Department of Justice relating to the investigation and prosecution of certain crimes). Generally, an Army interest exists when one or more of the following apply:

(1) The crime is committed on a military installation or facility.

(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 DOD who has committed an offense in connection with his or her assigned duties.

(4) The Army is the victim of the crime; e.g., the offense involves the loss or destruction of government property or allegations of fraud (as defined in DOD 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 military installations that has a direct adverse effect on the Army's ability to accomplish its mission; e.g., the introduction of controlled substances onto Army installations.

3-2. USACIDC investigative responsibility

a. Inside CONUS, Alaska, and Hawaii, 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, investigative responsibility 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, the USACIDC will normally have investigative responsibility for those offenses listed in appendix B which are also within the Army's investigative authority, and when investigation would not be prohibited by status of forces agreements or other host country laws. In the absence of any agreement, the USACIDC will investigate offenses after coordination with appropriate host country authorities.

3-3. Investigative responsibility of the USACIDC and military police

a. The USACIDC is responsible for investigating 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 (10) below and 3-4.

(1) *Property-related offenses.* The USACIDC is responsible for investigating property-related offenses when the value of the property taken, destroyed, or damage inflicted is \$1,000 or more (except as listed in app B) or when the property is of a sensitive nature (app G). A preliminary investigation by the USACIDC is also required for purposes of determining criminal intent in the case of lost sensitive arms, ammunition, and explosives when the quantities involved meet the thresholds in AR 190-11, appendix A. (See AR 190-11, para 7-20, *a*(1)(*b*)). Military police are responsible for investigating property-related offenses when the value is less than \$1,000. 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.

(2) *Drug offenses.* The USACIDC has overall responsibility for offenses involving controlled substances. Use and possession of non-narcotic controlled substances in amounts indicative only of personal use are normally investigated by military police, whereas the USACIDC investigates use, possession, manufacture, or distribution of controlled substances classified as narcotics, and the distribution of non-narcotic controlled substances. When appropriate, the investigation by a joint CID/MP team of all drug offenses on an installation is recommended. This can be accomplished with the primary investigative and reporting procedures of the military police

and CID remaining unchanged. This approach fosters better coordination and is encouraged when deemed in the best interest of the overall drug suppression effort.

(3) *Misdemeanors*. The USACIDC retains investigative responsibility for a limited number of misdemeanors due to the complex nature of the investigation required. Such offenses are reflected in appendix B.

(4) *Noncombat deaths*. The USACIDC is responsible for investigating noncombat deaths to the extent necessary to determine whether criminality is involved.

(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 military police. 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) *Crimes affecting Reserve Components*. Crimes in which a Reserve component is affected by fraud, theft, diversion, or destruction of United States 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.

(7) *War crimes*. The USACIDC is responsible for investigating suspected war crimes when a violation of the UCMJ listed in appendix B is indicated or when otherwise directed by HQDA.

(8) *Adultery and fraternization*. When they are the only offenses involved, adultery and fraternization will not normally be investigated by either the USACIDC or military police. The offenses will be reported by military police (using DA Form 3975) through command channels to the appropriate commander.

(9) *Offenses involving senior personnel*. The USACIDC will investigate any felony offense involving senior level personnel (active duty general or flag officer, member of the Senior Executive Service (SES), or Executive Schedule personnel) as subjects without regard for the limitations imposed in appendix B. Other offenses involving these personnel as subjects may be investigated by the USACIDC if the sensitivity of the incident or complexity of the matter so dictates.

(10) *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 military police.

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 USACIDC

The USACIDC may assume responsibility for investigating any criminal offense within the investigative authority on 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 military police and initiates an ROI, the investigation will be carried through to conclusion by the USACIDC. Conducting a preliminary investigation does not presuppose assuming control of an investigation.

3-5. Agreements between the USACIDC and provost marshals or security elements

Modification of investigative responsibility by mutual agreement is not authorized at a local or MACOM level. Memoranda of understanding establishing drug suppression teams and delineating their logistical and administrative support are, however, authorized.

3-6. Referral of investigations

For some criminal offenses within 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 will be referred to that agency. The USACIDC will submit a report of investigation reflecting the referral and the results of the investigation by the other agency. 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 Alcohol and Drug Abuse Prevention and Control Program (ADAPCP)

In compliance with the Army's ADAPCP policy, CID will investigate participants in ADAPCP 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 ADAPCP will not be knowingly approached by CID special agents for the purpose of soliciting information about controlled substances distribution unless the participant voluntarily offers to provide such information. (See AR 600-85.)

3-8. Self-admitted homosexuality

When cases of self-admitted homosexuality are referred to the USACIDC, a preliminary investigation will be conducted to determine if a criminal offense has occurred after the person became subject to the UCMJ. If an offense within USACIDC investigative responsibility is substantiated, a report of investigation will be prepared. If the individual refuses to provide information concerning specific criminal sexual acts, including names, places, and dates, and no other credible information is developed, a criminal information report will be prepared reflecting the admission and any other pertinent information. The individual's commander and the local military intelligence activity will be provided this information. Self-admissions made directly to CID special agents of homosexual acts which occurred prior to the person becoming subject to the UCMJ will be similarly reported to the person's commander and the local military intelligence unit.

3-9. Customs and postal matters

a. Postal and customs authorities periodically find unauthorized material (e.g., contraband, explosives, ammunition, or unauthorized or illegal weapons) that may be property of the U.S. Government.

b. When requested, CID special agents or military police will receipt for such confiscated U.S. Government property. Such property will be returned to Government supply channels when no longer required for evidentiary purposes.

c. Recovery of weapons, ammunition, and explosives will be reported by the Army element receipting for them in accordance with AR 190-11.

d. The USACIDC will investigate such incidents when appropriate and in conformance with this regulation.

Section II

Crime Prevention Surveys and Protective Services

3-10. 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 CID element commander or may be conducted in response to a request of the supported commander.

3-11. 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.

Section III Operational Considerations

3-12. Freedom of movement

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

b. CID personnel assigned to the USACIDC are not required to obtain specific theater clearance from oversea commanders prior to undertaking oversea travel in connection with their official duties. (See AR 1-40, para 3-2c(5)). Notification to or prior concurrence of the Department of State is, however, required prior to travel to those special areas listed in AR 1-40, appendix C. (See AR 1-40, para 3-3, for additional guidance.)

c. Accredited USACIDC supervisors and special agents may obtain "official" U.S. passports through their servicing military personnel officer. 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 or general schedule grade.

3-13. Crime scenes

The control and processing of a crime scene and the collection and preservation of the evidence found thereat are the exclusive responsibilities of the CID 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 CID 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. These 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 major Army commanders. When such a release of information is withheld or delayed, the USACIDC element will inform its next higher headquarters and a higher headquarters in the chain of command of the supported commander. The withholding or delay of the release of such information to major Army command headquarters 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 notify promptly 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 such crimes involving both Army personnel and personnel of another service, local coordination of the investigation with that service will be accomplished by the USACIDC element concerned.

c. Reserve Components. CID investigations involving members of the Army National Guard, when not federalized, will be reported

to the appropriate state adjutant general. Cases involving Army Reserve personnel not on active duty for training or extended active duty at the time of the offense will be reported to the Commander, Forces Command, ATTN: Liaison Officer, 3rd Region, USACIDC, Fort Gillem, GA 30050-6000.

d. Release of derogatory information. Derogatory information that mentions or can be tied to particular individuals will be released only to those persons whose official duties create a definite need to have access to the information. Derogatory information will not be released outside of the Department of Defense except as authorized by regulation or statute; e.g., AR 340-21.

3-15. Access to Army facilities and records

a. CID special agents and MPI 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. AR 40-66 describes policy and procedures to be used by CID special agents or MPI 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 special background investigations

a. All accredited CID special agents and supervisors are required to have a top secret clearance based on a special background investigation.

b. Any USACIDC personnel who have access to investigative records or files are required to have a special background investigation.

3-17. CID use of the National Crime Information Center (NCIC)

a. All USACIDC elements within CONUS will make maximum use of the NCIC. The USACIDC terminal is located at the U.S. Army Crime Records Center; however, terminals located at CONUS installations, as specified in AR 190-27, are available for use by CID personnel after coordination with the installation provost marshal or security officer concerned.

b. The use of the NCIC will be in accordance with AR 190-27 and the operating instructions of the FBI. The USACIDC elements using terminals located at CONUS installations will adhere to the applicable U.S. Army Forces Command (FORSCOM) or TRADOC directives. 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, the theft of which is being 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 Crime Records Center, USACIDC, if they have become suspects or subjects in a CID investigation.

d. The USACIDC and USADIP will establish liaison to ensure timely exchange of information on matters pertaining to absentees and deserters. The U.S. Army Crime Records Center will provide USADIP with the names of those Army deserters in whom the USACIDC has an interest. USADIP will ensure that notification of apprehension or inquiries from civil law enforcement authorities on subjects of CID investigations are transmitted to the Crime Records Center 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 military suspects or accused persons must be given a proper warning of their rights in accordance with Article 31, UCMJ, and Military Rule of Evidence 305, Manual For Courts Martial, United States, 1984. Civilian suspects will be warned in accordance with current Federal law. This generally requires a warning of rights only in a "custodial interrogation" setting.

Section IV CID Special Agents

3-19. General

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 U.S.C 1385.

3-20. Utilization

a. CID special agents will not be assigned to other than criminal investigative duties without prior approval of the Commanding General, USACIDC. CID special agents or supervisory personnel will not be assigned duties such as post or staff duty officer, military police duty officer, membership on courts or boards (except boards considering applicants for appointment as warrant officers in MOS 951 or reclassification boards requiring a member knowledgeable of duties required of CID personnel). This does not preclude the performance by CID special agents or supervisors of those additional duties assigned by and performed within the USACIDC unit.

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 CID related duties, to include administering oaths.

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

3-21. Authority to apprehend or detain

a. Pursuant to R.C.M 302, Manual for Courts Martial, United States, 1984; UCMJ, Article 7 (10 U.S.C. 807); and AR 600-40, USACIDC accredited supervisors and 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 a criminal offense. All USACIDC accredited supervisors and special agents are also authorized to conduct investigative stops of any person subject to the UCMJ, regardless of location, if there is articulable and reasonable suspicion that the person has committed a criminal offense.

b. All USACIDC accredited supervisors and special agents are authorized to apprehend civilian personnel on military installations or facilities when there is probable cause to believe that person has committed an offense cognizable under the criminal laws of the United States. 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 USACIDC personnel, 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 CID investigation, an arrest warrant must be obtained and executed by a civil law enforcement officer with statutory arrest authority. CID special agents may accompany the arresting civil law enforcement official for purposes of identifying the person to be arrested and providing backup assistance.

d. Personnel apprehended by CID will be released to civil or

military police, as appropriate, for confinement or detention. Confinement or detention in military facilities will be in accordance with AR 190-47 or AR 190-38 respectively.

e. 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, Manual for Courts Martial, United States, 1984; AR 190-22; or other applicable law.

b. All USACIDC supervisors and special agents are authorized to seek a search warrant from a civil magistrate or judge, and, if issued, to execute such search warrant outside of a military installation. This authority is granted under the provisions of Rule 41, Federal Rules of Criminal Procedure, and 28 C.F.R. 60, and pertains to those offenses within the investigative authority of the Army over which the USACIDC has assumed investigative responsibility. Coordination with the supporting staff judge advocate and concurrence of the appropriate U.S. attorney are mandatory prior to seeking a civil search warrant. When executing such a search warrant, CID special agents will be accompanied by a civil law enforcement officer having statutory arrest authority.

3-23. Authority to administer oaths

CID special agents, CID supervisors, and other personnel designated in accordance with paragraph 3-20*b* above are authorized to administer oaths under the provisions of UCMJ, Article 136(b)(4), and 5 U.S.C. 303, as appropriate.

3-24. Firearms

a. CID special agents and supervisors are authorized to carry concealed weapons in accordance with instructions issued by the Commanding General, USACIDC, and AR 190-14. Any weapon lost, stolen, or unaccounted for will be reported to the Commander, U.S. Army Military Police Operating Agency (USAMPOA), in accordance with AR 190-11.

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 marksmanship activities) is prohibited.

3-25. Civilian clothing

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

b. CID special agents and supervisors may obtain non-standard spectacle frames in accordance with AR 40-63.

3-26. Billets and messes

a. Enlisted CID special agents and laboratory examiners must be billeted with other USACIDC personnel in facilities separate from other soldiers, or they may be billeted in senior bachelor enlisted quarters (SBEQ) or bachelor officer quarters (BOQ). If a lack of suitable facilities precludes this policy, CID special agents and laboratory examiners will be provided statements of nonavailability to support claims for basic allowance for quarters (BAQ) or per diem, as appropriate.

b. Normally, enlisted 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. (See AR 210-16.)

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

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

e. The above provisions do not apply in overseas areas not authorized basic allowance for quarters and basic allowance for subsistence.

3-27. Disclosure of grade

a. CID special agents conducting USACIDC investigation activities are not required to reveal their military grade or position other than as "CID Special Agent" if such disclosure might interfere with the discharge of investigative duties. Their status as members of the U.S. Army or as a CID special agent may also be concealed if such concealment is in the interest of effective law enforcement.

b. CID special agents will include their military grade in signing all correspondence except CID reports of investigation and documents related thereto.

c. CID special agents may wear the "U.S." insignia in lieu of insignia of rank when wearing field uniforms.

3-28. Retention and use of investigative property

Reports of investigation, files, photographs, exhibits, handwritten notes, sketches, and other material pertaining to USACIDC duties, including copies, negatives, and reproductions, are either the property of the Department of the Army 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 108-2.

3-29. Standards of conduct

Standards of conduct for DA personnel are in AR 600-50 and will apply to all personnel in the Army CID program. Additional restrictions on off-duty employment of personnel assigned to the USACIDC may be determined by the Commanding General, USACIDC.

Section V USACIDC Drug Suppression Operations in Foreign Countries

3-30. Purpose

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

3-31. Definitions

a. Level one operations are those operations conducted only in overseas areas and using agents in a covert role. They are 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. Forces personnel.

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

c. Level three operations are those drug suppression operations conducted by special agents assigned to the local CID unit who operate in an overt manner investigating reported or detected controlled substance violations by Army and/or other U.S. Forces personnel. Level three operations are also conducted by MP/MPI assigned to the provost marshal or security officer.

d. The term U.S. Forces personnel includes all employees, military or civilian, of the Department of Defense and the dependents 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. 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. Forces personnel. Such connection is present only if the traffickers are known or suspected to have had recent drug transactions with U.S. 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. 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. 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. 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. 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 on 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 3-33c 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 status-of-forces agreements or other applicable 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 status-of-forces arrangements. However, if any USACIDC investigative activity is outside the authority of such provisions (e.g., 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 status-of-forces 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 United States

person arrested in a foreign country with respect to narcotics control efforts without the written consent of such person” (22 U.S.C. 2291(c)).

3-33. Approvals and coordinations

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

a. Major U.S. commanders. All levels of operations will be subject to any limits imposed by the major U.S. commander being supported. Outside the Federal Republic of Germany, major U.S. commanders must approve all level one operations on a case-by-case basis. The USACIDC region commander must obtain this approval prior to seeking DA or DOD approval.

b. Department of the Army and Department of Defense (DA and DOD). All level one operations outside the Federal Republic of Germany will be approved on a case-by-case basis by DA and DOD. Requests for approval should be forwarded through command channels to the Office of the Army General Counsel. DA and DOD approval is also necessary prior to the initial commencement of level two operations in a country, except for countries where a division-size force or larger is stationed, a status of forces agreement is in effect, the concurrence of an appropriate agency in the host country is obtained, and a major drug problem exists with U.S. Forces personnel. 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.

c. 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 Embassy policy. In addition, prior case-by-case approval by the Embassy Narcotics Coordinator is required for all level one operations outside the Federal Republic of Germany. Approval in individual cases will be obtained by the USACIDC region 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.

d. Foreign governments. Level one and significant off-post level two 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.

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 340-17, AR 340-18, AR 340-21, 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 CID report of investigation, for subjects of MPI reports of

investigations, and for subjects of military police reports forwarded to the Director, U.S. Army Crime Records Center, for file. See appendix E 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 CID investigative records and reports; recommend to DA, The Adjutant General Center, standards for the retention of this material; direct the conduct of special studies and research utilizing data contained therein; and determine the releasability of information in these files.

(2) The Commanding General, USACIDC, in coordination with the Deputy Chief of Staff for Personnel, will recommend to DA, The Adjutant General Center, standards for the retention of selected MPI ROI and military police reports submitted to the Crime Records Center in accordance with AR 190-45 and for the release of information therefrom.

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

e. Classification and safeguards.

(1) USACIDC investigative records and reports will be marked “FOR OFFICIAL USE ONLY” (FOUO) in accordance with AR 340-17. 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 court-martial or released outside DOD, the FOUO markings will be automatically cancelled. When the records or reports contain national defense information, classification and handling will be in accordance with AR 380-5.

(2) Access to CID 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 Crime Records Center 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 CID reports will be destroyed following procedures for FOUO material as described in AR 340-17. If the report contains a higher classification, destruction procedures for that classification will be followed.

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 USACIDC investigative records and reports of investigation. Release is authorized when it conforms with this regulation, AR 40-2, AR 190-45, AR 195-6, AR 340-17, AR 340-21, and policy on external agency information, as applicable.

c. Distribution. Routine distribution for final CID and MPI reports of investigation will be as follows:

(1) Routine distribution within DOD, but external to USACIDC, of final CID reports of investigation 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 provost marshal or security officer responsible for law enforcement in the area in which the incident occurred, and as further directed by the Commanding General, USACIDC.

(2) Routine distribution within DOD, but external to military police, of final MPI reports of investigation will be in accordance with AR 190-45.

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

d. Law enforcement criminal information exchange.

(1) Disclosure of criminal information 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 is a routine use under the Privacy Act and must be accounted for in accordance with AR 340–21, chapter 3.

(2) Acquisition of criminal information from Federal, State, local, or foreign law enforcement agencies is authorized provided it relates to a matter within USACIDC investigative authority or responsibility. Criminal information 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 confidential sources, information pertaining to CID investigative techniques, and date contained in internal CID records, reports, or indices 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 paragraph *g* below, will be forwarded to the Director, U.S. Army Crime Records Center, ATTN: CICR-FP, 2301 Chesapeake Ave, Baltimore, MD 21222–4099

f. Juvenile records.

(1) Investigative information pertaining to juveniles identified in a CID ROI, SSI, or criminal information 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 CID reports.

(b) To other law enforcement authorities when information acquired or maintained by CID 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 (e.g., parents, pursuant to the Juvenile Justice Act, 18 U.S.C. 5033, or child welfare agencies).

(2) The fact that the individual to whom the information pertains has become an adult does not alter the protection provided juvenile records. CID 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 Crime Records Center. 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, ATTN: CIJA-ZA.

(4) Requests for release of juvenile records that appear to conflict with the guidance in this regulation and proposed denials for such CID juvenile records will be forwarded promptly to the Commanding General, USACIDC, ATTN: 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 CID reports or information from CID investigative efforts will be forwarded to the Commander, USACIDC, ATTN: CIJA-ZA, 5611 Columbia Pike, Falls Church, VA 22041–5015. Congressional requests will be processed in accordance with AR 1–20 and AR 340–21. 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.

h. Official requests. Official requests for information from CID reports of investigation from agencies of the executive branch of the

Federal Government identified as routine users in AR 340–21 and similar requests from other Department of Defense components will be referred to the Director, U.S. Army Crime Records Center, 2301 Chesapeake Ave, Baltimore, MD 21222–4099. The Director, U.S. Army Crime Records Center, is authorized direct communication with these agencies and components for this purpose.

i. Disclosure. Individuals, agencies, or components that receive CID 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. News media requests under AR 340–17 for CID criminal investigative information not resolved at the investigating element’s level may be directed to the Commander, USACIDC, ATTN: CIIO-ZA, 5611 Columbia Pike, Falls Church, VA 22041–5015.

k. Other requests. All other requests not specifically addressed above for copies of CID investigative reports or information will be referred to the Director, U.S. Army Crime Records Center, ATTN: CICR-FP, 2301 Chesapeake Ave, Baltimore, MD 21222–4099.

4–4. Individual requests for access to or amendment of CID reports of investigation

a. Access to CID reports. All requests for access to CID reports made under the Privacy Act or Freedom of Information Act will be processed in accordance with AR 340–21 and AR 340–17, respectively.

b. Amendment of CID reports. CID reports of investigation are exempt from the amendment provisions of the Privacy Act and AR 340–21. Requests for amendment will be considered only under the provisions of this regulation. Requests to amend CID reports of investigation 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 is upon the individual. Requests to delete a person’s name from the title block will be granted if it is determined that probable cause does not exist to believe that the individual committed the offense for which titled as a subject. The decision to list a person’s name in the title block of a CID report of investigation 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. His decision will constitute final action on behalf of the Secretary of the Army with respect to this regulation.

c. Submission of requests. Requests for access to or amendment of CID investigative reports will be forwarded to the Director, U.S. Army Crime Records Center, ATTN: CICR-FP, 2301 Chesapeake Ave, Baltimore, MD 21222–4099.

Chapter 5 Crime Records Center, USACIDC

5–1. General

The U.S. Army Crime Records Center will receive and maintain the permanent files of CID and selected MPI reports of investigation, selected military police reports (DA Form 3975), and commanders reports of disciplinary or administrative action taken (DA Form 4833). The Director will ensure the retention and proper use of these records and furnish data and copies of files, documents, or information therefrom 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, with the Defense Investigative Service, the U.S. Army

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, Crime Records Center will—

a. Receive and file all records and reports as directed by the Commanding General, USACIDC.

b. Receive and file military police reports and MPI reports acquired under the provisions of AR 190-45.

c. Process for filing all CID and MPI reports of investigation, other agency criminal investigation reports, and military police reports, to include reviewing of offense coding and ensuring 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 Crime Records Center.

e. Operate and maintain criminal investigative data reference indexes.

f. Provide DCII with indexing data for individuals listed as subjects or victims of all CID reports of investigation and subjects of all military police 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 CID and MPI reports of investigation and MP reports to provost marshals or security officers, USACIDC elements, Department of Army and Defense officials who are authorized to obtain and use reports, and other law enforcement agencies identified by the Commanding General, USACIDC, and the DCSPER, HQDA, as routine users of CID and MP records respectively.

i. Implement applicable release policy and procedures as delineated in paragraphs 4-3*f*, *h*, *i*, and 5-2 *h*, *k*, and *l*.

j. Refer requests or requesters to appropriate agencies if information requested does not fall within Crime Records Center control for release action.

k. Receive official requests for information from CID reports of investigation from agencies of the Federal Government identified as routine users in AR 340-21 and similar requests from DOD components. The Director, Crime Records Center, is authorized direct communication with these agencies for this purpose.

l. Upon request, transmit copies of final CID and MPI reports of investigation and MP reports reflecting known subjects to Department of the Army and Department of Defense 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).

(3) Accreditation as provided in AR 190-13, AR 190-30, and AR 195-3.

m. Upon written request, transmit CID reports and MP reports to the Office of The Inspector General, HQDA, for those activities authorized in AR 20-1.

5-3. Routine investigative name checks

a. The Crime Records Center 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 assure submission 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

Crime Records Center. 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 military police report (DA Form 3975) number, the Crime Records Center cross-reference number for the military police or security police, and the sequence number or report of investigation number for CID reports.

5-4. Immediate name checks

a. The Crime Records Center has facilities available to conduct expeditious checks for USACIDC elements and military police or security police 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 telecopier, or electrical message. All name checks submitted by electrical message will be addressed to the DIR, USACRC, USACIDC, BALT, MD //CICR-CR//.

b. Requests for immediate name checks should be limited to situations where an investigative need for immediate results exists and will include, if available, the locally assigned report or sequence number.

c. The format to be followed in requesting name checks by telephone is at appendix F.

d. Telephonic name checks by appropriate officials pursuant to Freedom of Information Act (AR 340-17) and Privacy Act (AR 340-21) requests are authorized.

5-5. Requesting Crime Records Center files and reports

a. Requests for CID and MPI reports of investigation and military police reports as outlined in paragraph 4-3 and AR 190-45, will be forwarded to the Director, U.S. Army Crime Records Center, 2301 Chesapeake Ave, Baltimore, MD 21222-4099.

b. Requests for these reports in connection with law enforcement and investigative activities should include the following:

(1) Name of the subject, suspect, or victim of the investigation.

(2) Place and date of birth.

(3) Social security number and/or former military service number.

(4) Complete report of investigation number.

(5) If completed before 1 January 1968, the CID report of investigation and repository file numbers, if available.

c. Requests in connection with law enforcement or investigative activities for investigative files of the Air Force Office of Special Investigations, the Naval Investigative Service, the U.S. Army Intelligence and Security Command, Department of Defense Inspector General for Investigations, and the Defense Investigative Service may also be sent to the Crime Records Center, which will refer them to the appropriate agency.

d. Requests for CID and MPI reports of investigation and military police reports or information therefrom 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.

e. DA Form 543, Requests for Records, may be used for requests and transmittal of records from the Crime Records Center.

5-6. Use of information contained in CID and MP 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 340-17, or AR 340-21.

Chapter 6

U.S. Army Criminal Investigation Laboratories

6-1. General

USACIDC laboratories provide 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 each U.S. Army Criminal Investigation Laboratory (USACIL), quality control and technical proficiency in USACIL operations, and the training of laboratory technicians.

6-3. Request for examination

All requests for laboratory examination will be forwarded to a USACIL in accordance with AR 195-5, unless an exception is granted by the Commanding General, USACIDC.

6-4. Court appearance

a. To the extent practicable, appearance of laboratory examiners at a legal proceeding will be requested by a message to reach the appropriate USACIL commander at least 10 working days prior to the requested appearance date. This leadtime is necessary to avoid conflicts with other commitments and allow time for administrative processing and court preparation. The message will include at a minimum—

- (1) USACIL referral number (from laboratory report).
- (2) Division completing the examination.
- (3) Name of accused.
- (4) Date, time, place, and to whom the examiner is to report.
- (5) Number of days TDY required.
- (6) Fund citation for travel and per diem.

b. The USACIL commander will have appropriate orders published. If an examiner is not available, the USACIL commander 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 it is anticipated the examiner will 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.

6-5. On scene assistance

When particular expertise is required to process crime scenes, the presence of laboratory examiners may be requested by CID field commanders from the commander of the supporting USACIL.

Appendix A References

Section I Required Publications

AR 1–20

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

AR 1–40

Clearance Requirements and Procedures for Official Temporary Duty Travel Outside Continental United States. (Cited in para 3–12b.)

AR 10–23

U.S. Army Criminal Investigation Command. (Cited in paras 1–5n, 2–1a, and 2–2c.)

AR 20–1

Inspector General Activities and Procedures. (Cited in paras 1–5j, 3–1b, and 5–2m.)

AR 27–40

Litigation. (Cited in para 4–3g.)

AR 40–66

Medical Record and Quality Assurance Administration. (Cited in para 3–15b.)

AR 190–11

Physical Security of Arms, Ammunition and Explosives. (Cited in paras 3–3b, 3–9c, and 3–24a.)

AR 190–13

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

AR 190–27

Army Participation in the National Crime Information Center. (Cited in paras 3–17a and b.)

AR 190–30

Military Police Investigations. (Cited in paras 1–5a and 5–2l.)

AR 190–38

Detention Cells. (Cited in para 3–21d.)

AR 190–45

Records and Forms. (Cited in paras 1–5m, 4–2c, 4–3b, 4–3c, 5–2b, 5–5a, and E–2.)

AR 190–47

The U.S. Army Correctional System. (Cited in para 3–21d.)

AR 195–5

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

AR 210–16

Bachelor Housing Management. (Cited in para 3–26b.)

AR 340–17

Release of Information and Records from Army Files. (Cited in paras 4–1, 4–2e, 4–3b, 4–3i, 4–4a, 5–4d, and 5–6.)

AR 340–21

The Army Privacy Program. (Cited in paras 1–4f, 1–5k, 3–14d, 4–1, 4–3, 4–4, 5–2k, 5–4d, and 5–6.)

AR 600–40

Apprehension, Restraint, and Release to Civil Authorities. (Cited in para 3–21a.)

AR 600–85

Alcohol and Drug Abuse Prevention and Control Program. (Cited in para 3–7.)

Section II Related Publications

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

AR 10–5

Department of the Army

AR27–10

Military Justice. (This regulation includes the Memorandum of Understanding between the Department of Defense and Department of Justice.)

AR 40–2

Army Medical Treatment Facilities: General Administration

AR 40–63

Medical, Dental, and Veterinary Care

AR 108–2

Army Training and Audiovisual Support

AR 190–14

Carrying of Firearms

AR 190–22

Searches, Seizures, and Disposition of Property

AR 190–28

Use of Force by Personnel Engaged in Law Enforcement and Security Duties

AR 195–1

Army Criminal Investigation Program

AR 195–3

Acceptance and Accreditation of Criminal Investigation Personnel

AR 195–6

Department of Army Polygraph Activities

AR 210–10

Administration

AR 310–49

The Army Authorization Documents System (TAADS)

AR 335–15

Management Information Control System

AR 340–18

The Army Functional File System, General Provisions

AR 380–5

Department of Army Information Security Program

AR 380–13

Acquisition and Storage of Information Concerning Nonaffiliated Persons and Organizations

AR 381–10

U.S. Army Intelligence Activities

AR 381–12

Subversion and Espionage Directed Against the U.S. Army

AR 381–20

U.S. Army Counterintelligence (CI) Activities

AR 600-37

Unfavorable Information

AR 600-50

Standards of Conduct for Department of the Army Personnel

AR 700-84

Issue and Sale of Personal Clothing

AR 740-26

Physical Inventory Control

FAR

Federal Acquisition Regulation

FRCrP

Federal Rules of Criminal Procedure

MCM

Manual for Courts Martial, United States, 1984

Section III**Prescribed Forms****DA Form 2804**

Crime Records Data Reference. (Cited in para 4-2b and appendix E.)

DA Form 4833

Commanders Report of Disciplinary or Administrative Action. (Cited in para 1-4f(1)(a) and 5-1.)

Section IV**Referenced Forms****DD Form 543**

Request for Records

DD Form 1056

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

DA Form 3975

Military Police Report

Appendix B**Offenses within CID Investigative Responsibility****Table B-1****Article of UCMJ: 77****Description of offense:** Principals of an offense listed in this appendix**Article of UCMJ: 78****Description of offense:** Accessory after the fact to an offense listed in this appendix**Article of UCMJ: 80****Description of offense:** Attempts to commit an offense listed in this appendix**Article of UCMJ: 81****Description of offense:** Conspiracy to commit an offense listed in this appendix**Article of UCMJ: 82****Description of offense:** Solicitation to mutiny or commit an act of sedition (see Article 94)**Article of UCMJ: 84****Description of offense:** Effecting an unlawful enlistment, appointment, or separation**Table B-1****—Continued****Article of UCMJ: 92****Description of offense:** Violation of a punitive lawful general order or regulation. (This pertains to those criminal offenses not covered by a specific article such as currency violations, black marketing in the aggregate amount of \$1,000 or more in a 30-day period, or conflict of interest)**Article of UCMJ: 93****Description of offense:** Cruelty, oppression, or maltreatment**Article of UCMJ: 94****Description of offense:** Mutiny, sedition**Article of UCMJ: 96****Description of offense:**

a. Releasing without proper authority a prisoner duly committed to his charge.

b. Suffering a prisoner duly committed to his charge to escape through design.

Article of UCMJ: 97**Description of offense:** Unlawful detention**Article of UCMJ: 103****Description of offense:**

a. Captured or abandoned property of a value of \$1,000 or more or any property of a sensitive nature as described in appendix G, failing to secure, report and turnover, selling, or otherwise wrongfully dealing in or disposing of

b. Looting or pillaging

Article of UCMJ: 107**Description of offense:** False official statements when in conjunction with another offense normally investigated by CID**Article of UCMJ: 108****Description of offense:**

a. Selling or otherwise disposing of military property of the United States of an aggregate value of \$1,000 or more, or any property of a sensitive nature as described in appendix G

b. Willfully damaging, destroying or losing, or willfully suffering to be lost, damaged, destroyed, sold, or wrongfully disposed of, military property of the United States of a value or damage of \$1,000 or more

Article of UCMJ: 109**Description of offense:** Wasting, spoiling, destroying, or damaging any property other than military property of the United States of an aggregate value or damage of \$1,000 or more**Article of UCMJ: 110****Description of offense:** Hazarding or suffering to be hazarded any vessel of the armed forces**Article of UCMJ: 112a****Description of offense:** Wrongful use, possession, manufacture, distribution, introduction, importation, exportation of controlled substances (except as provided in 3-3a(2))**Article of UCMJ: 115****Description of offense:** Malingering involving intentional self-inflicted injury requiring hospitalization**Article of UCMJ: 116****Description of offense:** Riot**Article of UCMJ: 118****Description of offense:** Murder**Article of UCMJ: 119****Description of offense:** Manslaughter**Article of UCMJ: 120****Description of offense:** Rape or carnal knowledge**Article of UCMJ: 121****Description of offense:**

a. Larceny or wrongful appropriation of property, including aircraft or vessels, of an aggregate value of \$1,000 or more

b. Larceny of any motor vehicle of a value of \$1,000 or more

Table B-1
—Continued

c. Larceny or wrongful appropriation of any property of a sensitive nature, as defined in appendix G
d. Wrongful appropriation of a motor vehicle when damage of \$1,000 or more results

Article of UCMJ: 122
Description of offense: Robbery

Article of UCMJ: 123
Description of offense: Forgery

Article of UCMJ: 123a
Description of offense: Check, worthless, making, drawing, uttering, or deliving, with intent to defraud (for procurement of any article or thing of value) in the aggregate amount of \$1,000 or more

Article of UCMJ: 124
Description of offense: Maiming

Article of UCMJ: 125
Description of offense: Sodomy

Article of UCMJ: 126
Description of offense:
a. Aggravated arson
b. Simple arson where property damage is of a value of \$1,000 or more

Article of UCMJ: 127
Description of offense: Extortion

Article of UCMJ: 128
Description of offense:
a. Assault (consummated by a battery) on a child under the age of 16 years
b. Aggravated assault when the victim is hospitalized as a result

Article of UCMJ: 129
Description of offense: Burglary, when associated with another crime normally investigated by the USACIDC

Article of UCMJ: 130
Description of offense: Housebreaking, when associated with another crime normally investigated by CID

Article of UCMJ: 131
Description of offense: Perjury

Article of UCMJ: 132
Description of offense: Frauds against the United States when the amount involved is \$500 or more.

Article of UCMJ: 134
Description of offense: Assault
a. Indecent
b. With intent to commit voluntary manslaughter, robbery, sodomy, arson, or burglary
c. With intent to commit murder or rape

Article of UCMJ: 134
Description of offense: Bigamy

Article of UCMJ: 134
Description of offense: Bribe or graft: accepting, asking, receiving, offering, promising, or giving

Article of UCMJ: 134
Description of offense: Burning, with intent to defraud

Article of UCMJ: 134
Description of offense: False or unauthorized military pass, permit discharge certificate, or identification card: making, altering, selling, possessing, counterfeiting, or using with intent to defraud or deceive

Article of UCMJ: 134
Description of offense: False pretenses, obtaining services under, of a value of \$1,000 or more

Article of UCMJ: 134
Description of offense: Homicide, negligent

Article of UCMJ: 134

Table B-1
—Continued

Description of offense: Impersonating an officer, warrant officer, non-commissioned or petty officer or agent of superior authority, with intent to defraud

Article of UCMJ: 134
Description of offense: Indecent acts or liberties with a child under the age of 16

Article of UCMJ: 134
Description of offense: Indecent acts with another

Article of UCMJ: 134
Description of offense: Kidnapping

Article of UCMJ: 134
Description of offense: Mail, taking, opening, secreting, destroying, or stealing

Article of UCMJ: 134
Description of offense: Mails, depositing or causing to be deposited obscene or indecent matters in

Article of UCMJ: 134
Description of offense: Misprision of a felony

Article of UCMJ: 134
Description of offense: Obstructing justice

Article of UCMJ: 134
Description of offense: Pandering

Article of UCMJ: 134
Description of offense: Perjury, subornation of

Article of UCMJ: 134
Description of offense: Public record, wrongfully altering, concealing, removing, mutilating, obliterating, or destroying

Article of UCMJ: 134
Description of offense: Soliciting another to commit an offense listed in this appendix (other than article 94)

Article of UCMJ: 134
Description of offense: Stolen property, knowingly receiving, buying, concealing; of an aggregate value of \$1,000 or more

Article of UCMJ: 134
Description of offense: Threat or hoax, bomb

Appendix C

Preparation of DA Report of Investigation

(Appendix C will be published at a later date. MPI will continue to use their current forms until this appendix is published.)

Appendix D

(Appendix D will be published at a later date)

Appendix E

Preparation of the DA Form 2804, Crime Records Data Reference

E-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.

E-2. Requirement

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

a. Each individual, firm, or other legal entity, listed in the title block of a report of investigation. If the individual is being deleted from the title block, the word "Deletion" will be entered in the remarks section of the form.

b. Each individual, firm, or other legal entity listed as a subject of DA Form 3975, Military Police Report, forwarded to the U.S. Army Crime Records Center, USACIDC, in accordance with AR 190-45.

c. 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.

d. 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, b, and c 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.

e. 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.

E-3. Preparation

The items on DA Form 2804 will be completed as follows (shaded blocks will be completed by the U.S. Army Crime Records Center (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, e.g., "E4," "W3," "O5."

(2) U.S. civilian employees of the U.S. Government, show the rating of the named individual, e.g., "GS7," "WG5."

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

(a) "DW" for dependent wife

(b) "DH" for dependent husband.

(c) "DS" for dependent son.

(d) "DD" for dependent daughter.

(e) "DO" for other dependent.

(4) Other U.S. civilians, use the abbreviation "CIV."

(5) Foreign nationals, reflect nationality, e.g., "GER," "KOR," "THL."

d. *Item 4, Major Command Activity Code (MCAC).* Enter the code if applicable.

(1) See AR 310-49, appendix A, 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 (SSN).* 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 E-1

Code: R

Race: Red

Explanation: American Indian—original people of North America

Code: M

Race: Yellow

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

Code: N

Race: Black

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

Code: C

Race: White

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

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 E-2

Ethnic Code: 6

Race: Mexican

Explanation: Persons of Mexican descent and Chicanos

Ethnic Code: 4

Race: Puerto Rican

Explanation: Persons of Puerto Rican descent

Ethnic Code: 9

Race: Cuban

Explanation: Persons of Cuban descent

Ethnic Code: S

Race: LATINAMER (Latin-American)

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

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: 8

Race: Aleut

Explanation: Persons of Aleut descent

Ethnic Code: 7

Race: Eskimo

Table E-2 —Continued
Explanation: Persons of Eskimo descent not including Aleuts
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: 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: D Race: Indian Explanation: Persons from India and their descendants
Ethnic Code: 5 Race: Filipino Explanation: Persons from the Phillipine Island and their descendants
Ethnic Code: V Race: Vietnamese Explanation: Persons of Vietnamese descent
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: E Race: Melanesian Explanation: Persons of Melanesian descent
Ethnic Code: W Race: Micronesian Explanation: Persons of Micronesian 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: 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 any 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 E-3
Identity: American Indian Race Code: R Ethnic Code: 8, 7, 2
Identity: Alaskan (original people)

Table E-3 —Continued
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, E, W, L, Q
Identity: Pacific Islander Race Code: M, C, N, X, Z Ethnic Code: G, J, K, 5, D, V, 3, E, W, L, Q
Identity: Black Race Code: N Ethnic Code: X, Y, Z
Identity: White Race Code: C 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: Unknown Race Code: Z 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; e.g., "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 United States.

m. Item 13, Report of Investigation or Military Police Report Number (ROI/MPR). All USACIDC elements will enter the ROI number, if one has been assigned. Otherwise, the CID 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 F Telephone Name Check Format

F-1. General

The U.S. Army Crime Records Center (USACRC), USACIDC, will conduct records checks on an immediate basis upon receipt of a telephonic request from an authorized user of USACRC services.

F-2. Immediate action request procedures

a. Immediate action requests may be made to USACRC on a 24-hour-a-day basis by telephoning AUTOVON 283-9222, -9223, or -9224.

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.

(2) The information required.

(3) Authorization for the receipt of the requested information. If available, military police will provide the military police report number or the USACRC cross reference number. USACIDC requesters will provide the sequence number or report of investigation number.

(4) 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.

F-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.

F-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 G Sensitive Items

The theft or suspected theft of the following will be investigated by the USACIDC without regard for monetary value.

a. *Arms.*

(1) Handguns, Government owned.

(2) Shoulder-fired weapons, Government owned.

(3) Light automatic weapons up to and including .50 caliber machineguns.

(4) Recoiless rifles.

(5) Mortars.

(6) Rocket launchers, man portable (see (8) below).

(7) Grenade launchers, rifle and shoulder-fired.

(8) Individual operated weapons which are portable, can be fired without special mounts or firing devices, have potential use in civil disturbances, and are vulnerable to theft.

b. *Ammunition and explosives.*

(1) Ammunition for weapons listed in paragraphs a(1) through (8) above, with the following exceptions:

(a) Cal.22 rimfire ammunition only in quantities of 10,000 rounds or more.

(b) Ammunition for handguns, shoulder-fired weapons and light automatic weapons up to and including .50 caliber machineguns, only in quantities of 1,000 rounds or more.

(2) Bulk explosives.

(3) Anti-tank and anti-personnel landmines.

(4) Handgrenades.

(5) Demolition charges, demolition kits, explosive kits, etc.

(6) Fuses.

(7) Detonating cord or safety fuze, 100 feet or more.

(8) Detonators, destructors, primers, firing devices, squibs, ignitors; 50 or more.

(9) Boosters.

(10) Supplementary charges (not assembled to end items).

(11) Explosive bolts, explosive charges, and related items.

(12) Safety and arming devices.

(13) Incendiary destroyers.

(14) Fuel thickening compound.

(15) Riot control agent, bulk.

(16) Warheads and rocket motors.

(17) Missiles and rockets.

(18) End items of conventional and guided missile ammunition.

c. *Narcotics and drug abuse substances.*

Glossary

Section I Abbreviations

CID

Criminal Investigation Division

DOJ

Department of Justice

FBI

Federal Bureau of Investigation

IR

Investigator's Report

MPI

Military Police Investigator

NCIC

National Crime Information Center

ROI

Report of Investigation

SAC

Special Agent-in-Charge

SSI

Serious or Sensitive Incident

USACIDC

U.S. Army Criminal Investigation Command

USACRC

U.S. Army Crime Records Center

USC

United States Code

Section II Terms

Army criminal investigation program

Includes criminal investigation procedures, techniques, resources, training, and those CID 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 (e.g., TA-50 property), which theft aggregates less than \$1,000. Larcenies from unit supply, arms, day or orderly rooms located within barracks buildings are not considered barracks larcenies.

Branch office

The smallest USACIDC operational element, normally consisting of three or less CID special agents. It provides CID support within a specified geographic area of responsibility.

Criminal Investigation Division (CID)

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

CID 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.

CID supervisor

A commissioned officer, special agent, or DA civilian who has been assigned as a region, laboratory, 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 branch office or resident agency.

Controlled substances

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

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 information

Information compiled in an effort to anticipate, prevent, or monitor possible or potential criminal activity directed at or affecting the U.S. Army or Army personnel.

Criminal investigation

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

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 U.S. 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.

District

A subordinate operating element of a CID region normally consisting of 21 or more CID special agents. It provides CID support within a specified geographic area of responsibility.

Drug suppression team (DST)

A team composed of CID special agents and, if appropriate, Military Police (MP) used for semi-covert employment in 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 nonquantifiable resources such as public confidence) to the Government (not to an individual, although individuals may be affected, e.g., through increased taxes or erosion of benefits) due to the subversion of a system (that is, the manipulation or undermining of a visible system, e.g., the finance system; or less apparent system, e.g., public confidence in elected officials; any system which serves the processes of government) by a component of that system (whether the component is permanent, e.g., a contracting officer; or temporary, e.g., an individual contractor, or firm) acting with criminal intent, (e.g., that which distinguishes "EC" from simple mismanagement, human error, or noncriminal negligence).

Felony

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

Field office

A subordinate operating element of a CID region normally consisting of between 10 and 20 CID special agents. It provides CID support within a specified geographic area of responsibility.

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, not for mere "observation".

Juvenile

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

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, U.S. 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 reason 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.

Region

Regions are the major subordinate command and control elements of the USACIDC. They control CID support within an assigned geographic area.

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 CID field office or district. It provides CID support within a specified portion of a district's or field office's geographic area of responsibility.

Special agent-in-charge (SAC)

A CID special agent appointed as the supervisor of a resident agency or branch office.

Special background investigation

An expanded background investigation conducted by the Defense Investigative Service (DIS) 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 CID report

The section of a CID report where suspects,

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

Section III**Special Abbreviations and Terms**

There are no special terms.

Unclassified

PIN 002225-000

USAPA

ELECTRONIC PUBLISHING SYSTEM
TEXT FORMATTER ... Version 2.45

PIN: 002225-000

DATE: 12-16-98

TIME: 10:27:50

PAGES SET: 23

DATA FILE: s210.fil

DOCUMENT: AR 195-2

DOC STATUS: NEW PUBLICATION