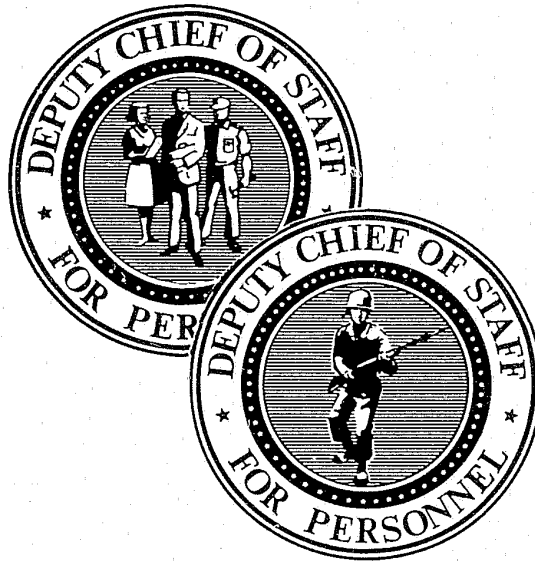


CRIME RECORDS POLICY REPORT

APRIL 1977



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ARMY
DEPT. OF DEFENSE
WASHINGTON, D.C.

CRIME RECORDS POLICY

FINAL REPORT

APRIL 1977

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UNCLASSIFIED

SECURITY CLASSIFICATION OF THIS PAGE (When Data Entered)

REPORT DOCUMENTATION PAGE		READ INSTRUCTIONS BEFORE COMPLETING FORM
1. REPORT NUMBER	2. GOVT ACCESSION NO.	3. RECIPIENT'S CATALOG NUMBER
4. TITLE (and Subtitle) Crime Records Policy		5. TYPE OF REPORT & PERIOD COVERED Final February 1976 - March 1977
7. AUTHOR(s) COL Roland A. Goodman MAJ David W. Garner MAJ Houston Ward CPT Paul Lucdtke Mr. Robert Brisentine		6. PERFORMING ORG. REPORT NUMBER
9. PERFORMING ORGANIZATION NAME AND ADDRESS Army Crime Records Study Group The Pentagon Room 2D745 Washington, DC 20310		8. CONTRACT OR GRANT NUMBER(s)
11. CONTROLLING OFFICE NAME AND ADDRESS Office of the Deputy Chief of Staff for Personnel The Pentagon (DAPE-HRE) Room 2D745 Washington, DC 20310		10. PROGRAM ELEMENT, PROJECT, TASK AREA & WORK UNIT NUMBERS
14. MONITORING AGENCY NAME & ADDRESS (if different from Controlling Office) Same as Item 11		12. REPORT DATE April 1977
		13. NUMBER OF PAGES
		15. SECURITY CLASS. (of this report) Unclassified
		15a. DECLASSIFICATION/DOWNGRADING SCHEDULE
16. DISTRIBUTION STATEMENT (of this Report) Approved for public release; distribution unlimited.		
17. DISTRIBUTION STATEMENT (of the abstract entered in Block 20, if different from Report) Same as Item 16.		
18. SUPPLEMENTARY NOTES None		
19. KEY WORDS (Continue on reverse side if necessary and identify by block number) Crime records; criminal information; USACIDC; military police; law enforcement; retention and control; disposition; dissemination.		
20. ABSTRACT (Continue on reverse side if necessary and identify by block number) Identifies scope and existing standards regarding the acquisition, use, disposition and dissemination of Army crime records; develops areas of concern within HQDA with respect to administrative use of criminal records as related to the Privacy Act and the Freedom of Information Act; recommends broad policy guidelines pertaining to such acquisition, use, disposition and dissemination; provides regulatory changes to existing Army policy via changes to regulations and directives; recommends coordinated efforts to develop compatible automated Army criminal justice record keeping systems; establishes basis of commander's authority to use criminal records for criminal justice and administrative purposes.		

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UNCLASSIFIED

SECURITY CLASSIFICATION OF THIS PAGE (When Data Entered)

ABSTRACT

Identifies scope and existing standards regarding the acquisition, use, disposition and dissemination of Army crime records; develops areas of concern within Department of the Army with respect to the administrative use of criminal records as related to the Privacy Act of 1974 and the Freedom of Information Act; recommends broad policy guidelines pertaining to such acquisition, use, disposition and dissemination; provides regulatory changes to existing Army policy via changes to regulations and directives; recommends coordinated efforts to develop compatible automated Army criminal justice recordkeeping systems; establishes basis of commander's authority to use criminal records for criminal justice and administrative purposes.



CHAPTER 1

EXECUTIVE SUMMARY

1-1. STUDY GROUP COMPOSITION. This report is the work of a Department of the Army Ad Hoc Study Group consisting of five members of the Department of the Army (DA) Staff, two members of the US Army Criminal Investigation Command (USACIDC), one member of the US Army Management System Support Agency (USAMSSA) and two clerical personnel of the DA Staff.

1-2. PURPOSE. The purpose of the group was to review and implement recommendations regarding policies and procedures pertaining to the use, retention, release and disposition of crime records prepared and or received by the Army.

1-3. METHOD.

a. This report is based on a review and assessment of the Army's current criminal justice system, an examination of statutory authority and recent trends pertaining to criminal justice systems as expressed in Congress, courts and executive levels of government; additionally, it incorporates an earlier analysis by a private interest group.

b. In the process of arriving at its conclusions and recommendations, the group held numerous meetings, conducted two surveys, interviewed a number of personnel and reviewed several related reports.

1-4. REPORT STRUCTURE.

a. The report is structured into eight chapters. This chapter summarizes the group's efforts, highlights the key issue and summarizes conclusions and recommendations.

b. Chapter Two is an introduction, providing background information concerning the history of centralized crime recordkeeping in the Army and events leading to initiation of the study.

c. Chapter Three examines applicable statutes and regulatory guidance related to the Army's authority to maintain and use crime records for law enforcement and administrative purposes.

d. Chapter Four reviews recent trends and developments in the nation's criminal justice systems, addresses recent court decisions, reviews legislation introduced into Congress and summarizes

views of representatives of the Executive Branch as well as those of a private interest group.

e. Chapter Five outlines the Army's current use of crime records. It is in part the result of visits to the US Army Criminal Investigation Command's Crime Records Directorate (USACIDC-CRD) and Headquarters, Department of the Army Staff agencies. Additionally, it discusses data obtained through a survey of 37 installations and 10 USACIDC field offices, a conference with representatives of three major commands (US Army Forces Command, US Army Training and Doctrine Command and US Army Europe) and a review of current regulatory policies.

f. Chapter Six provides a summary of crime and/or intelligence recordkeeping systems of the US Army Intelligence Agency (USAINTA), the Department of Defense (DOD), the Federal Bureau of Investigation (FBI) and other law enforcement activities.

g. Chapter Seven encompasses a review of the pervasiveness of crime in the civilian sector of society and within the Army and establishes the need for maintaining crime records. It compares the Army's criminal justice system with the Army's needs and statutory authority on which the system is based. Additionally, it assesses the use of criminal justice information for law enforcement purposes, in light of the Privacy and Freedom of Information Acts, and discusses due process related to these uses.

h. Chapter Eight provides the conclusions and recommendations, including changes implemented in Army regulations which serve to correct potential deficiencies and insure compliance with statutory authority. These revisions address juvenile records; the promulgation of additional regulatory policy for administrative use of records and improving disposition of offender information and reporting. Additionally, the provisions of the Freedom of Information and Privacy Acts are summarized to clarify their relationship to crime records, as well as other minor changes to existing regulatory policy. Specific recommendations regarding automation of crime records are provided.

1-5. KEY ISSUE AND ANALYSIS.

a. The primary issue identified was the administrative use of crime records without violation of due process rights of individuals. Impacting on this issue was the paramount need for the administrative use of crime records, as well as the degree of completeness of these records and necessary restrictions on administrative use

within the organizational structure, while concomitantly insuring use for law enforcement purposes.

b. The group concluded that applicable statutes provide the Secretary of the Army broad authority to maintain crime records in various states of completeness.

(1) These records are for the most part exempt from the accuracy, timeliness, relevancy and completeness requirements applicable to other records under provisions of the Privacy Act.

(2) Although the Privacy Act of 1974 does not make a clear distinction between law enforcement and administrative uses of these records, it is noted that law enforcement's general exemption is provided for criminal justice purposes. Consequently, DOD implementation permits the temporary disclosure of these records for administrative uses without jeopardizing law enforcement's ability to protect its records when necessary; however, when permanently incorporated into an administrative user's records it is subject only to the exemptions available for that system of records.

(3) It is recognized that there is potential for unfairness to an individual, in an administrative sense; however, it is noted that the law and Army regulations provide remedies to alleviate such.

c. The Study Group also found that recent thoughts by the Congress, courts and executives concerning use of crime records for law enforcement purposes were inconclusive.

(1) A private interest group reached the same conclusion.

(2) These bodies have drafted various proposals concerning the need for administrative uses of criminal records, but have failed to specifically indicate how to limit administrative use, while concomitantly authorizing law enforcement use.

(a) The dilemma involves determining how executives, managers, supervisors and Army commanders and their staffs can insure law enforcement agencies' use of crime records, while simultaneously allowing their respective law enforcement agencies to restrict information that may provide them the basis for effectively carrying out their responsibilities.

(b) The study did not resolve this issue with the specificity which might be the ideal; however, it went beyond the efforts of others by recommending policy to resolve many of the identified problems. An all encompassing and specific set of procedures is at best difficult, primarily as a result of conflicting interpretations

of the law in this area. Essentially this problem can only be resolved as legislation and court decisions are provided.

(3) DOD and Army policy pertaining to collection and retention of information on non-DOD-affiliated persons recognizes the necessity of law enforcement records prepared in conjunction with authorized Army law enforcement functions. DOD has acknowledged the use of crime records in other than criminal justice areas; however, such use is tied to temporary release and the proviso that the general exemption, provided for in the Privacy Act, does not follow the law enforcement record when made a permanent part of a non-exempt user's records.

(4) Although the foregoing constitutes the crux of the problem, the group recommends regulatory guidance in several areas. This guidance includes:

(a) Indicating who should have access to various categories of crime records, protection of such records, and the purposes and level of the organization at which reports should be introduced.

(b) Protecting criminal records from disclosure during transmittal; safeguarding juvenile records and specifying conditions for release of juvenile records.

(c) Specifying procedures to improve obtaining offender disposition and updating changes to initial disposition.

1-6. THE ARMY'S NEED FOR CRIME RECORDS. An analysis of the Army's crime rates for the period 1969-1974 indicates that six of ten categories (rape, assault, burglary, larceny, property crime and total crimes) reached their highest levels in 1974. The level of civilian offenses in these 10 crime categories was also highest in that same year.

a. The group concluded that Army commanders need crime records, as currently maintained, to assist in curbing crime, as well as making administrative decisions regarding their personnel.

b. A review of the uses of these records, as currently maintained, revealed that they are helpful at the installation, MACOM and HQDA levels.

1-7. COMPARISON WITH OTHER SERVICES. Although indications are that the same crime and administrative problems facing the Army are prevalent with other services, their crime records systems are not as extensive and the records are not retained as long.

a. The Navy and Air Force retain records pertaining to the Shore Patrol and Security Police for one and three years, respectively.

b. In comparison, the Army retains records prepared by its military police for five years.

c. Additionally, those military police reports pertaining to more serious cases are forwarded to the Crime Records Directorate and retained 40 years.

d. The Air Force Office of Special Investigations (OSI) and Naval Investigative Service (NIS) normally keep records for 25 years.

1-8. DISPOSITION OF OFFENDER INFORMATION. As previously mentioned, Army law enforcement records are exempt from the accuracy, relevancy and timeliness requirements of the Privacy Act. However, in the interest of due process, the Study Group devoted considerable effort to this issue.

a. The study found that the current system is not totally effective in this regard.

b. The large percentage of military police reports without disposition, but on file at local levels and in the CRD, identifies the potential for an administrative error, although remedies to correct such are available.

1-9. AUTOMATION. The three primary elements involved in the Army's crime recordkeeping system (military police, USACIDC and TJAG) have separate automated systems in various stages of development. Prior to this effort, the Study Group found no concrete evidence of efforts to assure that the systems were compatible and their development coordinated.

1-10. RECOMMENDATIONS. That the Army Crime Records Policy Study Report be approved on the basis of policy changes implemented at Annex F, which assure compliance with public law and DOD policy with respect to use, retention, release and disposition of crime records prepared and/or received by the Army. The significant changes are designed to insure:

a. Promulgation of guidance regarding procedures for administrative use of crime records.

b. Automation coordination.

(1) Automation will be accomplished in accordance with policies established by Director Army Automation in coordination with the Army Staff and MACOM's. In this regard, ODCSPER is designated as having responsibility for General Staff supervision of the Criminal Investigation Operational and Management Information System (CIDOMIS), with USACIDC performing proponent agency functions as prescribed by AR 18-1.

(2) Continuing coordination is required among the three systems (MP, TJAG, USACIDC) with Director Army Automation designated as the central coordinating agency with only responsibility for assuring that automated coordination is effected among the systems.

(3) Key information identifying individual crime records in each system (MPMIS, CIDOMIS, and JAGSTATS) be structured under DOD standards to provide for a proper interface and exchange of data as appropriate. Other than key information, minimize duplication of data among systems.

c. Revision of policy to provide more specificity for the application of the Freedom of Information Act and Privacy Act in regard to crime records.

CHAPTER 2

INTRODUCTION

SECTION I

INTRODUCTION AND BACKGROUND

2-1. STATEMENT OF THE PROBLEM. To review and make appropriate recommendations regarding policies and procedures pertaining to the use, retention and release of crime records prepared and or maintained by the Army.

2-2. BACKGROUND.

a. Prior to 1950 Army criminal investigation and military police reports and associated crime records were filed at installation and Major Command (MACOM) levels. The use, retention and release of the records were determined by the commands. The initial step toward centralized crime records occurred in November 1950 with activation of the US Army Criminal Investigation Repository as an integral part of the Military Police Criminal Investigation Laboratory at Fort Gordon, Georgia. The repository was established to receive and maintain criminal investigation reports and to provide copies, documents or information from them to authorized individuals or agencies. Existing criminal investigation reports at the MACOMs, as well as subsequent reports originating at installation level, were forwarded to the centralized activity.

b. In 1955, the repository became a separate unit of the Military Police School and remained so until 1962 when it was designated a Class II activity of the Army's Provost Marshal General. In October 1964 it was collocated with the Army's Counterintelligence Records Facility at Fort Holabird, Maryland as a result of a study entitled Project Security Shield that recognized the need for closer coordination and exchange of information between investigative agencies.

c. In 1965 the category of reports filed in the centralized facility was expanded to include military police reports rendered on personnel in grades E4 and above, if the offense was one for which the authorized maximum punishment under the MCM, 1969 (Rev) was confinement for six months or more. In 1970 the grade level was extended to all grades.

d. As an outgrowth of national concern over the preparation and retention of investigative records during the 1960's, intelligence and crime records were separated in 1971 with responsibility

for maintaining centralized crime records returning to The Provost Marshal General. The US Army CID Agency performed this function for The Provost Marshal General until the Agency was designated USACIDC. At this time responsibility for crime records at HQDA level was vested in the Commander, USACIDC who then designated the repository as a directorate of his command. The directorate remained in its location at Fort Holabird, Maryland where the Defense Investigative Service (DIS) files its records. This was determined to be desirable to enable timely responses to a law enforcement request for records as considerable information regarding crime history is on file at DIS. Today the directorate is referred to as the Crime Records Directorate (CRD).

e. The progress in electronic data processing technology during the past two decades has prompted a keen interest in criminal justice systems by the courts, government, executives, private interest groups and congressional leaders. The Army's system, reflecting the characteristics of others in society, has not escaped scrutiny occasioned by this heightened interest. The Army's system is equally affected by growing concern over rapid growth in improved information systems and the trend toward more frequent use of automated data processing equipment. As citizens of the nation become increasingly aware that criminal justice agencies collect, store, analyze and disseminate a great volume of information and statistics about criminal events, suspects, accused persons, arrests, prosecutions, convictions, correctional supervision and stolen property, the concerns increase. These concerns are highlighted by the fact that the application of computer and telecommunications technology makes the information rapidly and widely available throughout all components of the criminal justice system.

f. This tendency toward centralization greatly increases the danger that inaccurate data may be widely disseminated.

g. Aware of these dangers, the Commander, USACIDC, requested guidance from The Judge Advocate General (TJAG) as to how records in the CRD should be used for administrative purposes. TJAG replied that criminal justice information should not be released outside DOD, except to law enforcement agencies. Dissemination for other than law enforcement purposes was permissible within DOD, provided those individuals or agencies allowed access had a need for such information in the performance of official duties and the affected individuals were also given access to the information. TJAG further advised that to the extent reasonably possible the USACIDC's data in the CRD should be retroactively updated to reflect the results of subsequent investigations and final disposition. This advice was based on emerging trends in the nation's courts indicating the possible curtailment of the use of reports without disposition of offender information.

h. TJAG's opinions were of concern to the USACIDC because of the sizeable number of reports on file which did not reflect the results of subsequent investigation and final disposition. The inclusion of results of subsequent investigation and final disposition for all cases has been hampered by a number of factors; including, a fire at the St Louis Record Center, changing policies in Army criminal records maintenance since 1943, the age of some of these records and manpower constraints prohibiting accomplishment of these actions for the vast number of records maintained. USACIDC has made a concerted effort since its establishment in 1971 to insure that disposition of offender information is collected on all subjects of final CID Reports of Investigation.

i. The Army's criminal records are used administratively within DOD and are generally available for review by the affected individuals.

j. During the Army's FY 1975 Inspector General and Auditor General Inspection of the USACIDC, the Commanding General surfaced the issue of the propriety of using incomplete criminal records for administrative purposes. The corrective action reported by USACIDC and the HQDA Staff on these findings indicated a need for a coordinated USACIDC HQDA Staff effort to analyze and solve the complex problems involved. It was within the context of this history and background that the study group began its efforts.

SECTION II

SCOPE AND METHOD

2-3. DEVELOPMENT OF THE STUDY PLAN.

a. The study plan is at Annex A. Its development included:

(1) Reviewing and analyzing statutory and regulatory authority for the Army to prepare, use, retain and exchange crime records.

(2) Determining the acceptability of current procedures and correspondingly rejecting or changing procedures where necessary by developing new policy.

b. Having initially analyzed the applicable statutory and regulatory authority, the group solicited data regarding the Army's and other law enforcement agencies' use of crime records. Visits were made to the CRD and to federal law enforcement agencies or federal agencies in the metropolitan Washington area interested in law enforcement. Also, six major Army commands were asked to have commanders at a total of 40 installations/communities relate the manner in which crime records maintained by them were actually being prepared, used, retained and released. The Commander, USACIDC tasked 10 CID Field Offices Army-wide to provide the same information. The questionnaire designed for this purpose is at Annex B. Thirty-seven installations/communities and all 10 USACIDC Field Offices responded.

c. Personal interviews were conducted with personnel of HQDA Staff agencies and a review was made of previously prepared studies and reports pertaining to crime records and related matters.

2-4. STUDY ORGANIZATION.

a. Chapter One summarizes the entire study effort.

b. Chapter Three outlines the statutory and other authority of the Army to maintain crime records.

c. Chapter Four analyzes the recent thinking and trends on the subject by the nation's courts, the Executive, Legislative and Judicial Branches of the Federal Government and a private interest group.

d. Chapter Five describes the current Army system at both installation and HQDA levels.

e. Chapter Six outlines, in summary form, the crime records systems of DOD, the other services and the Federal Bureau of Investigation (FBI).

f. Chapter Seven analyzes the basis for criminal information retention and assesses the potential risks in using law enforcement investigative information for administrative purposes. The current Army uses are then compared and analyzed in terms of completeness, due process, regulatory policy, other agencies and trends.

g. Chapter Eight outlines the conclusions and recommendations.

2-5. SUMMARY: The Army has been maintaining centralized crime records since 1950. Recent interest in criminal justice systems on the part of the Judicial, Executive and Legislative Branches of the federal government, private interest groups and private citizens has prompted a review of the Army's system for maintaining, using, retaining and disposing of crime records prepared or received by the Army. The problem was first articulated during the FY 75 DAIG inspection of USACIDC, when the Commander expressed concern over unfounded allegations being entered in the Defense Central Index of Investigations (DCII) and records being on file without procedures for updating disposition. The Commander, USACIDC requested HQDA policy and an audit of the records at the CRD.

CHAPTER 3

AUTHORITY AND JURISDICTION

SECTION I - GENERAL

3-1. AUTHORITY.

a. Authority for Army jurisdiction over criminal offenses is derived from the Uniform Code of Military Justice (UCMJ) (10 USC 801 et seq). Specifically, Article 2 of the UCMJ lists those categories of persons subject to the provisions of the Code, while Articles 77 through 134 list the substantive offenses that are punishable under it. For offenders who do not fall within the purview of the UCMJ, authority derived from the application of substantive criminal law within exclusive, concurrent and partial jurisdictional areas to the extent not precluded by a reservation of state authority, allows commanders to maintain law and order on their installations. This includes the investigation of offenses and incidents, without regard to who the offender is. To this end, Congress has established the special maritime and territorial jurisdiction of the United States (18 USC 7). Most major crimes within such jurisdiction are covered by individual provisions of title 18, USC. Minor offenses are not provided for in specific terms, but may be disposed of under the "Assimilative Crimes Act" (18 USC 13) which adopts the provisions of state law as federal substantive law. All persons who commit offenses in areas of federal government jurisdiction are subject to this federal criminal law. The responsible law enforcement agencies may enter the installation for the purposes of making investigations and arrest. Where federal law enforcement officials decline to assist the commander, military law enforcement officials may act in their private capacity to make "citizen's arrest." The law of "citizen's arrest" varies from state to state and extreme caution must be exercised to assure compliance with the law. Despite a "citizen's arrest" by Army law enforcement personnel, if the act committed was a violation of federal criminal law, either directly or under the provisions of the Assimilative Crimes Act, then jurisdiction over the offense remains within the federal criminal system.

b. In addition to the above mentioned jurisdiction over criminal offenses, section 1382, title 18, USC makes criminal the entry upon a military installation for "any purpose prohibited by law or lawful regulation." This statute also provides criminal sanctions for re-entry upon a military installation after a commander has ordered an individual not to do so. Violation of lawful regulations can be a basis for issuance of an order not to re-enter.

c. Section 21 of the International Security Act of 1950 (50 USC 797) grants authority, inter alia, to establish restricted areas for the purpose of safeguarding certain military facilities or property. Violation of orders or regulations promulgated by the Secretary of Defense or commanders designated by him pursuant to this section constitutes a criminal offense.

d. Section 3012, title 10, USC grants the Secretary of the Army authority "to conduct all affairs of the Department of the Army," and the authority to prescribe regulations to carry out his functions, powers and duties under this title. Complimenting the powers found in section 3012, title 10, USC is section 301, title 5, USC which grants the heads of military departments authority to prescribe regulations for the government of the departments, the conduct of employees, the distribution and performance of business, and the custody, use and preservation of records, papers and property. The preparation, use, retention, release and disposition of crime records is a natural outgrowth of the basic authority for the Army's law enforcement function.

e. The overall federal records management requirements are found in section 3101-3107, title 44, USC and records disposal requirements are found in sections 3301-3314, title 44, USC.

f. The Army receives a variety of crime records prepared by civilian authorities for offenses committed by individuals prior, as well as subsequent to, their entry into military service. Many soldiers and DA civilians work in sensitive positions of importance to the nation's security. It is essential that the Army have any and all pertinent records of a criminal nature pertaining to its personnel (see DOD Directive 5210.8, 8 January 1975; Executive Order 11652). Also, criminal data received from civilian sources about Army personnel serve a useful law enforcement purpose as they may help to identify possible suspects in offenses committed within the military.

SECTION II

THE FREEDOM OF INFORMATION AND PRIVACY ACTS

3-2. EFFECT ON AUTHORITY.

a. Recent enactments pertaining to federal records have impacted on the Army criminal records system. The Freedom of Information Act (FOIA) (5 USC 552), as amended, requires that all records of the military departments and certain other federal agencies be made available to the public unless the records come within one or more of nine specified exemptions.

b. Closely related to the FOIA is the Privacy Act of 1974 (PA) (5 USC 552a) which applies to "systems of records" as defined in the Act. A system of records is a grouping of records from which information on individuals is retrieved by reference to the name of the individual or other particular identifier assigned to the individual. The PA entitles an individual to have access to records pertaining to himself, even if said records would not be available to him or the general public under the FOIA. The individual also has a right to have records amended if they are not relevant, accurate, timely, or complete. The PA also imposes certain restrictions on the collection, maintenance, use, and dissemination of personal information.

c. Congress, recognizing the special circumstances surrounding law enforcement activities and records, provided limited exemptions under both acts for crime records.

(1) One of the nine specified FOIA exemptions (5 USC 552(b) (7)) provides that investigatory files compiled for law enforcement purposes are exempt from mandatory public disclosure under the FOIA, "but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel."

(2) No records are automatically exempt from the provisions of the PA. However, the Act does permit agency heads to promulgate

rules exempting certain types of systems of records from some provisions of the Act. Criminal law enforcement records may be exempted from the majority of the provisions of the Act, including those granting individuals the rights of access to and amendment of records.

d. The effect of the PA on the dissemination of crime records is discussed in paragraph 3-3, infra.

SECTION III

RELEASE OF CRIME RECORDS

3-3. STATUTORY EXCEPTIONS.

a. The Privacy Act allows disclosure of personal information without the individual's consent in eleven situations. Three of these are of primary importance to the release of information from crime records.

b. The first exception, 5 USC 552a(b)(1) allows disclosure of records within the agency that maintains the records to those officers and employees of the agency who have a need for the record in the performance of their duties, if the use is compatible with the purpose for which the record is maintained. For this purpose, release within DOD is considered to be intra-agency and provisions of DOD Directive 5400.11 (Personal Privacy and Rights of Individuals Regarding Their Personal Records) and AR 340-21 (The Army Privacy Program) apply.

c. The second exception, 5 USC 552a(b)(3), allows disclosure of personal information to those "routine users" identified in the applicable system notice published in the Federal Register. A "routine use" means the use of such record for a purpose which is compatible with the purpose for which it was collected. This exception permits disclosure of personal information between DOD and one or more criminal law enforcement activities, who acting independently or in concert, seek to eliminate or curtail criminal activity. These routine exchanges serve to further investigative efforts by verifying information, determining new investigative sources and maintaining cooperation and relationships with criminal law enforcement agencies or components external to DOD.

d. The third exception, 5 USC 552a(b)(7) allows disclosure of personal information to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the US for a civil or criminal law enforcement activity, if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to the agency which maintains the records specifying the particular portion desired and the law enforcement activity for which the record is sought. The authority to make such a release may be delegated by the head of the agency or instrumentality.

3-4. RELEASE OF INFORMATION FROM ARMY RECORDS FURNISHED BY FOREIGN GOVERNMENTS.

a. Information contained in Army crime records supplied by foreign governments is subject to the mandatory disclosure requirements of both the FOIA (5 USC 552) and PA (5 USC 552a). However,

neither statute is necessarily a bar to denying the subject of an investigation nor the general public access to material derived from foreign sources in those instances in which the data are classified by a foreign government or when the material has been released to Department of the Army under a pledge of confidentiality.

b. Executive Order 11652 provides that: "Classified information or material furnished to the United States by a foreign government or international organization shall either retain its original classification or be assigned a United States classification." In either case, the classification shall assure a degree of protection equivalent to that required by the government or international organization that provided the information. The FOIA (5 USC 552(b)(1)) expressly exempts from public disclosure material that is authorized to be kept secret under criteria of Executive Order 11652. Section 552a(k)(1) of the Privacy Act of 1974 also recognizes the need for protecting classified material and permits the Secretary of the Army to exempt those records containing classified material from the access provisions of the Act. Thus, neither the FOIA nor the Privacy Act of 1974 requires disclosure of classified information to either the subject of the investigation or to the general public.

c. If non-classified information is received under a pledge of confidentiality from a foreign government, the source of the information may still not be subject to public disclosure under the FOIA or the Privacy Act by application of 5 USC 552(b)(7)(D) and 5 USC 552a(k), respectively. Moreover, if disclosure of the information itself would identify the source, then the information similarly would not be subject to disclosure under either of the aforementioned statutes. Therefore, material received from foreign governments and made a part of Army crime records is in some instances capable of protection from the mandatory disclosure requirements of the FOIA and PA.

3-5. RELEASE OF INFORMATION TO FOREIGN GOVERNMENTS AND LOCAL LAW ENFORCEMENT AGENCIES IN AND OUTSIDE CONUS.

a. Release of information from Army crime records is subject to both the broad constructions of the PA and the FOIA and the precise structures and requirements of the various treaties, Status of Forces Agreements (SOFA), and supplements thereto.

b. Usually, US obligations under international agreements will be able to be satisfied by releasing information to governments through the "routine use" exception to the PA discussed in paragraph 3-3. Further legal research and guidance will be necessary to resolve the problems of international information disclosures required by treaty or other agreement if the "routine use" section does not prove to be adequate in a given situation.

3-6. RELEASE OF INFORMATION SUPPLIED BY THE STATES TO THE FEDERAL GOVERNMENT.

a. Although liaison with the states is vital for law enforcement purposes, the states that supply Army law enforcement officials with criminal information should be aware that the mandatory disclosure requirements of the FOIA and the PA may be applicable to the data they provide which become a part of Army "records." As defined in Army Regulation 340-17, as changed, records "received by an agency of the United States Government . . . in conjunction with the transaction of public business and preserved . . . by that agency or its legitimate successor as evidence of the . . . decisions, procedures, operations, or other activities of the Government . . ." are subject to the provisions of the FOIA. The definition makes no distinction as to the source of the documents, and furthermore makes receipt of the document for the uses delineated above the only criteria for becoming an agency "record."

b. Thus, notwithstanding state statutes, Army criminal record custodians should observe the binding law (and exemptions to release) found in the FOIA and the PA. Of course, where possible, the spirit of the various state laws should be followed in an effort to keep the information flowing to the Army law enforcement agencies. Careful use of the exemptions from mandatory release under the FOIA and PA should give state information necessary protection.

SECTION IV

SPECIAL HANDLING OF RECORDS PERTAINING TO JUVENILES

3-7. IMMUNITY FROM STATE LAWS. While it is common knowledge that the release of information pertaining to juveniles is a sensitive matter, the state laws regarding such matters are generally not applicable to the Army. In the performance of their governmental functions, federal instrumentalities are immune from state regulations. This is not to preclude, as a policy matter, an effort on the part of HQDA to comply with state laws. Federal immunity is founded on the "supremacy of the law clause" found in the second clause of Article VI, US Constitution and on the doctrine of sovereign immunity.

3-8. FEDERAL STATUTES.

a. In 1974 Congress enacted PL 93-415, the Juvenile Justice and Delinquency Prevention Act, which among other things restricts the disclosure of Federal District Court proceedings against juveniles to the following five instances:

- (1) Inquiries received from another court of law.
- (2) Inquiries received from an agency preparing a presentence report for another court.
- (3) Inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency.
- (4) Inquiries in writing from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court.
- (5) Inquiries from an agency considering the person for a position immediately and directly affecting the national security.

b. While the above restrictions on disclosure of records (18 USC 5038) by its terms only applies to Federal District Courts, it evidences a Congressional intent and policy which is a relevant factor in applying the FOIA. It is conceivable that a crime record on an adult could be required to be disclosed as its disclosure would not be a clearly unwarranted invasion, but that an identical record on a juvenile would be exempt from mandatory disclosure under the FOIA (5 USC 552(b)(6) or (b)(7)(C)). Assuming a record was exempt from mandatory disclosure under FOIA (thereby not disclosable under 5 USC 552a(b)(2)) an agency could still release the record in other

situations prescribed in the PA. To the extent that the PA permits broader disclosure to federal, state and local agencies via the "routine use" provisions, or upon written request of an agency head, consideration should be given to restricting the use of discretionary release, as a matter of policy, to those situations analogous to the situations specified in 18 USC 5038.

c. Therefore, the Army should consider adopting the guidelines of 18 USC 5038 for release of criminal law enforcement records pertaining to juveniles, in addition to authorizing release of juvenile records to commanders and staff judge advocates for possible administrative action. Such use is necessitated by instances in which the commander, carrying out his responsibility for the preservation of law and order, may initiate action to bar the juvenile from the installation under provisions of section 1382, title 18, USC.

SECTION V

RETENTION OF INFORMATION ON NON-DOD-AFFILIATED PERSONS

3-9. POLICY.

a. In 1972, the Defense Investigative Review Council (DIRC) studied whether or not criminal investigative activities within DOD should be included in DIRC guidelines established in DOD Directives 5200.26 and 5200.27. The study found no fault with these programs as long as the intended purpose was adhered to. An extract of the DIRC Guidelines to Criminal Investigative Activities is as follows:

The limits of military investigative jurisdiction are also reflected in the criminal information collection requirements established by each of the services. Each service maintains an active criminal information program designed to ensure that pertinent information concerning criminal activities involving or affecting the military is collected from available sources and recorded, processed and disseminated as appropriate to investigative agencies. However, the investigative directives and manuals of each service make clear that within the United States such operations may be targeted only against persons or criminal activities over which the Military Department has jurisdiction. The use of the criminal information program for the purpose of collecting information concerning persons not affiliated with DOD is expressly prohibited by each.

This extract may be misleading or ambiguous if the military investigative information system and its elements are not fully understood or considered. The "prohibited purpose" related to non-affiliated persons should be placed in proper perspective with the second and third sentences of the extract. The phrases ". . .concerning criminal activities involving or affecting the military. . ." and . . . "target only against persons or criminal activities over which the Military Department has jurisdiction. . ." may seem contradictory. However, the inherent authority of the installation commander to preserve law and order on the installation would seem to confer investigative jurisdiction over all persons engaged in criminal activities which disrupt the efficient operation of the military organization. Additionally, the Delimitations Agreement of 1949 and the Memorandum of Understanding between DOJ and DOD, dated 19 July 1955 confer authority on the military departments to conduct criminal investigations, subject to the jurisdictional limitations in the agreements. Accordingly, criminal investigative activities conducted in accordance with

appropriate regulatory and directive authority properly may be directed against non-affiliated persons. Such investigations may not be used as a subterfuge for investigations within the framework of the "prohibited purpose" described above.

b. Army Regulation 380-13 outlines policy for the acquisition and storage of information concerning non-affiliated persons and organizations. It places no restrictions on such information obtained in connection with authorized criminal investigations and law enforcement gathering activities that are not "counterintelligence" related and are the responsibility of the military police or USACIDC. AR 380-13 is based on DOD Directive 5200.27, which recognized the need for this exception. This, in effect, allows the military police and the USACIDC to treat information pertaining to non-DOD-affiliated civilians the same as that for military personnel and civilian employees, as long as the information is obtained in connection with an authorized activity of the military police or USACIDC.

3-10. SUMMARY.

a. Army authority for jurisdiction over criminal offenses is derived from a variety of sources. This authority is sufficiently broad to allow Army commanders to protect Army property, personnel and materials, and to keep necessary criminal records.

b. The Privacy Act of 1974 and the recent amendments to the FOIA impact on the recordkeeping authority of the Army by:

(1) Requiring that federal records generally be made more available to individuals who request them;

(2) Imposing certain restrictions on the acquisition, storage, use and dissemination of personal information.

c. The impact of the Privacy Act of 1974 and the recent amendments to the FOIA on crime records (other than administrative burdens such as publication of systems notices and accounting for disclosures of PA records) is largely negated where a legitimate governmental purpose is involved, by the law enforcement exemptions to both acts.

CHAPTER 4

TRENDS IN CRIMINAL JUSTICE SYSTEMS

4-1. GENERAL. In recent years the nation's courts, legislative and executive arms of government at the federal levels, as well as private interest groups, have expressed increased interest in records associated with criminal justice systems at the local, state and federal levels. This chapter analyzes their efforts and sets forth emerging trends resulting from attempts to strike the proper balance between the rights of society and those of individuals within the society with respect to the preparation, use, retention, exchange and disposition of crime records.

4-2. LEGISLATION.

a. During the 94th Congress, three bills were introduced pertaining to the protection of personal privacy with respect to criminal records. Since the 94th Congress' House of Representatives Bill 8227 (HR 8227) and Senate Bill 2008 (S 2008) are identical, they are addressed as one. These two bills will be compared with House of Representative Bill 61 (HR 61) which is the only bill still pending. This bill has the support of the Department of Justice and the DOD. Comparison of the two bills shows the complexity of the issues involved and the difficulty in balancing the interests of society in the administration of criminal justice to those of the individual with respect to the right to personal privacy.

b. HR 61 differs in many respects from HR 8227. It is considerably more lenient in its restrictions on the use of criminal justice information, advocating state and local law enforcement agencies remain as autonomous as possible from federal control.

c. In contrast to HR 61, HR 8227 not only calls for the establishment of a federal commission to oversee administration and enforcement of the provisions of the bill, but empowers it to promulgate binding rules and regulations.

d. Another principal variation between the bills is the preclusive approach of HR 8227. HR 61 adheres to a minimum standard approach. Basically, what is not permitted by HR 8227 is prohibited, while HR 61 merely establishes minimum standards for criminal justice information.

e. Both bills are comprehensive and encompass all major aspects of criminal justice information categorized as criminal history, investigatory, intelligence and correctional information. Both bills address the collection, retention, use and dissemination of this information and in doing so recognize the separate, but inter-related interests of state and federal criminal justice agencies.

f. In the area of maintenance and access to criminal justice information, there are fundamental differences between the two bills. As mentioned, HR 61 is cast in general terms. It restricts criminal justice information collection to official purposes; it limits access to a need-to-know basis and requires an accounting of exchanges with other agencies. Conversely, HR 8227 provides that such information may be maintained only if "grounds exist connecting an individual with known or suspected criminal activity and if the information is pertinent to such criminal activity." As to dissemination of the information, HR 8227 authorizes such only to confirm the reliability of information already in the possession of an authorized requesting federal agency or other criminal justice agency and then only when the requesting agency ". . . is able to point to specific and articulable facts which, taken together with rational inferences from those facts, warrant the conclusion that the individual has committed or is about to commit a criminal act and that the information may be relevant to the act." Such restrictions on criminal intelligence would pose serious problems, not only in the area of interpretation but more importantly in the crime solving process involving the more serious and complicated cases where many small pieces of criminal intelligence information are needed to solve or prevent the occurrence of a crime. Such a narrow scope of permissible maintenance may well preclude further criminal investigation and appears to be self-defeating. HR 61 does not attempt to create standards in this area, but leaves their development to the various law enforcement agencies, subject to study and recommendation by a proposed commission, included as a part of the bill.

g. The provisions for maintenance of investigative information in HR 8227 pose equally difficult problems in that it prohibits retention of information beyond the applicable statute of limitations. This restriction is of concern to the investigator who is looking at a series of events in order to solve a complex offense or series of offenses. The usefulness of the investigatory information is not necessarily diminished by the passage of time. HR 61 does not limit the undeveloped standard in this area.

h. In the areas of accuracy of records and disposition of offender information, both bills are in agreement as to the need for these requirements. Likewise, both bills grant an individual the right of access to criminal history information in order to correct inaccuracies. However, HR 8227 goes beyond HR 61 and requires the correction of records which originated in another agency. The HR 61 definition of disposition is much broader and therefore makes records more complete and accessible.

i. HR 61 goes further than HR 8227 in accountability. Both bills require strict accountability for dissemination of information. However, HR 61 requires special accounting for remote terminal access to information, to the extent that street patrols are included in order to insure that information retrieved from computers is properly utilized.

j. Both bills have a similar approach to enforcement, although the details differ considerably. The major difference is found in the provision of HR 8227 which authorizes a commission to seek declaratory judgment and cease and desist orders. This provision could interrupt investigative proceedings while litigation determines whether a particular person is a proper recipient of the criminal information. HR 8227 suggests that violations of the act, other than violations of internal operating procedures, or of commission regulations could provide a basis for the exclusion of valid evidence in criminal proceedings. Such a rule would be of far reaching impact and contrary to the current trend in which it appears that the Supreme Court is moving away from the present exclusionary rule.

k. HR 61 advocates the establishment of a uniform federal standard for interstate exchange of information and exchanges between federal and state agencies. In so doing, it allows the state laws to be operational as long as they meet minimum federal standards. On the other hand, HR 8227 allows state laws to govern only to the extent of their imposing stricter standards than federal law.

l. In the areas of dissemination, access and use by noncriminal justice agencies, HR 61 and HR 8227 differ in that the latter restricts use of conviction information to those uses authorized by federal or state statute. The former permits use, if authorized by Executive Order. The use by noncriminal justice agencies, pursuant to Executive Order, makes possible use for government employment where a security check is required by Executive Order. Both bills allow the use of criminal intelligence for criminal justice appointments, as well as providing for access by federal agencies to criminal justice intelligence for employment and security clearance purposes.

m. Both bills allow dissemination of arrest record information and criminal history record information for federal employment or security clearance when the information is requested by the federal agency, as part of a background or security investigation or as required by statute or Executive Order. In this regard HR 61 is not as stringent as HR 8227. It permits the dissemination of criminal intelligence for these type checks, while HR 8227 only permits it if the check is for the purpose of granting a "top secret" clearance. This distinction is substantial and would have major impact on all federal agencies. Both acts provide for notification of individuals concerning a pending investigation and its scope.

n. Both HR 61 and HR 8227 exclude "records relating to violations of the Uniform Code of Military Justice" but only so long as those records are maintained solely within DOD.

4-3. JUDICIAL TRENDS.

a. The Supreme Court very recently dealt with the issue of the right to privacy as it related to criminal records. In Paul, Chief of Police, Louisville, et al v. Davis, 424 US 693 (23 March 1976); 47 L. Ed. 2d 405, the court held that there was no violation of any rights found in the guarantee of personal privacy when the police department of Louisville, Kentucky publicized the arrest record of the respondent in a city wide effort to reduce shoplifting during the Christmas season. The respondent had been arrested, but not convicted of shoplifting more than a year before. The Louisville police publicized his "mug shot," along with others, in a flyer designed to alert local businessmen and their store security personnel. The respondent brought suit under 42 USC 1983, seeking redress for alleged violation of rights guaranteed to him by the Constitution of the United States. The Supreme Court, in reversing the Court of Appeals for the Sixth Circuit, found that the petitioner's action in distributing the flyer did not deprive the respondent of any "liberty or property" rights secured against state deprivation by the Due Process Clause of the Fourteenth Amendment. The impugning of respondent's reputation, standing alone, did not implicate any "liberty or property" sufficient to invoke the Fourteenth Amendment or establish a claim under 42 USC 1983.

b. The significance of the decision lies in the judicial recognition that a state may publicize a record of an official act, such as an arrest. The court did not pass on whether the respondent was defamed by the publication and left that issue for resolution under Kentucky law. What the court did pass on was the effect of the publication on respondent's constitutional rights.

Finding nothing rising to the level of constitutional infringement, the court held in favor of the Louisville police chief. In so doing, the court declined to constrain a state from publicizing the public record of an arrest. The court did not go beyond the facts in the case to discuss the use made of the record. The fact is that the use was clearly for a legitimate law enforcement purpose and the court gave its blessing.

c. An arrest or a conviction for a criminal offense may well be disclosed under FOIA, so long as a record of trial exists or the arrest is so recent, in terms of time, as to be a matter of common public knowledge. An individual's apprehension may become public knowledge and an individual's right to privacy is incrementally lessened as the degree of that involvement and the seriousness of the offense increases; however, these factors must be weighed against the factor of time. To needlessly embarrass an individual for a relatively minor conviction early in his or her life, or to needlessly disclose an arrest record after the passage of time, serves no purpose except to focus undeserved attention on what is no longer relevant or significant. Seldom do minor offenses have a bearing on current decisions; except those matters which if disclosed, would serve to damage the individual's or employer's credibility. With this in mind, criminal records become significant for determinations involving suitability for employment in certain occupations. In this regard, the public has a right to expect and demand that certain Army personnel be above reproach and demonstrate trust and confidence, even in matters which may seem significant only during times of close scrutiny and public questioning.

4-4. VIEWS AND TRENDS IN OTHER COURTS.

a. While the aforementioned Supreme Court decision (Paul v. Davis, supra) indicates a more liberal view towards use of crime records, other courts prior to this decision, have indicated other trends.

b. One case exemplifies the need for accurate and up to date records. A defendant was found in possession of an illegal shotgun when arrested based upon an outdated NCIC report that he was wanted in California for parole violation. Since the California warrant had been satisfied five months before the defendant's arrest, the court ruled that there no longer existed any basis for his detention, and therefore the government could not profit by its own lack of responsibility (United States v. Mackey, 387 Fed Supp 1121 [1975]). Thus, the government's Faulty recordkeeping excluded the evidence and the charge was dismissed.

4-5. EXPUNCTION OF RECORDS.

a. Another area of judicial activity is expunction of arrest records. An extreme position is highlighted by the United States v. Kalish, 271 Fed Supp 968 (1968) where the court held that expunction should always follow where the accused is acquitted or otherwise discharged without conviction.

b. Other expunction cases have taken a middle-of-the road approach, balancing the right of the accused not to be forever burdened by an undeserved arrest record against the inherent benefit to the community in maintaining a criminal information system, and ordering expunging only under "unusual" circumstances. See e.g., Menard v. Saxbe, 498 F. 2d 1017 (DC Cir. 1974); United States v. Rosen, 343 Fed Supp 804 (SDNY, 1972).

c. The other extreme position was advanced by the Seventh Circuit Court of Appeals, which held that a police department's responsibility to maintain order and public safety requires that all arrest records be retained regardless of whether the accused is acquitted, discharged or otherwise released from charges. Herschel v. Dyra, 365 F. 2d 17 (7th Cir. 1966), cert. denied 875 Ct. 513; see also Rogers v. Slaughter, 469 F. 2d 1084 (5th Cir. 1972). The recent Supreme Court decision in Paul v. Davis, supra lends weight to this view concerning the maintenance and dissemination of arrest records.

4-6. VIEWS OF THE DEPARTMENT OF JUSTICE.

a. As discussed earlier in Section I, supra, the views of DOJ and the Executive are embodied in HR 61, 94th Congress. That bill in the view of DOJ is the most workable solution to the complex problem involving the use of criminal justice information and the right to privacy. It strikes a balance between the public's right to know and the individual's right to preserve a certain zone of privacy. The bill recognizes that historically law enforcement is a state and local government function and tries to put as few restrictions on the state agencies as possible. It also recognizes the danger inherent in secret law enforcement proceedings and the need for an informed public.

b. HR 61 also contains provisions indicating that to make individuals continue to pay for an error all of their lives dashes any hopes of rehabilitation. In essence, DOJ favors HR 61 because it attempts to strike the balance between the rights of society and the rights of individuals.

4-7. VIEWS OF THE DEPARTMENT OF DEFENSE.

a. In consonance with the DOJ, DOD also favors enactment of HR 61. Although criminal records generated under the provisions of the UCMJ are exempt from coverage under the bill, HR 61 is of vital importance to DOD in the area of suitability for employment and retention of the millions of people who are involved in national security (both military and civilian).

b. DOD requires criminal justice information to determine the eligibility of individuals for access to classified information.

c. HR 61 provides DOD with the ability to secure the criminal justice information it needs to carry out the above functions. Since HR 8227 would be more restrictive in this critical area, DOD is very much opposed to its enactment and has voiced this opposition before the Congress.

4-8. OTHER VIEWS.

a. One agency that has devoted considerable research toward the problem is the Security and Privacy Standing Committee of Search Group, Inc. (SGI). Project SEARCH was created in 1969, pursuant to a Law Enforcement Assistance Administration (LEAA) grant. It was in response to the increasing trend of the states to devote large sums of money to expensive and largely unevaluated computer systems. The corporation was established to provide an orderly and efficient means of developing, evaluating and implementing these systems. Its first major effort was the development and successful demonstration in seven cooperating states of a prototype computer-based system for the interstate exchange of criminal history records. This prototype system was extended to 20 states and ultimately became the basis for a national operational system now under development. SEARCH is governed by a policy board of gubernatorial representatives from every state. It is organized as a nonprofit corporation and continues to be the central focus of research and development in the field of technological applications to criminal justice systems.

b. In its Technical Report Number 13, SGI outlined standards that it believes are appropriate for federal legislation related to state and local agency regulations and procedures for use of criminal justice information. It is their belief that the standards in Technical Report Number 13 provide full protection of individual rights without unduly burdening or hampering criminal justice agencies.

c. The standards developed by SGI would exclude the following from coverage by the proposed legislation:

(1) Initial records of entry maintained at police stations, such as "police blotters" and "incident reports," provided such records are organized chronologically and are not indexed or accessible by name, and if they are permitted by law or longstanding custom to be made public.

(2) Court records of public criminal proceedings that are open to public access; court opinions, including published compilations thereof; or records or indexes of pardons or paroles accessible only by date or by docket or file number.

(3) Records of traffic offenses maintained for the purpose of regulating the issuance, suspension, revocation or renewal of drivers' licenses.

(4) Records relating to violations of the UCMJ maintained solely within DOD and not disseminated to agencies or systems covered by the legislation.

(5) Statistical or analytical records or reports in which individuals are not identified and from which their identities cannot be ascertained.

d. The SGI further proposes that federal legislation should:

(1) Not prevent criminal justice agencies from continuing to disclose to the public and the press factual information about investigations, arrests and other criminal justice events, if such disclosures are reasonably contemporaneous with the events and derived from the records precluded from coverage previously described.

(2) Be limited to the establishment of minimum standards for agencies and information systems and to the maximum extent

possible, rely for implementation upon state laws and regulations and upon regulations and operating procedures adopted by individual agencies and systems.

(3) Not affect the continued routine maintenance, dissemination and use by criminal justice agencies of wanted persons information and identification information for authorized purposes related to the performance of the duties of such agencies.

e. The standards further provide:

(1) That correctional and release information should be made available only to:

(a) Criminal justice agencies for criminal justice purposes and to the extent necessary for the performance of duty.

(b) The individual subject or his or her attorney, if authorized by federal or state statute or court order or rule.

(2) That criminal justice intelligence and investigative data information not be co-mingled with other types of criminal justice information, and that such other information not contain any information that indicates or suggests that a criminal intelligence or investigative file exists on individuals to whom the information relates.

(3) That other types of criminal justice information may be included in criminal intelligence and investigative files, but should not, solely by reason of such inclusion, become subject to the restrictions or access and dissemination applicable to criminal intelligence and investigative information.

(4) That direct access to criminal justice information systems be strictly limited to authorized officers or employees of criminal justice agencies and operating procedures be established to restrict access to criminal justice information to those officers and employees who are authorized to have particular kinds of information and who need such information for the performance of their duties.

(5) That the use of such information be restricted to purposes authorized by legislation.

(6) That secondary dissemination of such information be limited to recipients who are eligible under the legislation to receive the information.

(7) That criminal justice information may continue to be used routinely by criminal justice agencies for criminal justice

purposes including information that indicates an individual pleaded guilty or nolo contendere to or was convicted of the offense with which charged.

(8) That arrest record information and criminal record information continue to be used by criminal justice agencies for criminal justice purposes to which they are relevant. Such use includes: information indicating that an individual was not charged with an offense; that a decision was made not to prosecute; that the individual was acquitted, or that the criminal proceedings were otherwise concluded in favor of the individual. These uses must be provided for by agency rules or regulations and exist specifically to limit such use to the following purposes:

(a) Employment purposes concerning the agency's own personnel or applicants.

(b) The commencement of prosecution, determination of pre-trial or post trial release or detention, the adjudication of criminal proceedings or the preparation of a presentence report.

(c) Supervision by a criminal justice agency of an individual who has been committed to the custody of that agency prior to the time the arrest occurred or the charge was filed.

(d) The investigation of an individual when that individual has already been arrested or detained.

(e) The development of investigative leads for particular criminal offenses, if access to the information is limited to criminal justice officials with both a need and a right to have access to such information.

(f) The alerting of an official or employee of a criminal justice agency that a particular individual may present a danger to his or her safety or for similar essential purposes.

(9) That criminal justice information, including criminal intelligence, investigative information, and information that has been sealed continue to be used as follows:

(a) Purposes of employment screening of its own personnel by a criminal justice agency.

(b) Use by federal, state or local government officials, authorized by law to appoint or nominate judges, executive officers of criminal justice agencies or members of federal or state boards created to regulate criminal justice information systems.

(c) Use by legislative bodies authorized to approve appointments of officials enumerated above, provided assurances exist that an individual has been appointed or is under consideration for an appointment and that the individual has been notified of the request for criminal justice information and has given written consent to the release of the information.

(10) That criminal justice information for noncriminal justice governmental employment be used as follows:

(a) Arrest record information and criminal record information should be available to any federal or state agency for the purpose of an employment application investigation, an employment retention investigation, or the approval of a security clearance for access to classified information. Availability should be related to situations in which the information is requested pursuant to a statute or executive order authorizing a comprehensive investigation of the history and background of an individual. Further, it should be pursuant to agency regulations setting forth the nature and scope of such an investigation.

(b) For the purpose of an investigation relating to a security clearance for access to classified information, records that have been sealed may be made available. For security clearances for access to information classified as "top secret," criminal justice intelligence and investigative information may also be made available.

(c) No information should be made available unless an individual was put on notice at the time of filing for employment, application for a security clearance, or otherwise involved in any action resulting in an investigation, that such an investigation, would be conducted and that access to this type of information would be sought.

(11) That arrest record information, criminal record information (including sealed information), criminal justice intelligence information and criminal justice investigative information, be made available to the President and to the chief executive of any state for the appointment or nomination of executive governmental officials. Further, it be made available to legislative bodies authorized to confirm such appointments or nominations. In either case, availability of such information should be made only upon receipt of assurances that an individual has been appointed or nominated or is under consideration for an appointment or nomination, that the individual has been notified of the request for criminal justice information, and has given written consent to the release of the information. The information obtained shall be used only for the purpose for which it is made available and is not to be copied or disseminated. When the immediate purpose for which it was obtained has been accomplished, it shall be returned.

(12) That the use of criminal justice information for non-criminal justice purposes be generally as follows:

(a) Criminal justice information, with the exception of criminal intelligence and investigative information, should be available to qualified persons and organizations for research, evaluative and statistical purposes related to criminal justice. Release should be based on written agreements, reasonably designed to insure the security and confidentiality of the information and the protection of the privacy interests of individual subjects. Whenever such information is made available, the identification component of all records should be deleted unless the purpose of the research clearly cannot be accomplished without such identification information.

(b) Rehabilitation officials of a criminal justice agency should be permitted to orally present to prospective employers of offenders under the agency's supervision, the substance of the offender's criminal justice information. Such disclosure should be for the purpose of assisting the offender in obtaining employment upon release, if the offender or their attorney consent.

(c) The dissemination or use of criminal justice information for any other noncriminal justice purpose, such as licensing, employment checks, or credit bureau use, should be permitted only if:

(1) Such dissemination and use are required to implement a federal or state statute that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct;

(2) The information available is limited to conviction records and arrest records where the arrest is not over a year old or the charges are still actively pending; and

(3) The individual subject has been notified by the requesting agency or person that the request has been made and the individual is given the opportunity to review the information and initiate proceedings for challenge or correction of any inaccurate or incomplete information.

(13) That access by individuals for purposes of challenge be as follows:

(a) Individuals who satisfactorily verify their identity and comply with reasonable rules and regulations should be permitted, in person or through counsel, to review and obtain a copy of any arrest record information or criminal history record information

concerning them; maintained anywhere the individual applies, for the purpose of challenging its accuracy, completeness or the legality of its maintenance.

(b) Each criminal justice agency should adopt and publish rules and procedures to implement these requirements, including some method of administrative review for any challenge the individual may make, as well as appropriate notice of corrections being given to criminal justice agencies that have received inaccurate or incomplete information.

(c) Each state should provide a procedure for administrative appeal upon request by the individual in instances in which a criminal justice agency refuses to correct challenged information to the satisfaction of the individual. Such appeal should include a hearing, in appropriate cases, at which the individual should be permitted to appear with or without counsel, to present evidence, and to examine and cross-examine witnesses. Each state should provide for judicial review of any final decision taken after administrative appeal pursuant to the above mentioned hearing if the individual is not satisfied with such decision.

(14) That individuals who obtain any copy of any information regarding themselves should not be requested or required to transfer or show such copy to any other person or agency, and any request for such transfer or disclosure should be prohibited.

(15) That criminal intelligence information should be governed by the following:

(a) It should be collected and maintained only if grounds exist connecting the individual with known or suspected criminal activity and if the information is relevant to that activity. Criminal intelligence files should be reviewed at regular intervals and, at a minimum, upon any request for dissemination of particular information a determination whether grounds for retention of the information should be made. If no grounds exist, the information should be destroyed.

(b) Within a criminal justice agency, access to and use of criminal intelligence information should be strictly limited to officers and employees who are authorized to have such access and use, and who have a demonstrated need for the particular information.

(c) An assessment of criminal intelligence information may be provided to a governmental official or to any other individual when necessary to avoid imminent danger to life or property.

(d) Criminal intelligence information should be disseminated outside of the collecting agency only for the following purposes:

(1) Appointment and employment screening purposes as authorized;

(2) Confirmation of information in the files of another criminal justice agency; or

(3) For investigation of an individual by another criminal justice agency if the requesting agency gives assurances that valid grounds for the investigation exist and that the information is relevant to the investigation.

(16) That criminal investigation information be used as follows:

(a) Access to and dissemination of criminal investigative information should be limited to criminal justice agencies and, within a particular agency, to officers and employees who are authorized such access and use, and who have a demonstrated need for particular information.

(b) Use of such information should be limited strictly to criminal justice purposes.

(c) An assessment of criminal investigative information may be provided to a governmental official or to any other individual when necessary to avoid imminent danger to life or property.

(17) That access to criminal justice information for remote terminal access to automated criminal investigative and intelligence information should not be permitted outside the agency which compiled and automated the information, except where expressly authorized by federal or state law or for identification information sufficient to provide an index of individuals included in automated investigative and intelligence systems.

(18) That the use of arrest information be as follows:

(a) Except as permitted in criminal record information use described above, arrest record information and criminal record information should be made available only if the inquiry for such information is based upon identification of the individual to whom the information relates by means of name and other identification record information. After the arrest or detention of an individual, such information concerning the individual should be available only

on the basis of positive identification; by means of fingerprints or other equally reliable identification record information.

(b) A criminal justice agency should be permitted to respond to requests for arrest record information and criminal record information, based upon categories of offenses or other data elements other than identification record information. Such response should be permissible if the requesting agency has operating procedures designed to insure that such information is used only for the purpose of investigation of a particular criminal offense. Further, the information will be available only to criminal justice officials and employees with authority and a particular need to have the information.

(19) That security, accuracy and completeness of records be reasonably assured by each criminal justice agency adopting operational procedures. Such procedures should:

(a) Insure the physical security of criminal justice information in its custody and prevent the unauthorized disclosure of such information;

(b) Insure that dispositions and other additional or corrective information pertinent to original arrest records and criminal records are promptly reported for inclusion in such records;

(c) Insure, as soon as possible, that such additional information is communicated to persons or agencies from which the original information was received and to which inaccurate or incomplete information has been disseminated, during the record retention period;

(d) Insure that information is not disclosed or removed from the system, modified, nor updated except upon verification of the identity of the individual to whom the information refers;

(e) Insure that records are made, and maintained for a period of at least three years;

(f) Insure that any information provided is recorded, along with the identity of other agencies or persons to whom criminal justice information is disseminated, the date of the dissemination, the authority of the requestor, and the purpose of the request.

(20) That arrest record information and criminal record information are sealed or purged when required by federal or state statute, court order or court rule. In addition, such procedures should provide for the sealing or purging of:

(a) Arrest record information where the arrest is not followed by formal charges or where prosecution is not actively pending at the end of that period, if the individual is not a fugitive.

(b) Felony conviction record, if the individual has been free of criminal involvement for a period of seven years following final release from confinement or supervision; unless the conviction record has been specifically exempted from sealing under federal or state statute; and

(c) Misdemeanor conviction records, if the individual has been free of criminal involvement for a period of five years following final release from confinement or supervision; unless the conviction record has been specifically exempted from sealing under federal or state statute.

(21) That sealing is accomplished by some procedure that, as a minimum, removes the information from routinely available status to a status requiring special procedures for access.

(22) That purging includes the removal and destruction of all criminal justice information relating to the arrest, detention or charges.

(23) That sealing and purging be accomplished in automated systems at intervals as frequent as feasible; and in systems in which the sealing and purging process is not automated, upon request for access to the information or upon receipt of a court order or other formal notice that sealing or purging is required.

(24) That sealed records be made available

(a) For employment and appointment purposes as previously mentioned;

(b) For research, evaluative and statistical purposes;

(c) For review by the individual for purposes of challenge or correction;

(d) For audit purposes;

(e) If the individual is subsequently arrested for an offense which is subject to imposition of a higher sentence under a federal or state statute providing for additional penalties for repeat offenders;

(f) If subsequent criminal charges are filed against the individual; and

(g) Upon court order.

(25) That criminal justice agencies be required to maintain indexes of sealed records to facilitate access to the records for the purposes described above. Access to such an index should be limited to authorized officials and employees of criminal justice agencies who need access for one of the above enumerated purposes.

(26) That a national interstate criminal justice information system be established for the exchange among state and federal criminal justice agencies of arrest record information, criminal record information, correctional and release information, wanted persons information and identification information. Such exchange is conditioned upon legislation specifying the extent to which federal criminal justice agencies may participate in such a system, to include whether such a federal agency may provide central information maintenance facilities or telecommunications facilities for the interstate transmission of information.

(27) That central maintenance of criminal records at the federal level for a system, as described above, be strictly limited to the following:

(a) Federal and foreign records;

(b) Records of felony offenses submitted by states that otherwise would not be able to participate fully in the national system because of the lack of facilities and procedures, but only for a period of five years after the effective date of the legislation.

(28) That the national system for all other records be limited to the maintenance of personal identification information sufficient to provide an index of individuals with records maintained by state and local criminal justice agencies and the identity and location of criminal justice agencies maintaining such records.

4-9. SUMMARY.

a. Trends regarding specificity as to how crime records are to be used in our society have vacillated in recent years. The Congress, courts and private interest groups have made attempts at isolating the issues and solving the problem; however, except for passage of the Freedom of Information and Privacy Acts, both of which allow broad general exceptions for law enforcement agencies, specific statutory guidance has not been provided.

b. House of Representatives Bills 61 and 8227, and Senate Bill 2008 evidence an effort on the part of Congress to come to grips with a complex problem. While HR 8227 offers a more comprehensive

solution than HR 61, the latter seems more practical in that it creates basic guidelines that appear to assure the protection of privacy in the area of criminal justice information, while simultaneously not unduly limiting legitimate law enforcement and government functions. Figures 1 through 3 depict a summary of the proposals advanced in recent years.

c. The Department of Defense favors HR 61 which allows a more liberal use of crime records for administrative purposes.

FIGURE 1
 RECOMMENDED DISSEMINATION OF CRIMINAL JUSTICE INFORMATION
 IN SENATE BILL 2008 AND
 HOUSE OF REPRESENTATIVES BILL 8227

TYPE CRIMINAL HISTORY RECORD DATA

ACTIVITY/PURPOSE FOR RELEASE	Arrest Record Data	Nonconvictional Data	Convictional Data	Correctional Data	Criminal Investigative Data	Criminal Intelligence Data
Federal Employment/ Security Clearance	X	X	X	X	X	X ¹
Any Law Enforcement Official in Imminent Danger					X	X
Individual Concerned	X	X	X	X		
Criminal Justice	X	X	X	X	X	X
Criminal Justice Employment	X	X	X	X	X	X
Federal/State Noncriminal Justice Investigative Agencies	X ²	X ³	X	X ³	X ⁴	
Drug Manufacture Employment	X	X	X	X		
Bank Employment (Federally Related) ⁵						
Prospective Employer			X			
Executive Appointment	X	X	X	X	X	X

AUTHORIZED ACCESS

- (1) Only for "Top Secret" or higher clearance
- (2) Only if under Statute
- (3) Limited

- (4) Court Order; Appointments & Employment Investigation and under FOIA
- (5) Does not specifically address

FIGURE 2
RECOMMENDED DISSEMINATION OF CRIMINAL JUSTICE INFORMATION
IN HOUSE OF REPRESENTATIVES BILL 61

TYPE CRIMINAL HISTORY RECORD DATA

ACTIVITY/PURPOSE FOR RELEASE	Arrest Record Data	Nonconvictional Data	Convictional Data	Correctional Data	Criminal Investigative Data	Criminal Intelligence Data
Federal Employment/ Security Clearance	X	X	X	X	X	X
Any Law Enforcement Official in Imminent Danger (3)						
Individual Concerned	X	X	X	X		
Criminal Justice	X	X	X	X	X	X
Criminal Justice Employment	X	X	X	X	X	X
Federal/State Noncriminal Justice Investigative Agencies	X ²	X ³	X	X ³	X ⁴	X ⁴
Drug Manufacture Employment	X	X	X	X		
Bank Employment (Federally Related)	X	X	X	X		
Prospective Employer	X ¹	X ¹	X	X ¹		
Executive Appointment	X	X	X	X	X	X

AUTHORIZED ACCESS

- (1) To be determined at state or local level
- (2) If allowed under Statute or Executive Order

- (3) Limited
- (4) Pursuant to Statute or Court Order

FIGURE 3
RECOMMENDED DISSEMINATION OF CRIMINAL JUSTICE
INFORMATION BY SEARCH GROUP, INCORPORATED

TYPE CRIMINAL HISTORY RECORD DATA

ACTIVITY/PURPOSE FOR RELEASE	Arrest Record Data	Nonconvictional Data	Convictional Data	Correctional Data	Criminal Investigative Data	Criminal Intelligence Data
Federal Employment/ Security Clearance	X	X	X	X	X ¹	X ¹
Law Enforcement Official in Imminent Danger	X	X	X	X	X	X
Individual Concerned	X	X	X	X		
Criminal Justice	X	X	X	X	X	X
Criminal Justice Employment	X	X	X	X	X	X
Prospective Employer	X ²		X ²	X ³		
Executive Appointment	X	X	X	X	X	X

AUTHORIZED ACCESS

- (1) Only for "Top Secret"
- (2) To implement a Statute
- (3) With reflected individual's consent

CHAPTER 5

THE ARMY'S CRIME RECORDS SYSTEM

5-1. GENERAL. This chapter describes the Army's crime records system, including use of crime records by the military police, USACIDC and commanders and their staffs.

SECTION I

RELATIONSHIP AND ORGANIZATION

5-2. COMMAND AND STAFF RELATIONSHIPS.

a. The preparation, use, retention and release of crime records in the Army are embodied in many functions. Commanders exercise their functions in areas of prosecution, suitability and maintenance of crime records. The provost marshal/security staff officer functions encompass law enforcement and preparation of and maintenance of local records which are centralized at installation/community level. The Staff Judge Advocate (SJA) provides prosecution, legal advice and defense. The CDR, USACIDC maintains centralized criminal investigative records while preparing and maintaining local records.

b. These activities work together and their functions often overlap; however, there are considerable differences in regard to their specific responsibilities. To understand the Army's criminal justice system it is necessary to understand the roles of these activities.

5-3. ORGANIZATION, FUNCTIONS AND OPERATIONAL RELATIONSHIPS.

a. The Army's two law enforcement elements are organized differently and function separately. The military police element which performs crime prevention, police and correctional functions is decentralized and assigned to Army commanders at MACOM, corps or installation/community/division or comparable levels.

b. In contrast, major criminal investigative support is provided by a single command (USACIDC). It provides direct support to Army commanders through its headquarters and field offices. This command is directly responsible to the Secretary of the Army and Chief of Staff of the Army.

c. Although there are some exceptions, the military police element normally investigates offenses punishable under the UCMJ by confinement for a period of one year or less. Offenses are characterized as shown at Appendix I to Annex E.

d. The USACIDC investigates more serious offenses punishable under the UCMJ by confinement for more than one year. The type offenses investigated by USACIDC are shown at TAB B to Appendix I to Annex E.

e. Both the military police and USACIDC maintain local files and provide law enforcement reports to commanders. Reports pertaining to more serious military police cases and all USACIDC cases are forwarded to a centralized crime records facility where they are maintained for 40 years. Military police records and forms are outlined at TAB A to Appendix II to Annex E. USACIDC records and forms are at TAB B to Appendix II to Annex E.

f. The judicial and nonjudicial systems encompass monitoring and implementing the UCMJ. Policy for military justice is promulgated by the TJAG. The recording, reporting and record retention associated with the military justice system are complex and involve not only different levels of command, but other functional staff areas at various command levels.

g. Commanders play a multiple role in the system. They are responsible for the effective functioning of law enforcement and judicial activities, as well as insuring violators are processed through the administrative, nonjudicial or judicial systems. Concurrently, commanders must assure that high quality personnel are assigned to certain positions. To perform these functions, there is a definite need for records to be produced and maintained by law enforcement and judicial staff activities. By necessity, many of these records are also made available to other staff elements who assist the commander in carrying out his responsibilities.

5-4. POLICY DIRECTIVES. Army policy for the preparation, use, retention and disposition of crime records is contained in several regulations. The Deputy Chief of Staff for Personnel (DCSPER), Assistant Chief of Staff for Intelligence (ACSI), The Judge Advocate General (TJAG) and Commander, US Army Criminal Investigation Command (USACIDC) are proponents. Appendix III to Annex E depicts the titles and specific regulatory proponentcy. Most are under the proponentcy of the DCSPER Law Enforcement Division. However, The Adjutant General (TAG), TJAG and CDR, USACIDC have proponentcy for regulations that address or have an impact on the Army crime records system.

SECTION II

PREPARATION, USE, RETENTION AND DISPOSITION OF MILITARY POLICE RECORDS AT INSTALLATION/COMMUNITY LEVEL

5-5. MILITARY POLICE BLOTTER (DA Form 3997).

a. At the local level, Army crime records normally originate with an entry in the military police blotter (DA Form 3997). It is the initial record indicating where and when the military police or USACIDC are first made aware that a crime involving Army property or personnel has occurred or may be imminent.

b. When crimes are imminent, appropriate chronological listings of the events are recorded. Also, reference to the disposition of the incident is annotated, i.e., recorded for information or referred by a case number to the military police or USACIDC for investigation.

c. Current Army policy governing the preparation and use of the blotter indicates it is to be prepared in three copies. The original is forwarded to the senior commander responsible for law enforcement on the installation or in the community. The other two copies are for internal use at the military police desk and in the provost marshal's office. With approval of the senior commander, blotter extracts may be prepared and disseminated to subordinate commanders. The survey results shows that this is done at a number of installation/communities. The total number of copies of the installation/activity police blotter ranges from one to 20. A number of installations/communities reported that only two copies were being prepared; however, approximately 37 percent indicated 10 or more copies were prepared. Most of the extra copies are used in the provost marshal's office.

d. Other uses are: informing the commander's staff of offenses involving possible abuse of alcohol and drugs; analyzing accident trends; and referring information to other staff agencies.

5-6. MILITARY POLICE DESK REFERENCE CARD (DA Form 3998).

a. This form is prepared concurrently with the blotter entry. It is an alphabetical card index containing names of subjects, victims or complainants. Subsequent entries concerning the same individual are recorded on the form bearing his or her name. Current policy states it is to be prepared in one copy and retained at the MP desk. The card is used as an index to the installation/community crime records and is used to screen individuals in support of law enforcement and administrative functions, e.g., record check for granting security clearance.

b. Eighty-six percent of the installations/communities use the card for screening suspects as well as for screening individuals for security clearances, awards, promotions, job applications, reenlistments and mail clerk appointments.

c. As required by current policy, 83 percent stated that as subsequent entries to the blotter are made regarding a change in an individual's status, the change is also posted to the reference card.

5-7. THE MILITARY POLICE REPORT (DA FORM 3975).

a. The basic military police record is the Military Police Report (DA Form 3975). This report, along with the Military Police Traffic Accident Report (DA Form 3946), Armed Forces Traffic Ticket (DD Form 1408) and the USACIDC Report of Investigation (ROI) (DA Form 2800) constitute completed crime reports that are entered in local command, military police and USACIDC field office files.

b. The report is used to record information or complaints received, incidents observed by or reported to the military police, show police action and to apprise commanders of offenses.

c. The report is distributed to the commander concerned. Additionally, reports pertaining to incidents involving shoplifting in Army Air Force Exchange System (AAFES) facilities are provided the local AAFES offices.

d. The form is also used to refer incidents that are within the investigative purview of the USACIDC to the local USACIDC field office.

e. Over 90 percent of the installations/communities used the completed report to: determine the method of operation of persons who commit crimes against the Army; conduct crime analysis; determine prevention efforts; and compile crime statistics.

f. One hundred percent of the installations/communities stated that pertinent information was made available to the administrator of the Alcohol and Drug Abuse Program as follows:

(1) Forty-two percent stated that military police reports were forwarded to the Alcohol and Drug Abuse Officer (ADCO) routinely or upon request.

(2) Thirty-nine percent stated that the commander's staff forwarded them to the ADCO when appropriate.

(3) Nineteen percent stated that the ADCO did not receive the reports, but was placed on routine distribution for blotter extracts.

g. The survey revealed that at 61 percent of the installations/communities crime records are released to local law enforcement agencies as follows:

(1) During joint investigations when the law enforcement case dictates a need-to-know.

(2) For Absent Without Leave (AWOL) apprehensions.

(3) For traffic statistics.

(4) When the requesting agency has investigative jurisdiction over the incident.

(5) In foreign countries for law enforcement purposes, in accordance with Status of Forces (SOFA) requirements.

h. Of those who made release to local law enforcement agencies, the following authority was cited for release:

(1) Provost marshal (either in writing or not in writing) (29 percent).

(2) Provost marshal (through coordination with or by local SJA and in accordance with AR 190-45 (37 percent) and in accordance with AR 340-17 (FOIA) and/or AR 340-21 (PA) (34 percent).

i. The Military Police Report is also released to other law enforcement agencies within DOD. Eighty-one percent of the installations/communities stated this is a routine occurrence. The security, personnel officers and Defense Investigative Service (DIS) were the major users.

j. Additionally, information contained in the report is extracted to prepare FBI Form FD 249 (TAB A to Appendix IV to Annex E) upon receipt of a final judicially approved sentence which meets any of the following criteria:

(1) Civil offenses, when the offense is punishable by confinement for one year or more under the table of maximum punishments, UCMJ and the final judicially approved sentence by any military court includes confinement.

(2) Multiple charges, when the final judicially approved sentence by any military court includes confinement for one year or more regardless of the nature of the offenses.

(3) The following type offenses are also reported to the FBI:

(a) Felony offenses punishable by confinement for more than one year under the table of maximum punishments, UCMJ, which results in the preferral of formal written charges; but which are not prosecuted due to lack of jurisdiction, mental competency or for other reasons not indicative of a finding of lack of criminal responsibility.

(b) Offenders who otherwise meet the above criterion; but who are separated for the good of the service subsequent to the sentence of a court-martial, which includes confinement and/or a punitive discharge, and prior to completion of appellate review.

k. In instances pertaining to paragraph 5-7j(3) above, the fingerprint card indicates the date arrested, charge or offense and the reason the case was not prosecuted, e.g., lack of jurisdiction, mental competency or other reasons not indicative of a lack of criminal responsibility; and if the individual was separated, the date and type discharge. If appropriate, the words "pending appellate process" are entered in the final disposition section of the form. On receipt of final disposition, FBI Form R-84 (TAB B to Appendix IV to Annex E) is completed and forwarded to the FBI.

l. In regard to report distribution, the survey showed that 73 percent of the installations/communities were following guidance published in local standing operating procedures; or in the case of USAREUR, a MACOM supplement to Army regulations.

m. Sixty-seven percent specified that crime record distribution and release procedures varied with the category of subject(s), i.e., military, DA civilian employees, juveniles, DOD-affiliated dependents and non-DOD-affiliated civilians.

n. Only 50 percent specified that procedures for the special handling of reports pertaining to juvenile offenders were in effect; however, some of those reporting had either small or no juvenile populations on the installation or activity.

o. Over 99 percent stated that some form of restrictive distribution or local safeguards were in effect to assure that the reports were received and reviewed only by appropriate officials. Such procedures as restrictive stamping, forwarding via sealed envelope, logging and annotation that distribution envelopes containing the reports were to be opened by addressee only (Exclusive For:) were among the most frequently mentioned.

p. With regard to whether or not individuals who are subjects of reports are afforded an opportunity to review, rebut or refute report information, over 92 percent responded affirmatively.

The responses as to how this was accomplished varied significantly. They ranged from indicating compliance with the provisions of AR 340-21 (The Army Privacy Program), to affording the subject an opportunity during interrogation to rebut or refute evidence orally or by providing a written statement.

q. In regard to use of the military police report and reports for Armed Forces Disciplinary Control Board (AFDCB) functions, 50 percent of the installations/communities specified that some type of information was made available to the boards. The type information ranged from completed records or pertinent extracts to statistics. The information is used by the boards to substantiate warnings to proprietors or to make decisions recommending establishments be placed off-limits to military personnel. In all cases where use was indicated, the proprietor was given an opportunity to review, rebut or refute information provided the AFDCB by appearing before the board, or writing a letter to the board.

r. In response to a question asking for evaluation of other administrative uses of the military police report or other crime records, 61 percent of the installations/communities indicated none. The remaining 39 percent generally indicated uses for statistical and collateral reporting, administering claims and preparing Serious Incident Reports (SIR).

s. Whether or not the reports contained disposition of offender information is not a factor in any of the uses described above; however, disposition is made known if available at the time of use.

5-8. THE ARMED FORCES TRAFFIC TICKET (DD Form 1408).

a. This form is used to cite traffic offenders for minor violations detected by military police. Policy dictates that the ticket is prepared in triplicate with the original forwarded through command channels to the violator's commander. The first copy is retained in the provost marshal's office and the second copy provided the violator. The report may also be forwarded to the US Magistrate, US District Court or the local SJA depending on the command's procedures. Since the report pertains to traffic offenses and contains safety data, it is used extensively in safety programs.

b. Approximately 84 percent of the installations/communities used these or military police reports for safety programs. Of these, 50 percent forwarded the information directly to safety officers on a routine or need-to-know basis, while the other 50 percent forwarded reports or extracts through the commander to the safety officer.

5-9. THE MILITARY POLICE TRAFFIC ACCIDENT REPORT (DA FORM 3946).

a. This form is used to record and report circumstances surrounding traffic accidents. The report is prepared in triplicate, with the original forwarded to the commander concerned under cover of the Military Police Report (DA Form 3975).

b. Under the provisions of AR 340-17 (FOIA), information on the front side of the form (general identification data) is not exempt from mandatory release and is releasable by local provost marshals. Information on the reverse side (circumstances pertaining to the accident) is exempt from mandatory release. The SJA of a general court-martial convening authority may approve release of this information providing FOIA exemption criteria are not applicable.

5-10. SERIOUS INCIDENT REPORTS (SIR). This is a message report prepared and forwarded to HQDA by subordinate commands to inform HQDA or DOD that something serious has or may have occurred. Since the report meets law enforcement reporting requirements for selected incidents, it is categorized as a law enforcement report and marked "For Official Use Only" (FOUO). When an Army military subject or suspect is listed in an SIR, a final adjudication report is required. Format for the SIR is inclosed at Appendix V to Annex E.

5-11. CRIMINAL INFORMATION (INTELLIGENCE). Criminal information is commonly referred to by criminal justice agencies as criminal intelligence; however, in the Army it is known as criminal information (intelligence). This delineates the distinction between criminal and military intelligence data. Ninety-nine percent of the installations/communities maintain criminal information (intelligence) files, including "hot spot" card files (reports of criminal derogatory information regarding a facility frequented by military personnel). The survey showed that military police criminal information files are, in some instances, maintained with indices to military police reports and that the criminal information is routinely disseminated to other law enforcement agencies.

5-12. DISPOSITION OF OFFENDER INFORMATION.

a. There are several Army regulations relevant to military police reports. These are AR 190-29 (Minor Offense and Uniform Violation Notices Referred to US District Courts); AR 27-10 (Military Justice) and AR 190-45 (Military Police Records and Forms). The latter regulation lists offenses serious enough to be forwarded to the CRD for retention. They include:

- (1) All violations of Articles 111 through 133, UCMJ.

(2) All violations of Articles 77 through 110 and Article 134, UCMJ for which maximum punishment prescribed in UCMJ is confinement for six months or more.

(3) All offenses, except minor traffic violations, reported by civil authority.

b. A copy of any report for the above category of offenses is forwarded to the CRD. At the same time, it is forwarded to the commander concerned. The copy forwarded to the commander concerned is accompanied by a DA Form 3975-1, Commander's Report of Disciplinary Action Taken. This requires disposition of offender information. This form is executed in three copies. The provost marshal forwards three copies to the commander, who returns the original and one copy to the provost marshal and retains the third copy for unit files. Upon receipt of the completed form, the provost marshal forwards the original copy to the CRD and files the first copy.

c. Current policy stipulates that only the completed DA Form 3975-1, showing the commander's report of disciplinary action, is forwarded to the CRD. Interim reports are provided the initiating provost marshal by the commander if final action cannot be completed within the suspense date established by the provost marshal.

d. Policy also requires that when the offense is not within the categories reportable to the CRD, but nevertheless one for which commander's action is deemed necessary, only two copies of the forms are prepared and forwarded. Disposition of offender information is required, although not reportable to the CRD.

e. Although AR 190-45 mentions reports received from civil authorities, it does not indicate from whom or how disposition of offender information for these type offenses is obtained. Similarly, AR 190-29 (Minor Offenses and Uniform Violation Notices Referred to US District Courts) outlines procedures applicable to implementation of the Federal Magistrate System; however, it does not address how the results of the Magistrate's action are received. Army Regulation 27-10 outlines TJAG's procedures for monitoring the Army's judicial and nonjudicial punishments. For nonjudicial punishment and all categories of courts-martial it specifies, in general terms, that all actions taken, including notifications, acknowledgements, impositions, appeals, action on appeals or any other will be recorded and distributed to commanders and interested agencies, including HQDA personnel management agencies. Specificity in regard to appellate actions and completing crime records is not included in the regulation. The regulation also provides for the establishment of a Criminal Activities and Disciplinary Infractions in the Armed Forces Report, which is statistical in nature.

f. As indicated in paragraph 5-12b, obtaining disposition of offender information is primarily the staff responsibility of the law enforcement element (provost marshal staff officer at installation/community level). Of significance is the fact that 60 percent of the surveyed installations/communities state that the provost marshal is experiencing difficulty in obtaining the information. The complaint cited most frequently was the failure of the commanders at the unit and battalion levels to respond to the disposition of offender information on a timely basis. Thirty-five percent responded that the system should be changed. Almost 100 percent of the 35 percent indicate that the staff responsibility should rest with the SJA rather than the provost marshal.

g. A significant factor that may contribute to the problem of obtaining disposition of offender information could be the level at which the report is introduced into the chain of command. Current policy is not clear. It indicates that the report will be forwarded to the "commander concerned." The survey revealed that 33 percent of the installations/communities interpreted this to be battalion level, 22 percent brigade level and 33 percent post/depot level with 12 percent indicating corps, MACOM or other.

h. Written implementing instructions pertaining to how and where the reports are introduced into the chain of command were in being at only 53 percent of the reporting installations/communities. Other attributable factors could be:

(1) Policies regarding the obtaining of disposition of offender information from civilian authorities are unclear.

(2) Policy regarding reports pertaining to offenses committed by individuals at one installation, who are reassigned to another installation, is cumbersome.

i. Whatever the reasons, the survey showed that the current system is not functioning to the degree desired. The installations/communities indicate that 44 percent of the military police reports in local files for CY 74 did not contain disposition of offender information. For CY 75 the figure was 36 percent. Twenty-five percent of the military police reports forwarded to the CRD during CY 75 still do not have the disposition of offender information. While some of the delinquency at local level can be attributed to those reports for offenses where disposition of offender information was not requested, the high delinquency in those that should have been forwarded to the CRD indicates that a problem exists in obtaining disposition of offender information.

5-13. RETENTION AND DISPOSITION.

a. Policies regarding the length of retention and the disposition of military police files at installation level are outlined in AR 340-18-5 (Maintenance and Disposition of Intelligence, Security, Military Police and Mapping Function Files). Consequently, Military Police Desk Blotters (DA Form 3997), Desk Reference Cards (DA Form 3998) and Military Police Reports (DA Form 3975) are maintained in the organization for five years and then destroyed.

b. The directive specifies that AFDCB files containing information derived from crime records be destroyed after five years and files derived from other sources after two years. The regulation does not stipulate that military police reports forwarded to the CRD are retained for 40 years. Current retention and disposition instructions for all Military Police Investigative and Complaint files are contained in Appendix VI to Annex E. The system notice for MP Reporting Files (Appendix B to AR 340-21) does address retention at both levels, as well as destruction.

SECTION III

PREPARATION, USE, RETENTION AND DISPOSITION OF USACIDC CRIME RECORDS AT USACIDC FIELD OFFICE LEVELS

5-14. REPORT OF INVESTIGATION (DA Form 2800).

a. One of the two basic forms utilized by the USACIDC is the DA Form 2800, Report of Investigation, commonly referred to as an ROI. It is used to report results of criminal investigation of offenses or violations of the UCMJ within the purview of the USACIDC.

b. Distribution of the ROI is made to commanders responsible for initiation of disciplinary or corrective action, to the local SJA, the local provost marshal and when appropriate the heads of agencies within DA and DOD who have a valid need for the information. Special distribution of the ROI includes distribution to the AAFES as provided for in Joint Service Regulation 124-95.

c. An analysis of its investigative system conducted by USACIDC in 1974-75 included a review of distribution procedures and methods. As a result of the analysis, steps were taken to curtail distribution commensurate with the need of the Army to judicially dispose of reported offenses. This reduced routine distribution which had, in some instances, caused unrequired reports to be forwarded to and maintained by elements which had only a case-by-case need or no need at all for the information. Currently, these element's needs are met by providing reports on a need-to-know basis or they are being informed through command and/or provost marshal channels.

d. Two major commands recently requested special distribution of USACIDC reports to their headquarters. These commands cited the geographical distances from their subordinate commands as a factor, indicating that the normal command channel for reporting of crimes and their adjudication is too slow. Consequently, on a trial basis, the USACIDC liaison officer routinely provides these two commands with information concerning investigations involving their personnel or activities.

e. The survey portrayed the following in regard to preparation, use, retention, release and disposition of the ROI and other USACIDC crime records as reported by the 10 USACIDC field offices.

(1) One hundred percent stated release of the ROI and related records to other DOD law enforcement agencies in the pursuance of ongoing investigations, as well as for criminal justice administrative purposes.

(2) Release of initial/referred or status/referred reports to the FBI as made at the time the FBI assumes primary jurisdiction for an offense from the USACIDC.

(3) One hundred percent specified that records maintained by the USACIDC field offices are not released to local or state law enforcement agencies.

(4) One hundred percent specified that the category of an individual does not make a difference regarding releases to law enforcement agencies within DOD.

(5) Eighty percent specified that distribution of the report is made to the company or equivalent level for corrective action, with 10 percent indicating one level higher and 10 percent indicating installation level.

(6) Sixty percent specified that there was no local directive specifying distribution procedures, while 40 percent indicated local directives or SOP supplementation was in effect. The absence of local directives in this area may be directly related to the detailed guidance provided in CID Command-wide regulations which specify procedures.

(7) Fifty percent specified that distribution procedures for informing the chain of command of the offenses and obtaining disposition of offender information were the same for reports pertaining to military personnel, DA civilian employees, juveniles, DOD-affiliated dependents and non-DOD-affiliated personnel. The remaining 50 percent specified that procedures differed according to juvenile offenders and those referred to the FBI or US Attorney.

(8) One hundred percent specified that restrictive handling procedures were in effect to protect information contained in the reports citing designations such as FOUO, limited distribution and special handling.

(9) Sixty percent specified crime record information was used for administrative purposes in determining suitability for military or civilian employment. Of the 60 percent who used the information in this manner, 33 percent specified such requests were forwarded to CID Region Headquarters, Headquarters, USACIDC or CRD for determination. The remaining 67 percent provided selected information at the field office level if requests were in writing and submitted by officials with a need-to-know. The information generally provided pertains to personnel being considered for sensitive positions involving the handling of funds or for mail clerk positions.

(10) Of those field offices releasing crime information for administrative purposes, 83 percent specified that subjects may review, rebut or refute information contained in the report. This is done through USACIDC channels to the Headquarters, USACIDC, where the Access and Amendment Refusal Authority (AARA), in compliance with The Privacy Act and AR 340-21, makes the appropriate determination. The remaining 17 percent allowed local rebuttals.

(11) The survey showed that reports were not routinely provided officials in charge of alcohol and drug abuse and safety programs; however, 10 percent specified coordination was effected as appropriate with safety officials if hazardous or unsafe conditions were discovered during the course of an investigation.

(12) Eighty percent specified information was not provided to the AFDCB; however 20 percent specified information provided to the provost marshal or SJA could be used for this purpose.

5-15. CRIMINAL INVESTIGATION DATA REFERENCE CARD (DA Form 2804). This form is used as an index card for subjects, suspects or victims for each USACIDC ROI and subjects of each military police report forwarded to the USACIDC-CRD. This index card is used at the CRD for preparing computerized data for the Defense Central Index of Investigations (DCII) and as a law enforcement index for accessing reports on file at the CRD.

5-16. SERIOUS AND SENSITIVE INVESTIGATIONS (SSI).

a. These reports are used by local field offices to inform the Cdr, USACIDC of any incident, event or occurrence of alleged or actual criminal conduct uncovered or reported to USACIDC which may reflect unfavorably on the military service or which may impact on the operational mission of USACIDC due to its sensitivity. The information is forwarded via electrical message to HQ, USACIDC. When an investigation is also initiated, a copy is provided the CRD. A supplemental SSI is forwarded when there has been a significant change in details previously reported. The SSI is considered a USACIDC crime record and is not used for administrative or adjudicative purposes. Copies of SSI's are provided to the MACOM by USACIDC field offices.

b. Except in unusual circumstances, notification to supported commanders and/or agency heads is limited to commanders, deputy commanders, executive officers, chiefs of staff, or officials in similar positions. During non-duty hours notification is normally accomplished through the duty officer. This does not preclude additional notification of staff officers of the supported commander or agency head; such as the provost marshal, SJA or IG when appropriate.

c. The SSI bears the same protective marking (FOUO) as a USACIDC ROI; however, retention, dissemination and use are different.

5-17. CRIMINAL INFORMATION (INTELLIGENCE). The maintenance of criminal information (intelligence) within USACIDC is centralized at Headquarters, USACIDC level. The information is gathered by field offices through an exchange of information between Army law enforcement investigators, other civilian or military investigative agencies, newspapers, periodicals, public records, financial documents, crime prevention surveys, the ROI and confidential informants. An evaluation of the data is made by the collecting agency and the field office prior to forwarding to Headquarters, USACIDC where it is utilized as outlined in paragraph 5-28.

5-18. DISPOSITION OF OFFENDER INFORMATION.

a. The USACIDC policy directive (AR 195-2) states that ". . . supervisors and commanders receiving action copies of the final USACIDC ROI pertaining to a member of their organization will reply through local command channels to the USACIDC element preparing the report, indicating the judicial or administrative action or lack thereof taken against identified subjects under their supervision or command." This report of action taken is required for completion of investigative files and to protect the rights of subjects subsequently acquitted. When reports of judicial or administrative action against military subjects of final USACIDC reports are not received within 60 days the USACIDC element will initiate follow-up action with the commander receiving the action copy of the report of investigation to determine the status of the case.

b. Less than 4 percent of the USACIDC reports in local files are delinquent with regard to disposition of offender information. Approximately the same percentage of the ROI's filed for CY's 71-75 are delinquent in the CRD. A report is considered delinquent at the CRD when the disposition of offender information is not received six months after the date of the final report.

c. The percentage of delinquency in USACIDC reports for CY 71-75 was .4, 1.7, 2.8, 7.6 and 8.4 respectively, with a cumulative delinquency rate of 3.6 percent for all reports presently on file in the directorate.

5-19. RETENTION AND DISPOSITION. Retention and disposition of USACIDC files at the local level are governed by AR 340-18-5 (Appendix VI to Annex E to this study). It provides that the USACIDC ROI and other records are retained for three years from the date of last action and then destroyed. Selected cases, of interest only to the field offices, are retained for five years and then destroyed. The Criminal Investigation Data Reference File is retained for three years and then destroyed.

SECTION IV

USE, RETENTION AND DISPOSITION OF CRIME RECORDS AT HQDA LEVEL

5-20. RESPONSIBILITY.

a. The DCSPER is responsible for promulgating HQDA policy regarding the preparation, use, retention and disposition of military police records and forms and for coordinating similar law enforcement policy within the HQDA staff agencies, as promulgated by the Commander, USACIDC.

b. Additionally, the DCSPER serves as the Initial Denial Authority (IDA) under provisions of AR 340-17 (FOIA) for military police reports, except DA Form 3975 (Military Police Report) and DA Form 3946 (Military Police Traffic Accident Report) for which TJAG serves as the IDA.

c. Under provisions of AR 340-21 (The Army Privacy Program), the DCSPER is the Access Amendment Refusal Authority (AARA) for all military police records. This contrasts with the policy for FOIA, where a portion of the IDA authority is given to TJAG.

d. The Commander, USACIDC promulgates DA policies for criminal investigation matters and serves as the IDA and AARA for all USACIDC investigative records.

5-21. HQDA ORGANIZATION FOR LAW ENFORCEMENT. The Army's principal law enforcement staff element is division size and assigned to the DCSPER's Directorate of Human Resources Development (DHRD). The Director acts for the DCSPER as the IDA for Freedom of Information requests. The Chief of the Law Enforcement Division serves as the AARA for the DCSPER in regard to The Privacy Act. Except for screening SIR's for sensitive appointments, fulfilling FOIA and PA access and amendment responsibilities, compiling statistics used in the preparation of the Army Crime, Confinement and Discipline Report discussed below, and the receipt and forwarding of FBI reports to the USACIDC and appropriate commands; the division is not involved in the use of crime records.

5-22. ARMY CRIME, CONFINEMENT AND DISCIPLINE REPORT. This report is prepared by the DCSPER Law Enforcement Division on a quarterly basis and is used to assist commanders in discharging their responsibilities. The data for compiling the report are obtained from a manual statistical report received from MACOM's on a monthly basis. The procedures are outlined in AR 190-46. The data are

obtained at installation and community level, consolidated at MACOM level and forwarded to HQDA. It includes input from all USACIDC field offices. A copy of the current Army Crime, Confinement and Discipline Report is at Appendix VII to Annex E.

5-23. USERS OF CRIME RECORDS AT HQDA.

a. The following HQDA activities use Army crime records. These agencies receive the records direct from the CRD, USACIDC field offices, field commanders or through normal distribution/reporting channels in the case of the Serious Incident Report (SIR).

- (1) Army Military Review Boards Agency
- (2) Army Council of Review Boards
- (3) Discharge Review Board
- (4) Elimination and Security Review Board
- (5) Army Board for Correction of Military Records
- (6) Army Clemency and Parole Board
- (7) Director of the Army Staff
- (8) Deputy Chief of Staff for Operations and Plans
- (9) Deputy Chief of Staff for Personnel
- (10) Law Enforcement Division, Office of the Deputy Chief of Staff for Personnel.
- (11) Department of the Army Suitability Evaluation Board
- (12) Assistant Chief of Staff for Intelligence
- (13) Personnel Security Office, US Army Intelligence Agency
- (14) Inspector General and Auditor General
- (15) The Judge Advocate General
- (16) Chief of Public Affairs
- (17) Equal Opportunity Officer

b. In general, Army crime records are used by the cited agencies for one or more of the following purposes: early warning

on incidents or events which may require action at HQDA; assessment of suitability of personnel for retention or positions of extreme trust and responsibility; involving executive discretion and review of official action for clemency or adjustment. The information is recognized as sensitive, identified as FOUO material and safeguarded accordingly.

c. Reports on file in the CRD pertaining to individuals who were once subjects of an investigation and subsequently eliminated, subject or suspects of reports prepared by agencies other than USACIDC, criminal information (intelligence) and information regarding juvenile offenders are normally not released to these agencies.

5-24. THE CRD SYSTEM.

a. The indexing in the CRD consists of:

(1) Subject-victim listing in the DCII and in internal CRD manual index (for back-up and 24-hour operation).

(2) Suspect-former subject category in the law enforcement index.

(3) Name index to Headquarters, USACIDC criminal information (intelligence) files.

b. The above indices and related files, except criminal information (intelligence) files which are maintained at Headquarters, USACIDC are separated within the CRD into four systems. These conform with the FOIA, The Privacy Act and other legal and policy considerations regarding receipt, maintenance and dissemination of information. These four systems are:

(1) Criminal Investigation Case Files, Crime Laboratory Reporting Files System (AO 508.11), which includes:

(a) Reports of Investigation (ROI)

(b) Impersonal Index

(c) Crime Survey Files

(d) Crime Survey Index

(2) Manual Index to Subjects, Suspects and Victims listed in Criminal Investigative Case Files System (AO 508.25a).

(3) Criminal Information Reports and Cross Index Card Files System (AO 508.11B), which is limited at CRD to the index portion thereof.

(4) Criminal Investigation Accreditation Files System (AO 508.07A), which is in the process of being reduced to microfiche and will, for the most part, be a duplicate copy of the information maintained by the Accreditation Division, Headquarters, USACIDC.

c. The USACIDC ROI and military police case files consist of completed reports or reports in progress where individuals are subjects of founded offenses from an investigative viewpoint.

d. The DCII, which is a DIS system of records for Privacy Act purposes, consists of an automated system for entering the names of individuals who are subjects of founded military police and USACIDC investigations and suspects and subjects of ongoing USACIDC investigations. A back-up manual system is in operation at the CRD, to assure a 24-hour operation when the DCII is not in service.

(1) Exoneration or absence of disposition in founded cases is not a factor in whether the names are entered into or withdrawn from the DCII.

(2) When insufficient evidence results in deleting the names of individuals as suspects or subjects of open USACIDC cases, the names are withdrawn from the DCII. Subjects of military police reports are not entered into the DCII until the investigation is completed.

(3) Expunged cases are removed from the DCII.

(4) Cases pertaining to juveniles are not entered into the DCII.

e. The Manual Index to Subjects, Suspects and Victims listed in Criminal Investigation Case Files System (AO 508.25A) is an index to criminal investigation case files and MP reporting files which are not indexed by any other activity. The index contains codes for the type of crime, location of the investigation, year, date, names and personal identifiers of offenders and victims, and the report number. Persons listed in the index include:

(1) Juveniles, subjects, suspects, former suspects, or victims.

(2) Victims of crime.

(3) Persons who remain "suspects" under current USACIDC standards. This re-categorization may be based on a field investigative determination, internal administrative review or pursuant to an individual's request under the Privacy Act.

f. The criminal information (intelligence) index consists of names and file numbers forwarded to the CRD by the Operations Directorate, USACIDC (see paragraph 5-28).

g. The crime survey index and files noted in paragraph 5-24b consist of data pertaining to crime surveys conducted by USACIDC.

h. Polygraph and crime survey reports are filed within their respective categories, and separate from criminal investigative reports. Access is determined prior to searches of various indices.

5-25. USE OF INFORMATION.

a. Information from the CRD data bank, the NCIC terminal, and the Army world-wide locator terminal at the CRD is used extensively by Army law enforcement investigators, both military police and USACIDC, on a 24-hour basis. The number of requests for such checks during the period CY 1970-75 were as follows:

(1) 1970	87,484
(2) 1971	74,715
(3) 1972	93,989
(4) 1973	182,801
(5) 1974	121,072
(6) 1975	117,068
TOTAL	677,129

b. Although the value of the checks cannot be determined in absolute terms, the following statistics are indications of their potential in assisting law enforcement and supporting administrative determinations.

(1) During the period CY 1973 through CY 1975 a record (not necessarily derogatory) was located on 69.9 percent of the names requested.

(2) Records of prior arrest were located on 37.7 percent of all record checks during the period CY 1973 through 1975.

(3) Of the 117,068 record checks conducted during CY 1975, 48.9 percent of the persons checked had prior arrest records.

c. Information pertaining to subjects of final (founded solved) reports and subjects or suspects in ongoing USACIDC investigations is made available to the following agencies.

(1) DOD law enforcement agencies

(2) DOD intelligence agencies

(3) Law enforcement agencies of the Executive Branch of the US Government (external to DOD)

(4) Agencies of the Executive Branch of US Government (external to DOD) engaged in security/suitability investigations

(5) DOD non-investigative agencies

d. The above agencies use the information for:

(1) Law enforcement

(2) Suitability and loyalty for access to national defense information.

(3) National security.

(4) Administrative suitability purposes.

e. If an investigation is still in progress, the information is not given to the requestor, but the requestor is referred to the investigating agency who releases the information if doing so does not jeopardize the investigation in progress. This same procedure applies to completed reports that were prepared by other agencies including those within DOD.

f. Inquiries from Congress, Executive Branch, DOD and DA are honored on a case-by-case basis. Requests from these agencies pertain to such matters as determining the thoroughness of investigations, insuring due process rights of individuals and protection of the rights of the government.

g. Current USACIDC procedures for release of information by category of report are outlined in tabular form at Appendix VII to Annex E.

5-26. FILE RETENTION.

a. The crime records maintained by USACIDC as of 1 June 1976 numbered 924,780 crime reports, of which 93,420 are military police reports. Indices to these reports amount to 2,478,002. The reports were prepared by the military police, USACIDC, FBI, Naval Investigative Service (NIS), Air Force Office of Special Investigations (OSI), Defense Investigative Services (DIS) and civilian police agencies, both foreign and domestic. All of the reports pertain to crimes against the Army or crimes committed by members of the Army.

b. In 1950, The Provost Marshal General recommended that the case files be destroyed after 15 years since it was believed that they were not being used. At that time a survey of the records indicated the approximate number of requests received on an annual basis for material dated 1942 through 1950 was as follows:

(1)	1942	0
(2)	1943	4
(3)	1944	8
(4)	1945	12
(5)	1946	28
(6)	1947	32
(7)	1948	84
(8)	1949	96
(9)	1950	108

c. In view of the above, The Provost Marshal General believed that the cost to the government of maintaining and storing them was not justified and recommended that a disposition standard be established to destroy the reports and index cards after 15 years. Beginning in 1959 this resulted in the systematic destruction of 15 year old reports. Some of the cases destroyed were unaffected by the statute of limitations and others were of considerable historical value. During the period 1961-64, 120,000 USACIDC ROI's in excess of 15 years of age were destroyed. The CRD received requests for a large number of these reports subsequent to their destruction.

d. In 1965 the Army promulgated a policy requiring record checks on all suspects and subjects of investigations conducted

by USACIDC. This policy dramatically increased a demand for the files. The policy was altered in 1975 as a result of the previously mentioned USACIDC analysis, which determined that there were investigative situations that did not require mandatory name checks of suspects, subjects or investigation of employees undergoing crime surveys.

e. The current policy specifies that if the requirement arises during the conduct of a criminal investigation or crime survey, then the CRD name check is appropriate.

f. There is no policy regarding name checks for the military police.

g. Currently, requests average approximately 10,000 per month and include requests for records dating back to 1943. The most frequently used records are less than ten years old; however, during any given month 800 to 1,000 requests are received by the CRD for records originating prior to 1952. Seventy percent of the installations/communities specified that name checks conducted by CRD for administrative purposes were very helpful. Fifteen percent found them helpful and only 7 percent found them of little value. The remainder indicated they were of some value. The survey further indicated that 72 percent found the name checks very helpful for law enforcement purposes with 8 percent finding them helpful and only 7 percent finding them of little value. Thirteen percent indicated they were of some value.

h. Fifty-one percent of all crime records maintained by Headquarters, USACIDC are used in support of criminal investigations by federal law enforcement; 20 percent in support of USACIDC and military police crime prevention and 29 percent in support of DOD personnel security or suitability investigations.

i. As mentioned, statistics are not available to establish the exact degree that crime records contribute to crime prevention, the protection of personnel and equipment, the solving of crimes and determining suitability of employees. However, indications are that they are of substantial value to the successful completion of criminal and personnel security investigations and in making administrative decisions regarding Army personnel. Surveys made in 1973 by the CRD serve to indicate that old files are also of value. An initial survey revealed that 282 files in excess of 15 years of age were signed out to requestors on 11 July 1973. The surveys for the two sample days also revealed that four files were signed out on 6 July 1973 and six on 11 July 1973 from the 1943 files.

j. In August 1973 the USACIDC adopted a position that criminal investigative files should be retained for 60 years rather than 15 years and so recommended. The justification submitted included the following:

(1) The frequency with which the requests were being made.

(2) Since surveys and studies showed that 70 percent of crimes in which the offenders were identified indicated the offenders to be recidivists, records of prior crime would assist USACIDC as well as other investigative agencies in solving crimes.

(3) It was inappropriate to destroy any report of investigation pertaining to an unsolved case if the statute of limitations had not expired.

(4) USACIDC reports of investigation were frequently used to settle major claims, many dating back to World War II, against the US Government by ex-military servicemen, as well as former PW and civilians.

k. The retention proposal was approved by the National Archives for a period of 40 years.

5-27. FILE UPDATING. During January 1976, based on directions of the Commander, USACIDC, the CRD initiated a procedure to eliminate from the DCII those individuals listed in final USACIDC cases who were not subjects and those individuals who were listed in cases that were determined to be unfounded. As of 15 June 1976 this project was 80 percent completed. The target date for completion of the project is June 1977.

5-28. CRIMINAL INFORMATION (INTELLIGENCE).

a. At headquarters, USACIDC criminal information (intelligence) received from USACIDC field offices is reviewed by the Operations Directorate to judge the basis of the reliability of the contributor, credibility of information and the current relevancy of the information in support of the Army criminal investigative mission. Preparation and maintenance of criminal information (intelligence) consists of the CRD indexing by report number, as well as subjects (offenders and suspects) listed in the report. A copy of the index is forwarded to the Operations Directorate, USACIDC for utilization in accomplishing records checks and maintenance of the hard copy files.

b. Criminal Information (Intelligence) Reports are not distributed external to USACIDC and all reports are handled and protected in accordance with AR 340-16. However, if the information contained

indicates criminal activity within the purview of another criminal law enforcement activity the information from these reports may be disclosed consistent with The Privacy Act.

c. It is USACIDC's policy that the dissemination of information from the Criminal Information (Intelligence) Report is not released for the purpose of determining eligibility for employment, promotions, credit or during a National Agency Check.

d. Within USACIDC, criminal information is released or discussed only to the extent necessary to accomplish the investigative mission.

e. The determination of the accuracy of the data is through feedback from USACIDC elements receiving the criminal information who report the accuracy, timeliness and usefulness of the data.

f. USACIDC has a standing board (USACIDC Criminal Information Standing Review Board) that conducts a review of files each year. Review is essentially directed at the law enforcement need and the requirements of AR 380-13 (non-DOD personnel), although efforts are being made to develop reviews with regard to standards of relevance, timeliness, accuracy and completeness fo the data. This board is composed of military police commissioned officers in grade of captain or above and USACIDC warrant officers in grades CW2 or above.

SECTION V

PROGRAMS OF EQUAL IMPACT ON MILITARY POLICE AND USACIDC AT BOTH INSTALLATION/COMMUNITY LEVELS AND HQDA

5-29. THE PRIVACY ACT. Based upon the three exceptions discussed in paragraph 3-3, The Privacy Act poses no bar to the Army fulfilling its law enforcement mission and responding to external law enforcement agency requests for records. This fact applies to the DA Staff as well as to every installation and activity. The Army's functional capability in the area of crime records usage and dissemination is not diminished by The Privacy Act, although administrative requirements are burdensome.

5-30. THE FREEDOM OF INFORMATION ACT.

a. The Freedom of Information Act impacts both locally and at HQDA. It should be noted that denials of requests for information can only be made at the major command and staff levels as delineated in paragraph 2-7, AR 340-17. The major impact of the Freedom of Information Act in the area of Army crime records is that it exempts from mandatory disclosure law enforcement/investigatory records in nine specific situations. These exceptions are found in paragraph 2-12, AR 340-17 and 5 USC 552(b).

b. Notwithstanding the above exemptions, the DOD Directive and Army Regulation require that denial of a document be based on a legitimate governmental purpose being served, before an exemption can be claimed when denying an FOIA request.

5-31. INTERACTION BETWEEN THE FREEDOM OF INFORMATION AND PRIVACY ACTS. In addition to the law enforcement exemption found in The Freedom of Information Act, The Privacy Act provides general and specific exemptions from disclosure of criminal records from Army systems of records. Under AR 340-21, individuals may be denied access to a record pertaining to themselves only if the record is maintained in a system exempted under The Privacy Act; its release would not be required under The Freedom of Information Act; and if there exists a legitimate governmental purpose in doing so. If all three criteria are met, a request for records under The Privacy Act may be denied. As in the case of The Freedom of Information Act, only identified major commands and staff agencies have been granted the proper authority to deny access.

5-32. IMPACT OF THE FREEDOM OF INFORMATION AND PRIVACY ACTS.

a. The Freedom of Information Act and The Privacy Act impact on the entire structure of the Army. Perhaps the impact

at HQDA is felt more strongly than elsewhere as many of the IDA's and AARA's are at DA Staff level; however, the laws regulate the dissemination, use and retention of records throughout the Army.

b. Except for the added administrative burden at both installation/community and HQDA levels, few problems with the Freedom of Information Act and Privacy Act are being experienced by the Army's law enforcement agencies.

5-33. AUTOMATION. Actions pertaining to the automation of crime and related records are currently being pursued under the auspices of the DCSPER, the Commander, USACIDC and TJAG. A description of each follows:

a. DCSPER.

(1) The Military Police Management Information System (MPMIS) is monitored by the Law Enforcement Division. It consists of ADP applications which automate and standardize reporting of certain provost marshal activities at installation and major Army command levels. It provides accurate, timely and responsive information to support military police and command needs. Currently there are two individuals assigned to monitor the system.

(2) Three of the MPMIS applications, the Law Enforcement Reporting System (LERS), the Correctional Reporting System (CRS) and the Prisoner of War Information System (PWIS) have been prototyped. The Vehicle Registration Subsystem (VRS) of LERS, along with PWIS and CRS have been approved for extension to the field. The remaining subsystems of LERS: Offenses, Traffic Accidents and Traffic Violations require additional development and testing. The PWIS was prototyped in July-August 1975 and current plans extend it to Reserve Component units with a prisoner of war mission.

(3) The Deserter Reporting System (DRS) is under development with extension pending programming and testing of the US Army Deserter Information Point software (Target: 4th Qtr, FY 77).

(4) Current plans include developing a system to support physical security reporting requirements.

b. USACIDC. Criminal Investigation Directorate Operational Management Information System (CIDOMIS).

(1) CIDOMIS consists of related programs residing at the US Army Military Personnel Center (MILPERCEN) on a UNIVAC 1108. These programs have been converted to IBM and effective 2 February 1977 are also contained on an IBM Model 370 at DIS. Arrangements with DIS include both hardware and software support of the existing systems.

(a) The data base consists of a pending, history and subject disposition and suspense file.

(b) As of 6 May 1976, MILPERCEN informed USACIDC that it was withdrawing programming support for new requirements and would provide only maintenance support on a "resource available" basis through March 1977. At that time, maintenance support would also be withdrawn. This action was an outgrowth of manpower survey reductions imposed on MILPERCEN and is currently being reviewed at the request of the Commander, USACIDC in conjunction with the Management Information Systems Directorate, MILPERCEN and ODCSPER.

(c) Hardware support which amounts to an increase of 37 hours monthly will continue to be provided; however, there are no plans to enhance the current system (CIDOMIS) at this time.

(d) The CIDOMIS does not interface with any other system.

(2) Currently the USACIDC CRD has two IBM 3741 MOD 4 programmable data entry devices which are used for nonrecurring rapid retrievals and some administrative accounting jobs. These machines are very limited in capability and are only meant to serve as an interim, partial solution to the CRD's ADP needs.

(a) There are two persons trained to program the machines that are used about 200 hours a month.

(b) Data reduced and controlled by USACIDC may be accessed on a timely basis.

(c) On 20 May 1976, USACIDC initiated a contracted systems architecture study to determine the command's total information requirements. It is anticipated that this study will take eight months to complete. An important part of the study will be to determine the "interface with other military and law enforcement systems as necessary . . . it must make strict provisions for complying with personal privacy, public access laws and Army regulations."

c. TJAG. The Judge Advocate General Statistics System (JAGSTATS).

(1) Since 1 January 1954, The Judge Advocate General, US Army, acting as executive agent for the Department of Defense, has compiled statistics on the exercise of criminal jurisdiction by foreign tribunals over all US service personnel abroad. The collection of such statistics is mandated by DOD Directive 5525.1 and can be traced to the need to be responsive to the United States Senate on questions involving the exercise of foreign criminal jurisdiction over US forces overseas in accordance with the resolution of ratification to the NATO Status of Forces agreement, as agreed to by the Senate on 15 July 1953. Automated statistics form the basis of an annual report to the Senate Armed Services Committee on that subject. In addition to this, a quarterly confinement report is produced reflecting information on US personnel confined in foreign prisons.

(2) Future enhancements to JAGSTATS include the automation of statistical data concerning general courts-martial, special courts-martial, summary courts-martial and nonjudicial punishment.

5-34. SUMMARY.

a. The Army uses specified crime records administratively for purposes such as suitability for employment in sensitive positions, elimination boards, boards for correction of military records, notification of serious incidents, alcohol and drug abuse programs and safety programs. For law enforcement purposes, they are being used to facilitate investigations, determine methods of criminal operation, crime prevention and qualitative review. Army policy permits the administrative use of such records; however, the exemptions available for law enforcement purposes do not necessarily follow the record into other records systems, except when the information is provided for temporary use by the requester. This conforms to DOD policy and protects the interests of Army law enforcement.

b. Extensive use is being made of the records in the CRD. This use primarily evolves around name checks requested by military police investigators and USACIDC special agents. There is limited policy regarding procedures for requesting name checks by the military police. These checks are of value in conducting investigations and to commanders in making administrative determinations regarding personnel in their commands.

c. Whether or not disposition of offender information is contained in crime reports is a consideration in both law enforcement and administrative uses.

d. Disposition of offender information is absent in a number of military police reports, both in the field and in the CRD. Dispositions for USACIDC reports are somewhat better, but delinquency still exists. The problem may be attributed to:

(1) The level the report is introduced into the chain of command;

(2) A lack of clear understanding of the relationship between obtaining dispositions and the rights of individuals;

(3) A lack of clear policy regarding receipt of disposition for reports pertaining to minor offenses, reports forwarded to US Magistrates as well as those received from installations/communities other than those to which an individual is assigned, and those received from civilian law enforcement agencies;

(4) A lack of policy regarding receipt of supplementary court-martial orders and information pertaining to appealed nonjudicial punishment.

e. Military police reports pertaining to civilians that are within the purview of the category reportable to the CRD are not being forwarded.

f. The military police, USACIDC and TJAG have automated systems in various developmental states. These systems do not appeal coordinated to the degree desired.

(1) The military police system is primarily oriented on installation use.

(2) The USACIDC system is dependent on MILPERCEN, who has curtailed support with plans for final support withdrawal in March 1977, although this is currently being reviewed. DIS is currently providing computer and programming support for USACIDC. A USACIDC study will address all aspects of automation in the USACIDC.

(3) TJAG is currently developing a system designed to support its function of compiling statistics for the annual report to the Senate Armed Services Committee pertaining to the exercise of criminal jurisdiction by foreign tribunals over US service personnel abroad.

(4) These automated systems have no central direction to assure that the programs achieve desired compatibility and that necessary coordination is accomplished.

CHAPTER 6

OTHER CRIMINAL AND INTELLIGENCE RECORDS SYSTEMS

6-1. GENERAL. A part of the study was devoted to reviewing the crime and intelligence records systems of the USAINTA, DOD, other services and the FBI. A description of these systems, in summary form, is contained in this chapter.

6-2. DEFENSE INVESTIGATIVE SERVICE.

a. The Defense Investigative Service (DIS) files contain information collected during personnel security (background) investigations that are conducted by that activity for all of the military departments. Files pertaining to individuals are assigned numbers with information added as appropriate. The information is filed by a sequential numbering system and the individual's name is listed in the DCII. As indicated in Chapters 2 and 5, this index was established in 1967, as a result of Project Security Shield, a study indicating the need for a DOD centralized index of offenders. The DCII contains indices of subjects and victims of DOD investigations of an intelligence or criminal nature. The index includes data provided by the Department of the Air Force's OSI and the Navy's NIS, both of which investigate intelligence and criminal matters. Files from the National Security Agency (NSA) are also contained in the index. Presently, the file contains approximately 26 million indices. Procedures for releasing information from the DCII and other DIS files are the same as those for the Army's Crime Records Directorate, outlined in Chapter 5. The DCII indices are updated and disposed of in accordance with information received from the contributing DOD component.

b. The investigative files (Personnel Security Investigations) of DIS are destroyed 15 years following the date of the last entry if they do not contain derogatory information. If the investigation determines the existence of derogatory information, such as an adverse personnel action or court-martial, the information is retained for 25 years.

6-3. UNITED STATES ARMY INTELLIGENCE AGENCY.

a. Intelligence files maintained by this agency are compiled from investigation of subversion and espionage directed against the Army (SAEDA), sabotage, suitability and personnel security investigations conducted by the agency prior to establishment of DIS. A file is created for each individual and any information pertaining to a subsequent investigation is placed in the file. The files are indexed by social security numbers. Names and personal identifying data are entered in the DCII.

b. The USAINTA creates and maintains impersonal files, pertaining to investigations involving units, firms, or organizations. While these files are not indexed with the DCII, a separate index is maintained within USAINTA. Release criteria are the same as those for DIS.

c. The files are eligible for destruction after 15 years if they pertain to investigations that are minor in nature. Those that pertain to significant incidents or contain adverse actions are retained for 25 years, at which time they are normally destroyed. Files with historical value may be offered to The National Archives after 15 years retention. Reports pertaining to investigations for espionage and sabotage of a counterintelligence nature are retained permanently, but may be offered to The National Archives 25 years after the date of last action. The Army is revising its regulations to reflect this change.

6-4. US AIR FORCE. The US Air Force's two elements of law enforcement are the security police and the OSI. The security police normally investigate the type offenses investigated by the Army's military police. The OSI investigates offenses paralleling those conducted by the Army's CID in the criminal area and the Army's USAINTA in the intelligence area. Security police records are filed at the local holding area for two years. The OSI files are separated by categories, i.e., crimes against property, crimes against persons, fraud, counterintelligence, etc. Files created on individuals are assigned a file number for each incident in which the individual is involved. A file on an individual created as a result of investigation is assigned a number and subsequent material involving that individual is retained under the file number. The only index for the OSI file is the DCII. Investigative reports pertaining to organizations, a particular project, firm, unit, etc., are handled in a manner similar to USAINTA. Procedures for releasing information from OSI files are the same as USACIDC and USAINTA. Air Force files are disposed of in the same manner as USAINTA records.

6-5. US NAVY.

a. The Navy has two levels of law enforcement, the shore patrol and the NIS. The shore patrol's jurisdiction over offenses is similar to the Army's military police and the Air Force's security police. The investigative records of the shore patrol assigned to a station or ship are retained for one year and then destroyed. The NIS is comparable to the Army's USACIDC and USAINTA and the Air Force's OSI. NIS files are compiled from investigations of criminal offenses, espionage, sabotage, counterintelligence matters and personnel security investigations conducted prior to the establishment of DIS in 1972.

b. The individual's name and other personal identifying data are entered into the DCII which, similar to the Air Force, is the only complete Navy index. Investigative reports of impersonal subjects such as firms, units, organizations, projects, etc., are handled in a manner similar to the Air Force. Procedures for the release of information and disposition of reports are the same as USAINTA records.

6-6. FEDERAL BUREAU OF INVESTIGATION.

a. The FBI has four basic file categories. The first is a fingerprint file created as the result of an arrest of an individual by any police department in the country. The police departments routinely forward arrest information to the FBI. Cards received on the same individual are filed in a jacket under the same number with the first card. A Record of Arrest and Prosecution ("RAP Sheet") is also maintained in the jacket and updated as appropriate. A fingerprint file is normally created when an individual enters the Army, applies for employment with the Civil Service Commission, applies for citizenship or for other civil reasons. These files are referred to as Civil Records. Name indices exist for both fingerprint files.

b. A third file is the Report File. This file is created as a result of FBI investigative effort. It is prepared in narrative form. These reports are assigned numbers that identify the offense and each report on an individual is assigned a separate number. A name index exists; as well as an offense index, the latter being filed by numerical sequence.

c. The fourth file is comprised of records in the FBI's NCIC. This is a computerized data bank containing on-line information accessible to police agencies throughout the United States through remote terminals. These records consist of data banks of fugitives wanted by civil police departments and agencies of the federal government including DOD. The data banks include stolen serial numbered items reported by police agencies throughout the United States and Canada and criminal history records from federal and state investigative agencies (minus DOD and six of the 50 states). The FBI releases information to duly constituted law enforcement agencies at the local, county and state levels and authorized requestors within the federal government.

d. The arrest record fingerprint card files are maintained until the subject of the record is 80 years of age. It is then destroyed. They may be expunged by a court order. The civil record fingerprint card files are maintained until the individual is 75 years of age. It is then destroyed. Similarly,

these records may be expunged by a court order. The FBI reports are maintained for 50 years from the date of the last action on the report and then destroyed. Records in the NCIC are maintained on-line in a computerized data bank for 30 days following the apprehension of a fugitive or the recovery of stolen items.

e. All other data or criminal history information maintained by the FBI are disposed of when the subject reaches age 80.

6-7. DISPOSITION OF OFFENDER INFORMATION.

a. The Air Force forwards a card file to the commander concerned, requesting disposition of offender information on security police reports. The information is recorded on the form and filed with the report. The form is retained for a period of one year following the subject's departure from the base. It is then destroyed. The local OSI refers the requirement for disposition of offender to the commander who is requested to return it. The local OSI forwards it to the central OSI recordkeeping facility at the Department of Air Force level. The system is similar to the Army's with the exception that no suspense system or follow-up exists at Headquarters Air Force level.

b. The Navy has no regulatory policy for obtaining disposition of offender information for shore patrol or NIS reports. Some commanders of ships and local districts require local reporting of the information.

6-8. UTILIZATION OF REPORTS. The use of crime reports in the Air Force and Navy parallels that of the Army.

6-9. SUMMARY. The Army's crime records system is more similar to that of the FBI than the other military departments. The Air Force and Navy do not maintain centralized crime records for offenses investigated by their counterparts to the military police. They retain them locally for three and one years respectively and then destroy them. Only in exceptional cases are they forwarded to a centralized recordkeeping facility. The OSI and NIS (investigative agencies comparable to the Army's CID) investigate matters concerning both intelligence and criminal activities. Their reports are generally retained for 25 years at departmental levels. The Army's CID retains its reports for 40 years. The procedures for obtaining disposition of offender information in the Air Force and Navy are not as comprehensive as those of the Army. Both the Air Force and Navy rely more heavily on the DCII than does the Army in maintaining indices to their crime records.

CHAPTER 7

ANALYSIS AND ASSESSMENT

7-1. GENERAL. This chapter discusses the Army's system of acquisition, use, maintenance, retention, release and disposition of crime records. It addresses the Army's needs, risks involved in meeting those needs, statutory authority, due process, regulatory guidance, current trends and procedures of other federal investigative agencies.

SECTION I

HISTORICAL ANALYSIS

7-2. BACKGROUND.

a. The need for crime records in the Army parallels those of society. In determining the extent that crime records are necessary, the 1967 report of the President's Commission on Law Enforcement and Administration of Justice was reviewed.

b. The Commission found that far more crime exists than is actually reported. Of importance to the Army is the fact that the peak age of criminality occurs before age 24. Offenders over the age of 24 make up the great majority of persons arrested for fraud, embezzlement, gambling, drunkenness, offenses against the family and vagrancy. Crimes of burglary, larceny and auto theft are most frequently committed by those in the 15-17 year age group. Crimes of murder, rape and assault are most frequently committed by those from 18-20, followed closely by the 21-24 age group.

c. The Commission found that males were arrested nearly seven time more frequently than females for Index Offenses, plus larceny under \$50. Since that time, the arrest rate for females has been increasing faster than the rate for males. For the period 1960-65 the male rate for the above cited offenses increased 18 percent, compared to a 62 percent female increase. Most of this increase was due to female arrests for larceny.

d. The Commission found that crime rates vary according to race. While many more whites than blacks are arrested each year, blacks have a significantly higher rate of arrest in every offense category, except certain offenses against public order and morals. For Index Offenses, plus larceny under \$50, the rate for blacks in 1965 was four times greater than that of the white population.

e. The most striking fact in the report is how often those convicted of crimes continue to commit offenses. Arrest, court and prison records furnish consistent testimony to the fact that repeat offenders constitute the hard core of the crime problem. Examples cited were:

(1) A follow-up study of a sample of 510 Massachusetts reformatory inmates released between 1911 and 1922 showed that 32 percent of the men who could be followed over a 15 year period repeatedly committed serious crimes. Many others did so intermittently.

(2) A study of adults granted probation by 56 of 58 county courts in California from 1956 to 1958 showed that by the end of 1962, 28 percent of the more than 11,000 probationers had been taken off probation. Almost half of these had committed new offenses. Others had violated parole terms.

(3) A California study of parolees released from 1946 through 1949 found that 43 percent had been reconfined by the end of 1952. Almost half of this group had committed other felonies while the remainder violated conditions of parole.

f. A Commission review of a number of such studies led to the conclusion that roughly a third of offenders released from prison will be re-imprisoned, usually for committing new offenses, within a five year period. The most frequent recidivists were those who commit property crimes, such as burglary, auto theft, forgery, or larceny. Robbery and narcotic offenders are also frequent repeaters.

g. Studies of the careers of adult offenders show the relevance of juvenile delinquency as a forerunner of adult crime. These studies support the conclusion that the earlier a juvenile is arrested, the more likely the individual is to commit serious crimes. This is especially true in the category of major crimes against property. The more frequently a juvenile is processed by the police, court and correctional system the more likely the individual will be arrested and imprisoned as an adult. The most frequent pattern among adult offenders is one that begins with petty stealing and progresses to more serious property offenses.

h. A recently concluded report conducted for the US Army Research Institute for Behavioral and Social Sciences supports the Commission's findings with respect to crime in society and in the Army (Comparative Indicators of Civilian and Military Crime 1969-1974, May 1976, Gitter, D'Agostino, and Teebagy).

i. As indicated in Chapter 5, the exact value of name checks to military police and USACIDC investigators cannot be determined. Prior arrest records were located in the CRD for over 37 percent of checks requested during the period 1973-75 and nearly 49 percent for 1975. This indicates that the recidivism problem in society is prevalent in the Army. Thus, the Army's centralized recordkeeping is of value in identifying suspects who have committed offenses prior and subsequent to entering the Army. The CRD receives approximately 700 reports monthly from the DIS indicating crimes committed by newly accessioned personnel prior to entering the Army. These criminal records are discovered during background investigations conducted by DIS.

j. If the Army's crime records are to be of value to commanders, they must be available for use in two broad functional areas. These are law enforcement (maintaining order, preventing crimes and protecting personnel and property) and administration (determining suitability for employment, elimination or advancement).

k. The need in the law enforcement area is obvious. Crime records are necessary for law enforcement functions involving crime prevention and identification of subjects, suspects, victims and witnesses. Additionally, these reports must be provided to other law enforcement agencies.

l. The administrative need is equally clear; however, there are inherent risks involved in such use. Analysis of this risk is addressed in Section II of this chapter.

m. Although the Army's population is drawn from society, there are significant differences. The requirement for a predominantly younger population and the Army's appeal to minorities and women makes the population susceptible to a higher crime rate. This does not suggest that the young women and minorities are the Army's only concern. The fact is, however, that they represent those who commit the visible and disruptive type crimes. Therefore, they have a greater effect on esprit, discipline and morale. Army crime reports show that in 1975, 199 persons were murdered, 552 were victims of rape and 5,517 were victims of robbery and aggravated assault. Crimes against property totaled approximately \$7.6 million of government assets and another \$9.4 million in private property. Only a small percentage of these losses were recovered. The potential effect of these crimes on military manpower and resources are significant due to current budget austerity and reduced strength levels.

n. The President's 1967 Commission addressed the problem of increasing the ability of the police to detect and apprehend criminals. An analysis of 1,905 crimes reported to the Los Angeles Police

Department illustrates the importance of identifying perpetrators at the scene of the crime. In 86 percent of those crimes where suspects were identified at the crime scene, the investigation was successfully concluded.

o. Most named suspects are identified by victims and witnesses. However, recidivism is a necessary factor to consider when suspects are not identified by victims or witnesses. Centralized record-keeping facilitates the identification of recidivists and promotes the likelihood of concluding an investigation successfully by identifying the perpetrator.

SECTION II

RISK ASSESSMENT

7-3. INTRODUCTION. This section analyzes the Army's system of acquisition, use, maintenance, retention, release and disposition of crime records, current crime record trends and resulting policy conflicts.

7-4. TERMINOLOGY.

a. National security or security clearance needs are requirements for crime records or information contained therein which are necessary for agencies responsible for the effective conduct of national defense, foreign relations, the national interest mandated by law or executive order, or to protect against actions hostile to the United States. It also refers to requirements for comprehensive individual history and background investigation pursuant to a statute or executive order and preceding authorization for access to classified information.

b. Criminal justice needs refer to those requirements for crime records pertaining to the enforcement of criminal laws, including police efforts to prevent, control or reduce crime or apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon or parole authorities.

c. Personnel management needs are requirements for crime records which pertain to the employment, assignment, evaluation, promotion, career enhancement selection, discharge or executive appointment of personnel.

d. System control needs are crime record requirements which allow the supervisors of recordskeeping systems and the persons affected by those systems the means of insuring that the systems are functioning appropriately.

7-5. NEEDS FOR ARMY CRIME RECORDS.

a. Army crime records appear to serve the needs of national security, criminal justice, personnel management and system control. It is not necessary for the purpose of this study to categorize every potential need for a crime record. However, the broad categories are identified and general guidance relative to each category can be provided.

b. National security and security clearance needs. Broadly stated, national security needs for crime records concern adverse information or investigative leads which might have an impact on

the effective conduct of national defense, foreign relations or the national interest as mandated by statute (i.e., Espionage, Sabotage, Conspiracy, and Atomic Energy Acts or the International Traffic in Arms Regulation) or by Executive Order (i.e., E.O. 10865 or E.O. 11652). To prevent unauthorized disclosures of information associated with national defense, persons handling that information require a security clearance. Consequently, and as mandated by statute or executive order authorizing a comprehensive investigation of history and background, individuals are in part evaluated from investigative information. The purpose is to discharge the national security mandate.

c. Criminal justice needs. The criminal justice system requires crime records to prevent crime, identify criminals, provide data to prosecutors (to include commanders in the military justice system), defense counsels, courts and correctional authorities. The purpose is the execution of the criminal laws.

d. Personnel management needs. The personnel management needs for crime records involve determinations of: suitability for employment, assignment and promotion; the appropriateness of executive or supervisory evaluation/counseling and career enhancement selection; the background inquiry necessary for executive appointment; and the substantiation of discharge decisions. The purpose is based upon the need to identify undesirable personality traits and to protect the reputation associated with sensitive positions. The criticality of the need will vary with the management decision.

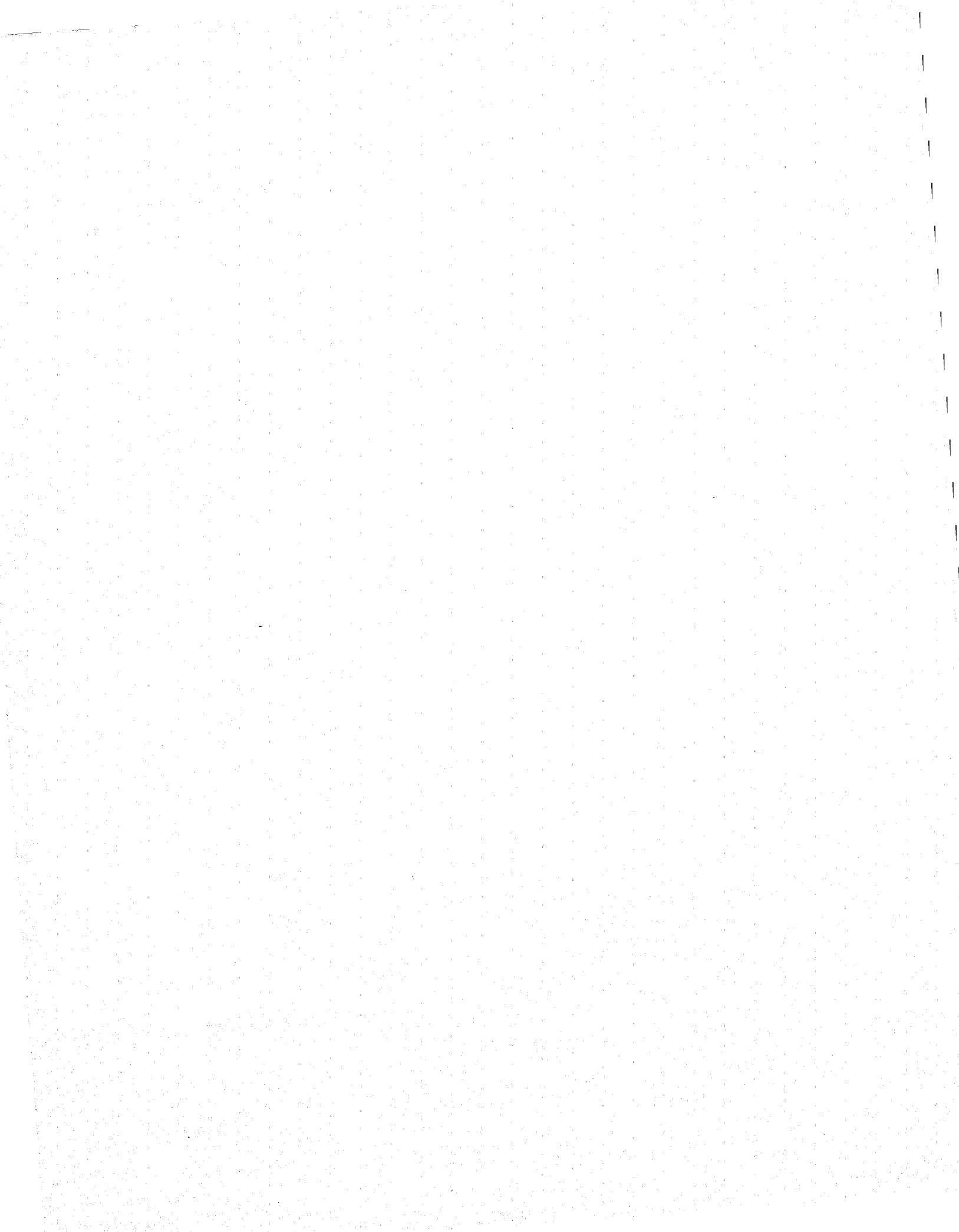
e. System control needs. The system control needs for crime records permit system supervisors and persons affected by the system, to evaluate the criminal justice effort, to identify the need for guidance, to identify internal violations of regulatory parameters and to correct erroneous data. The purpose is to provide effective controls over the system.

7-6. REGULATORY PARAMETERS. The Secretary of the Army's broad authority to acquire, maintain, use and dispose of crime records must be exercised within parameters provided and analysis of the following.

a. Congress.

(1) Records Management and Disposal, 44 USC 3101-3107 and 3301-3314.

(2) Special Maritime and Territorial Jurisdiction of the United States Defined, 18 USC 7.



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- (3) Uniform Code of Military Justice.
 - (4) Assimilative Crimes Act, 18 USC 13.
 - (5) Posse Comitatus, 18 USC 1385.
 - (6) Freedom of Information, 5 USC 552.
 - (7) Privacy, 5 USC 552a.
 - (8) Juvenile Justice and Delinquency, 18 USC 5031 et seq.
 - (9) Various National Security Enactments: Espionage, Sabotage and Conspiracy; International Security; National Security; Atomic Energy; International Traffic in Arms; Export Control; and Mutual Security.
 - (10) Various treaties with foreign governments.
- b. Executive Order and International Agreements.
- (1) Status of Forces Agreements (SOFA).
 - (2) Manual for Court Martial (MCM), 1969 Revised.
 - (3) Security Requirements for Government Employment, E. O. 10450.
 - (4) Safeguarding Classified Information, E. O. 10865.
 - (5) Classifying and Declassifying National Security Information and Material, E. O. 11652.
 - (6) Restrictions on Intelligence Activities, E. O. 11905.
- c. Secretary of Defense Direction.
- (1) Defense Investigative Program, DOD Dir 5200.26.
 - (2) Acquisition of Information Concerning Persons and Organizations Not Affiliated with the Department of Defense, DOD Cir 5200.27.
 - (3) Defense Investigative Service, DOD Dir 5105.42.
 - (4) Delimitations Agreement of February 1949 and the 1955 Memorandum of Understanding Relating to Investigation and Prosecution of Crimes over which DOD and DOJ have concurrent jurisdiction.

(5) Personal Privacy and Rights of Individuals Regarding Their Personal Records, DOD Dir 5400.11.

(6) DOD Freedom of Information Program, DOD Dir 5400.7.

d. Judicial. Court decisions relevant to the activities of DOD. To date there is no well defined body of judicial interpretation in this area.

7-7. RECORDS MANAGEMENT AND DISPOSAL.

a. A basic parameter for the Department of the Army is that any substantial change in the approved system plan for maintaining and disposing of crime records requires the approval of the National Archivist.

b. Retention modification of any category of records would require significant justification.

c. Historical records provided to the National Archives become the responsibility of the National Archivist as to Freedom of Information and Privacy Act requirements.

7-8. FREEDOM OF INFORMATION.

a. All records maintained by the Department of the Army are required to be released, unless specifically exempted. There are nine exemptions under FOIA which include: classified materials; disclosure of records which would constitute an unwarranted invasion of privacy; and investigatory records compiled for law enforcement purposes, with limitations.

b. Each agency, as defined in the FOIA (5 USC 552), must publish specific rules, procedures and agency or functional descriptions to facilitate a requestor's access to records that he or she has reasonably identified.

c. Each agency, as defined in the FOIA, must provide the public an indexing mechanism to identify agency or functional records.

d. The Department of the Army's policy is for the Initial Denial Authority (IDA) to release exempted records or documents under the FOIA, if no legitimate purpose exists for withholding them.

e. Implementation of the FOIA established the operational policy that other federal agencies will refer FOIA requests for Army originated records to HQDA for action. This policy is reciprocally applied by DA to a FOIA request for records maintained by HQDA, but which originated in other federal agencies.

f. All FOIA requests for HQDA originated information will be forwarded to the proponent (local or IDA) of that file system for action, even though the information may be stored in other locations within the Department of Defense.

7-9. PRIVACY.

a. All information or records which are maintained by an agency and which are indexed to an identifiable individual, must comply with Privacy Act provisions, unless the system of records has been exempted by the head of the agency. Failure to comply with the provisions of the Act may result in criminal and/or civil sanctions.

b. Agency requirements. Each agency must insure that details of the existence, use and content of all Privacy Act record systems maintained by the agency are made public. The agency must also comply with other requirements of the Act to include: publication of agency procedures for implementing the Act; training of persons using and operating systems of records, manner and type of information collection; accounting for disclosures and responding/complying with requests from individuals.

c. Individual rights. Information maintained in a Privacy Act system of records must be made available to the individual, unless it has been properly exempted from the disclosure provisions of the Privacy Act, and it would not otherwise be required to be disclosed under FOIA (5 USC 552), and there exists a significant and legitimate governmental purpose for denial. The latter stipulation is DOD implementing policy. Additionally (with certain exemptions), the individual has the right to request amendment (record correction, addition, deletion, or otherwise); and if the request for amendment is denied by the agency, the individual may insert his or her statement of disagreement with the contents or omissions of the record into the file. The statement or disagreement then becomes a permanent part of the file and must be identified in all future disclosures of the record.

d. Criminal penalties. The provisions of the Act cite certain criminal penalties (misdemeanor/\$5,000 fine) against individuals acting under false pretense and government employees willfully violating the provisions of the Act.

e. Army crime records. Army criminal investigative records qualify for a general exemption under the Privacy Act. Although eligible for general exemption status, each section of the Act from which exemption is sought must be thoroughly justified and approved by the Secretary of the Army. Without this specific approval of exemptions by the Secretary of the Army, all sections of the Privacy

Act would apply to Army criminal law enforcement records and operations. The underlying reason for criminal justice records being provided general exemption by Congress was to avoid undue restriction on the enforcement of criminal laws and police efforts to prevent, control or reduce crime and to apprehend criminals.

f. National security or security clearance record systems.

(1) Classified information contained in systems of records is eligible for exemption from access.

(2) Investigatory material compiled solely for the purpose of determining access to classified information is eligible for exemption from access, but only to the extent that the disclosure of such material would reveal the identity of a confidential source as defined in 5 USC 552a(k)(5).

g. Personnel management record systems.

(1) Investigatory material compiled solely for the purpose of suitability, eligibility, or qualification for federal civilian employment, military service or federal contracts is eligible for exemption from access, but only to the extent that the disclosure of such material would reveal the identity of a confidential source as defined in 5 USC 552a(k)(5).

(2) Evaluation material used to determine potential for promotion in the armed services is eligible for exemption from access, but only to the extent that the disclosure would reveal the identity of a confidential source as defined in 5 USC 552a(k)(7).

h. System control records. Disclosure of information from Privacy Act records systems is authorized to those officers and employees of the agency who maintain the record and who have a need for the record in the performance of their duties. Accordingly, the Privacy Act poses no difficulties for use of records for system control purposes.

i. Release of information to the individual by another federal agency. Under current practices, other federal agencies who receive Privacy Act access requests for DOD originated records, either refer such requests to DOD or coordinate release with DOD. This practice is reciprocally followed by DOD for records originating outside of DOD, and is followed for records originated by a other component within DOD and which are in the temporary custody of the user. This enables agencies to take cognizance of exemptions available to the originating agency.

7-10. FREEDOM OF INFORMATION AND PRIVACY RELATIONSHIP.

a. The Privacy Act permits disclosure of information on individuals if it is required to be disclosed by the Freedom of Information Act. Thus the Privacy Act, in effect, incorporates the Freedom of Information Act exemptions from mandatory disclosure; primarily the sixth exemption which applies to personnel files, medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

b. As to what is a clearly unwarranted invasion of privacy, the courts have generally applied a "balancing test" in which the public's right to know is weighed against the individual's right to personal privacy.

7-11. ACQUISITION OF INFORMATION. The Memorandum of Understanding of 1955, the 1949 Delimitations Agreement between the FBI and US military services and DOD Directive 5200.27 recognize that authorized military law enforcement investigations, as an adjunct to criminal justice, encompass persons and organizations not affiliated with DOD. This criminal justice necessity is not to be confused with unauthorized investigative activity outside criminal investigative jurisdictional responsibility of the agency, as would be the case in a Posse Comitatus (18 USC 1385) violation. Consequently, DOD Directive 5200.27 does not preclude authorized Army criminal investigative activities from acquiring criminal information concerning non-DOD persons, so long as the acquisition is a part of an authorized investigation of criminal activity directed against the US Army.

7-12. JUVENILE JUSTICE RECORDS. The Juvenile Justice and Delinquency Act provision for records sealing (18 USC 5038) only applies to the Army in those cases where a juvenile subject is referred to Federal District Court. However, this study determined that the restrictions on disclosure of Federal juvenile court records, with modification, could be made applicable to Army juvenile records.

7-13. ARMY CRIME RECORD NEEDS AND REGULATORY PARAMETERS. The four basic needs for Army crime records identified in paragraph 7-5 are discussed in relationship to those factors presented in paragraph 7-6 which appear to impose restrictions on the collection and use of crime records and may cause certain crime record exemptions under the Privacy Act to be eroded through judicial or legislative processes.

a. National security and security clearance needs.

(1) The Freedom of Information Act does not interfere with the use of crime records for national security purposes.

(2) The Privacy Act does not restrict the use of crime records within DOD for national security purposes as Privacy Act records may be disclosed to officers and employees of the agency who have a need for the record in the performance of their duties. However, the disclosure of criminal information/intelligence and crime records without disposition of offender information to non-DOD agencies for national security purposes may be restricted. Disclosure may be made pursuant to a published routine use, if the use is "compatible" with the purpose for which the record was collected. In addition, disclosure may be made, upon written request of the head of an agency, for a "civil or criminal law enforcement" purpose. Whether disclosure of these records outside DOD for national security purposes is "compatible" with the purpose for which they are maintained, or whether national security constitutes a "civil or criminal law enforcement" function, is uncertain. Policy guidance in this area is needed pending judicial interpretation or legislative clarification.

(3) The Juvenile Justice and Delinquency Act permits the disclosure of Federal court records to an agency considering the person for a position immediately and directly affecting the national security (18 USC 5038(a)(5)).

(4) Provisions of regulatory policy (AR 380-13) for collection of criminal information on non-DOD-affiliates affords Army law enforcement the authority to pursue authorized Army law enforcement investigations and collect information relevant to such investigations. However, within DOD, intelligence activities may have access to Army records pertaining to non-DOD-affiliated individuals. This requires intelligence elements to apply DOD Directive 5200.27 provisions to the acquisition and retention of such information since the purpose of collection and retention is not for an authorized criminal investigative function.

(5) Applicable records management and disposal policies do not appear to conflict with needs of national security or security clearance requirements for crime records.

b. Criminal justice needs.

(1) The exemptions afforded law enforcement records are not the same under the Freedom of Information Act and the Privacy Act. Since both statutes must be applied simultaneously (e.g., public's right to know vs. individual's right to privacy), confusion sometimes arises.

(2) The Privacy Act does not inhibit the use of crime records acquired during the course of authorized investigations for criminal justice purposes, except that disclosure outside DOD involves certain administrative burdens.

(3) The Juvenile Justice and Delinquency Act permits the disclosure of Federal court records to a law enforcement agency where the request is related to the investigation of a crime (18 USC 5038 (a)(3)).

(4) Records management and disposal considerations are not affected by criminal justice uses of crime records.

(5) Policy regarding acquisition of information does not appear to cause a conflict between criminal justice needs and crime records.

c. Personnel management needs.

(1) The Freedom of Information Act does not inhibit personnel management uses of Army crime records.

(2) The Privacy Act does not currently have an impact upon the personnel management uses of crime records. The uses include determining suitability, eligibility or qualifications for federal civilian employment or military service and for promotion. However, in light of trends evidenced in HR 61, disposition of offender information may become more significant, if crime records are used for personnel management purposes.

(3) Acquisition of information may cause conflict over personnel management needs for Army crime records initiated and/or completed on an individual who is a non-DOD-affiliate, but who later attains a DOD affiliate status.

(4) Records management and disposal considerations are not inhibited by personnel management use of Army crime records.

d. System control needs. Applicable Freedom of Information Act, Privacy Act, juvenile justice, acquisition of information and records maintenance, and disposal provisions do not appear to inhibit uses of Army crime records for system control.

7-14. CRIME RECORD TREND AND SYSTEMS COMPARISON. Federal criminal records systems have experienced an added dimension with the implementation of the Freedom of Information and Privacy Acts. This involves the question of criminal records being used for non-criminal justice purposes. Because of federal funding of state and local law enforcement agencies the potential applicability of the Privacy Act or similar legislation is increasingly broadened.

7-15. CURRENT TRENDS.

a. During the development of the Privacy Act, both houses of Congress considered companion legislation dealing with access to and use of criminal justice information. Upon the enactment of the Privacy Act, without the enactment of the companion legislation, there resulted a need for the development of executive policy concerning access to and use of criminal justice information. As this policy has evolved, it appears that more limiting restrictions were imposed on disclosure of information by DOD, both within the agency and to routine users. For example, the Privacy Act defines routine use ". . . with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected." The Army's implementation adds to that phraseology the restriction, ". . . and which is appropriate and necessary for the efficient conduct of government." Further, DOD Directive 5400.11 permits law enforcement's general exemption to follow the record into another record system, when temporarily in the custody of a non exempt user or one provided a specific exemption (e.g. 5 USC 552a(k)(2) or (k)(5)). However, when the law enforcement record is permanently made a part of a non criminal justice record system the law enforcement record cannot be protected with other than the user's exemption(s).

b. At the federal level, pending HR 61 (on access to and use of crime records) is the focal point for the current development of Congressional policy. DOD has participated with DOJ, OMB and other interested agencies in the formulation of HR 61 and is extremely concerned with the passage of legislation which would allow certain non-criminal justice users access to and use of crime records without jeopardizing exemptions under the Privacy Act and the FOIA. DOD's position is largely based upon national security needs.

7-16. DUE PROCESS AND NEED FOR DISPOSITION INFORMATION.

a. The essential elements of "due process of law" are notice and opportunity to be heard, adapted to the nature of the case.

b. When this concept is applied to a judicial proceeding, it is referred to as judicial due process. When applied to administrative actions, it is referred to as administrative due process. In administrative actions, the degree of impact on the individual (i.e., the degree of deprivation of life, liberty, or property) controls the amount and type of procedural rights required by due process. Many such actions permit what might be termed executive discretion. By way of illustration, it is suggested that the decision that an officer will or will not be eliminated from the service involves substantially greater procedural rights than the decision that the same officer will or will not be selected as an aide-de-camp. The consideration in the latter case appears to be that those not selected are in no way impaired in their career opportunities, nor is there any aspersion cast on these individuals with respect to their character, competence or future performance appraisals.

7-17. DISPOSITION OF OFFENDER INFORMATION.

a. When an administrative action (e.g., a personnel management decision) requires access to crime records, records utilized for that purpose may be required to meet Privacy Act standards (e.g., complete, accurate, relevant, timely). The primary element of information which may be questioned is disposition of offender data.

b. The Commander, USACIDC addressed this issue to the Army Inspector General in 1975, identifying the following problem areas:

(1) Persons listed in the DCII as subjects of allegations later determined to be unfounded were not being deleted from the DCII. As discussed earlier, procedures to eliminate these names were initiated.

(2) Successful appeals to Article 15's were not being forwarded to the CRD.

(3) Revised or modified courts-martial decisions were not being forwarded to the CRD. TJAG has completed a change to AR 27-10 (Military Justice) that will assure the forwarding of courts-martial orders.

c. The study group found that the presence of reports without disposition of offender information is not uncommon, especially for military police reports. This issue is discussed in Chapter 5. Continued emphasis is required in this area. The development of compatible and coordinated Army criminal justice records systems would aid in the resolution of this problem.

7-18. PROBLEM AREAS. Comparison of needs with regulatory or statutory requirements discussed previously provides potential conflict within the Department of the Army in the following areas:

a. National security and security clearance. The use of Army crime records for national security needs may create Congressional dissatisfaction with potential erosion of the general exemption provided law enforcement under the Privacy Act. The consequence appears to be imposition of additional requirements for maintaining these records.

b. Personnel management. The use of Army crime records for personnel management needs relating to suitability, eligibility, or qualifications for federal civilian employment or military service may create Congressional dissatisfaction with potential for erosion of the general exemption provided under 5 USC 552a. The consequence appears to be imposition of additional requirements for maintaining these records.

c. Disposition of offender information. Since all crime records do not contain disposition of offender information, they may fail to meet the requirement that the records used for security clearance or personnel management purposes be maintained with such accuracy, completeness, relevance and timeliness as is reasonably necessary to assure fairness to the individual. Disposition of offender information cannot be obtained for many early records.

d. Administrative due process. Army policy on the use of crime records for personnel management purposes has not been clarified as to the individual's right to administrative due process, although it is noted that procedures exist for review, rebuttal and appeal under the functional proponents' regulations, as well as AR 340-21 (The Army Privacy Program).

e. Maintenance of crime records. Centralized maintenance of crime records is incomplete. Records of selected minor offenses are not centralized for retention, although the cost of centralized maintenance may well outweigh the benefit gained.

f. The absence of an Army-wide automated crime records system may contribute to the lack of complete, accurate, timely and relevant information and encourages duplication of records.

g. The responsibility for coordinating the development of a compatible Army-wide criminal justice system is not fixed.

SECTION III

ADMINISTRATIVE USE VS. DUE PROCESS

7-19. LAW ENFORCEMENT AND ADMINISTRATIVE USE OF CRIME RECORDS.

a. Opinions regarding how crime records should be used in our society have been debated in the nation's courts, DOJ, Congress and by private interest groups. Thus far, except for passage of the Freedom of Information Act and Privacy Act, no specific policy has evolved in the area of administrative use of law enforcement records.

b. While the trends outlined in Chapter 4 indicate that the Congress, courts and Executive Branch do not desire to hamper the nation's law enforcement agencies, it is equally clear that they do not want the records of these agencies to be misused. The dilemma involves determining how executives, governors, managers and supervisors and in the case of the Army, commanders and their staffs, can allow law enforcement agencies to use crime records in fighting crime and at the same time place restrictions on their administrative use.

c. The charts at Figures 1 through 3 depict attempts to restrict certain data. This accentuates the difficulty in determining the type of investigative information that should not be used for administrative purposes.

d. It is realized that the most sensitive issue in any criminal justice system is the record of previously arrested people or other criminal investigative information. There is no doubt that such information is valuable in solving crimes involving recidivists, determining criminal methods, prosecuting, sentencing and in making correctional decisions. The fact that such records are kept also provides a valuable tool in selecting personnel for employment and positions requiring high personnel reliability. When records contain derogatory information, however, conflict may result as discussed in Section II of this chapter, because of the following:

(1) The record may contain incomplete, inaccurate or outdated information.

(2) The information may fall into the wrong hands and be used to intimidate, embarrass or discriminate.

(3) The information may be retained long after it has lost its usefulness.

7-20. RESTRICTIONS.

a. Access to certain categories of information may be restricted as a matter of policy to law enforcement personnel. While this may be difficult to do, it minimizes the possibility of violating due process and shows good faith on the part of the Army in protecting individual rights. This would place some restrictions on the authorized uses of certain crime records and would require regulatory revision. Army Regulation 600-37 charges agencies responsible for release of information from intelligence and investigative files with the following:

(1) Screening files for information which should be made available to decision makers when considering individuals for positions of leadership, trust and responsibility.

(2) Advising the Department of the Army Suitability Evaluation Board (DASEB) when unfavorable information exists concerning officers and warrant officers.

(3) Advising the appropriate personnel management agency or commander of the existence of unfavorable information related to individuals in, or being considered for, positions of leadership, trust and responsibility.

(4) Providing file copies of information to major commanders, the DASEB or other HQDA agencies when requested.

(5) Insuring that unfavorable information received after review by an adjudicating agency is identifiable for review, subsequent to any initial determination.

b. Any policy change should specify the type of crime records to be made available for administrative purposes. In this regard, there are four types of crime records that are not made available for administrative purposes at HQDA level. These involve criminal information (intelligence); unfounded military police and USACIDC cases; military police and USACIDC cases pertaining to juveniles and completed reports received from other agencies. Notwithstanding the fact that HQDA policy does not differentiate between the types of crime records which can be made available under the provisions of AR 600-37, the determination to withhold this data was made by USACIDC as a result of the 1975 analysis discussed in Chapter 5.

c. Data pertaining to reports received from other agencies may be sought by consulting the source agency for content of the reports. The FBI has forwarded written communication to DOD which precludes the secondary release of its reports, unless consulted in advance.

SECTION IV

AUTHORITY AND REGULATORY GUIDANCE

7-21. AUTHORITY OF THE SECRETARY OF THE ARMY. The study group found that authority of the Secretary of the Army to maintain crime records, as discussed in Chapter 3, is sufficiently broad, comprehensive and adequate for the Army to conduct law enforcement activities. While it is evident that several areas require additional regulatory policy, in only one instance was policy lacking to the extent that it created a void in comparison with existing statutes. This was in the area of handling juvenile crime records. The void primarily involved release of such records.

7-22. REGULATORY GUIDANCE.

a. Several Army regulations outline policies regarding the preparation, use, retention and disposition of crime records. The two primary regulations are AR 190-45 (Military Police Records and Forms) and AR 195-2 (Criminal Investigation Activities). Others are AR 195-5 (Evidence Procedures), AR 195-6 (Department of the Army Polygraph Activities), AR 340-18-5 (Maintenance and Disposition of Intelligence, Security, Military Police and Mapping Functional Files), AR 190-40 (Serious Incident Reporting), AR 190-29 (US Magistrate System), AR 600-40 (Release of Individuals to Civil Authorities), AR 340-17 (Release of Information from Army Records), AR 340-21 (The Army Privacy Program) and AR 600-37 (Unfavorable Information). All are under the proponentcy of the DCSPER and TAG except AR 195-2 and AR 195-6, for which responsibility rests with the Commander, USACIDC.

b. While AR 340-17 and AR 340-21 are the primary regulations which prescribe policies to assure compliance with the statutory authority, a problem exists in that these regulations pertain to Army records in general. The deficiencies outlined in Chapter 5 dictate the necessity to promulgate more specific regulatory guidance for law enforcement records. In addition to promulgating policy pertaining to juveniles, the study group found a necessity for specificity in the following areas.

(1) Releasing information to local law enforcement agencies. As discussed in Chapter 3, the "routine use" exception to the Privacy Act allows the exchange of law enforcement information with local law enforcement agencies, provided the agency's systems notices for law enforcement records cite local law enforcement agencies as routine users. If the routine user provision is not

adequately provided in the applicable system notice, the request for Army law enforcement records may need to be made in writing by the head of the local law enforcement agency. The latter point is not clear to all Army law enforcement personnel.

(2) Release of crime information received from non-DOD law enforcement agencies. The information received from non-DOD law enforcement agencies may be subject to release under the Privacy Act where the agency has not conditioned release to DOD with the requirement to refer Privacy Act requests to the source agency.

(3) Release of crime information received from foreign governments. Similarly, policy requires foreign governments to be informed that criminal information received from them is subject to release, unless the information is classified by them and subsequently classified by the US, or they request a pledge of confidentiality.

(4) Clear distinction between law enforcement and intelligence records. Army Regulation 381-45 is outdated in that it refers to a combined repository for Army crime and intelligence records.

(5) Procedures for ascertaining social security numbers in conjunction with identifying offenders. Privacy Act restrictions on obtaining and using the SSAN, as interpreted by TJAG, should be specified in law enforcement regulations.

c. The following areas appear to be operating within statutory authority; however, the study group did find voids dictating the necessity for additional regulatory policy in the areas of:

(1) Guidance on the administrative use of records. As previously mentioned, the difficulty in promulgating policy stems from a lack of specific judicial, legislative and executive guidance. There is little policy in regard to how crime records are to be used administratively, except as previously discussed in regard to DOD Directive 5400.11. USACIDC has imposed some restrictions of its own; however, it is unclear whether HQDA, MACOM's and installations are fully aware that certain information may not be provided. This study was initiated as a result of the Commander, USACIDC requesting the Inspector General/Auditor General of the Army to conduct an audit of USACIDC's Crime Records Directorate. Concern was expressed that previous requests to obtain policy in this area had not resulted in sufficient guidance.

(a) While recognizing that both law enforcement and administrative uses are necessary and authorized, the differences between these needs was also recognized.

(b) After careful consideration of the information involving judicial and legislative trends, guidelines indicating the degree of normal access provided staff elements of the commander were developed. Figures 4 through 6 portray these guidelines. These do not preclude administrative use of crime records by commanders and agency heads or members of their staff; however, they do specify those categories which may be available.

(c) While it is in the best interests of the Army to use crime records administratively, it is recognized that additional policy is needed. The Army needs to:

(1) Establish policy authorizing the use of criminal justice information for noncriminal justice purposes contingent on:

(a) The fact that use is required to perform a function authorized by an Army regulation.

(b) That criminal information (intelligence) be governed by the following:

1 It should be collected and maintained only if sufficient information exists connecting an individual with known or suspected criminal activity against or affecting the Army, and if the information is relevant. The files should be reviewed at regular intervals and upon request for dissemination of specific information, it should be determined whether grounds for retaining it still exist.

2 Within the Army's law enforcement elements, access to and use of criminal information (intelligence) should be strictly limited to personnel who are authorized to have such access and have a demonstrated need.

3 An assessment of criminal information (intelligence) may be provided to any individual to avoid imminent danger to life or property.

4 Criminal information (intelligence) should be disseminated outside of law enforcement channels in accordance with statutory requirements (e.g., the Privacy Act) only for the following purposes:

a Investigation of an individual by another law enforcement element.

b Investigation of an individual by another law enforcement element if the requesting agency gives assurances that valid grounds for the investigation exist and that the information is relevant to the investigation.

(2) Control access to and dissemination of unsubstantiated investigative data.

(3) Develop standing operating procedures designed to provide security, accuracy and completeness of all criminal justice records to include:

(a) Assuring the physical security of criminal justice information to preclude unauthorized disclosure.

(b) Assuring that disposition and other additional or corrective information pertinent to original arrest records and criminal records are promptly reported for inclusion in such records.

(c) Assuring that the identity of the individual about whom information is sought is verified prior to release of such information.

(d) Assuring that direct access to criminal justice information systems is restricted to designated personnel of the military police or USACIDC and other personnel authorized by Army regulation to receive information necessary for the performance of their duties.

(e) Assuring establishment of policy regarding the protection of records; procedure that as a minimum causes the information to be reviewed for determination of its status and special handling or access requirements.

(f) Requiring indices of protected records to facilitate access security to the records. Access to such indices should be limited to authorized law enforcement personnel who are designated in writing.

(2) Disposition of offender information. Although there are no statutory or regulatory limitations on the use of crime records for criminal justice purposes, when disposition is known it serves to protect the individual's rights. The study found that Army regulations require clarification in the following areas.

(a) The level the report is introduced into the chain of command.

(b) The explanation as to why the disposition of offender information is important.

(c) Procedures for receiving disposition of reports received from other installations and civilian law enforcement agencies.

(d) Procedures for receiving information on reports forwarded to US Magistrates.

(e) Procedures for obtaining disposition of offender information for minor offenses.

(f) Policy for supplementing criminal records with disposition amended by supplementary actions (e.g. appellate reversal of finding of guilt).

(g) Policy for reporting nonjudicial appellate action which substantively changes earlier disposition.

SECTION V

COMPARISON WITH CURRENT TRENDS AND SYSTEMS OF OTHER AGENCIES

7-23. TRENDS. Trends outlined in Chapter 4 have been examined in detail. The manner in which these trends would restrict the use of crime records, as portrayed in Figures 1 through 3, indicates certain types of data are considered best undisclosed. Nevertheless, each approach recognizes that disclosure requirements do exist in a variety of special situations; therein, providing a basis for the development of guidelines to be considered for adoption, as outlined in Section IV.

7-24. COMPARISON WITH OTHER FEDERAL INVESTIGATIVE AGENCIES. The Army's system for maintaining crime records parallels that of the FBI. Also, its disposition of offender information is more complete than that of the FBI and other military departments. While the maintenance of various types of crime records over longer periods dictates the necessity for caution in their use, the need for the records in assisting commanders in combating crime and in making administrative decisions is well-founded.

7-25. SUMMARY.

a. The crime rate in the society and in the Army dictates the necessity to prepare, use, retain, release and dispose of crime records for criminal justice and crime prevention purposes. Army crime rates indicate the Army's experience approximates society's. Crime records are essential to help curb these rates, especially in view of the high recidivism among the age group comprising the Army.

b. The completeness of crime records is not necessarily a factor in determining use for law enforcement purposes; however, it is a factor in the administrative use of such information.

c. The administrative use of records is necessary to enable commanders to select the right individuals for employment, enlistment, advancement and assignment to sensitive positions; however, extreme caution is required to assure due process rights of individuals. Exemptions available to Army law enforcement elements may be jeopardized if individual rights are subordinated to claims of administrative necessity where such necessity is not established by regulatory policy.

d. The Army's system for maintaining crime records appears to be within its statutory authority. Regulatory guidance is needed to enhance protection of juvenile records compliance; to assure that all Army law enforcement personnel are familiar with the applicability of the Freedom of Information Act and Privacy Act to crime records; and to eliminate policy voids in the area of disposition of offender information. Further, policy for the use of crime records at installation/community, MACOM and HQDA levels should be provided.

CHAPTER 8

CONCLUSIONS AND RECOMMENDATIONS

SECTION I

STUDY AIMS

8-1. MISSION. The Crime Records Policy Study Group will recommend policy for the preparation, use, retention and release of crime records in the Army and the tasking necessary to implement the policy.

8-2. TASKS. The following questions are answered.

a. What does the Army need in its law enforcement information system?

b. What are the statutory requirements and prohibitions concerning the use of the Army's crime records?

c. What relationships should exist among the judicial, administrative and law enforcement procedural uses of crime records?

d. What should be the authorized uses of Army crime records?

e. Are current release procedures for Army crime records based upon the authorized uses of that information?

f. Are the initial release criteria of the Army in consonance with the secondary release criteria of the several states and in accord with treaties and Status of Forces Agreements?

g. What are the inhibiting and constraining parameters for updating Army crime records?

h. What tasks should be assigned and to whom, in order to implement a crime records system which conforms to Army policy?

SECTION II

CONCLUSIONS

8-3. STUDY GROUP CONCLUSIONS.

a. Army needs for crime records.

(1) That the Army needs crime records for:

(a) Criminal justice purposes.

(b) System control purposes.

(c) National security purposes.

(d) Personnel management purposes.

(2) That the primary purpose for which crime records are produced and maintained is to support the criminal justice system and that a parallel purpose is to allow for the control of the systems which produce the records.

(3) That secondary purposes for which crime records are produced and maintained are to support the national security effort and various aspects of personnel management.

(4) That personnel management uses should conform to administrative due process requirements where use may impair an individual's career opportunities. The study advances the thought that there are personnel management uses which do not adversely impact on the individual or cause potential for unfairness; namely; uses necessitating discretion in decision making by executives.

b. Regulatory constraints.

(1) That the Secretary of the Army's broad authority is sufficient to prove for the production, maintenance and utilization of crime records in support of each of the Army's identified needs for crime records.

(2) That when crime records are used for criminal justice and system control purposes, the crime records system is exempted from many of the requirements of both the Freedom of Information Act and the Privacy Act. As a result of such exemption,

incomplete and unverified data may be used, notice to affected individuals is not required and disposition audit trails need not be maintained. Thus, a free and rapid transfer of information is facilitated.

(3) That when crime records are used for national security and personnel management purposes adherence to administrative due process is highly desirable; the consequence is the potential for erosion of the exemptions provided to law enforcement agencies within the FOIA and PA. When such uses occur, crime records must meet high standards of accuracy, completeness, timeliness and relevancy and affected individuals acquire rights as to notice and contest with audit trails being desirable within the Army. Significantly increased workloads are incurred by the elements producing, releasing and utilizing the records.

(4) That failure to distinguish among the various uses for crime records and failure to insure that each use is accomplished within the constraints appropriate to it, lead to the possibility of further restrictions being imposed on such records and erosion of current exemptions provided law enforcement elements. Should such restrictions or erosion occur, the effect on the use of crime records for law enforcement purposes may be significant.

(5) That the crime records needs of the Army can be accommodated without abandoning or losing the exemptions in those areas where the FOIA and PA make them available.

c. Relationships among national security, criminal justice (law enforcement and judicial), personnel management and systems control uses of Army crime records. During the study it was necessary to further refine these terms.

(1) That there are extensive uses for Army crime records by Army elements with functional responsibility for national security (to include security clearance), criminal justice, personnel management and systems control.

(2) That operating policy relative to the various uses is available, but that it is in a state of change.

(3) That the Army elements which produce, maintain, release and utilize crime records are devoting considerable and increasing resources to the formulation and interpretation of crime record policy.

(4) That Army-wide policy (which may require DOD guidance) should be developed in all functional areas wherein criminal record information is used (e.g., personnel, intelligence, etc.)

to preclude potential jeopardy of Department of the Army's use of such information and stabilize operating procedures.

d. Authorized uses of Army crime records.

(1) That all existing uses of Army crime records for the Army's criminal justice and system control needs are within regulatory parameters.

(2) That the use of crime records for national security purposes is restricted by regulatory constraints in the areas of juveniles, non-DOD-affiliated persons and those records which may not meet Privacy Act standards with respect to accuracy, relevancy, timeliness and completeness.

(3) That the use of Army crime records for certain personnel management needs is restricted in the areas of juveniles, non-DOD-affiliated persons and those records not meeting Privacy Act standards with respect to accuracy, relevancy, timeliness and completeness.

(4) That, at the present time, conflict between Army law enforcement needs to retain the benefits of the general exemption and the needs of personnel management and national security elements for the information contained in crime records is resolved by applying the Privacy Act provision which permits disclosure of records to those officers and employees of the agency who have a need for the record in the performance of their duties (5 USC 552a(b)(1)).

e. Current release procedures for Army crime records.

(1) That the four basic needs of Army crime records generally meet regulatory parameters.

(2) That restrictions have evolved during the development of regulatory policy concerning access (e.g., further defining routine use to stipulate governmental necessity).

(3) That the presence of an individual name in the DCII is the primary means for authorized DCII users to determine the existence of an Army crime record relating to an individual (subject or victim).

(a) That for investigative coordination, criminal justice needs and system control needs; the DCII listing significantly assists in meeting Army requirements.

(b) That this index availability for national security and security clearance needs and certain personnel management needs alerts functional operators to query the Army crime records maintenance system as to the status of the individual as reflected in crime records.

(c) That criminal investigative subjects of crime records are maintained in the DCII with identifiers of offenders and the file number. Available offender disposition is contained in the record at the CRD.

(4) That criminal investigative update is occurring for crime records referenced in the DCII, in some instances with disposition of offender information and in other instances without disposition of offender information.

(a) That this situation, especially in the latter instance, is causing the Army crime records maintenance system managers to consider administrative due process proceedings as a means to determine, on a case-by-case basis, whether the individual should remain indexed in the DCII or be removed and placed into the investigative data indices.

(b) That in the event of a significant number of such requirements, the Army would be presented with a significant resource requirement.

(c) That the case-by-case basis is of questionable equity to individuals who have not expressed their concern in terms of Privacy Act provisions.

(5) That Army indices have been developed and maintained by the Army crime records maintenance system for identifying non-subjects contained in investigative data and criminal information files for criminal justice needs and system control needs.

(a) That the use of these indices is restricted to law enforcement and to date no significant Privacy Act consequence has appeared which would create resource cost to criminal justice systems nor affect the Army's ability to effectively enforce criminal law.

(b) That information contained in crime records so referenced by these indices may be of significance to national security or personnel management needs, but cannot presently be used for these purposes without investigative update and administrative due process actions of significant magnitude.

(6) That not all crime records are presently centralized for retention within the Army's crime records maintenance system, the exception being records of some categories of minor offenses. While centralization of these offenses may be desirable because of the void created, it would necessitate additional administrative resources to accomplish. Such offenses are maintained in local law enforcement records.

f. Initial release criteria for Army crime records relative to other federal, state or foreign governmental records or information contained in Army crime records.

(1) That regulatory parameters provide for necessary protection of federal, state or foreign government information contained in Army crime records.

(2) That this protection for external governmental sources supports the Army's criminal justice need and system control need.

(3) That apparently certain national security or security clearance needs and personnel management needs are restricted from access, absent the consent of the external governmental source.

(4) That external governmental sources are reluctant to provide criminal justice information to the Army criminal justice system users if this information is used for national security or personnel management needs and consequently, available exemptions are jeopardized by enactment of legislation which erodes such exemptions.

g. Inhibiting and constraining parameters for updating Army crime records.

(1) That a significant number of crime records exist within the Army's crime record maintenance inventory which are impossible to update or which would require extensive criminal justice (law enforcement and judicial systems) investigation and research to conform to administrative due process requirements.

(2) That these records, in their current state, support the Army's criminal justice and system control needs, and as presently constituted, may be used for these purposes.

(3) That a number of crime records exist within the Army's crime record maintenance inventory which can be updated with disposition of offender information.

(4) That an Army-wide automated crime records system would assist in a more timely resolution of crime record updating requirements.

(5) That sufficient resources are necessary for the maintenance, security and dissemination of criminal record information maintained by the USACIDC, CRD.

h. Task assignment to implement a crime records system which conforms to Army policy.

(1) That clarification of Army policy is not solely limited to Army law enforcement records systems, but transcends the areas of functional proponenty of virtually all elements of the Army Staff. Two broad alternatives, shown below, are therefore available. Inasmuch as the second alternative effectively accomplishes the same objective as the first, and does so more expeditiously, steps were initiated to develop and implement functional proponent policy.

(a) Development of a single broad policy statement by all HQDA Staff elements, recognizing functional proponent's needs and stating general restrictions. Such an approach, while providing functional proponent's broad policy guidance, delays development of specific functional policy; requires excessive time for staffing and resolution of conflicts; necessitates further refinement once proponents initiate functional revision and requires further commitment, for some unspecified time, of personnel resources to monitor and coordinate development.

(b) Clarification of functional needs and corresponding development of policy within each respective area, necessitating the functional proponent review these needs and propose revised Army policy in their respective areas. Such functional revision necessitates the involvement of those HQDA Staff elements on whom the proponent's policy impacts. The synergy of such an effort would then reflect not only Army policy, but functional proponent policy developed in conjunction with other HQDA Staff elements.

(2) That existing automated mechanisms which assist in the update of the Army crime records system necessitate continuance.

i. Other conclusions.

(1) That existing USACIDC automated support is an essential mission. Realizing that MILPERCEN support has begun a gradual reduction, with only maintenance support provided on a "resource available" basis, the following alternatives appear feasible pending the implementation of recommendations resulting from the ongoing USACIDC architectural study.

(a) Commander, USACIDC conduct internal review of personnel resources, realign priorities and initiate action to provide resources commensurate with priority given USACIDC software automation.

(b) Commander, USACIDC submit justification for additional personnel for software automation to ODCSOPS for consideration.

(c) Commander, USACIDC seek software personnel resources on a contract basis.

(d) Commander, USACIDC initiate action to cause review of withdrawal of MILPERCEN software support, in conjunction with

ODCSPER and DACS-DI, with such support reestablished at a level commensurate with the needs of USACIDC and capability of MILPERCEN.

(e) Commander, USACIDC be provided computer support by Defense Investigative Service; contingent upon such support being offered, software programming accomplished and USACIDC requirements being met in a more efficient manner than available by other identified alternatives.

(2) That alternatives recognize transfer of CIDOMIS to another Data Processing Installation (DPI) as potentially cost ineffective. Time required for such transfer, as well as efforts expended to make CIDOMIS software compatible with hardware of the designated DPI, impact on any final decision. Any such move is only an interim solution subject to modification based on recommendations of the USACIDC architectural study.

(3) That Commander, USACIDC determination to seek review and establishment of support, in conjunction with ODCSPER and DACS-DI, is the most expeditious means of resolving software automation support, assuming other alternatives do not prove more expeditious. It is noted that such review is being undertaken.

(4) That there exist three functionally oriented crime records automated systems supporting TJAG, USACIDC and the military police. Each system has a Proponent Agency (PA) with responsibility for the particular function(s) which a management information system automates (Appendix A-71, AR 18-1). In addition, an Assigned Responsible Agency (ARA) has been duly designated by HQDA to be responsible for the development, test and maintenance of each system. This responsibility includes a requirement for coordination with individual users, the PA and HQDA during all phases of development (Appendix A-18, AR 18-1).

SECTION III

RECOMMENDATIONS

8-4. REGULATORY CHANGES.

a. That coordinated action of the proponents for various Army regulations be approved as implementing Army policy for preparation, use, retention and release of Army crime records. Changes at Annex F reflect development and implementation of such policy in each proponent's respective area. Such implemented changes include, but are not limited to:

(1) Army Regulation 190-45 (MP Records and Forms).

(a) Raise level of command at which MP reports are introduced.

(b) Specify juvenile offender record protection/release procedures.

(c) Provide guidelines for release of criminal records in varying stages of completeness at installation/MACOM/HQDA levels.

(d) Provide policy for obtaining disposition of reassigned personnel.

(e) Provide policy for obtaining civil disposition of US military members and other offenders committing offenses on US Army installations.

(f) Change reporting procedures to provide for forwarding of all identified offenders of offenses for which punishment under UCMJ is six months or more.

(g) Provide policy for procedures to be utilized by military police in the areas of FOIA/PA.

(h) Specify special handling procedures to protect MP reports from disclosure, to include use of FOUO markings and Exclusive For addressees.

(i) Provide policy for Privacy Act advisory notice with different categories of individuals; namely, military members, dependents and non-DOD-affiliates.

(2) Army Regulation 600-37 (Unfavorable Information) to include parameters on use of criminal information and provision for nondisclosure of such information to the individual under specified circumstances, e.g., compromise of a law enforcement investigation.

(3) Army Regulation 195-2 (Criminal Investigative Activities) provide reference to AR 190-45 (MP Records and Forms) for the use, retention, distribution and release of military police records and reports.

(4) Army Regulation 340-18-5 (Maintenance and Disposition of MP Functional Files) to reflect maintenance of MP records at the Crime Records Directorate for 40 years for specified offenses.

(5) Army Regulation 340-17 (Release of Information from Army Records) to specify the DCSPER as Initial Denial Authority (IDA) for military police reports under FOIA.

(6) Army Regulation 27-10 (Military Justice) to include providing policy for updating judicial disposition of criminal records with subsequent action by higher authority when such action amends earlier sanctions imposed.

(7) Army Regulation 381-45 (US Army Investigative Repository) to include revision by deletion of references to the combined maintenance of intelligence/criminal records.

b. Further, that future policy revisions be made subject to:

(1) Review and concurrence of other Army users of criminal record information.

(2) Conform with legal opinions expressed by TJAG for those areas necessitating such determination.

8-5. CRIME RECORD UPDATE.

a. That ongoing efforts to purge unsubstantiated allegations be continued to completion.

b. That disposition of offender data be made an item of DAIG interest.

c. That Army efforts to improve and update disposition of offender data be continued.

8-6. COORDINATION OF AUTOMATED ARMY CRIMINAL JUSTICE RECORDS. Inasmuch as there is a real and valid requirement for the three independent and functionally oriented systems to communicate and/or transfer crime records from one to another and each system has, for automation, its own individual authorized PA, it is recommended that:

a. Automation will be accomplished in accordance with policies established by Director Army Automation in coordination with the Army Staff and MACOM's. In this regard, DCSPER is designated as having responsibility for General Staff supervision of the Criminal Investigation Operational and Management Information System (CIDOMIS), with USACIDC performing proponent agency functions as prescribed by AR 18-1.

b. Continuing coordination is required among the three systems (MP, TJAG and USACIDC) with Director Army Automation designated as the central coordinating agency with only responsibility for assuring that automated coordination is effected among the systems.

c. Key information identifying individual crime records in each system (MPMIS, CIDOMIS, and JAGSTATS) be structured under DOD standards to provide a proper interface and exchange of data as appropriate. Other than key information, minimize duplication of data among systems.



ANNEX A

CSM 76-5-8; CRIME RECORDS POLICY STUDY GROUP

ANNEX A

CHIEF OF STAFF

Memorandum

U. S. ARMY

DISTR A EXPIRES 28 February 1977

CSM 76-5-8

DATE 18 February 1976

SUBJECT: Crime Records Policy Study Group

FILE CS 334 Crime Records
Policy Study Group (18 Feb 76)
ACTION OFFICER/EXT
LTC Goodman/52499

MEMORANDUM FOR: HEADS OF ARMY STAFF AGENCIES

1. PURPOSE. This memorandum provides for the establishment of an Army Crime Records Policy Study Group to recommend policies and actions regarding preparation, use, retention, and release of Army crime records.
2. BACKGROUND. Title 10, US Code 3012, and the Uniform Code of Military Justice, authorize the Secretary of the Army to prepare, maintain, and use criminal justice information and records. The US Army Criminal Investigation Command (USACIDC) is assigned functional responsibility for crime records retention and maintenance. The Army uses crime records in fulfilling its law enforcement mission and other functions regarding the suitability of its employees.
 - a. The Inspector General and Auditor General surfaced the matter of incomplete and obsolete criminal records in the FY 1975 inspection of USACIDC. Corrective action responses to the finding depicted a fragmentation of authority and responsibility among the Office of the Chief of Staff (OCSA), the Office of the Deputy Chief of Staff for Personnel (ODCSPER), the Office of the Judge Advocate General (OTJAG), The Adjutant General's Office (TAGO), and USACIDC.
 - b. The enactment of Public Laws 93-502, Amendments to the Freedom of Information Act, and 93-579, the Privacy Act, provided additional guidance on records.
 - c. USACIDC requested policy reviews concerning its responsibilities. Criminal records presently held by USACIDC's Crime Records Directorate (CRD) reflect the standards of collection and uses developed since establishment of this activity in 1943. While the above cited laws allow exceptions for law enforcement purposes, increasing interest has been directed at the various categories of crime records and systems of records. Concern centers on records pertaining to non-DOD-affiliated persons and use of crime records for other than law enforcement purposes.

DAS FORM 02, 1 MAR 68

SUBJECT: Crime Records Policy Study Group

3. CRIME RECORDS POLICY STUDY GROUP.

a. Mission. The Crime Records Policy Study Group will recommend policy for the preparation, use, retention, and release of crime records in the Army and the taskings necessary to implement the policy.

b. Tasks. As a minimum, the group should answer the following questions:

- (1) What are the statutory requirements and prohibitions concerning the Army's crime records?
- (2) What does the Army need in its law enforcement information system?
- (3) What relationships should exist between the judicial, administrative, and law enforcement procedural uses for crime records?
- (4) What should be the authorized uses for Army crime records?
- (5) Are current release procedures for Army crime records based upon the authorized uses of that information?
- (6) Are the initial release criteria of the Army in consonance with the secondary release criteria of the several States and under Treaties and Status of Forces Agreements?
- (7) What are the inhibiting and constraining parameters for updating Army crime records?
- (8) What tasks should be assigned and to whom, in order to implement the crime records system which conforms to Army policy?

c. Composition.

- (1) DCSPER will provide the study group chairman.
- (2) TJAG, TAG, ACSI, and USAMSSA will each furnish a member to the study group.
- (3) The CG, CIDC will be invited by the chairman to provide a member to the study group.

d. Direction and Control.

- (1) The study group will report to the DCSPER.

SUBJECT: Crime Records Policy Study Group

(2) Recommendations will be forwarded by the DCSPER through the Chief of Staff to the Secretary of the Army by 30 July 1976.

(3) The first meeting will be held on 19 February 1976 in the DCSPER Conference Room. Subsequent meetings will be held at the call of the chairman.

e. Administrative Support.

(1) ODCSPER will provide all administrative support (space, clerical, equipment) to the study group.

(2) Funds for travel, per diem, and overtime will be provided by the parent organization of the study group member.

4. RESPONSIBILITIES.

a. DCSPER designee will furnish for consideration by the study group the present uses and types of reports within the Army and guidance on the release and use of criminal information outside the Army.

b. TAG will provide guidance and assistance concerning document miniaturization and microform, including automated retrieval thereof; records dispositions; and provide advice regarding the Freedom of Information and Privacy Acts.

c. ACSI will provide guidance and review concerning wiretap, eavesdropping, and investigative monitoring records and non-DOD-affiliated personnel matters.

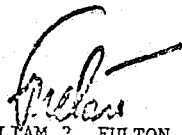
d. DMIS, OCSA will provide ADP policy guidance concerning the ADP life cycle.

e. USAMSSA will provide ADP technical advice and assistance.

f. TJAG will provide legal advice and assistance to the study group and take necessary action in areas where TJAG has proponent responsibility.

g. CG, USACIDC will provide functional assistance for the group and detail the present procedures and uses of the Army crime records and supporting informational systems.

BY DIRECTION OF THE CHIEF OF STAFF:


WILLIAM B. FULTON
Lieutenant General, GS
Director of the Army Staff

Copies furnished:
General Counsel, OSA
DMIS, OCSA

CHIEF OF STAFF

Memorandum

U. S. ARMY

DIS 'R A EXPIRES 28 February 1978

CSM 77-310-9

DATE 2 March 1977

FILE CS 312 (2 Mar 77)

ACTION OFFICER/EXT
Mrs. Smith/53560/pd

SUBJECT: Extension of CSMs

MEMORANDUM FOR: HEADS OF ARMY STAFF AGENCIES

The CSMs listed below will be effective until the dates specified.

a. Effective until 30 April 1977.

CSM 75-5-82, dated 6 November 1975, subject: Review of Army Management Headquarters Activities (AMHA) Functions, as extended by CSM 76-310-61, dated 30 November 1976, subject: Extension of CSMs, and as extended by CSM 77-310-3, dated 31 January 1977, subject: Extension of CSMs.

b. Effective until 31 July 1977.

CSM 76-5-8, dated 18 February 1976, subject: Crime Records Policy Study Group.

c. Effective until 31 October 1977.

CSM 76-5-10, dated 27 February 1976, subject: Implementation of Intelligence Organization and Stationing Study (IOSS) Recommendations (Chapter 6, Telecommunications and Special Security Support).

d. Effective until 28 February 1978.

(1) (C) CSM 75-5-10, dated 12 February 1975, subject: Actions Required to Attain a 24 Division Total Force Prior to FY 77 (U), as extended by CSM 76-310-12, dated 27 February 1976, subject: Extension of CSMs.

(2) CSM 76-5-11, dated 27 February 1976, subject: Implementation of Intelligence Organization and Stationing Study (IOSS) Recommendations (Chapter 5, Logistics).

BY DIRECTION OF THE CHIEF OF STAFF:

Richard G. Trefry

RICHARD G. TREFRY
Major General, GS
Director of Management

CF:
DUSA(OR)
ASA(I&L)
ASA(M&RA)
CLL
General Counsel, OSA
DM, OCSA
DMIS, OCSA
DPAE, OCSA

DAE FORM 62, 1 MAR 64



ANNEX B

CRIME RECORDS STUDY PLAN

ANNEX B

CRIME RECORDS STUDY PLAN

1. PURPOSE. To devise a systematic approach for a study process designed to optimize data collection, analysis and synthesis, efforts in determining appropriate policies for the preparation, use, retention and release of Army crime records.
2. PROBLEM. To develop a comprehensive system consistent with the Army's needs to prepare, use, retain and release crime records and protect rights of the individual, in conformance with applicable statutes and directives or concomitantly with appropriate requests for exceptions thereto.
3. SCOPE. This plan is designed to encompass the entire spectrum of the mission assigned the study group by CSM 76-5-8, dated 18 Feb 76.
4. PROBLEM SOLVING STEPS.
 - a. Check needs for their conformance with provisions of 10 USC 3012; UCMJ, Public Law 93-502 and Public Law 93-579.
 - b. Review current policies and compare with other agencies.
 - c. Determine Army's needs in view of its mission for the preparation, use, retention and release of Army crime records.
 - d. Establish system by discontinuing, adding and/or modifying policies as appropriate IAW statutory/regulatory authority and needs.
 - e. Identify appropriate areas for requests to exception to policy where statutory/regulatory authority conflicts with determined need(s).
 - f. Fix responsibilities through appropriate recommendations for most efficient and cost effective ways to implement the system.
5. BACKGROUND. See paragraph 2, CSM 76-6-8, dated 18 Feb 76.
6. METHODOLOGY. Historical and statistical methods will be used to conduct the study. The current policies will be analyzed and compared with a variety of information, with the ultimate course of future policies derived therefrom.
 - a. Information will be obtained from DOD and DA staffs, US Air Force, US Navy, Drug Enforcement Agency (DEA), Law Enforcement Assistance Administration (LEAA) and the FBI through examination of statutory requirements, documents, records of past events, previous reports and studies, interviews and questionnaires.

b. The type information to be collected includes, but is not limited to the following:

- (1) Statutory and other authority.
- (2) Type of records and reports currently compiled and maintained.
- (3) The use, including frequency of currently maintained records and reports at local, national (within DOD) and international (host country governments).
- (4) Opinions on the legality of current uses.
- (5) Current systems for maintaining records at local and national levels.
- (6) Procedure in effect for preparation, use, retention and release of crime records by other federal law enforcement agencies.
- (7) Use of Army crime records by other law enforcement agencies.
- (8) What type records are currently maintained and what are the inhibiting and constraining parameters for their updating?

7. STEPS IN THE ANALYSIS. The information will be analyzed and compared to determine the Army's requirement for the preparation, use, retention and release of Army crime records within applicable statutory guidelines. Information derived from collected data will be examined to determine deficiencies in policy or practice. This evaluation will serve as the basis for the recommendation for corrective actions that will consist of specific statements with regard to corrections (additions, modifications, deletions) that should be made to policy and operating procedure. The analysis will encompass:

- a. What is an Army crime record?
- b. Are crime records maintained by the Army IAW applicable statutes and are they in consonance with the criminal justice system requirements?
- c. Why does the Army need crime records? Are needs inherent in the mission? Have these needs ever been challenged? Are they legitimate needs?
- d. In what manner, for what purpose, by whom and with what frequency are Army crime records used at local installation/community and municipal, county, state and federal levels? Are they consistent with policies pertaining to retention of information on non-DOD affiliated persons?

e. What are HQDA (and higher) policies, procedures and responsibilities for obtaining and updating data to include the nature of the data (what can and what cannot be maintained)? Are records updated in as timely a manner as possible, in view of FOIA, Privacy Act and the potential adverse impact of such records on personnel decisions?

f. What should the degree of access be and to what type of crime records?

- (1) Within the law enforcement elements.
- (2) Within the remainder of the Army.
- (3) Within the Department of Defense.
- (4) Within the Federal government.
- (5) Outside the Federal government.

g. Who are the officials authorized to release/deny crime records maintained by the Army by type? Are the releases IAW statutory/regulatory requirements and needs? How long are crime records maintained? Is it long enough? Is it too long? Should different lengths be prescribed for different types of records? Should the presence or absence of disposition be a factor in retention? In use?

h. Are safeguards adequate to assure that only authorized information is maintained and released, and that information which is released is IAW the Privacy Act and FOIA?

i. Is the use of crime records for purposes other than UCMJ or law enforcement purposes proper?

j. Should there be different policies for use of special types of crime records for law enforcement and administrative purposes? What disposition should be made for crime records that do not contain disposition of offender information?

k. What impact, if any, would restriction on dissemination of Army crime records have on other non-law enforcement Federal agencies such as the US Civil Service Commission?

8. WORK ASSIGNMENTS. Initial work assignments are at Inclosure 1. Additions and/or deletion will be made as required during the course of the study. Assignment reports will be prepared in format at Inclosure 2.

9. STUDY REPORT. The report will be prepared IAW Chapter 3, Ad Hoc Guide for ODCSPER Ad Hoc Study Groups. Study group members will be assigned responsibility for preparing those portions of the report within their functional areas of responsibility.

CRIME RECORD STUDY GROUP

WORK ASSIGNMENTS

1. Identify and extract from applicable statutes and directives Army authority for jurisdiction over offenses, and the preparation and use, retention, release and disposition of crime records. (CPT Kodak/CPT Luedtke)
2. What are jurisdictions over different categories of personnel; i.e., soldiers, DOD civilians, contract employees, visitors (non-DOD affiliated persons, dependents (to include juveniles and non-DOD affiliated persons) and what unique requirements, if any, should be applicable to the preparation, use, retention and release of Army crime records for the respective categories? (CPT Kodak/CPT Luedtke)
3. Define Army crime records. What records, forms and information are included in the definition? What should be the policies and procedures for preparation, use, retention and release of records pertaining to juveniles? (Mr. Brisentine)
4. What are procedures for processing adjudications, appellate reviews? Are they effective? What is impact on recordkeeping system? Should the staff responsibility for obtaining disposition of offender information be that of the law enforcement or judicial element of the Army? (CPT Kodak/CPT Luedtke)
5. Do current statutes and directives require disposition of offender information on all MP and CID reports, or is the requirement restricted to CID reports and those MP reports involving violations of Articles 77 thru 84, 87 thru 110 and Article 134 for which maximum punishment under UCMJ is confinement for 6 months or more? (LTC Goodman/MAJ Garner).
6. What are the procedures in the Air Force and Navy? Review disposition of offender surveys conducted by the CRD in CY 74. (CPT Kodak)
7. Is the preparation, use, retention and release of information contained in the USACIDC criminal information file IAW statutory and other authority? (Mr. Brisentine)
8. Is the practice of forwarding National Agency Checks (NAC) containing felony crimes and serious misdemeanors committed by military personnel while a civilian to the USACIDC element having jurisdiction in the area where the individual is assigned IAW applicable statutes and directives? (Mr. Brisentine)

9. Should crime records prepared by civilian authorities for offenses committed by individuals prior to their entry in the service be contained in Army files? (CPT Kodak/CPT Luedtke)
10. Is the use of intelligence information, as outlined in Chapter 3, AR 600-37 IAW applicable statutes and directives? Are similar procedures applicable to crime records? If so, should a chapter for crime records be included in that regulation? (Mr. Anderson)
11. How are crime records maintained by the Army used at MACOM, installation and CID field office and region levels; to include release/denial authority; the frequency of use by type; the length of retention and the degree to which use enhances crime prevention, protection of personnel and equipment, the solving of crime and determining suitability of personnel for job assignments? (LTC Goodman/MAJ Garner/Mr. Brisentine)
12. How many requests were made to HQ USACIDC or the CRD for crime information during the period 1970-75? To what extent did the information provided assist in protecting personnel and equipment, and determining suitability of employees? (Mr. Brisentine)
13. How are crime records maintained by the Army used at HQDA and DOD; to include release/denial authority; the frequency of use by type; the length of retention and the degree to which use enhances crime prevention, protection of personnel and equipment, and leads to solution of crimes and determining suitability of personnel for job assignments? (Mr. Tyler)
14. What records are given to other law enforcement agencies; how are they used? (LTC Goodman/Mr. Brisentine)
15. Should policies regarding crime records contained in CIDC regulations be incorporated into appropriate Army regulations? (Mr. Brisentine)
16. What is USADIP disposition of D Form 3835 and DA Form 3836? Are procedures outlined in AR 190-9 consistent with requirements of the FOIA and Privacy Act? (LTC Goodman)
17. What safeguards are taken in MILPERCEN to assure adequate protection of criminal information available through shared computer time? (Mr. Strain)
18. Is further automation of records at CRD warranted; at installation or MACOM levels? (Mr. Strain)

19. How are crime records maintained by the Army used at HQ USACIDC and the CRD, to include release/denial authority; the frequency of use by type, the length of retention, the degree to which use enhances crime prevention, protection of personnel and equipment, the solution of crime and determinations concerning suitability of personnel for job assignments? (Mr. Brisentine)

20. What is distribution of monthly drug offender list? (Mr. Brisentine)

21. Should criminal records, retired and historical files be maintained at any place other than the CRD? (Mr. Anderson)

22. How long does the FBI keep criminal records? (Mr. Brisentine)

23. Are the initial release procedures for Army crime records in consonance with the secondary release criteria of the several states and under treaties and status of forces agreements? (CPT Kodak/CPT Luedtke)

WORK ASSIGNMENT REPORT

ISSUE:

PURPOSE OF RESEARCH:

STATUTORY AUTHORITY:

DISCUSSION:

KEY POINTS FOR STUDY GROUP CONSIDERATION:

Incl 2

ANNEX C

DEFINITION OF TERMS AND ACRONYMS

ANNEX C

DEFINITION OF TERMS AND ACRONYMS

CRIMINAL JUSTICE INFORMATION: Army crime records referred to in this report within the context of criminal justice information refers to criminal information(intelligence), investigative data, substantiated investigative data and disposition of offender information. Within the context of the terms used in congressional bills and the SEARCH Group, Incorporated included in the report it pertains to Criminal History Record Information, Criminal Investigation information.

ARREST RECORD: A civilian law enforcement term referring to a record containing data concerning the arrest, detention, indictment or the existence of any information or other formal filing of criminal charges concerning an individual which does not include the disposition arising out of the arrest, detention, indictment, information or charge. This term relates to the terms apprehension, Article 32 investigation, preferral of charges and court-martial in the Army.

CONVICTIONAL RECORD DATA: A civilian law enforcement term referring to a record containing data or information disclosing that a person pleaded guilty or nolo contendere to or was convicted of a criminal offense in a court of justice, sentencing information and whether such plea has been modified or reversed. In the Army this type of data and non-convictional data are referred to as the Report of Commander's Action Taken.

NON-CONVICTIONAL DATA RECORD: A civilian law enforcement term referring to a record containing data or Criminal History Record Information, which is not Convictional Record Information, and includes decisions not to prefer criminal charges or the criminal proceedings have been concluded, abandoned or indefinitely postponed. In the Army the Report of Commander's Action Taken and investigative data which has not been classified as subject information may include this type of data.

CITIZENS ARREST: The act of a private person arresting or apprehending an individual for a crime in the absence of law enforcement and maintaining that state until law enforcement intercedes.

UNIFORM CRIME REPORT: This report is used in the Uniform Crime Reporting (UCR) Programs at the state or national level to provide a statewide or nationwide view of crime. The report is based on the submission of police statistics by law enforcement agencies throughout the country. The FBI assembles and publishes the crime data from the police community which historically has been received directly

from local police agencies. However, a recent trend is for the states to collect from local agencies and submit the UCR data to the FBI, which provides for a guarantee of consistency and comparability. The raw information is published and distributed by the FBI to contributing agencies, state UCR programs and others interested in the crime problem in the nation. The FBI publishes the annual Uniform Crime Report which is a detailed report of offenses and arrest data, police employee counts and the results of special analysis program of particular interest to police.

INDEXED OFFENSES: Established offenses with a standard definition of each to assure uniform and consistent data submission in the Uniform Crime Report (UCR) Programs.

CRIME RECORD: A crime record, for the purposes of this study is defined as "any item," collection or grouping of information in any form prepared by or forwarded to the Army in support of law enforcement by other sources, addressing alleged, actual or contemplated criminal activity of individuals, or organizations directed against the Army including personally identifiable data of complainants, victims, witnesses, suspects or subjects, and to the degree known, administrative, non-judicial or judicial action taken against offenders. This includes but is not limited to DA Form 3975, DA Form 2800, DA Form 2800-1, DA Form 2804, Reading Files, Case Files, Completed DA Form 1408, DA Form 3946, DA Form 2823, DA Form 3881, DA Form 4137, DD Form 1805, Photographs, Sketches, DD Form 1920 (Alcohol Influence Report) and similar records forwarded to the Army by other agencies. A complete listing of crime records is outlined at Appendix II to Annex E.

CRIMINAL INFORMATION (INTELLIGENCE): Commonly referred to as Criminal Intelligence but in this report as Criminal Information. It is substantiated information based on suspicion and compiled in an effort to anticipate, prevent or monitor possible criminal activity. It includes information from various sources including reports of informants, investigators or from any type of surveillance.

SUBSTANTIATED INVESTIGATIVE DATA: Information pertaining to identified individual(s) compiled during the course of a criminal investigation which results in a determination from a police viewpoint that probable cause exists to believe that the identifiable individual(s) committed the offense under investigation. This type of information is found in completed Military Police Reports and USACIDC Reports.

INVESTIGATIVE DATA: Information pertaining to identified individual(s) compiled during the course of an ongoing criminal investigation or one in which the investigating law enforcement element did not conclude that probable cause did exist at the time

to believe that the identified individual(s) committed the offense under investigation. This type of data is contained in open cases involving suspects, subjects or former suspects and subjects as well as in cases where the investigative effort has terminated. This type of information is also found in Serious Incident Reports and Serious Sensitive Investigation Reports.

DISPOSITION INFORMATION: Disposition refers to information disclosing that a decision has been made not to bring criminal charges or that criminal proceedings have been concluded, abandoned or indefinitely postponed or information relating to sentencing, correctional supervision, release from correctional supervision, the outcome of appellate review of criminal proceedings or executive clemency.

DISPOSITION OF OFFENDER INFORMATION: A term used in the Army to describe what action is taken on Substantiated Investigative Data by the action or concerned commander for further criminal justice disposition. Possible dispositions include no further action (abandoned due to various reasons), administrative action, non-judicial, judicial (court-martial) and appeals thereto. With the exceptions of appellate action, The Commander's Report of Action Taken normally includes these dispositions.

UNFOUNDED ALLEGATION: An allegation, against an individual that he or she committed a founded offense, where probable cause cannot be shown to exist whereby that person committed the offense.

FOUNDED OFFENSE: A criminal complaint in which determination is made that a criminal offense was committed. This determination is based on police action, not court-martial or civilian court verdict.

UNFOUNDED OFFENSE: A criminal complaint in which a determination is made, that a criminal offense was not committed or did not occur. This determination is based on police action, not on court-martial or civilian court verdict.

SUSPECT: A person concerning whom some credible information exists that the person may have committed an offense.

SUBJECT: A person concerning whom probable cause exists to believe that the person committed an offense.

OPEN CASE: An open case is an investigation which is still in process and has not reached investigative termination.

SOLVED CASE: A founded criminal offense in which a determination is made based on police action that probable cause exists to believe that the identified offender(s) committed the offense(s) under investigation.

UNSOLVED CASE: A founded criminal offense in which an offender is not identified, or determination cannot be made based on police action that probable casue exists at that time to believe that the identified offender(s) committed the offense(s) under investigation.

JUVENILE OFFENDER: The individual is or was a civilian, under the age of 18 years at the time the offense was perpetrated.

II ACRONYMS

Senate	(S)
House of Representatives	(HR)
Department of Justice	(DOJ)
Department of Defense	(DOD)
Defense Investigative Service	(DIS)
Defense Control Index of Investigation	(DCII)
Defense Support Agency	(DSA)
Defense Investigative Review Council	(DIRC)
Department of the Army	(DA)
Headquarters Department of the Army	(HQDA)
Deputy Chief of Staff for Personnel	(DCSPER)
Deputy Chief of Staff for Logistics	(DCSLOG)
Deputy Chief of Staff for Operations	(DCSOPS)
Assistant Chief of Staff for Intelligence	(ACSI)
The Judge Advocate General	(TJAG)
Staff Judge Advocate	(SJA)
Comptroller of the Army	(COA)
Equal Opportunity Office	(EOO)
The Adjutant General	(TAG)
US Army Criminal Investigation Command	(USACIDC)
US Army Intelligence Agency	(USAINTA)
Crime Records Directorate	(CRD)
Inspector General	(IG)
Uniform Code of Military Justice	(UCMJ)

United States Code	(USC)
Freedom of Information Act	(FOIA)
Privacy Act	(PA)
Major Army Command	(MACOM)
USACIDC Report	(ROI)
Army Air Force Exchange Service	(AAFES)
Alcohol and Drug Abuse Control Officer	(ADCO)
Armed Forces Disciplinary Control Board	(AFDCB)
Federal Bureau of Investigation	(FBI)
Serious Incident Report	(SIR)
Serious and Sensitive Investigations	(SSI)
Access Amendment Refusal Authority	(AARA)
Initial Denial Authority	(IDA)
Directorate or Director of Human Resources Development	(DHRD)
National Crime Information Center	(NCIC)
Naval Investigative Service	(NIS)
Office of Special Investigations	(OSI)
Army Regulation	(AR)



ANNEX D

CRIME RECORDS STUDY GROUP SURVEY

<u>Appendices</u>		<u>PAGE</u>
Appendix I	Questionnaire for USACIDC Field Elements	135
Appendix II	Questionnaire for Installation/ Community Provost Marshals	149

PART I - ADMINISTRATIVE

- MACOM _____
- Region _____
- Field Office _____
- US Military and Civilian population _____
- Number of assigned USACIDC Special Agent _____
- Number of USACIDC Support Personnel _____

PURPOSE: The purpose of this questionnaire is to ascertain the manner in which crime records prepared and/or maintained by the Army are currently prepared, used, retained and released. The information will be used in a current HQDA study that is addressing the issues. The information will not be used to determine the degree of compliance with current statutory or regulatory requirements or to compare commands and installations.

DEFINITION OF ARMY CRIME RECORDS: For the purpose of this questionnaire, an Army crime record is defined as "any item, collection or grouping of information in any form prepared by or forwarded to the Army in support of law enforcement by other sources addressing alleged, actual or contemplated criminal activity of individuals, or organizations directed against the Army including personally identifiable data of complainants, victims, witnesses, suspects or subjects; and to the degree known, administrative, non-judicial or judicial action taken against offenders. This includes but is not limited to DA Form 2800, DA Form 2800-1, DA Form 2804, DA Form 2802, Serious Incident Reports, Criminal Information Files, Reading Files, Case Files, Completed DA Form 1408, DA Form 3946, DA Form 2823, DA Form 3881, DA Form 4137, DD Form 1805, Photographs, Sketches, DD Form 1920 (Alcohol Influence Report) and similar records forwarded to the Army by other sources.

PART II

1. List the most commonly used crime records prepared at you Field Office.

a. List and briefly describe how you use crime records forwarded to your installation by local and state agencies.

RECORDS

PREPARING AGENCY

INSTALLATION USE OF THE RECORD

b. List and briefly describe how you use crime records forwarded to your office from agencies of the Federal Government (including other Military Services).

RECORDS

PREPARING AGENCY

INSTALLATION USE OF THE RECORD

2. Excluding desk reference card files, blotters, criminal information, "Hot Spot" and informant type crime records, list in format at inclosure 1 the number and degree of completeness of crime records prepared by or forwarded to your installation on files at your installation for CY 74 and 75. (If not known and too difficult to ascertain within time constraints please estimate).

3. Provide the following in regard to reports outlined in inclosure 1.

a. Use for law enforcement purposes;

(1) Of what value are completed reports (with or without Disposition of Offender information) to the installation law enforcement effort? (Crime prevention, protection of personnel and equipment) -- Briefly describe.

(2) Are the reports released to law enforcement agencies within DOD? (Yes or No?) _____ If Yes, briefly describe to whom and for what purpose and who has authority to release the report and whether or not the authority is in writing.

(3) Are crime records maintained by your office released to local (municipal or county) or state agencies? If Yes, briefly describe to whom and for what purpose and who has authority to release the report and whether or not the authority is in writing.

(4) Does whether or not Disposition of Offender information is contained on reports make a difference in releasing procedures (Yes or No?) _____ If Yes, explain briefly.

(5) Does the category of the subject(s) i.e., military, DA civilian employees, juveniles, DOD affiliated dependents and non-DOD-affiliated personnel (including dependents in this category) make a difference in the release (Yes or No?) _____ If Yes, explain briefly.

b. Use of crime records for informing the Chain of Command and determining Disposition of Offenders, to include:

(1) Indicate level of command at which the report is introduced to the chain; i.e., Co, detachment, battalion, group, brigade, division/installation, corps/installation. _____. Briefly explain the distribution procedure.

(2) Is there a local supplement to AR's, USACIDC regulations, local directive or SOP outlining the procedure (Yes or No?) _____

(3) Are procedures the same for reports identifying military personnel, DA civilian employees, juveniles, DOD affiliated dependents and non-DOD-affiliated personnel (including dependents in this category) as subjects? If so state; if not explain differences in procedures for each category.

(4) What safeguards, if any, are in effect to assure that the information contained in the report is made available only to those personnel necessary to effect appropriate "Command" action?

(5) List problems, if any, with the current system for Reporting Action taken.

(6) Do you think the law enforcement element is the proper agency to perform the task of monitoring reports of action taken (Yes or No?)
_____ If No, place a check by the element you feel should perform the task:

_____ SJA _____ GI/DPCA _____ AG _____ Other

(7) If you were prescribing the policy for reporting action taken would you:

(a) Retain the current system (Yes or No?) _____

(b) If answer to 3b (7) (a) is No, briefly describe the system you would prescribe.

c. Use for administrative purposes.

(1) In determining suitability of Army military or civilian employees for employment, elimination or advancement. Describe in detail how reports are used to include who is given access and the manner of distribution as follows:

(a) Reports with Disposition of Offender information.

(b) Reports without Disposition of Offender information
(If the same as 3c(1)(a) so state).

(c) Are individuals who are subjects of reports indicated in 3c(1)(a)(b) above afforded an opportunity to review, rebut or refute information contained in the reports? Briefly explain procedures employed.

(2) In Alcohol and Drug Abuse Program, Describe in detail how reports are used, to include who is given access and the manner of distribution as follows:

(a) Reports with Disposition of Offender information.

(b) Reports without Disposition of Offender information (if the same as 3c(c)(2)(a) above so state.

(c) Are individuals who are subjects of reports indicated in para 3c(2)(a)(b) above afforded an opportunity to review, rebut or refute information contained in the reports? Briefly explain procedures employed.

(3) In safety programs: (Describe in detail how reports are used, to include who is given access and the manner of distribution as follows:)

(a) Reports with Disposition of Offender information.

(b) Reports without Disposition of Offender information (if the same as 3c(3)(a) above so state.

(c) Are individuals who are subjects of reports indicated in para 3c(3)(a)(b) above afforded an opportunity to review, rebut or refute information contained in the reports? Briefly explain procedures employed.

(4) In Armed Forces Disciplinary Control Board functions:

(a) Describe how they are used.

(b) If the report is the reason or partially the reason for an AFDCB warning to a proprietor for placing an establishment off-limits is the proprietor afforded the opportunity to review, rebut or refute information contained in the report (Yes or No?) _____ If Yes, describe procedure.

(5) How many reports listed in inclosure were forwarded to the CRD for CY 74? _____ For CY 75? _____

4. Provide the following in regard to index card files and criminal information.

a. Are criminal information files maintained (Yes or No?) _____
If Yes, who has access to these and how are they controlled?

b. Are local "provost marshal checks" made for administrative purposes (Yes or No?) _____.

c. Approximately how many requests for name checks were made to the USACIDC's CRD during CY 75? _____.

(1) Indicate the number of requests made telephonically _____, by TWX _____, in writing _____.

(2) What effect would requiring the checks to be made at the PM/ Sec Off level have on their value to law enforcement?

On their value for administrative purposes.

(3) Approximately how many name checks were made for law enforcement purposes in CY 74? _____ In CY 75? _____

(4) Approximately how many name checks were made for administrative purposes in CY 74? _____ In CY 75? _____

(5) Would you describe name checks for law enforcement purposes conducted by CRD as: Check appropriate line.

(a) Very helpful _____.

(b) Helpful _____.

(c) Of some value _____.

(d) Of little value _____.

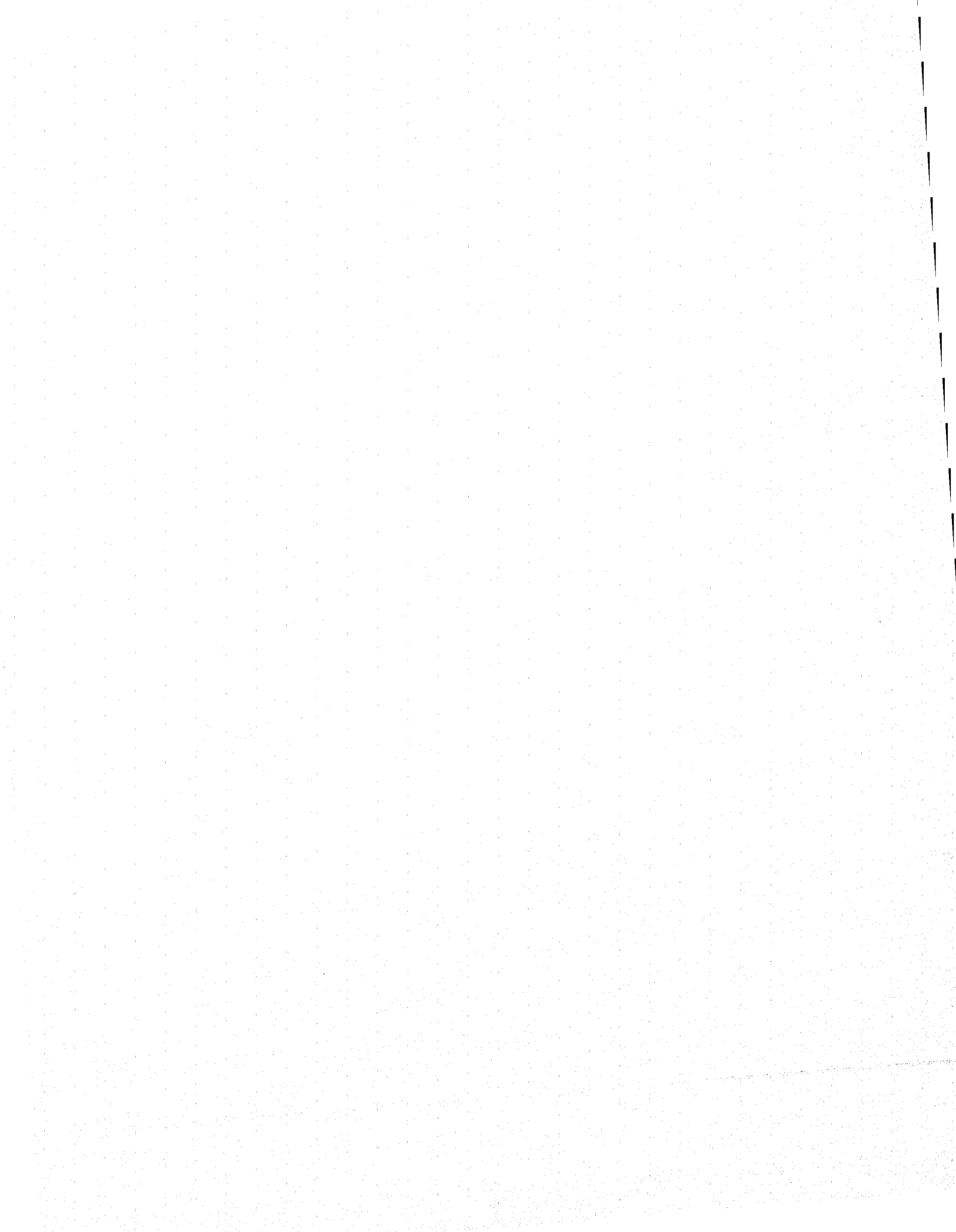
(6) Would you describe name checks for administrative purposes conducted by CRD as:

- (a) Very helpful _____.
- (b) Helpful _____.
- (c) Of some value _____.
- (d) Of little value _____.

5. What, if any, inhibiting effect has The Freedom of Information Act and/or The Privacy Act of 1974 had on CID operations at your installation? Describe, as specifically as possible, difficulties encountered, solutions developed and degree of success with overcoming problems.

6. Is any portion of your crime record keeping system automated?
Yes _____ No _____

If yes, briefly describe the system, to include measures in effect to assure that the information is available only to authorized persons.



CY 74
With Disposition
of Offender Info

CY 74
Without Disposition
of Offender Info

CY 75
With Disposition
of Offender Info

CY 75
Without Disposition
of Offender Info

Prepared by Army

Prepared by other
Military Services

Prepared by city or
municipal agencies

Prepared by county
agencies

Prepared by state
agencies

Prepared by other
governments

Prepared by Federal
Government agencies,
exclusive of the
other Military
Services

PART I - ADMINISTRATIVE

- MACOM _____
- Installation _____
- US Military and Civilian population _____
- Number of assigned military police personnel MOS 95B
- GSF _____
- STRAF _____

PURPOSE: The purpose of this questionnaire is to ascertain the manner in which crime records prepared and/or maintained by the Army are currently prepared, used, retained and released. The information will be used in a current HQDA study that is addressing the issues. The information will not be used to determine the degree of compliance with current statutory or regulatory requirements or to compare commands and installations.

DEFINITION OF ARMY CRIME RECORDS: For the purpose of this questionnaire, an Army crime record is defined as "any item, collection or grouping of information in any form prepared by or forwarded to the Army in support of law enforcement by other sources addressing alleged, actual or contemplated criminal activity of individuals, or organizations directed against the Army including personally identifiable data of complainants, victims, witnesses, suspects or subjects; and to the degree known, administrative, non-judicial or judicial action taken against offenders. This includes but is not limited to DA Form 3997 (MP Desk Blotters), DA Form 3998 (Desk Reference Card Files), "Hot Spot" Files, Serious Incident Reports, Criminal Information Files, Reading Files, Case Files, Completed DA Forms 3975 and 3975-1, DA Form 1408, DA Form 3946, DA Form 2823, DA Form 3881, DA Form 4137, DD Form 1805, Photographs, Sketches, DD Form 1920 (Alcohol Influence Report) and similar records forwarded to the Army by other sources.

PART II

1. List the most commonly used crime records prepared at your installation.

a. List and briefly describe how you use crime records forwarded to your installation by local and state agencies.

RECORDS

PREPARING AGENCY

INSTALLATION USE OF THE RECORD

b. List and briefly describe how you use crime records forwarded to your installation from agencies of the Federal Government (including other Military Services).

RECORDS

PREPARING AGENCY

INSTALLATION USE OF THE RECORD

2. Excluding desk reference card files, blotters, criminal information, "Hot Spot" and informant type crime records, list in format at inclosure 1 the number and degree of completeness of crime records prepared by or forwarded to your installation on files at your installation for CY 74 and 75. (If not known and too difficult to ascertain within time constraints please estimate.)

3. Provide the following in regard to reports outlined in inclosure 1.

a. Use for law enforcement purposes:

(1) Of what value are competed reports (with or without Disposition of Offender information) to the installation law enforcement effort? (Crime prevention, protection of personnel and equipment) -- Briefly describe.

(2) Are the reports released to law enforcement agencies within DOD? (Yes or No?) _____ If Yes, briefly describe to whom and for what purpose and who has authority to release the report and whether or not the authority is in writing.

(3) Are crime records maintained by your installation released to local (municipal or county) or state agencies? If Yes, briefly describe to whom and for what purpose and who has authority to release the report and whether or not the authority is in writing.

(4) Does whether or not Disposition of Offender information is contained on reports make a difference in releasing procedures (Yes or No?) _____ If Yes, explain briefly.

(5) Does the category of the subject(s) i.e., military, DA civilian employees, juveniles, DOD affiliated dependents and non-DOD-affiliated personnel (including dependents in this category) make a difference in the release (Yes or No?) _____ If Yes, explain briefly.

b. Use of crime records for informing the Chain of Command and determining Disposition of Offenders, to include:

(1) Indicate level of command at which the report is introduced to the chain; i.e., Co, detachment, battalion, group, brigade, division/installation, corps/installation. _____ Briefly explain the distribution procedure.

(2) Is there a local supplement to AR's, local directive or SOP outlining the procedure (Yes or No?) _____

(3) Are procedures the same for reports identifying military personnel, DA civilian employees, juveniles, DOD affiliated dependents and non-DOD-affiliated personnel (including dependents in this category) as subjects? If so state; if not explain differences in procedures for each category.

(4) What safeguards, if any, are in effect to assure that the information contained in the report is made available only to those personnel necessary to effect appropriate "Command" action?

(5) List problems, if any, with the current system for Reporting Action taken.

(6) Do you think the law enforcement element is the proper agency to perform the task of monitoring reports of action taken (Yes or No?) _____
If No, place a check by the element you feel should perform the task:

_____ SJA _____ GI/DPCA _____ AG _____ Other

(7) If you were prescribing the policy for reporting action taken would you:

(a) Retain the current system (Yes or No?) _____

(b) If answer to 3b (7)(a) is No, briefly describe the system you would prescribe.

c. Use for administrative purposes.

(1) In determining suitability of Army military or civilian employees for employment, elimination or advancement. Describe in detail how reports are used to include who is given access and the manner of distribution as follows:

(a) Reports with Disposition of Offender information.

(b) Reports without Disposition of Offender information (If the same as 3c(1)(a) so state).

(c) Are individuals who are subjects of reports indicated in 3c(1)(a)(b) above afforded an opportunity to review, rebut or refute information contained in the reports? Briefly explain procedures employed.

(2) In Alcohol and Drug Abuse Program. Describe in detail how reports are used, to include who is given access and the manner of distribution as follows:

(a) Reports with Disposition of Offender information.

(b) Reports without Disposition of Offender information (if the same as 3c(c)(2)(a) above so state.

(c) Are individuals who are subjects of reports indicated in para 3c(2)(a)(b) above afforded an opportunity to review, rebut or refute information contained in the reports? Briefly explain procedures employed.

(3) In safety programs: (Describe in detail how reports are used, to include who is given access and the manner of distribution as follows:)

(a) Reports with Disposition of Offender information.

(b) Reports without Disposition of Offender information (if the same as 3c(3)(a) above so state.

(c) Are individuals who are subjects of reports indicated in para 3c(3)(a)(b) above afforded an opportunity to review, rebut or refute information contained in the reports? Briefly explain procedures employed.

(4) In Armed Forces Disciplinary Control Board functions:

(a) Describe how they are used.

(b) If the report is the reason or partially the reason for an AFDCB warning to a proprietor for placing an establishment off-limits is the proprietor afforded the opportunity to review, rebut or refute information contained in the report (Yes or No?) _____ If Yes, describe procedure.

(5) In Armed Forces Police Detachments (only for installations where the Army has responsibility for operation of the detachment).

(a) Describe how reports prepared by or forwarded to the AFPD are used.

(b) Are court liaison functions performed (Yes or No?) _____ If Yes, briefly describe the use of the report in the procedure.

(6) In any other Administrative Program (relate in detail how reports are used for each purpose to include who is given access and the manner of distribution as follows:

(a) Use.

(b) Report with Disposition of Offender information.

(c) Reports without Disposition of Offender information (if the same as 3c(6)(b) above so state.

(d) Are reference blotter entries made when an individual's status changes as related to a military police report? Yes ___ No ___

(e) If reference entries to the blotter are made regarding a change in an individual's status as related to a military police report, are changes posted to DA Form 3998 (MP Desk Reference Card)? Yes ___ No ___

(f) Are individuals who are subjects of the type reports indicated in para 3c(6)(b)(c) above afforded an opportunity to review, rebut or refute information contained in the reports? Briefly explain procedures employed.

(7) How many reports listed in inclosure were forwarded to the CRD for CY 74? _____ For CY 75? _____

4. Provide the following in regard to blotters, index card files, criminal information and "Hot Spot" files.

a. How many copies of the installation/activity military police blotter are prepared? _____

What is the distribution and final disposition of each copy?

b. Are criminal information files maintained (Yes or No?) _____
If Yes, who has access to these and how are they controlled?

c. Are "Hot Spot" card files maintained (Yes or No?) _____
If so, how are they used in:

(1) Law enforcement.

(2) For administrative purposes: (If they are not used administratively, so state.)

d. Are local "provost marshal checks" made for administrative purposes (Yes or No?) _____ If Yes, list the type and describe the use of the desk reference card file in the process.

e. Approximately how many requests for name checks were made to the USACIDC's CRD during CY 75? _____.

(1) Indicate the number of requests made telephonically _____, by TWX _____, in writing _____.

(2) What is the lowest level of authority authorized to make name check requests? i.e., MP, MPI, Desk SGT, Opns SGT, Opns Officer or PM/Sec Officer _____.

(3) What effect would requiring the checks to be made at the PM/Sec Off level have on their value to law enforcement?

On their value for administrative purposes.

(4) Approximately how many name checks were made for law enforcement purposes in CY 74? _____ In CY 75? _____

(5) Approximately how many name checks were made for administrative purposes in CY 74? _____ In CY 75? _____

(6) Would you describe name checks for law enforcement purposes conducted by CRD as: Check appropriate line.

(a) Very helpful _____.

(b) Helpful _____.

(c) Of some value _____.

(d) Of little value _____.

(7) Would you describe name checks for administrative purposes conducted by CRD as:

- (a) Very helpful _____.
- (b) Helpful _____.
- (c) Of some value _____.
- (d) Of little value _____.

5. How many polygraph examinations were requested by the military police during CY 74? _____ CY 75? _____.

How many were conducted in CY 74? _____ In CY 75? _____
Do you believe the polygraph has served as a useful investigative tool for military police at your installation (Yes or No?) _____
Please explain briefly.

6. What, if any, inhibiting effect has The Freedom of Information Act and/or The Privacy Act of 1974 had on military police operations at your installation? Describe, as specifically as possible, difficulties encountered, solutions developed and degree of success with overcoming problems.

7. Is any portion of your crime record keeping system automated?
Yes _____ No _____

If yes, briefly describe the system, to include measures in effect to assure that the information is available only to authorized persons.

CY74
With Disposition
of Offender Info

CY74
Without Disposition
of Offender Info

CY75
With Disposition
of Offender Info

CY75
Without Disposition
of Offender Info

Prepared by Army

Prepared by other
Military Services

Prepared by city or
municipal agencies

Prepared by county
agencies

Prepared by state
agencies

Prepared by other
governments

Prepared by Federal
Government agencies,
exclusive of the
other Military
Services



ANNEX E

SUPPORTING DOCUMENTATION

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ANNEX E

ANNEX E

Purpose. The purpose of this annex is to group those documents supportive of the Study Group's determinations, the contents of which support various portions of the study, but because of either the volume or format of the data reflected did not lend themselves to inclusion in the main body of the study.

APPENDIX I TO ANNEX E

OFFENSES INVESTIGATED BY

THE ARMY

OFFENSES INVESTIGATED BY

THE ARMY*

Article	Offense
77	Principals
78	Accessory after the fact
79	Conviction of lesser included offense
80	Attempts
81	Conspiracy
82	Soliciting or advising another: To desert To mutiny To commit an act of misbehavior before the enemy To commit an act of sedition
83	Fraudulent enlistment
84	Effecting unlawful enlistment or appointment
85	Desertion
86	Absence without leave
87	Missing movement of ship, aircraft, or unit: Through design Through neglect
88	Contempt
89	Behaving with disrespect toward his superior commissioned officer
90	Striking, drawing or lifting up any weapon or offering any violence to his superior commissioned officer in the execution of his office
91	Striking or otherwise assaulting, while in the execution of his office, a: Warrant officer Noncommissioned or petty officer Willfully disobeying the lawful order of a: Warrant officer Noncommissioned or petty officer Treating with contempt or being disrespectful in language or deportment, while in the exe- cution of his office, a: Warrant Officer Noncommissioned or petty officer

*Source: Manual for Courts-Martial; offenses shown do not necessarily require investigation by Army law enforcement elements (e.g. Article 32 investigation may be conducted at direction of commander concerned in certain instances).

Article	Offense
92	Violating or failing to obey any lawful general order or regulation Knowingly failing to obey any other lawful order Being derelict in the performance of duties
93	Cruelty toward or oppression or maltreatment of any person subject to his orders
94	Mutiny, sedition, failing to report, etc.
95	Resisting apprehension Breaking arrest Escaping from custody or confinement
96	Releasing without proper authority, a prisoner duly committed to his charge Suffering a prisoner duly committed to his charge to escape: Through design Through neglect
97	Unlawful detention of another
98	Unnecessary delay in disposing of a case, or failing to enforce or comply with procedural rules
99	Misbehavior before the enemy
100	Subordinate compelling surrender
101	Improper use of countersign
102	Knowingly forcing a safeguard
103	Captured or abandoned property, failing to secure, give notice and turnover, selling, or otherwise wrongfully dealing in or disposing of: Of a value of \$50 or less Of a value of \$100 or less and more than \$50 Of a value of more than \$100 Looting or pillaging
104	Aiding the enemy
105	Misconduct as a prisoner
106	Spies
107	Signing any false record, return, regulation, order, or making official document Making any other false official statement: By a noncommissioned or petty officer By any other enlisted member
108	Selling or otherwise disposing of military property of the United States: Of a value of \$50 or less Of a value of \$100 or less and more than \$50 Of a value of more than \$100

CONTINUED

2 OF 6

Article	Offense
109	Wasting, spoiling, destroying, or damaging any property other than military property of the United States of a value or damage: Of \$50 or less Of \$100 or less and more than \$50 Of more than \$100
110	Hazarding or suffering to be hazarded any vessel of the armed forces: Willfully and wrongfully Negligently
111	Operating any vehicle while drunk or in a reckless or wanton manner: Resulting in personal injury Otherwise
112	Found drunk on duty
113	Misbehavior of sentinel or lookout: In areas designated as authorizing entitlement to special pay for duty subject to hostile fire In all other places
114	Dueling
115	Feigning illness, physical disablement, mental lapse, or derangement Intentional self-inflicted injury
116	Riot Breach of peace
117	Provoking or reproachful words or gestures
118	Murder
119	Manslaughter: Voluntary Involuntary
120	Rape Wrongful carnal knowledge of a female under the age of 16 years
121	Larceny of property: Of a value of \$50 or less Of a value of \$100 or less and more than \$50 Of a value of more than \$100 or any motor vehicle, aircraft, or vessel Wrongful appropriation of property: Of a value of \$50 or less Of a value of \$100 or less and more than \$50 Of a value of more than \$100 Of any motor vehicle, aircraft, or vessel
122	Robbery
123	Forgery

Article	Offense
123a	Check, worthless, making,,drawing, uttering, deliivering, with intent to defraud (for procurement of an article or thing of value), in the face amount of: \$50 or less \$100 or less and more than \$50 More than \$100 Check, worthless, making, drawing, uttering, delivering, with intent to deceive (for payment of past due obligation or any other purpose).
124	Maiming
125	Sodomy: By force and without consent With a child under the age of 16 years Other cases of
126	Arson: Aggravated Simple, where the property is-- Of a value of \$100 or less Of a value of more than \$100
127	Extortion
128	Assault Upon a commissioned officer of the Air Force, Army, Coast Guard, Navy, or a friendly foreign power, not in the execution of his office. Upon a warrant officer, not in the execution of his office. Upon a noncommissioned or petty officer, not in the execution of his office. Upon any person who, in the execution of his office, is performing Air Force security police, military police, shore patrol, or civil law enforcement duties. Upon a sentinel or lookout while in execution of his duty. Assault (consummated by a battery): On a child under the age of 16 years Other cases of Assault, aggravated: With a dangerous weapon or other means or force likely to produce death or grievous bodily harm. Intentionally inflicting grievous bodily harm, with or without a weapon.
129	Burglary

Article	Offense
130	Housebreaking
131	Perjury
132	Frauds against the United States: In connection with making or presenting a claim or obtaining the approval, allowance, or payment of a claim. By delivering an amount less than that called for by a receipt or by making or delivering a receipt with knowledge of the facts. When the amount involved is \$50 or less When the amount involved is \$100 or less and more than \$50 When the amount involved is more than \$100
133	Conduct unbecoming an officer and a gentleman
134	Abusing a public animal Adultery Assault: Indecent With intent to commit voluntary manslaughter, robbery, sodomy, arson or burglary. With intent to commit housebreaking With intent to commit murder or rape Bigamy Bribe or graft, accepting, asking, receiving, offering, or promising. Burning with intent to defraud Check, worthless, making and uttering (by dishonorable failing to maintain sufficient funds). Correctional custody: Escape from Breach of restraint during Criminal libel Debt, dishonorable failing to pay Disloyal statements undermining discipline and loyalty, uttering. Disorderly: In command, quarters, station, camp, or on board ship Under such circumstances as to bring discredit upon the military service. Drinking liquor with a prisoner Drugs, habit forming, wrongful possession, sale, transfer, use or introduction into a military unit, base, station, post, ship or aircraft. Drugs, marihuana, wrongful possession, sale, transfer, use or introduction into a military unit, base, station, post, ship or aircraft.

134

Drunk:

Aboard ship

In command, quarters, station, or camp

Prisoner found

Under such circumstances as to bring discredit upon the military service.

Incapacitating self to perform duties through prior indulgence in intoxicating liquor.

Drunk and disorderly:

Aboard ship

In command, quarters, station, or camp

Under such circumstances as to bring discredit upon the military service:

False or unauthorized military pass, permit, discharge certificate, or identification card:

Making, altering, selling

Possessing or using with intent to defraud or deceive.

Other cases

False pretenses, obtaining services under:

Of a value of \$50 or less

Of a value of \$100 or less and more than \$50

Of a value of more than \$100

False swearing

Firearm, discharging:

Through carelessness

Wrongfully and willfully, under circumstances as to endanger life.

Fleeing from the scene of an accident

Gambling by a noncommissioned or petty officer, with a person of lower military grade.

Homicide, negligent

Impersonating an officer, warrant officer, non-commissioned or petty officer, or agent of superior authority:

With intent to defraud

All other cases

Indecent acts or liberties with a child under the age of 16 years.

Indecent exposure of person

Indecent, insulting, or obscene language:

Communicated to a female of the age of 16 years or over.

Communicated to any child under the age of 16 years.

Article

Offense

134

Indecent or lewd acts with another
Mail matter in the custody of the Post Office
Department or in the custody of any other
agency, or not yet delivered or received;
taking, opening, abstracting, secreting,
destroying, stealing, or obstructing.
Mails, depositing or causing to be deposited
obscene or indecent matter in.
Misprison of a felony
Nuisance, committing
Obstructing justice
Pandering
Parole, violation of
Perjury, statutory
Perjury, subornation of
Prisoner, allowing to do an unauthorized act
Public record, willfully and unlawfully alter-
ing, concealing, destroying, mutilating, obli-
terating, removing, or taking and carrying
away with intent of alter, conceal, destroy,
mutilate, obliterate, remove, or steal.
Quarantine, medical, breaking
Refusing, wrongfully, to testify before a
court martial, military commission, court
of inquiry, board of officers, investigation
under Article 32, or officer taking disposi-
tion.
Restriction, administrative or punitive,
breaking
Sentinel or lookout:
Behaving in an insubordinate or disrespectful
manner toward, while in the execution of his
duty.
Loitering or sitting down by, while on duty
Soliciting another to commit an offense.
Stolen property knowingly receiving, buying,
concealing:
Of a value of \$50 or less
Of a value of \$100 or less and more than \$50
Of a value of more than \$100
Stragglng
Threat, communicating
Transporting, unlawfully, a vehicle or air-
craft in interstate or foreign commerce.
Unclean accouterment, arms, clothing, equip-
ment, or other military property, found with.

Article

Offense

134

Uniform, unclean, appearing in, or not in prescribed uniform, or in uniform worn otherwise than in manner prescribed.

Unlawful entry

Weapon, concealed, carrying

Wearing unauthorized insignia, medal, decoration, or badge.

Wrongful cohabitation

APPENDIX II TO ANNEX E

RECORDS AND FORMS

RECORDS AND FORMS

MILITARY POLICE RECORDS AND FORMS

Form Number/Name	Use
DD Form 460 Provisional Pass	Provide members of armed forces with valid passes for use during travel under specific conditions described in FM 19-10.
DD Form 629 Receipt for Prisoner or Detained Person	Self-explanatory.
DD Form 1408 Armed Forces Traffic Ticket	Self-explanatory.
DD Form 1805 Violation Notice	To record minor offenses to include violations of state traffic law applicable to military reservation.
DD Form 1920 Alcohol Influence Report	To note observations, descriptions and interpret, record results of behavioral tests.
DA Form 2823 Sworn Statement	For all statements regardless of status of testifying individual.
DA Form 3626 Vehicle Registration/ Driver Record	Self-explanatory.
DA Form 3835 Notice of Unauthorized Absence from US Army	Self-explanatory.
DA Form 3836 Notice of Return of US Army Member from Un- authorized Absence	Self-explanatory.
DA Form 3881 Rights Warning Pro- cedure/Waiver Certificate	Provides standard, legally sufficient narrative rights warnings.

APPENDIX II to ANNEX E

<u>Form Number/Name</u>	<u>Use</u>
DA Form 3945 Military Police Radio Log	Official record of all MP radio traffic.
DA Form 3946 Police Traffic Accident Report	Self-explanatory.
DA Form 3975 Military Police Report	Record data concerning info/complaints received; incidents observed by or reported to MPI show police action; apprise the commander.
DA Form 3975-1 Commanders Report of Disciplinary Action Taken	Report disciplinary actions to command and CRD as required by this AR.
DA Form 3997 Military Police Desk Blotter	Daily chronological record of police activity developed from reports, complaints, information and incidents. As determined by local policy, the form may be used to provide information to supporting CID element.
DA Form 3998 Military Police Desk Reference	Alphabetical card index containing names of persons identified in MPR's as subject, victim, comp.

CRIMINAL INVESTIGATIVE RECORDS AND FORMS

Form Number/Name	Use
DA Form 2800 CID Report of Investigation	Provides format to report the results of criminal activity.
DA Form 2801 Polygraph Examination Statement of Consent	Provides format for individual consent to undergo polygraph examination.
DA Form 2802 Polygraph Examination Report	Provides format for recording conduct and results during polygraph examin- ation proceedings.
DA Form 2804 USACIDC Data Reference Card	Provides format for indexing subjects, suspects and victims of each CID ROI and provides format for indexing sub- jects/victims of MP reports fwd to CRD for file.
DA Form 2805 Polygraph Examination Authorization	Provides format for obtaining written authority to conduct polygraph examin- ation.
DA Form 3655 Crime Lab Examination Request	Provides format for all requests for laboratory examination by a USACIL.
DA Form 4002 Evidence/Property Tag	Provides format for identifying, pro- cessing and handling of evidence.
DA Form 4137 Evidence/Property Cus- tody Document	Provides format for receipt, and to record the chain of custody, the author- ity for final disposition, and the witnessing thereof.

APPENDIX III to ANNEX E

LISTING OF ARMY REGULATIONS AND SPECIFIC PROPOENCY FOR ARMY POLICY
PERTAINING TO THE PREPARATION, USE, RETENTION AND DISPOSITION OF
CRIME RECORDS

APPENDIX III to ANNEX E

APPENDIX III to ANNEX E

LIST OF ARMY REGULATIONS AND SPECIFIC PROPONENCY
FOR ARMY POLICY PERTAINING TO THE PREPARATION
USE, RETENTION AND DISPOSITION OF CRIME RECORDS

ARMY REGULATION	TITLE	PROPONENCY
AR 27-10	Military Justice	TJAG
AR 190-5	Motor Vehicle Traffic Supervision	DCSPER
AR 190-9	Military Absentee and Deserter Apprehension Program	DCSPER
AR 190-29	Minor Offenses and Uniform Violation Notices Referred to US District Courts	DCSPER
AR 190-30	Military Police Investigations	DCSPER
AR 190-40	Serious Incident Report	DCSPER
AR 190-45	Records and Forms	DCSPER
AR 195-2	Criminal Investigation Activities	USACIDC
AR 195-5	Evidence Procedures	USACIDC
AR 195-6	Department of the Army Polygraph Activities	USACIDC
AR 195-7	Criminal Investigative Support to the Army and Air Force Exchange Service	USACIDC
AR 195-8	Criminal Investigative Support to Defense Support Agency	USACIDC
AR 340-17	Release of Information and Records from Army Files	TAG
AR 340-18-5	Maintenance and Disposition of Intelligence, Security, Military Police and Mapping Functional Files	TAG
AR 340-21	Army Privacy Program	TAG
AR 600-37	Unfavorable Information	DCSPER

APPENDIX III to ANNEX E

APPENDIX IV to ANNEX E

FBI REPORTS ON MILITARY PERSONNEL SENTENCED TO CONFINEMENT

APPENDIX IV to ANNEX E



LEAVE BLANK FOR FBI USE		TYPE OR PRINT ALL INFORMATION IN BLACK LAST NAME NAME FIRST NAME MIDDLE NAME DOE JOHN JOSEPH NAME OBTAINED FROM SUBJECT				FBI LEAVE BLANK FOR FBI USE	
STATE USAGE FOR STATE BUREAU USE		ALIASES ROBERT SMITH		CONTRIBUTOR ORI		YOUR AGENCY AND ADDRESS WILL BE PRE-PRINTED BY FBI	
SIGNATURE OF PERSON FINGERPRINTED MAY PROVE TO BE VALUABLE EVIDENCE		OTHER NAMES USED BY SUBJECT		DATE OF BIRTH DOB Month Day Year 7 - 16 - 49		PLACE OF BIRTH POB CITY & STATE	
THIS DATA MAY BE COMPUTERIZED IN LOCAL, STATE AND NATIONAL FILES		DATE ARRESTED OR RECEIVED DOA MONTH-DAY-YEAR		SEX M	RACE W	HGT. 72"	WGT. 175
DATE SIGNATURE OF OFFICIAL TAKING FINGERPRINTS YOUR SIGNATURE		YOUR NO. OCA NUMBER TO BE QUOTED IN FBI REPLY		EYES BRO	HAIR BLK	LEAVE BLANK	
CHARGE E.G. 1. ROBBERY - BUSINESS - GUN NCIC CODE: 1201 2. AGGRAV ASSLT - POL OFF - GUN NCIC CODE: 1310 3. POSSESS STOLEN PROP NCIC CODE: 2304		FBI NO. FBI INSERT FBI NO. IN THIS SPACE, IF KNOWN		CLASS.		REF.	
FINAL DISPOSITION 1. IF FINAL DISPOSITION NOT NOW AVAILABLE, SUBMIT LATER ON FORM R-34. 2. SHOW INTERIM OR ARRESTING AGENCY DISPOSITION ON REVERSE SIDE OF THIS CARD.		SD NO. SD STATE IDENT BUREAU NO., INSERT IF APPLICABLE		SOCIAL SECURITY NO. SOC		NCIC CLASS - FPC	
		CAUTION <input checked="" type="checkbox"/>					
A. INCLUDE N.C.I.C. UNIFORM OFFENSE CODE WITH CHARGE WHENEVER POSSIBLE.		IF SPECIAL CAUTION SHOULD BE USED WHEN DEALING WITH SUBJECT, CHECK (✓) CAUTION BLOCK AND EXPLAIN BASIS FOR CAUTION ON REVERSE SIDE IN APPROPRIATE BLOCK.					
B. PLACE STATE PENAL CODE NUMBERS OR LOCAL CITATION NUMBERS ON REVERSE SIDE IN STATUTE CITATION BLOCK.							
1. R. THUMB	2. R. INDEX	3. R. MIDDLE	4. R. RING	5. R. LITTLE	A. MUST BE IN CORRECT ORDER. B. IF DATE OF BIRTH UNKNOWN, LIST APPROXIMATE AGE.		
C. HOSPITALS NEED ONLY USE WORD "PATIENT." MILITARY INSTALLATIONS USE "INQUIRY" ONLY.							

SPECIMEN FINGERPRINT CARD

6. L. THUMB	7. L. INDEX	8. L. MIDDLE	9. L. RING	10. L. LITTLE	
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY		L. THUMB	R. THUMB	RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY	

MAKE CERTAIN ALL IMPRESSIONS ARE LEGIBLE,
FULLY ROLLED AND CLASSIFIABLE.
ALL INFORMATION REQUESTED IS ESSENTIAL.

FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20537

<p>PALM PRINTS TAKEN <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>PHOTO AVAILABLE? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>IF AVAILABLE, PASTE PHOTO OVER INSTRUCTIONS IN DOTTED AREA. </p> <p><small>DO NOT USE STAPLES!</small></p> <p><small>SINCE PHOTOGRAPH MAY BECOME DETACHED INDICATE NAME, DATE TAKEN, FBI NUMBER, CONTRIBUTION AND ARREST NUMBER ON REVERSE SIDE, AND THEN ATTACHED TO FINGERPRINT CARD OR SUBMITTED LATER. TRIM PHOTO TO FIT IN DOTTED AREA. </small></p>	<p style="text-align: center;">INSTRUCTIONS</p> <ol style="list-style-type: none"> UNLESS OTHERWISE PROVIDED BY REGULATION IN YOUR STATE, FINGERPRINTS ARE TO BE SUBMITTED DIRECTLY TO THE IDENTIFICATION DIVISION. FORWARD IMMEDIATELY FOR MOST EFFECTIVE SERVICE. FINGERPRINTS SHOULD BE SUBMITTED BY ARRESTING AGENCY ONLY (MULTIPLE PRINTS FOR SAME CHARGE SHOULD NOT BE SUBMITTED BY OTHER AGENCIES SUCH AS POLICE OR JUDICIAL AGENCIES). FIRST FINGERPRINTS OF FBI IDENTIFICATION RECORD AND ALL OTHERS OF OTHER AGENCIES IN BULKY RECORDS HAVE COMPLETE MAKING AGENCY INCLUDING ZIP CODE. TYPE IN FULL ALL INFORMATION. NOTE AMPUTATIONS OF FINGER OR FINGER NAILS. LIST FINAL DISPOSITION OF OFFENSE ON REVERSE SIDE. IF NOT NOW AVAILABLE, SUBMIT LATER CHECKS FROM POLICE FOR COMPLETION OF RECORD. IF FINAL DISPOSITION NOT AVAILABLE SHOW THE FINAL OF ARRESTING AGENCY DISPOSITION, e.g. RELEASED, INDIVIDUAL CHANGE NAME, SUPPLIED OVER TO IN THE ARREST DISPOSITION RECORD PROVIDED ON THIS SIDE. NOTE WHETHER ALL IMPRESSIONS ARE LEGIBLE, FULLY ROLLED AND CLASSIFIABLE. CAUTION CHECK BOX ON FRONT IF CAUTION STATEMENT INDICATED. BASIS FOR CAUTION RECORD MUST GIVE REASON FOR CAUTION, e.g. ARMED AND DANGEROUS, SUICIDAL, ETC. MISCELLANEOUS NUMBER WHEN SHOULD INCLUDE SUCH NUMBERS AS MILITARY SERVICE, PASSPORT NUMBER, EMPLOYERS ADMINISTRATION IDENTIFY TYPE OF NUMBER, ETC. PROVIDE STATUTE CITATION, IDENTIFYING SPECIFIC STATUTE (e.g. PL for PENAL LAW) AND CRIMINAL CODE CITATION INCLUDING ANY SUB-SECTIONS. ALL INFORMATION REQUESTED IS ESSENTIAL.
<p><small>DATA ON PRIOR ARREST ONLY</small></p> <p>IF ARREST FINGERPRINTS SENT FBI PREVIOUSLY AND FBI NO. UNKNOWN, FURNISH ARREST NO. _____ DATE _____</p>	<p>1. SHOW SEPARATE CITATION OR PENAL CODE NUMBER FOR EACH CHARGE PLACED ON FRONT SIDE.</p> <p>2. _____</p> <p>3. _____</p>
<p>STATUTE CITATION (SEE INSTRUCTION NO. 9) <u>CIT</u></p> <p>1. _____</p> <p>2. _____</p> <p>3. _____</p>	<p>SEND COPY TO</p> <p>INDICATE ANY ADDITIONAL COPIES FOR OTHER AGENCIES IN THIS SPACE. GIVE THEIR COMPLETE MAILING ADDRESS, INCLUDING ZIP CODE.</p>
<p>ARREST DISPOSITION (SEE INSTRUCTION NO. 5) <u>ADN</u></p> <p><small>E.G. HELD FOR GRAND JURY</small></p> <p>IF DISPOSITION IS FINAL, ENTER ON FACE OF CARD. ENTER PENDING OR TEMPORARY DISPOSITION HERE.</p> <p>EMPLOYER: IF U. S. GOVERNMENT, INDICATE SPECIFIC AGENCY. IF MILITARY, LIST BRANCH OF SERVICE AND SERIAL NO.</p> <p>USEFUL FOR FOLLOW-UP INVESTIGATION</p>	<p>REPLY DESIRED? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p><small>NOTE: THIS IS SENT IN ALL CASES OF SUBJECTS BEING FUGITIVE-WANTED.</small></p> <p><small>IF COLLECTOR WOULD COLLECT TELEPHONE RATES (DO NOT CHECK UNLESS WILLING TO ACCEPT COLLECT CHARGES.)</small></p> <p><small>TELEPHONE RATES TELEPHONE RATES TELEPHONE NO. AND AREA CODE</small></p>
<p>OCCUPATION <u>A GOOD INVESTIGATIVE LEAD</u></p> <p>RESIDENCE OF PERSON FINGERPRINTED</p> <p>MAY BE VALUABLE IN SUBSEQUENT FUGITIVE INVESTIGATION</p>	<p>DATE OF OFFENSE <u>000</u> SKIN TONE <u>SKN</u></p> <p>IF KNOWN E.G. LIGHT</p>
<p>SCARS, MARKS, TATTOOS, AND AMPUTATIONS <u>SMT</u></p> <p>FINGER, HAND, AND ARM AMPUTATIONS SHOULD ALSO BE NOTED IN APPROPRIATE FINGER BLOCKS ON FRONT SIDE.</p> <p>BASIS FOR CAUTION <u>100</u> E.G. <u>ARMED AND DANGEROUS - SUICIDAL TENDENCIES</u></p>	<p>LEAVE BLANK</p> <p>FOR FBI USE</p>
<p>DATE OF OFFENSE <u>000</u> SKIN TONE <u>SKN</u></p> <p>IF KNOWN E.G. LIGHT</p> <p>MISC. NO. <u>MNU 35-99-49-300</u> SELECTIVE SERVICE NO. _____</p> <p>IDENTIFY TYPE OF NUMBER _____</p>	<p>LEAVE BLANK</p> <p>FOR FBI USE</p>
<p>ADDITIONAL INFORMATION</p>	

FINAL DISPOSITION REPORT

Leave Blank

Note: This vital report must be prepared on each individual whose arrest fingerprints have been forwarded to the FBI Identification Division without final disposition noted thereon. If no final disposition is available to arresting agency, also obtain subject's right four finger impressions on this form, complete left side and forward the form when case referred to prosecutor and/or courts. Agency on notice as to final disposition should complete this form and submit to: Director, FBI, Washington, D. C. 20537, Attention: Identification Division.

(See instructions on reverse side)

FBI No.		Final Disposition & Date (If convicted or subject pleaded guilty to lesser charge, include this modification with disposition.)
Name on Fingerprint Card Submitted to FBI Last First Middle		
If FBI No. Unknown, Furnish: Date of Birth _____ Sex _____ Fingerprint Classification _____		
State Bureau No.		This Form Submitted By: (Name, Title, Agency, City & State)
Contributor of Fingerprints		
		Signature _____ Date _____ Title _____
Arrest No.	Date Arrested or Received	<input type="checkbox"/> COURT ORDERED EXPUNGEMENT: Return Arrest Fingerprint Card to Contributing Agency; Certified or Authenticated Copy of Court Order Attached.
Offenses Charged at Arrest		
		Right Four Fingers Taken Simultaneously

TAB B to APPENDIX IV to ANNEX E

INSTRUCTIONS

1. The purpose of this report is to record the initial data of an individual's arrest and thereafter secure the **final disposition** of the arrest at the earliest possible time from either the arresting agency, the prosecutor or the court having jurisdiction. (INTERIM DISPOSITION INFORMATION, e.g., RELEASED ON BOND, SHOULD NOT BE SUBMITTED.) The SUBJECT'S NAME, CONTRIBUTOR AND ARREST NUMBER should be exactly the same as they appear on the fingerprint card IN THE FILES OF THE FBI. The FBI number should be indicated, if known. Agency ultimately making final disposition will complete and mail form to: **FBI Identification Division, Washington, D. C. 20537.**
2. The **arresting agency** should fill in all arrest data on left side of form and obtain the finger impressions of the right four fingers simultaneously. This should be done at the same time as the full set of fingerprints are taken on the arrest fingerprint card. If the arrest is disposed of by the arresting agency, as where the arrestee is released without charge, then the arresting agency should fill in this final disposition and mail form to FBI Identification Division. Of course, if final disposition is known when arrest fingerprint card is submitted it should be noted thereon and this form is then unnecessary. In the event the case goes to the prosecutor, this form should be forwarded to the prosecutor with arrestee's case file.
3. The **prosecutor** should complete the form to show final disposition at the prosecution level if the matter is not being referred for court action and thereafter submit form directly to FBI Identification Division. If court action required, the prosecutor should forward form with case file to court having jurisdiction.
4. The **court** should complete this form as to final court disposition such as when arrested person is acquitted, case is dismissed, on conviction and when sentence imposed or sentence suspended and person placed on probation.
5. When arrested person convicted or enters guilty plea to lesser or different offense than that charged when originally arrested, this information should be clearly indicated.
6. If subsequent action taken to seal or expunge record, attach certified or authenticated copy of court order to this form so that FBI can return arrestee's fingerprints to original contributor.
7. It is **vitaly important** for completion of subject's record in FBI Identification Division files that **Final Disposition Report** be submitted in every instance where fingerprints previously forwarded without final disposition noted thereon.

APPENDIX V to ANNEX E

SERIOUS INCIDENT REPORT FORMAT

APPENDIX V to ANNEX E

JOINT MESSAGEFORM						SECURITY CLASSIFICATION				
PAGE OF	DRAFTER OR RELEASEE TIME	PRECEDENCE		LMF	CLASS	CIC	FOR MESSAGE CENTER/COMMUNICATIONS CENTER ONLY			
		ACT	INFO				DATE - TIME	MONTH	YR	
BOOK	MESSAGE HANDLING INSTRUCTIONS									
<p>FROM: CDR FT JACKSON SC //AKCP-PM//</p> <p>TO: DA WASHDC //DAPE-HRE//</p> <p>INFO: CDR TRADOC FT MONROE VA //ATPM//</p> <p>UNCLAS E F T O FOUO</p> <p>SUBJ: SIR NUMBER 750001 SURNAME</p> <p>1. CATEGORY 1.</p> <p>2. TYPE OF INCIDENT: MURDER (5H1), POSSESSION OF HALLUCINOGENS (5L4C).</p> <p>3. DATE/TIME OF INCIDENT: 152300 JAN 75 EST.</p> <p>4. LOCATION: SUBJECT'S OFF-POST RESIDENCE, 2508 LISBON LANE, COLUMBIA, SC 22345.</p> <p>5. RACIAL: NO.</p> <p>6. PERSONNEL INVOLVED:</p> <p>A. SUBJECT</p> <p>(J) NAME: BRAKEY, JAMES PAUL</p> <p>(A) GRADE: CW2</p> <p>(B) SSN: 123-45-6789</p> <p>(C) RACE/NATIONALITY/ETHNIC GROUP: CAUCASIAN</p> <p>(D) SEX: MALE</p> <p>(E) AGE: 34</p> <p>(F) POSITION: BN MAINT OFF</p>										
DISTRG										
DRAFTER TYPED NAME, TITLE, OFFICE SYMBOL, PHONE & DATE						SPECIAL INSTRUCTIONS				
R E L E A S E R	TYPED NAME, TITLE, OFFICE SYMBOL AND PHONE					SECURITY CLASSIFICATION			DATE TIME GROUP	
	SIGNATURE					SECURITY CLASSIFICATION			DATE TIME GROUP	

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DD FORM 173
1 DEC 70

REPLACES DD FORM 173, 1 JUL 68, WHICH WILL BE USED.

Figure 3-1. SIR FOUO markings for illustrative purposes only.

JOINT MESSAGEFORM						SECURITY CLASSIFICATION			
PAGE	DRAFTER OR RELEASER TIME	PRECEDENCE		LMF	CLASS	CIC	FOR MESSAGE CENTER/COMMUNICATIONS CENTER ONLY		
		ACT	INFO				DATE - TIME	MONTH	YR
OF									
BOOK	MESSAGE HANDLING INSTRUCTIONS								
<p>(G) SECURITY CLEARANCE: S</p> <p>(H) UNIT AND STATION OF ASSIGNMENT: HHD, 900TH ARTY BN, FT JACKSON, SC</p> <p>(I) DUTY STATUS: LEAVE</p> <p>(2) NAME: JENSEN, JOYCE (NMN)</p> <p>(A) GRADE: NONE</p> <p>(B) SSN: 012-34-5678</p> <p>(C) RACE/NATIONALITY/ETHNIC GROUP: CAUCASIAN</p> <p>(D) SEX: FEMALE</p> <p>(E) AGE: 26</p> <p>(F) POSITION: CIVILIAN-COCKTAIL WAITRESS OFFICERS CLUB</p> <p>(G) SECURITY CLEARANCE: NONE</p> <p>(H) UNIT AND STATION OF ASSIGNMENT: NA</p> <p>(I) DUTY STATUS: NA</p> <p>B. VICTIM</p> <p>(J) BRAKEY, MARY L.</p> <p>(A) GRADE: NONE</p> <p>(B) SSN: 234-56-7890</p> <p>(C) RACE/NATIONALITY/ETHNIC GROUP: CAUCASIAN</p> <p>(D) SEX: FEMALE</p>									
DISTR:									
0									
DRAFTER TYPED NAME, TITLE, OFFICE SYMBOL, PHONE & DATE						SPECIAL INSTRUCTIONS			
TYPED NAME, TITLE, OFFICE SYMBOL AND PHONE									
SIGNATURE						SECURITY CLASSIFICATION		DATE TIME GROUP	

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DD FORM 173
1 DEC 70

REPLACES DD FORM 173, 1 JUL 68, WHICH WILL BE USED.

Figure 8-1—Continued.

JOINT MESSAGEFORM						SECURITY CLASSIFICATION				
PAGE OF	DRAFTER OR RELEASER TIME	PRECEDENCE		LMF	CLASS	CIC	FOR MESSAGE CENTER/COMMUNICATIONS CENTER ONLY			
		ACT	INFO				DATE - TIME		MONTH	YR
BOOK		MESSAGE HANDLING INSTRUCTIONS								
<p>(E) AGE: 33 FROM</p> <p>(F) POSITION: DEPENDENT WIFE OF SUBJECT</p> <p>(G) UNIT AND STATION OF ASSIGNMENT: NA</p> <p>(H) DUTY STATUS: NA</p> <p>7. SUMMARY OF INCIDENT: BRAKEY AND JENSEN WERE APPREHENDED BY CIVIL POLICE AND CHARGED WITH MURDER OF VICTIM. INVESTIGATION REVEALED BRAKEY DEPARTED THE OFFICERS CLUB IN COMPANY OF JENSEN AT 2100, 15 JANUARY AND WERE SEEN ENTERING BRAKEY'S RESIDENCE THROUGH THE SIDE DOOR BY NEIGHBOR AT 2245 HOURS. NEIGHBOR NOTIFIED POLICE AFTER HEARING THREE SHOTS AT APPROXIMATELY 2300 HOURS. POLICE ARRIVED AT 2320, DISCOVERED VICTIM HAD BEEN SHOT THREE TIMES IN THE HEAD. SEVERAL UNIDENTIFIED PILLS, BELIEVED TO BE LSD WERE FOUND AT THE SCENE. SUBJECTS WERE APPREHENDED AT JENSEN'S APARTMENT AT 0215 16 JANUARY. A .38 CALIBER PISTOL AND SEVERAL ADDITIONAL PILLS WERE LOCATED IN BRAKEY'S CAR. SUBJECT'S SECURITY CLEARANCE SUSPENDED AS OF 16 JAN 75. CID ROI NUMBER 12345.</p> <p>8. REMARKS: THIS MSG CONFIRMS TELEPHONIC REPORT 160410 JAN 75 TO AOC.</p> <p>9. PUBLICITY: CONSIDERABLE LOCAL MEDIA COVERAGE ANTICIPATED.</p> <p>10. COMMANDER REPORTING: A. B. SMITH, MG, COMMANDING.</p> <p>11. THE FOUR PROTECTIVE MARKING MAY BE REMOVED ON (DATE).</p>										
DISTR:										
DRAFTER TYPED NAME, TITLE, OFFICE SYMBOL, PHONE & DATE						SPECIAL INSTRUCTIONS				
TYPED NAME, TITLE, OFFICE SYMBOL AND PHONE										
SIGNATURE						SECURITY CLASSIFICATION			DATE TIME GROUP	

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DD FORM 173
1 DEC 70

REPLACES DD FORM 173, 1 APR 68, WHICH WILL BE USED.

Figure 3-1—Continued.

APPENDIX VI to ANNEX E

MILITARY POLICE INVESTIGATIVE AND COMPLAINT FILES

APPENDIX VI TO ANNEX E

508 MILITARY POLICE INVESTIGATIVE AND COMPLAINT FILES

These files relate to those activities of military police pertaining to criminal investigations, complaints, crime prevention, and to Armed Forces Disciplinary Control Boards. Files relating to military police activities concerned with the security and protection of installations are described under subfunctional records category 509.

File No.	Description	Disposition
508-01	Jurisdiction responsibility files. Documents relating to the determination and establishment of the scope and responsibility of the Army for crime prevention, detection and investigation of crimes and offenses, apprehension, restraint, and custody of offenders or suspected offenders subject to the Uniform Code of Military Justice. Included are agreements with other armed services or civil authorities, and similar papers contributing to the overall concept and policies.	Office performing Army-wide staff responsibility: Permanent. Other offices: Destroy on supersession, obsolescence, or discontinuance, as applicable.
508-02	Armed Forces Disciplinary Control Board files. Documents relating to the activities of the AFDCB. Included are minutes of board meetings, recommendations and actions taken, supporting documents such as reports and off-limits lists, and general correspondence pertaining to the function of the board.	Armed Forces Disciplinary Control Boards: Destroy after 5 years except that establishing charters or directives will be retained until 5 years after the board is discontinued. Other offices: Destroy after 2 years.
★508-03	Criminal investigation technique files. Rescinded. Use 501-01.	
508-04	CID fund files. Documents relating to the expenditures of funds for expenses incurred in discharging assigned duties of criminal investigators not otherwise payable from Department of the Army funds. Included are vouchers, subvouchers and supporting documents, records of advanced funds, voucher registers, and CID clothing records.	CID clothing record: Transfer in accordance with AR 195-4. Voucher register: Destroy 8 years after final entry. Do not retire. Other documents: Destroy after 8 years. Do not retire.
508-05	Crime prevention program files. Documents created in planning, coordinating, executing, and reviewing courses of action for the prevention of crimes and offenses.	Offices responsible for directing or developing this program: Permanent. Other offices: Destroy after 2 years, on supersession, obsolescence, or on discontinuance, whichever is first.
508-06	Crime prevention survey files. Documents relating to surveys of internal installation activities or of external areas conducted to minimize or eliminate the opportunity or desire to commit or engage in criminal activities. Included are survey reports, recommendations, evaluations, and related papers.	Destroy upon completion of next survey of the same facility or 1 year after inactivation of the facility to which the survey pertains.
508-07	Criminal investigator accreditation files. Documents relating to the accreditation, nonaccreditation, or withdrawal of accreditation of individuals as criminal investigators. Included are application, recommendations, approvals, disapprovals, and related papers.	★Approved accreditations, withdrawal of accreditations, and related papers. Destroy 10 years after separation, or retirement of individual. Disapproved accreditations and related papers. Destroy after 1 year.
508-08	Provost marshal activities reporting files. Reports containing statistical data relating to offenses, crime trends, confinements, traffic law enforcement, and other military police activities. Included are basic reports, consolidated reports, and analysis.	Offices performing Army-wide staff responsibility: Consolidated data; Permanent. Feeder reports and similar data; destroy on consolidation or extraction of essential data. Other offices: Destroy after 1 year.

File No.	Description	Disposition
508-09	<p>FBI criminal-type reporting files. FBI reports concerning crimes against the Government (except those involving espionage, sabotage or loyalty matters) or those containing criminal suitability type information on members of the Army and Department of the Army civilians which are forwarded to commands and agencies concerned for information or appropriate action. This description does not include criminal type FBI reports included as exhibits in military police criminal investigation reports or intelligence type FBI reports.</p> <p><i>Note.</i> Forward reports containing loyalty information on members of the Army and Department of the Army civilians to the US Army Investigative Records Repository upon completion of action or 1 year after case becomes inactive.</p>	<p>On completion of action on the case, forward copy of report to Crime Records Directorate, US Army Criminal Investigation Command, Washington, DC 20318.</p> <p>Copies of reports retained by preparing offices: Destroy after 3 years provided that a copy has been forwarded, and DA Form 209 acknowledging receipt of report by CDR, USACIDC has been received.</p> <p>Other copies: Destroy after 1 year. Earlier disposal is authorized.</p>
508-10	<p>Criminal investigation status-reporting files. Reports providing information on the status of criminal investigations.</p>	<p>Destroy after 1 year.</p>
508-11	<p>Criminal investigation case files. CID Reports of investigations, criminal information reports, character investigation reports and other records and reports controlled by CID Action Record.</p>	<p>Crime Records Directorate, HQ USA CIDC: Destroy 40 years after date of final action.</p> <p>HQ USACIDC, region HQ, Separate Field Offices and other subordinate Field Offices:</p> <p>a. Information copies received from preparing agency: Destroy after 1 year. Earlier destruction is authorized.</p> <p>b. Other copies: Destroy 3 years after receipt of notification that original copies have been received, except that selected cases meeting the criteria of Commander's Interest will be destroyed after 5 years.</p> <p>Resident agency: Transfer to parent Field Office or region HQ 1 year after notification that case has been received.</p>
508-12	<p>Character Investigation Reporting Files.</p>	<p>Rescinded. Use 508-11.</p>
508-13	<p>Evidence ledger and voucher files. Documents reflecting the description, receipt, and disposition of physical property held as evidence for use in military or civil court proceedings, or for further use by criminal investigators, or crime laboratories. Included are evidence vouchers, statements of destruction, ledgers, and related documents.</p>	<p>★ Destroy 3 years after all items of evidence listed thereon have been disposed of.</p>
508-14	<p>Polygraph examination files. Copies of examination records (other than original copies attached to the original (repository) copies of CID Reports of Investigation), including exhibit copies of polygraph examination reports.</p>	<p>Destroy 3 months after the pertinent investigation report has been closed, or completed, or on discontinuance, whichever is first.</p>
508-15	<p>US Army Criminal Investigation Laboratory reporting files. Retained copies of laboratory reports, findings, ballistics tests, chemical analysis; and related correspondence, forms, and indexes prepared in conducting tests of material which may be used as evidence or exhibits in criminal investigations.</p>	<p>Destroy after 3 years.</p>

File No.	Description	Disposition
508-16	Absentee case files. Case files containing records of absentees (AWOL personnel, escaped military prisoners (US Army personnel), and deserters). The files contain documents which pertain to the return or apprehension of absentees, and include reports on absentees wanted by the Armed Forces, reports of return of absentees, reports of apprehension of absentees, correspondence on description of absentees, and leads for apprehension.	Destroy 3 months after arrest or apprehension or completion of case, or 3 years after creation if absentee is not returned to military control, or on discontinuance of unit or installation, whichever is first. However, in time of war, when the individual is not arrested or apprehended, retain until determined that the individual died or was discharged without arrest or apprehension.
508-17	MP reporting files. Military police reports concerning routine complaints received and incidents observed or reported to military police (excluding criminal investigations). Included are reports with supporting documents such as statements, affidavits, copies of provisional passes, and similar documents. However, this description does not include files furnished for court-martial purposes. <i>Note.</i> Military police reports of special categories of complaints, defined in AR 190-45, will be forwarded to Crime Records Directorate, US Army Criminal Investigation Command, Washington, DC 20318.	Destroy after 5 years.
508-18	MP journal files. Documents containing a chronological record of police activity developed from reports, complaints, incidents, or information received and action taken; and record of police radio traffic. Included are desk blotters and police radio logs.	Destroy in CFA after 5 years.
508-19	MP desk reference files. Card indexes containing the names of persons who are identified in military police reports as subject, victim, complainant, or witness in connection with a complaint.	Destroy in CFA 5 years after date of last entry on the card or on discontinuance, whichever is first.
508-20	Police property files. Documents reflecting the receipt and release of property that is found, impounded or seized as contraband or prohibited property, or safeguarded for detained personnel. Included are logs, receipts, releases, and related papers.	Destroy 5 years after return or release of property.
508-21	Prisoner or detained person receipt files. Documents reflecting the receipt of prisoners or detained persons.	Destroy after 3 years or on discontinuance, whichever is first.
508-22	Provisional pass files. Retained copies of passes issued to personnel for use during travel to their units.	Destroy after 3 years or on discontinuance, whichever is first.
508-23	Loss, theft, and recovery of firearms files. Reports relating to the loss, theft, and recovery of firearms, ammunition, and related items.	Office performing Army-wide staff responsibility: Permanent. Cut off after recovery or after 5 years, whichever is first. Other offices: Destroy 1 year after recovery or after 5 years, whichever is first. Retain in CFA.
508-24	Serious incident reporting files. Reports of serious incidents which may embarrass or be of concern to the Department of the Army or the Department of Defense. Included are initial, supplemental, terminal, and special interest followup reports, and related documents.	★Destroy 1 year after completion or receipt of final report.
508-25	Criminal investigation data reference files. Cards maintained by CID units reflecting individuals involved in criminal investigations. Included are DA Forms 2804.	Destroy in CFA after 3 years.

APPENDIX VII to ANNEX E

COPY OF THE CURRENT ARMY CRIME, CONFINEMENT AND DISCIPLINE REPORT

APPENDIX VII to ANNEX E



DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL
WASHINGTON, D.C. 20310

DAPE-HRE-PO

10 DEC 1976

SUBJECT: Army Crime, Confinement and Discipline Report (Third Quarter
Calendar Year 1976)

SEE DISTRIBUTION

1. This quarterly report reflects an overview of trends in crime and offender disposition Army-wide.
2. Crime counts set forth in this document are based on actual founded offenses established by military police and CIDC investigation. To assure uniformity of information, field feeder reports (Law Enforcement and Confinement Activities Report, DA Form 2819) must continue to include all founded offenses from both provost marshal and CID field office files.
3. Commanders are provided these Army-wide data as a practical means of identifying areas for command concern and attention. A precautionary note is added when a comparison of statistics is made solely on similarity of command population counts or installation size. Causal conditions contributing to the incidence of crime include mission of the command; density, size and composition of total community population; geographical location and surrounding environs; climate and season; and effectiveness and quality of law enforcement.
4. Crime trends reveal:
 - a. Crimes of violence category (murder, rape, robbery and aggravated assault) showed a worldwide (rate per 1000) increase of 16 percent during the third quarter of calendar year (CY) 76. However, this was 10 percent below the same period last year (Incl 2). Forty-eight percent of the crimes of violence occurred off-post, down 3 percent from the previous quarter. Aggravated assault was the predominant offense accounting for 55 percent of all crimes of violence.
 - b. Crimes against property (larceny, burglary/housebreaking and auto theft) increased 2 percent this quarter (Incl 3). Off-post occurrence of crimes against property was 12 percent, down 1 percent from the previous quarter. Larceny remained the predominant offense, accounting for 87 percent of all crimes against property.

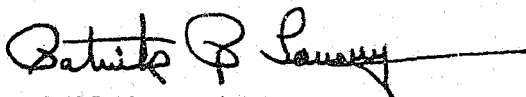
SUBJECT: Army Crime, Confinement and Discipline Report (Third Quarter
Calendar Year 1976)

c. In the drug offense category (use, possession, sale and trafficking of narcotics, dangerous drugs and marihuana), the most predominant offense (use and possession of marihuana) constituted 88 percent of all drug offenses and was up 4 percent over the previous quarter. Other drug offenses increased 3 percent; off-post occurrence of drug offenses was down 1 percent.

5. Summary: In comparison to the FBI's Crime Index, Army trends continue to be favorable (Incl 4A). During the first two quarters of CY 76, crimes of violence in the civilian sector decreased 6 percent over the same period of CY 75. The Army's number of reported offenses during the same period declined 20 percent. The number of crimes against property rose 4 percent in the civilian community and declined 4 percent within the Army.

6. Previous editions of this report are obsolete. Comments and questions concerning this report or recommendations for improvement, including potential topics for addition or deletion, should be submitted to HQDA (DAPE-HRE-PO).

FOR THE DEPUTY CHIEF OF STAFF FOR PERSONNEL:



PATRICK R. LOWREY
Colonel, GS
Chief, Law Enforcement Division

12 Incl

1. Indiscipline Index
2. Crimes of Violence
3. Crimes against Property
4. Crime Index Trends
5. Lost/Stolen/Recovered Property
6. Drug Offenses
7. Offense Rates per 1000
8. On-Off Post Rates
9. Missing/Recovered Weapons
10. AWOL/Desertion
11. Prisoner Population
12. Adjudication

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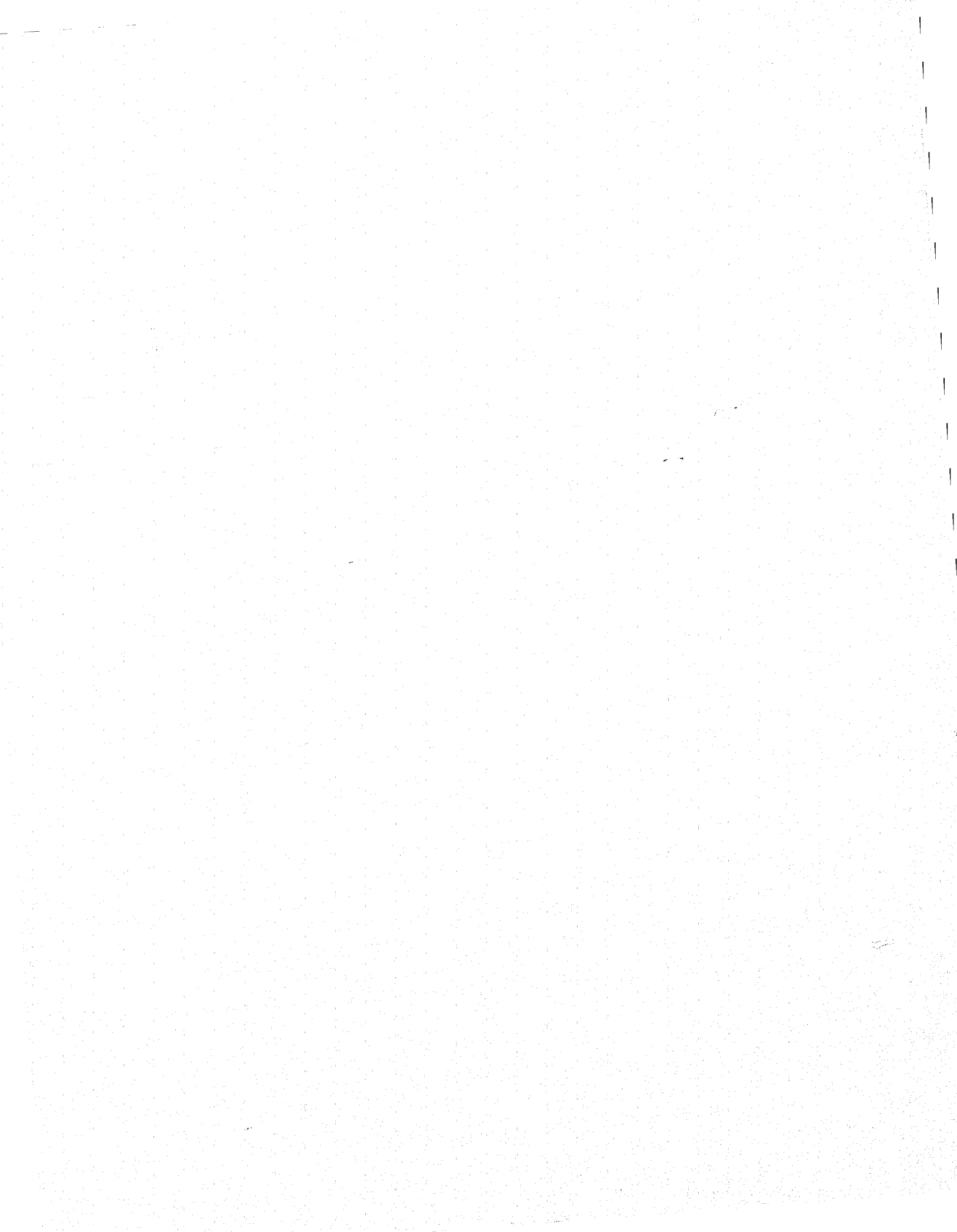
COMMANDERS

US ARMY MATERIEL DEVELOPMENT AND READINESS COMMAND

US ARMY SECURITY AGENCY

US ARMY COMMUNICATIONS COMMAND

US ARMY INTELLIGENCE AGENCY



Incl 1

INDISCIPLINE INDEX - CONUS
(Rate per 1000)

CY	QTR	AWOL	DFR	CRIMES OF VIOLENCE	CRIMES AGAINST PROPERTY	MARIHUANA USE & POSS	OTHER DRUG OFFENSES	TOTAL COURTS- MARTIAL	NON- JUDICIAL PUNISHMENT
71	1	71.3	31.0	1.69	17.70	2.09	1.40	11.80	56.16
	2	61.5	25.2	1.81	18.66	1.90	1.32	12.18	57.33
	3	61.8	27.1	1.98	22.52	1.55	1.73	11.43	55.03
	4	59.5	25.4	2.01	21.66	1.71	1.55	9.17	51.30
72	1	51.2	21.5	1.74	18.95	2.21	1.46	9.26	60.12
	2	61.9	21.6	1.72	18.58	2.26	1.58	8.65	53.76
	3	51.1	17.7	1.59	19.33	2.66	1.62	6.83	56.98
	4	42.5	15.2	1.84	17.07	3.40	1.15	6.73	50.13
73	1	55.8	18.0	1.55	17.12	4.64	1.28	7.71	58.97
	2	53.9	20.7	1.63	19.22	5.26	1.17	8.33	53.88
	3	54.5	19.7	1.69	22.65	4.73	1.07	8.39	54.80
	4	36.6	12.0	1.69	20.76	5.61	1.04	7.43	49.67
74	1	38.6	11.7	1.60	19.34	7.97	1.35	7.32	55.86
	2	37.1	12.3	1.61	20.22	7.17	1.16	7.10	56.07
	3	36.0	10.7	2.14	22.24	6.67	1.12	6.77	56.81
	4	27.4	8.9	2.04	23.68	6.95	1.15	5.88	49.17
75	1	29.0	7.4	1.85	20.85	8.08	1.27	5.52	59.85
	2	24.8	6.7	1.69	21.41	7.06	1.22	4.49	57.57
	3	23.6	6.6	1.84	22.19	5.12	.99	3.98	54.18
	4	16.1	4.8	1.52	21.87	6.19	1.05	3.42	46.72
76	1	17.5	4.1	1.48	20.22	8.91	1.09	3.23	55.22
	2	18.6	4.2	1.63	22.24	8.36	1.00	2.98	56.78
	3	20.3	5.1	1.75	23.02	8.70	1.19	2.74	62.29

201

Incl 1A

INDISCIPLINE INDEX - OVERSEAS
(Rate per 1000)

CY	QTR	AWOL	DFR	CRIMES OF VIOLENCE	CRIMES AGAINST PROPERTY	MARIHUANA USE & POSS	OTHER DRUG OFFENSES	TOTAL COURTS MARTIAL	NON- JUDICIAL PUNISHMENT
71	1	12.1	2.1	1.87	20.27	3.62	2.52	4.90	47.14
	2	11.5	2.3	2.36	25.82	3.16	4.78	5.12	46.05
	3	13.9	2.8	2.48	26.89	2.69	4.62	5.83	54.05
	4	13.3	2.2	2.34	26.21	3.06	3.44	5.57	51.96
72	1	16.3	2.2	2.19	25.75	3.65	2.78	5.47	58.47
	2	15.0	2.6	2.11	27.86	3.65	1.73	4.83	54.41
	3	20.2	3.8	2.28	28.77	4.13	2.04	4.11	59.16
	4	16.8	3.3	2.40	26.63	4.50	2.17	4.99	51.11
73	1	19.4	3.6	2.89	25.03	6.63	2.87	5.72	53.72
	2	17.6	3.9	2.47	23.50	6.06	3.10	6.22	61.11
	3	22.2	5.1	2.51	24.35	8.12	4.15	5.77	62.58
	4	13.9	3.4	2.60	26.43	9.10	3.55	5.90	55.65
74	1	13.2	2.9	2.87	26.13	9.77	3.92	5.97	57.66
	2	10.0	2.0	2.44	25.71	9.46	3.75	5.34	51.03
	3	10.4	2.1	2.33	22.84	9.90	3.43	4.62	45.17
	4	9.2	2.0	2.21	23.17	10.41	3.56	4.02	45.86
75	1	9.1	1.7	2.53	23.89	9.20	3.95	4.25	53.27
	2	6.8	1.2	2.48	22.92	8.51	4.21	3.74	51.86
	3	7.0	1.2	2.70	23.68	7.91	4.01	3.58	48.71
	4	5.3	.9	2.14	22.34	6.91	3.19	3.13	43.89
76	1	6.0	1.2	1.96	20.83	8.07	2.52	3.11	45.82
	2	5.1	.8	1.73	22.50	7.45	2.49	2.79	45.82
	3	4.7	1.1	2.26	22.36	7.65	2.30	2.43	46.72

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INDISCIPLINE INDEX - WORLDWIDE
(Rate per 1000)

CY	QTR	AWOL	DFR	CRIMES OF VIOLENCE	CRIMES AGAINST PROPERTY	MARIHUANA USE & POSS	OTHER DRUG OFFENSES	COURTS- MARTIAL	NON- JUDICIAL PUNISHMENT	SEPARATIONS LESS THAN HONORABLE
71	1	47.0	19.2	1.77	18.80	2.75	2.09	8.73	52.12	4.94
	2	41.9	16.0	2.04	21.64	2.43	2.79	9.11	52.25	6.35
	3	42.8	17.2	2.19	24.32	2.03	2.96	9.00	54.45	7.42
	4	40.9	16.1	2.14	23.46	2.27	2.34	7.63	51.31	9.56
72	1	37.9	14.1	1.92	21.64	2.79	1.99	8.03	61.67	11.15
	2	44.8	14.6	1.87	22.07	2.79	1.63	7.20	53.93	12.16
	3	40.6	12.9	1.84	22.76	3.20	1.77	5.85	57.78	9.90
	4	34.2	11.2	2.04	20.38	3.78	1.51	6.13	50.40	7.98
73	1	43.9	13.2	2.02	19.87	5.34	1.83	7.01	57.05	7.76
	2	40.9	14.8	1.93	20.76	5.55	1.87	7.57	56.38	9.35
	3	42.9	14.4	1.99	23.27	5.98	2.21	7.42	57.71	8.83
	4	28.8	9.0	2.01	22.78	6.85	1.94	6.88	51.80	8.69
74	1	30.1	8.8	2.04	21.70	8.59	2.24	6.85	56.49	7.79
	2	28.1	8.9	1.90	22.12	7.96	2.06	6.50	54.32	7.21
	3	28.0	8.3	2.21	22.45	7.79	1.92	6.02	52.78	7.05
	4	21.8	6.8	2.10	23.50	8.16	2.00	5.25	48.01	6.38
75	1	22.9	5.7	2.09	21.95	8.49	2.24	5.05	57.48	5.95
	2	19.6	5.2	1.98	21.96	7.58	2.31	4.25	55.76	6.21
	3	18.8	5.0	2.14	22.72	6.11	2.06	3.83	52.24	7.47
	4	12.9	3.7	1.75	22.04	6.45	1.82	3.33	45.72	6.11
76	1	14.2	3.2	1.65	20.44	8.61	1.61	3.18	51.87	6.05
	2	15.1	3.5	1.66	22.33	8.04	1.53	2.92	53.05	6.02
	3	16.0	4.0	1.93	22.79	8.33	1.58	2.63	56.95	5.01

CRIMES OF VIOLENCE

PERCENTAGE OF TOTAL OFFENSES BY TYPE

	<u>CY 72</u>	<u>CY 73</u>	<u>CY 74</u>	<u>CY 75</u>	<u>CY 76</u>			
					<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
<u>CONUS</u>								
Murder	5	5	5	5	4	4	3	
Rape	7	7	9	9	11	11	10	
Robbery	50	48	45	44	38	33	38	
Aggravated Assault	38	40	41	42	47	52	49	
<u>OVERSEAS</u>								
Murder	2	2	1	1	1	1	1	
Rape	7	6	7	8	10	9	10	
Robbery	34	39	35	27	25	21	24	
Aggravated Assault	57	53	57	64	64	69	65	
<u>WORLDWIDE</u>								
Murder	4	3	3	3	3	3	2	
Rape	7	7	8	9	11	10	10	
Robbery	43	44	41	37	32	28	32	
Aggravated Assault	46	46	48	51	54	59	56	

CRIMES AGAINST PROPERTY

PERCENTAGE OF TOTAL OFFENSES BY TYPE

	<u>CY 72</u>	<u>CY 73</u>	<u>CY 74</u>	<u>CY 75</u>	<u>CY 76</u>			
					<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
<u>CONUS</u>								
Larceny	86	86	85	86	88	89	88	
Burg & Hsbkg	9	10	11	11	9	8	9	
Auto Theft	5	4	4	3	3	3	3	
<u>OVERSEAS</u>								
Larceny	84	85	85	85	85	85	85	
Burg & Hsbkg	7	8	11	11	11	11	11	
Auto Theft	9	7	4	4	4	4	4	
<u>WORLDWIDE</u>								
Larceny	85	85	85	86	87	88	87	
Burg & Hsbkg	8	10	11	11	10	9	10	
Auto Theft	7	5	4	3	3	3	3	

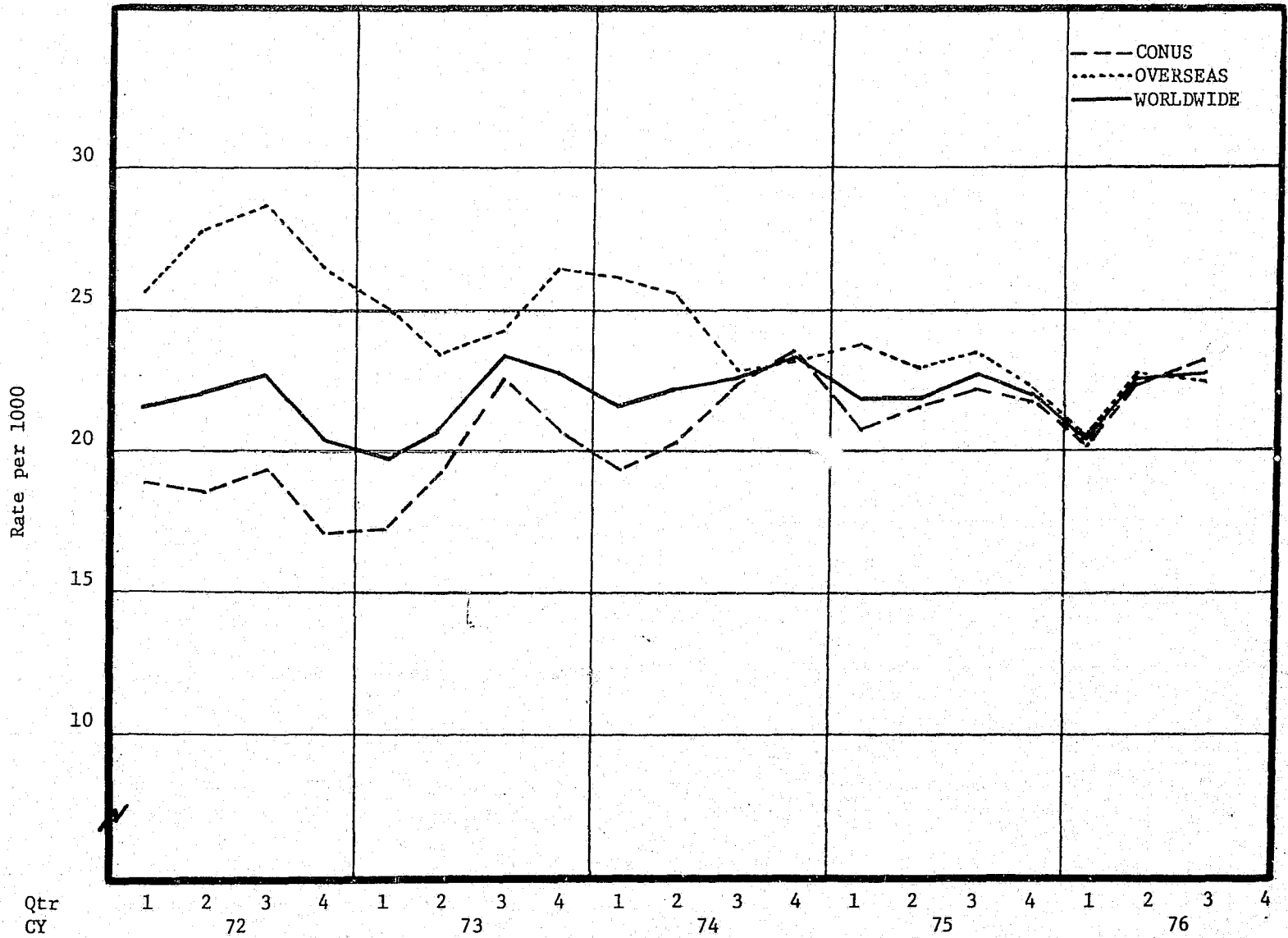
CRIMES AGAINST PROPERTY

CY	QTR	CONUS RATE PER 1000	OVERSEAS RATE PER 1000	WORLDWIDE RATE PER 1000
72	1	18.95	25.75	21.64
	2	18.58	27.86	22.07
	3	19.33	28.77	22.76
	4	17.07	26.63	20.38
73	1	17.12	25.03	19.87
	2	19.22	23.50	20.76
	3	22.65	24.35	23.27
	4	20.76	26.43	22.78
74	1	19.34	26.13	21.70
	2	20.22	25.71	22.12
	3	22.24	22.84	22.45
	4	23.68	23.17	23.50
75	1	20.85	23.89	21.95
	2	21.41	22.92	21.96
	3	22.19	23.68	22.72
	4	21.87	22.34	22.04
76	1	20.22	20.83	20.44
	2	22.24	22.50	22.33
	3	23.02	22.36	22.79

CRIMES AGAINST PROPERTY

Incl 3B

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CRIME INDEX TRENDS

Percent change in reported offenses for CY 75 as compared to CY 74

CRIME INDEX OFFENSES										
CRIMES OF VIOLENCE					CRIMES AGAINST PROPERTY					
	Murder	Rape	Robbery	Aggravated Assault	TOTAL	Burglary	Larceny	Auto Theft	TOTAL	INDEX TOTAL
FBI	- 1	+ 1	+ 5	+ 5	+ 5	+ 7	+12	+ 2	+ 9	+ 9
ARMY (Worldwide)	NC*	+ 5	-15	+ 3	- 4	- 5	- 1	-11	- 2	- 2
ARMY (CONUS)	- 8	- 1	-11	- 8	- 9	- 7	NC	-13	- 2	- 2
ARMY (Overseas)	+68	+15	-22	+15	+ 2	- 1	- 3	- 8	- 3	- 2

* NC - no significant change

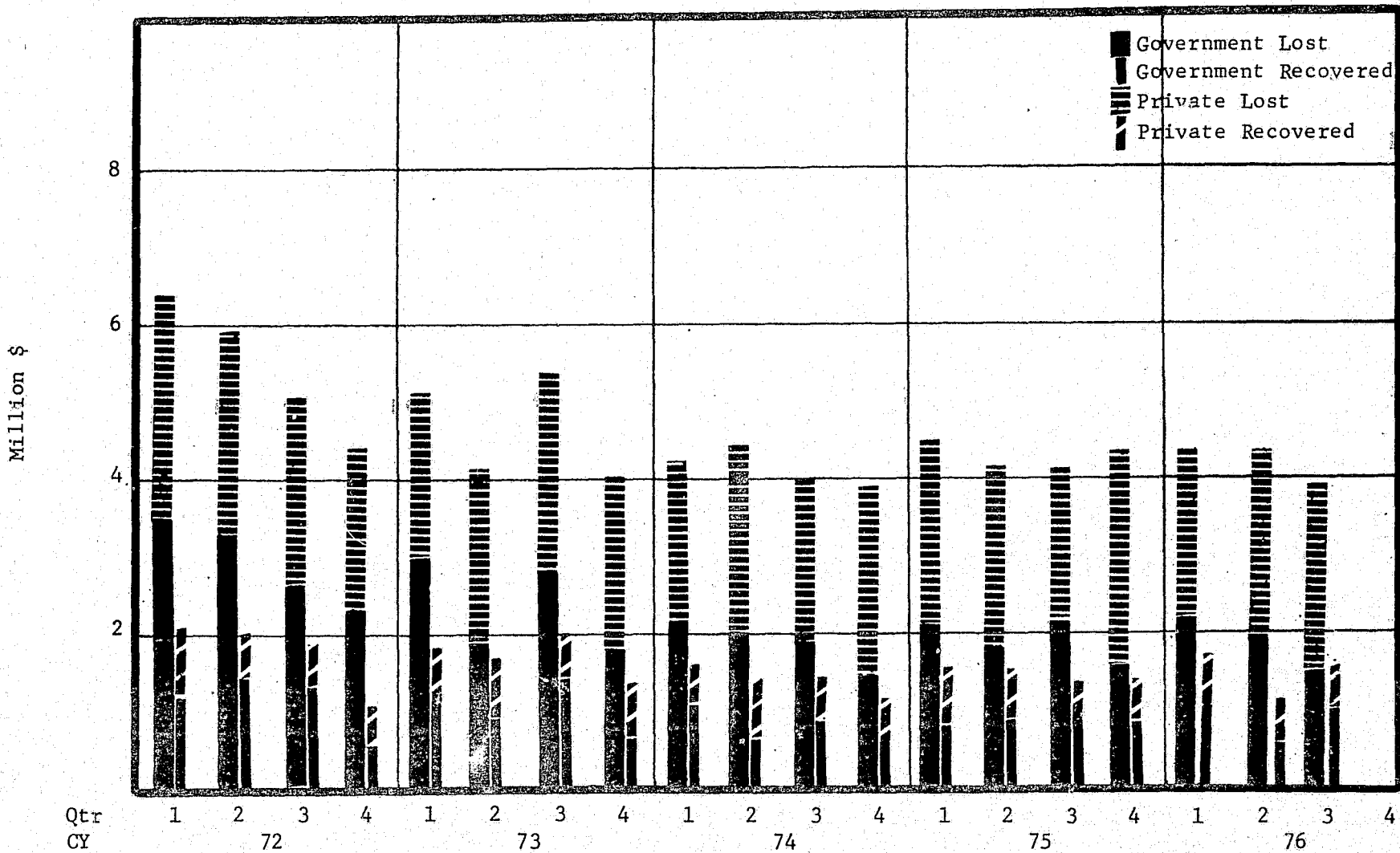
CRIME INDEX TRENDS

Percent change in reported offenses for January - June CY 76 compared to same period of CY 75.

CRIME INDEX OFFENSES										
CRIMES OF VIOLENCE					CRIMES AGAINST PROPERTY					
Murder	Rape	Robbery	Aggravated Assault	TOTAL	Burglary	Larceny	Auto Theft	TOTAL	INDEX TOTAL	
FBI	-12	- 1	-10	- 1	- 6	- 5	+11	- 3	+ 4	+ 3
ARMY (Worldwide)	-39	+ 7	-33	-14	-20	-13	- 3	-15	- 4	- 6
ARMY (CONUS)	-37	+15	-31	+ 2	-13	-19	+ 2	- 9	- 1	- 2
ARMY (Overseas)	-47	- 5	-38	-27	-32	- 3	-10	-22	-10	-12

GOVERNMENT/PRIVATE PROPERTY

LOST/RECOVERED WORLDWIDE



DRUG OFFENSES

PERCENTAGE OF TOTAL OFFENSES BY TYPE

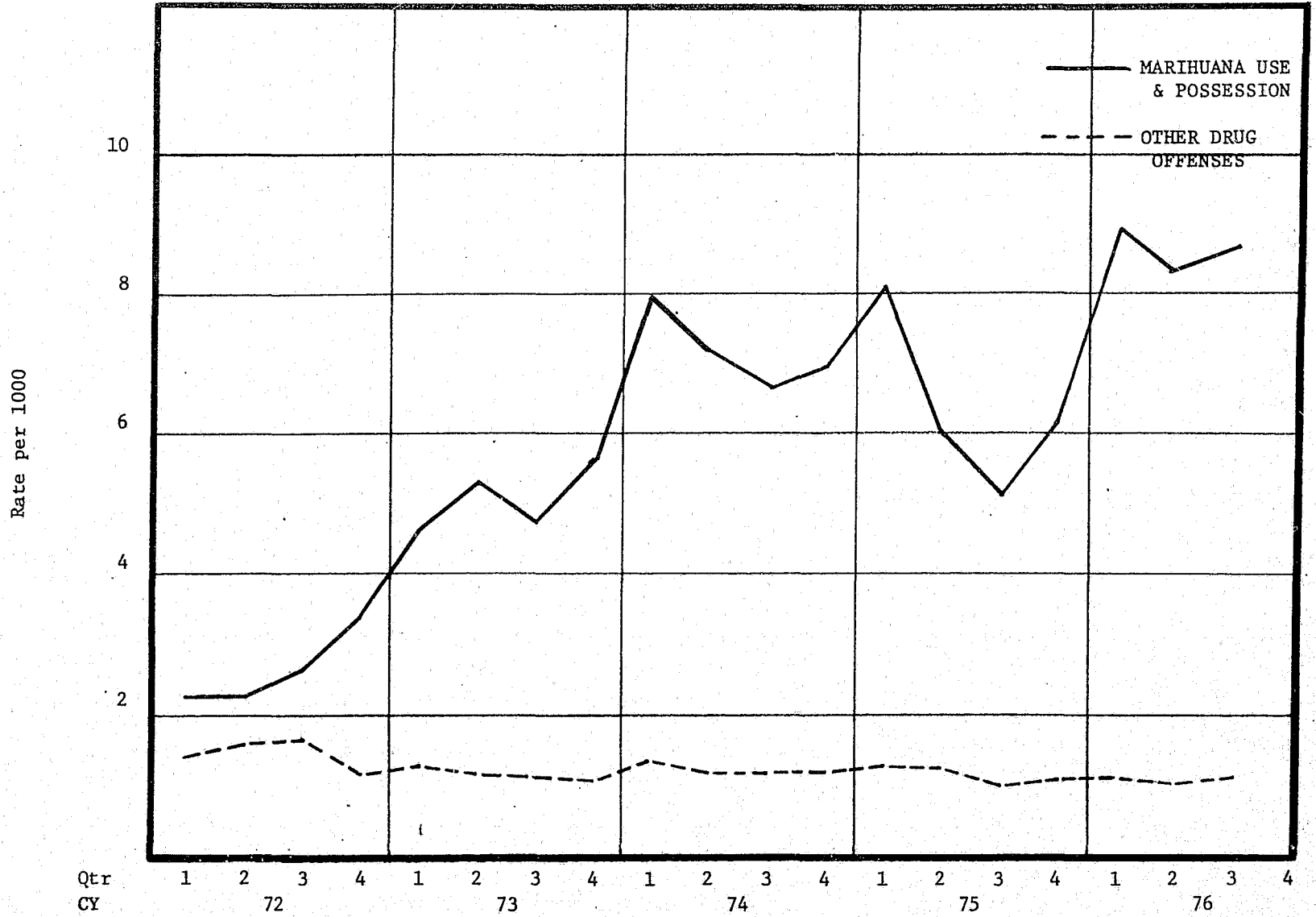
	<u>CY 72</u>	<u>CY 73</u>	<u>CY 74</u>	<u>CY 75</u>	<u>CY 76</u>			
					<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
<u>CONUS</u>								
Use/Possession								
Narcotics	12	3	2	2	1	1	1	
Dangerous Drugs	14	9	6	6	4	4	4	
Marihuana	64	80	86	85	89	89	88	
Sale/Trafficking								
All drugs	10	8	6	7	6	6	7	
<u>OVERSEAS</u>								
Use/Possession								
Narcotics	19	9	8	9	7	7	7	
Dangerous Drugs	12	19	16	18	12	11	9	
Marihuana	64	69	73	68	76	75	77	
Sale/Trafficking								
All drugs	5	3	3	5	5	7	7	
<u>WORLDWIDE</u>								
Use/Possession								
Narcotics	15	6	5	5	3	3	3	
Dangerous Drugs	13	14	11	12	7	7	6	
Marihuana	64	75	79	77	84	84	84	
Sale/Trafficking								
All drugs	8	5	5	6	6	6	7	

DRUG OFFENSES

(CONUS Rate/1000)

CY	QTR	MARIHUANA USE AND POSSESSION	OTHER DRUG OFFENSES
72	1	2.21	1.46
	2	2.26	1.58
	3	2.66	1.62
	4	3.40	1.15
73	1	4.64	1.28
	2	5.26	1.17
	3	4.73	1.07
	4	5.61	1.04
74	1	7.97	1.35
	2	7.17	1.16
	3	6.67	1.12
	4	6.95	1.15
75	1	8.08	1.27
	2	7.06	1.22
	3	5.12	.99
	4	6.19	1.05
76	1	8.91	1.09
	2	8.36	1.00
	3	8.70	1.19

DRUG OFFENSES (CONUS)



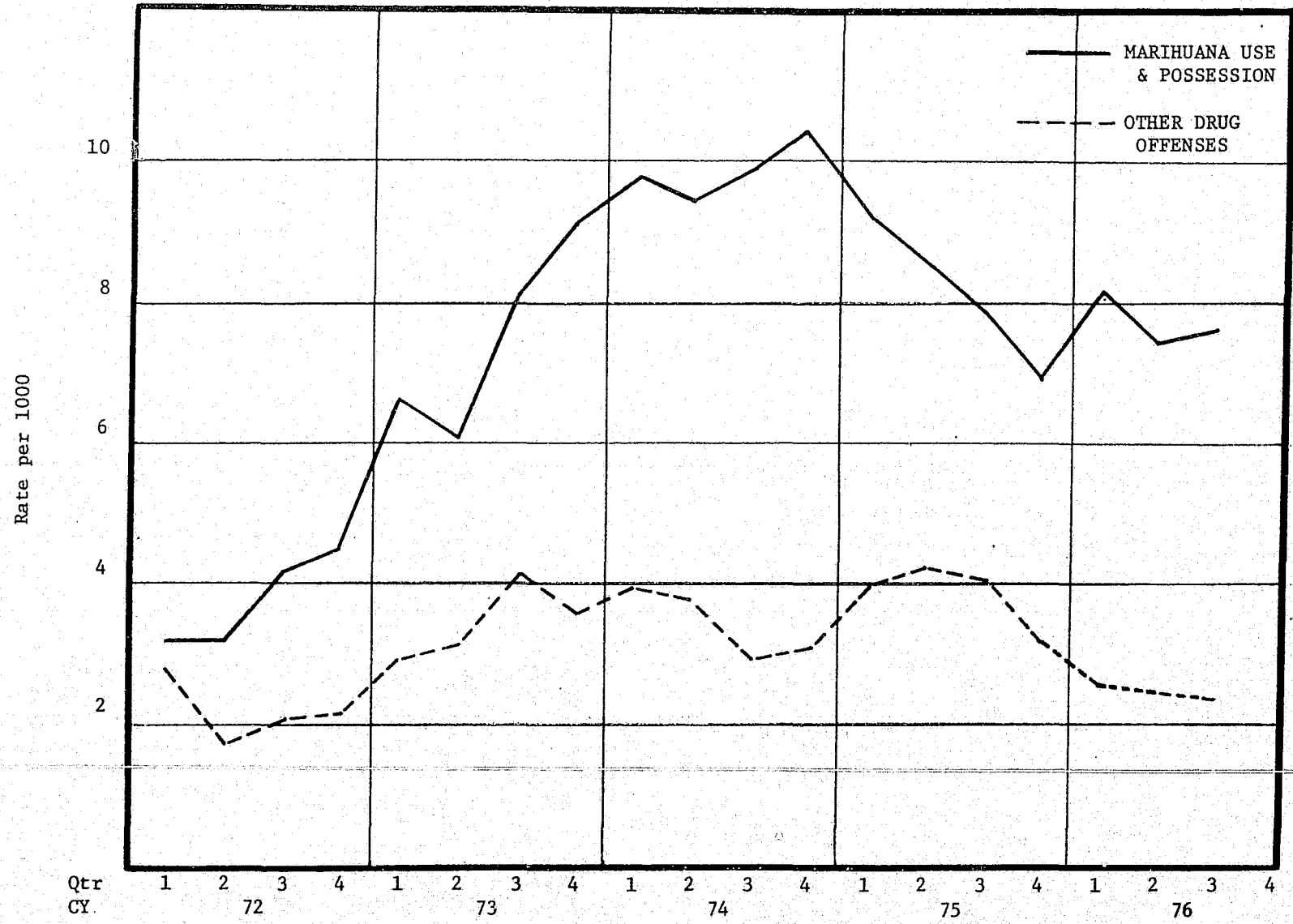
Incl 6C

DRUG OFFENSES

(Overseas Rate/1000)

CY	QTR	MARIHUANA USE & POSSESSION	OTHER DRUG OFFENSES
72	1	3.65	2.78
	2	3.65	1.73
	3	4.13	2.04
	4	4.50	2.17
73	1	6.63	2.87
	2	6.06	3.10
	3	8.12	4.15
	4	9.10	3.55
74	1	9.77	3.92
	2	9.46	3.75
	3	9.90	3.43
	4	10.41	3.56
75	1	9.20	3.95
	2	8.51	4.21
	3	7.91	4.01
	4	6.91	3.19
76	1	8.07	2.52
	2	7.45	2.49
	3	7.65	2.30

DRUG OFFENSES (OVERSEAS)



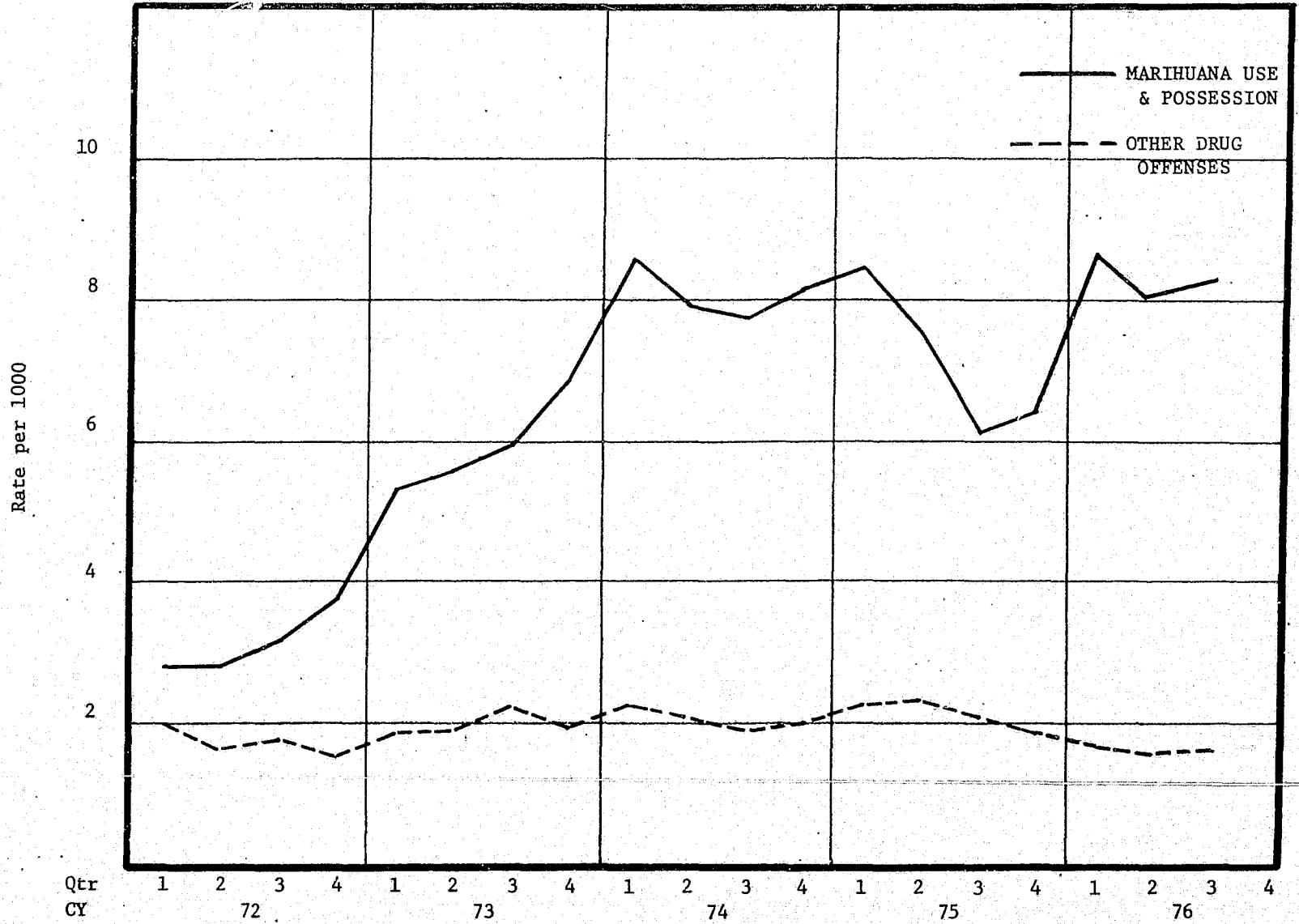
DRUG OFFENSES

(Worldwide Rate/1000)

CY	QTR	MARIHUANA USE & POSSESSION	OTHER DRUG OFFENSES
72	1	2.79	1.99
	2	2.79	1.63
	3	3.20	1.77
	4	3.78	1.51
73	1	5.34	1.83
	2	5.55	1.87
	3	5.98	2.21
	4	6.85	1.94
74	1	8.59	2.24
	2	7.96	2.06
	3	7.79	1.92
	4	8.16	2.00
75	1	8.49	2.24
	2	7.58	2.31
	3	6.11	2.06
	4	6.45	1.82
76	1	8.61	1.61
	2	8.04	1.53
	3	8.33	1.58

DRUG OFFENSES
(WORLDWIDE)

Incl 6F



RATE/1000 ON/OFF POST

3d Qtr CY 76

CATEGORY	CONUS		OVERSEAS		WORLDWIDE	
	<u>ON-POST</u>	<u>OFF-POST</u>	<u>ON-POST</u>	<u>OFF-POST</u>	<u>ON-POST</u>	<u>OFF-POST</u>
Crimes of Violence	1.07	.68	.89	1.38	1.01	.92
Crimes Against Property	21.93	1.09	16.61	5.75	20.07	2.72
Marihuana, Use and Possession	8.01	.70	5.91	1.74	7.27	1.06
Other Drugs	.87	.32	1.45	.85	1.07	.51
Total Drugs	8.88	1.02	7.36	2.59	8.34	1.57

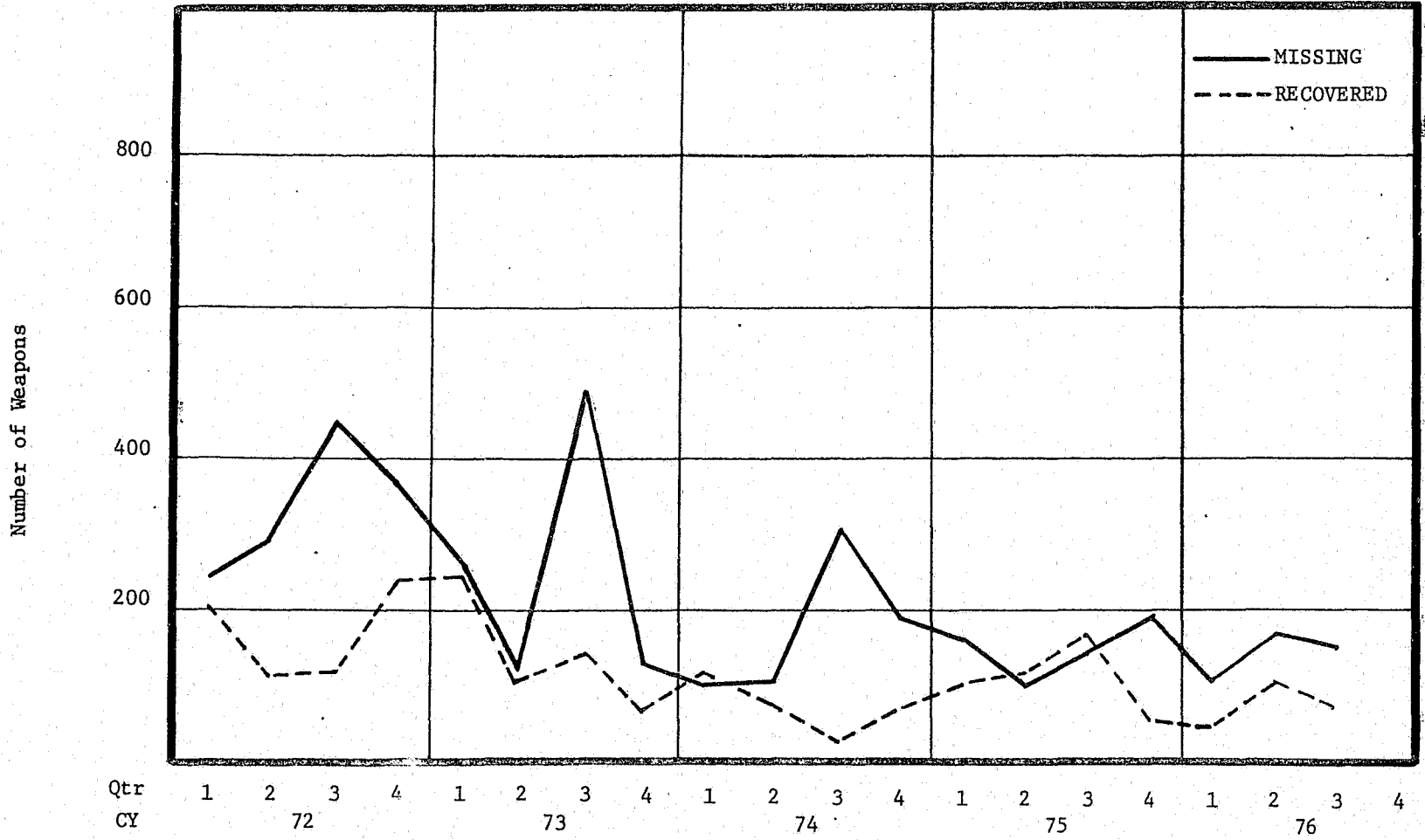
WORLDWIDE OFFENSE RATE/1000

OFFENSE	1/75	2/75	3/75	4/75	1/76	2/76	3/76
Murder	0.08	0.06	0.06	.06	.04	.04	.04
Rape	0.15	0.17	0.23	.15	.17	.17	.19
Robbery	0.83	0.65	0.78	.65	.53	.47	.63
Aggravated Assault	1.04	1.10	1.08	.88	.90	.98	1.07
Larceny \$50 and up	10.03	10.40	11.05	10.17	9.49	10.79	11.28
Larceny under \$50	8.76	8.39	8.43	8.66	8.24	8.70	8.51
Burglary/Housebreaking	2.34	2.35	2.45	2.47	2.03	2.11	2.29
Auto Theft	0.81	0.82	0.79	.74	.67	.74	.71
Narcotics use/possession	0.50	0.49	0.50	.37	.34	.32	.31
Dangerous Drugs use/possession	1.20	1.20	1.06	.87	.74	.63	.58
Marihuana use/possession	8.49	7.58	6.11	6.45	8.61	8.04	8.33
Narcotics sale/trafficking	0.11	0.17	0.11	.12	.09	.12	.11
Dangerous Drugs sale/trafficking	0.15	0.18	0.15	.16	.14	.11	.14
Marihuana sale/trafficking	0.27	0.26	0.24	.30	.29	.35	.43

WEAPONS MISSING/RECOVERED
(CONUS)

Incl 9

222



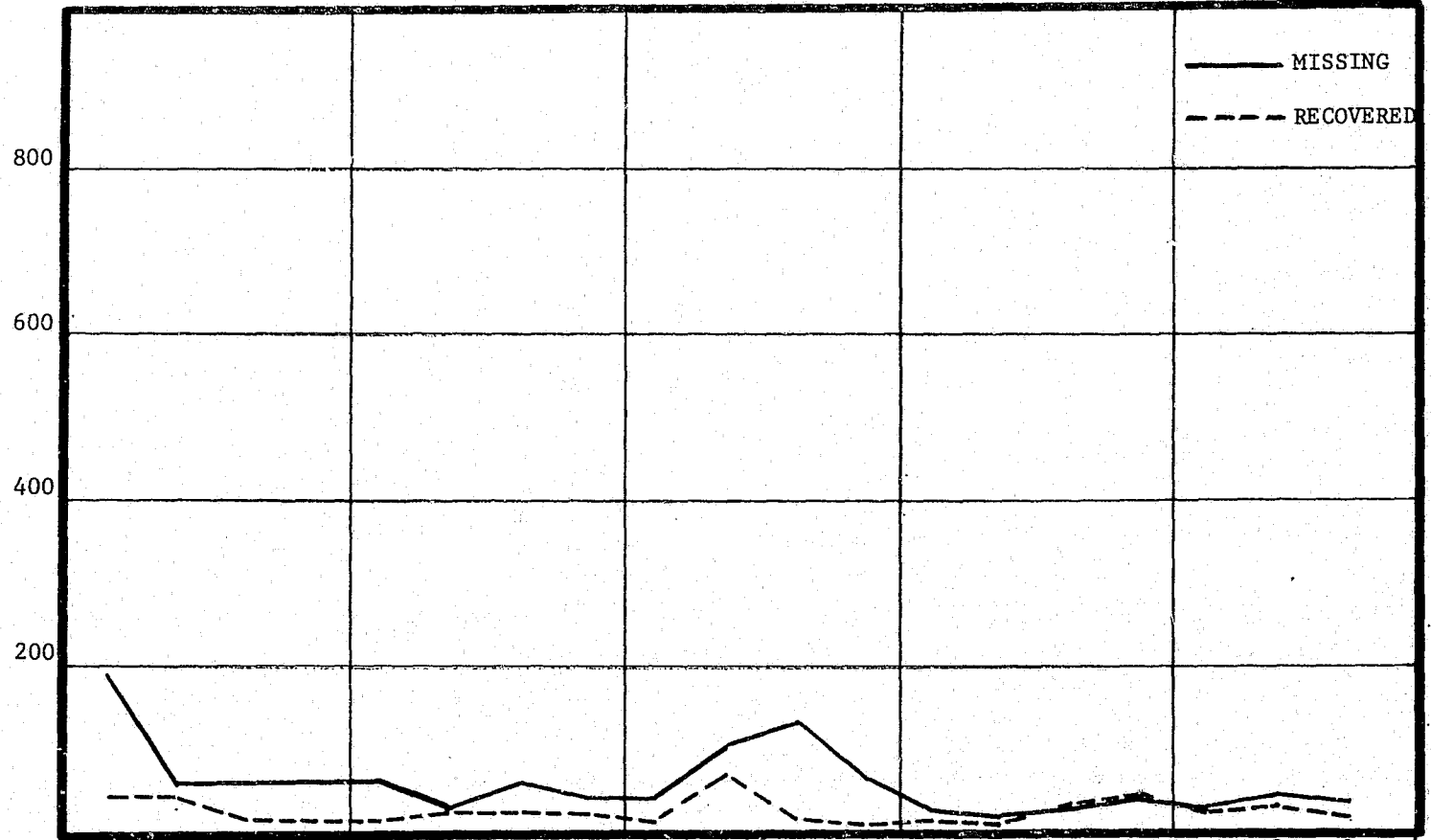
Qtr	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4				
CY	72				73				74				75				76			
Active Army	167	73	158	333	91	83	315	53	85	49	69	87	111	73	60	107	84	127	117	
Other	76	213	298	36	177	44	165	75	19	60	233	100	52	26	82	87	19	36	28	
TOTAL MISSING	243	286	456	369	268	127	480	128	104	109	302	187	163	99	142	194	103	163	145	
TOTAL RECOVERED	202	113	119	243	247	103	144	68	116	76	27	69	100	108	158	55	48	103	69	

WEAPONS MISSING/RECOVERED
(OVERSEAS)

Incl 9A

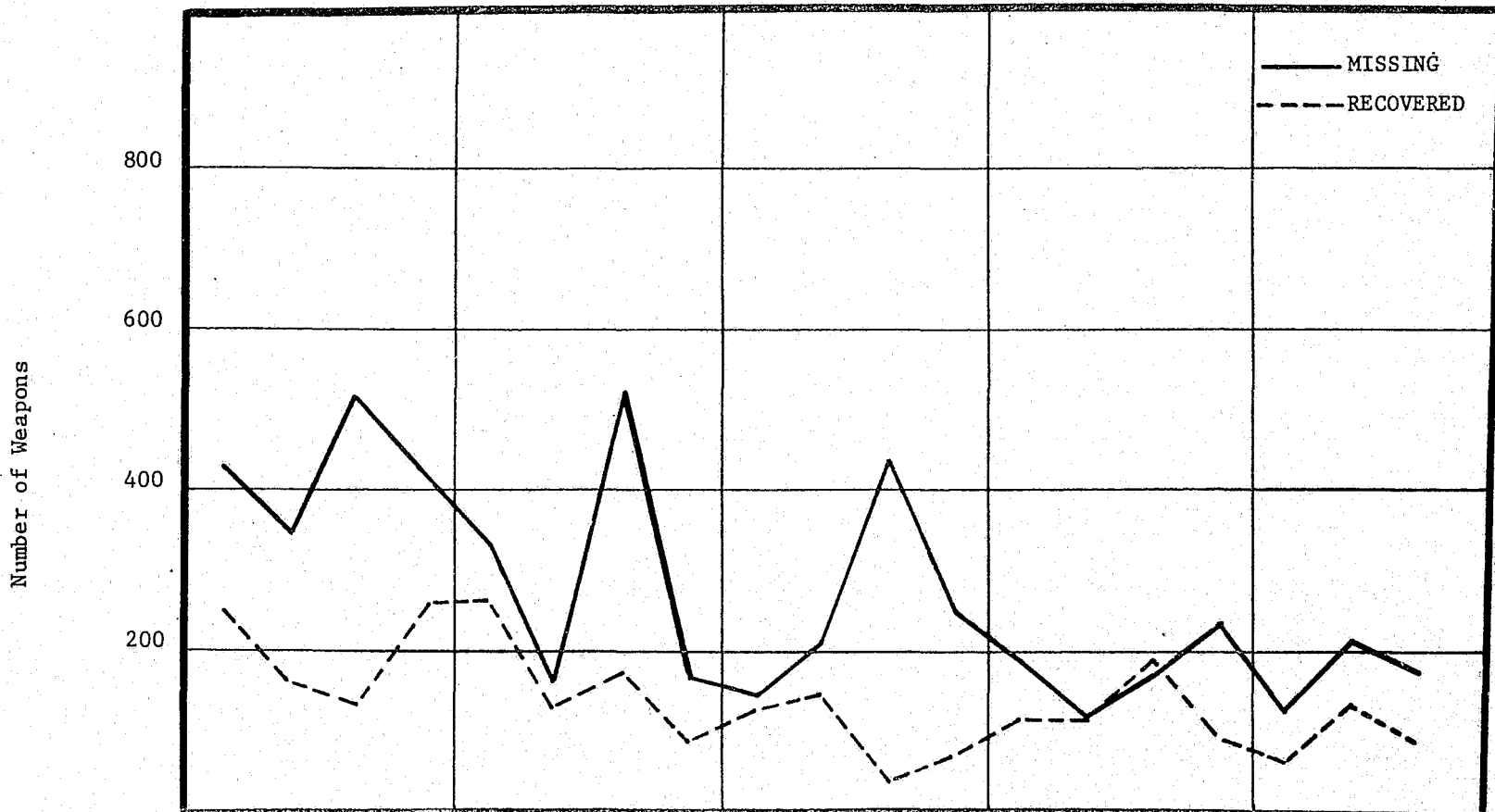
223

Number of Weapons



Qtr CY	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
	72				73				74				75				76			
Active Army	190	57	56	56	63	34	57	42	43	83	134	64	25	20	26	40	20	47	30	
Other	-	3	3	3	1	-	1	-	1	17	-	-	-	-	1	-	-	-	-	
TOTAL MISSING	190	60	59	59	64	34	58	42	44	100	134	64	25	20	27	40	20	47	30	
TOTAL RECOVERED	47	47	17	14	17	28	25	23	11	71	15	8	14	8	30	42	18	31	12	

WEAPONS MISSING/RECOVERED
(WORLDWIDE)



Qtr	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
CY	72				73				74				75				76			
Active Army	357	130	214	389	154	117	372	95	128	132	203	151	136	93	86	147	104	174	147	
Other	76	216	301	39	178	44	166	75	20	77	233	100	52	26	83	87	19	36	28	
TOTAL MISSING	433	346	515	428	332	161	538	170	148	209	436	251	188	119	169	234	123	210	175	
TOTAL RECOVERED	249	160	136	257	264	131	169	91	127	147	42	77	114	116	188	97	66	134	81	

AWOL/DESERTERS CONUS

·(Rate/1000)

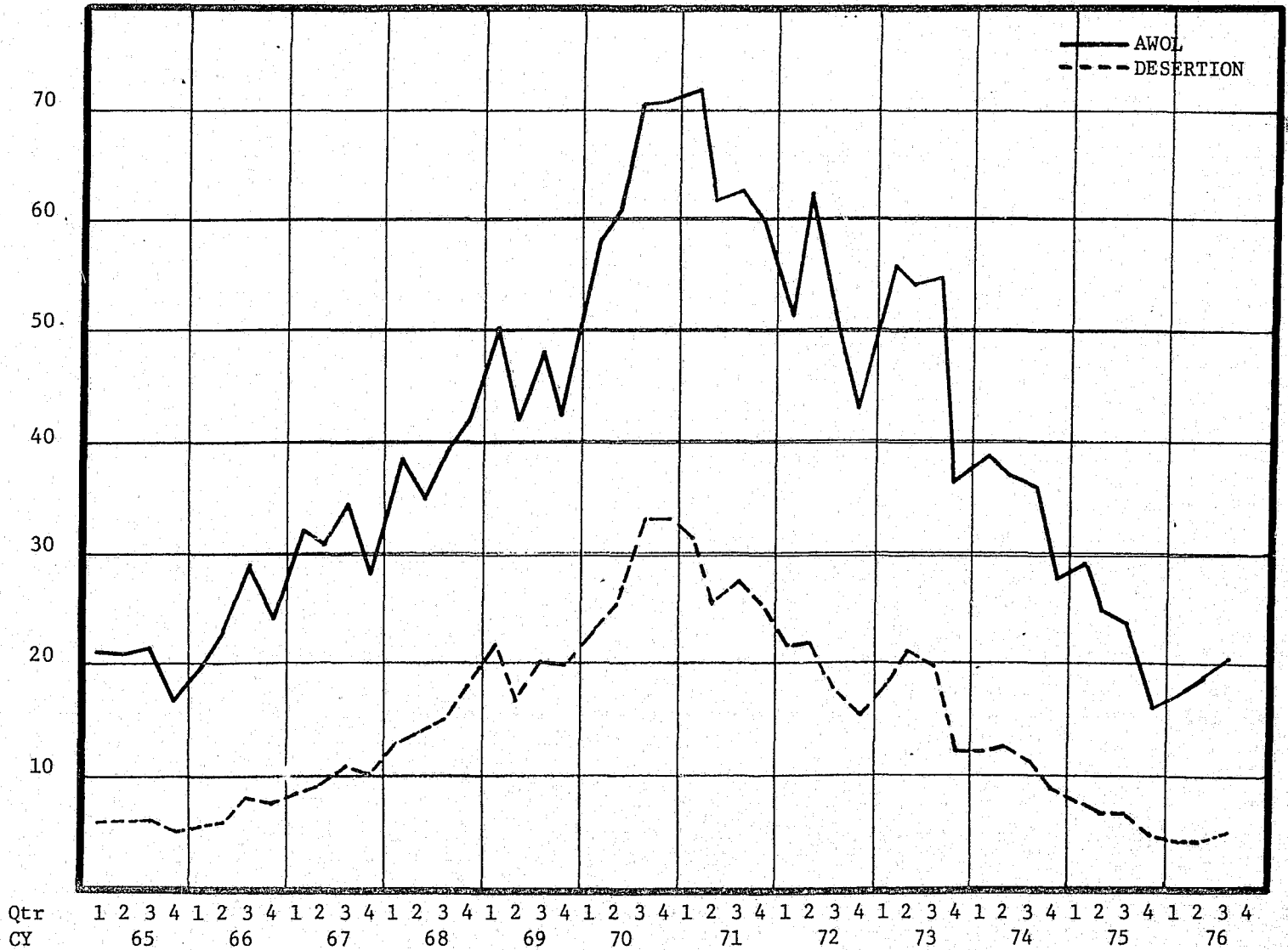
<u>CY</u>	<u>QTR</u>	<u>AWOL</u>	<u>DESERTERS</u>	<u>CY</u>	<u>QTR</u>	<u>AWOL</u>	<u>DESERTERS</u>
65	1	20.9	5.7	71	1	71.3	31.0
	2	20.5	5.8		2	61.5	25.2
	3	21.0	5.9		3	61.8	27.1
	4	16.9	5.0		4	59.5	25.4
66	1	19.9	5.6	72	1	51.2	21.5
	2	22.3	6.0		2	61.9	21.6
	3	29.0	8.0		3	51.1	17.7
	4	24.0	7.3		4	42.5	15.2
67	1	31.8	8.5	73	1	55.8	18.0
	2	30.4	9.2		2	53.9	20.7
	3	34.2	10.6		3	54.5	19.7
	4	28.0	10.0		4	36.3	12.0
68	1	38.0	12.6	74	1	38.6	11.7
	2	34.8	13.4		2	37.1	12.3
	3	39.3	14.9		3	36.2	11.0
	4	41.5	17.8		4	27.4	8.9
69	1	50.2	21.4	75	1	29.0	7.4
	2	41.8	16.6		2	24.8	6.7
	3	47.8	20.1		3	23.6	6.6
	4	41.9	19.7		4	16.1	4.8
70	1	58.0	22.8	76	1	17.5	4.1
	2	60.4	25.6		2	18.6	4.2
	3	70.2	32.8		3	20.3	5.1
	4	70.4	32.7				

AWOL/DESERTION

(CONUS)

Incl 10A

Rate/1000



AWOL/DESERTERS OVERSEAS

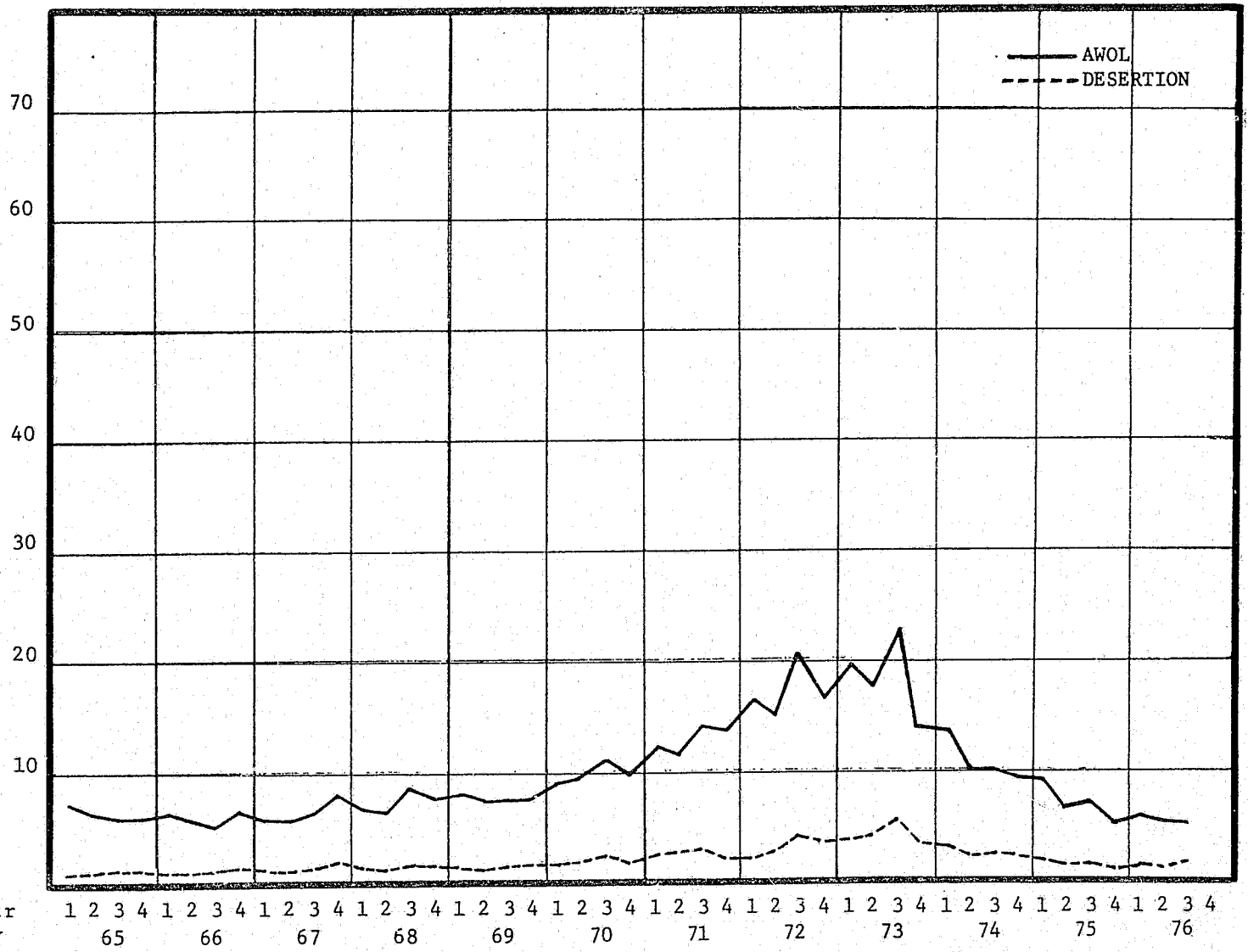
(Rate/1000)

<u>CY</u>	<u>QTR</u>	<u>AWOL</u>	<u>DESERTERS</u>	<u>CY</u>	<u>QTR</u>	<u>AWOL</u>	<u>DESERTERS</u>
65	1	7.1	.8	71	1	12.1	2.1
	2	6.4	.9		2	11.5	2.3
	3	6.0	1.1		3	13.9	2.8
	4	6.1	1.1		4	13.3	2.2
66	1	6.5	.9	72	1	16.3	2.2
	2	6.0	.9		2	15.0	2.6
	3	5.1	1.1		3	20.2	3.8
	4	6.5	1.3		4	16.8	3.3
67	1	6.0	1.2	73	1	19.4	3.6
	2	5.7	1.0		2	17.6	3.9
	3	6.5	1.1		3	22.2	5.1
	4	7.8	1.8		4	13.9	3.4
68	1	6.7	1.1	74	1	13.2	2.9
	2	6.5	1.0		2	10.0	2.0
	3	8.4	1.4		3	10.0	2.1
	4	7.8	1.4		4	9.2	2.0
69	1	8.1	1.2	75	1	9.1	1.7
	2	7.4	1.0		2	6.8	1.2
	3	7.5	1.2		3	7.0	1.2
	4	7.6	1.4		4	5.3	.9
70	1	8.9	1.3	76	1	6.0	1.2
	2	9.4	1.5		2	5.1	.8
	3	11.0	2.0		3	4.7	1.1
	4	9.8	1.5				

Incl 10C

AWOL/DESERTION
(OVERSEAS)

Rate/1000



AWOL/DESERTERS WORLDWIDE

(Rate/1000)

CY	QTR	AWOL	DESERTERS	CY	QTR	AWOL	DESERTERS
65	1	15.6	3.8	71	1	47.0	19.2
	2	15.0	3.9		2	41.9	16.0
	3	14.8	3.9		3	42.8	17.2
	4	12.2	3.3		4	40.9	16.1
66	1	14.3	3.6	72	1	37.9	14.1
	2	15.9	3.9		2	44.8	14.6
	3	19.9	5.3		3	40.6	12.9
	4	17.3	4.9		4	34.2	11.2
67	1	21.2	5.5	73	1	43.9	13.2
	2	19.7	5.7		2	40.9	14.8
	3	22.3	6.5		3	29.9	14.4
	4	19.7	6.6		4	28.8	9.0
68	1	24.9	7.8	74	1	30.1	8.8
	2	22.8	8.2		2	28.1	8.9
	3	26.3	9.1		3	28.0	8.3
	4	26.9	10.7		4	21.8	6.8
69	1	32.0	12.6	75	1	22.9	5.7
	2	27.1	10.0		2	19.6	5.2
	3	30.5	11.9		3	18.8	5.0
	4	27.3	11.8		4	12.9	3.7
70	1	36.4	13.4	76	1	14.2	3.2
	2	38.3	15.2		2	15.1	3.5
	3	44.0	19.2		3	16.0	4.0
	4	44.0	19.1				

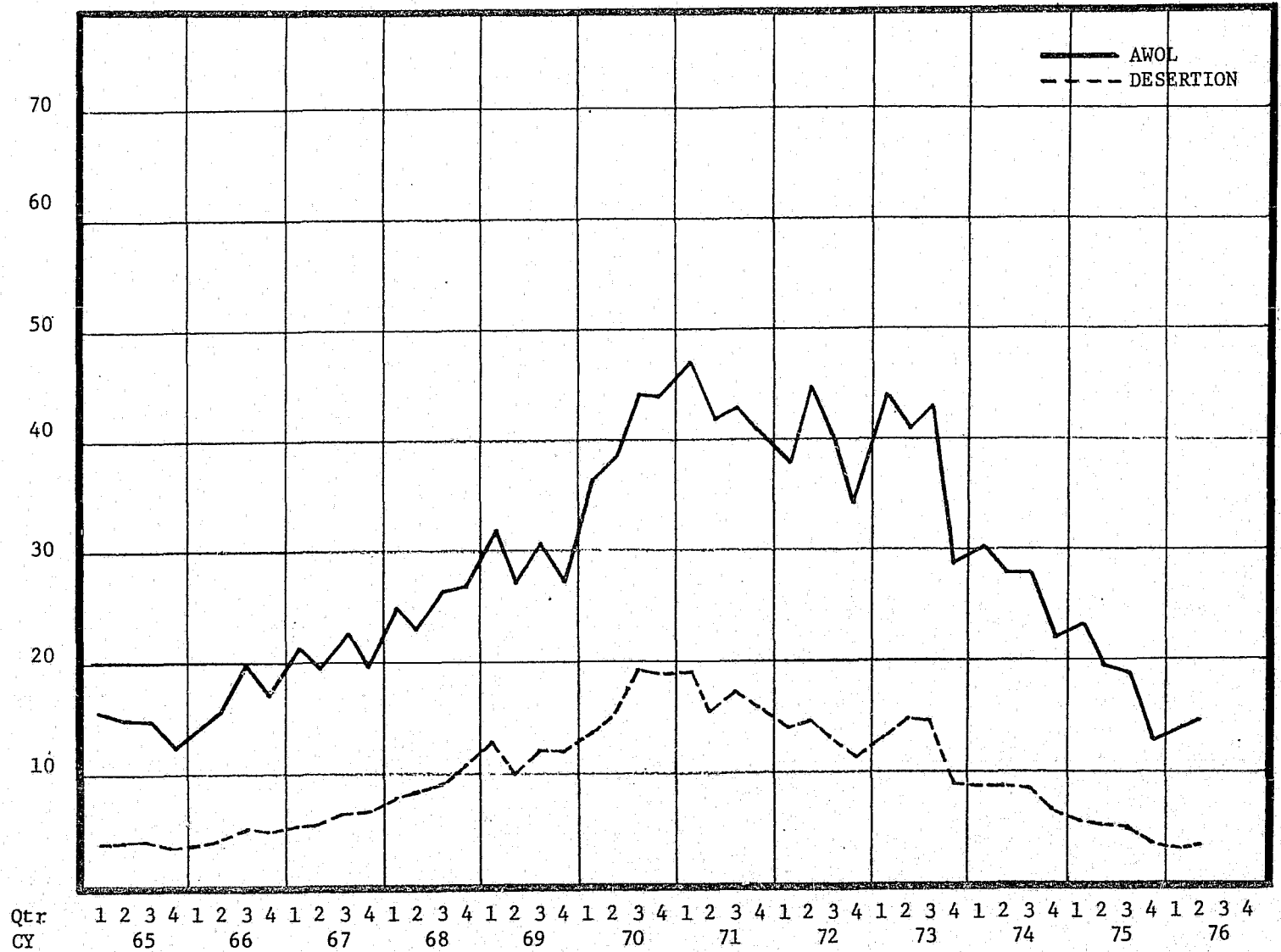
AWOL/DESERTION

(WORLDWIDE)

Incl IOE

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Rate/1000

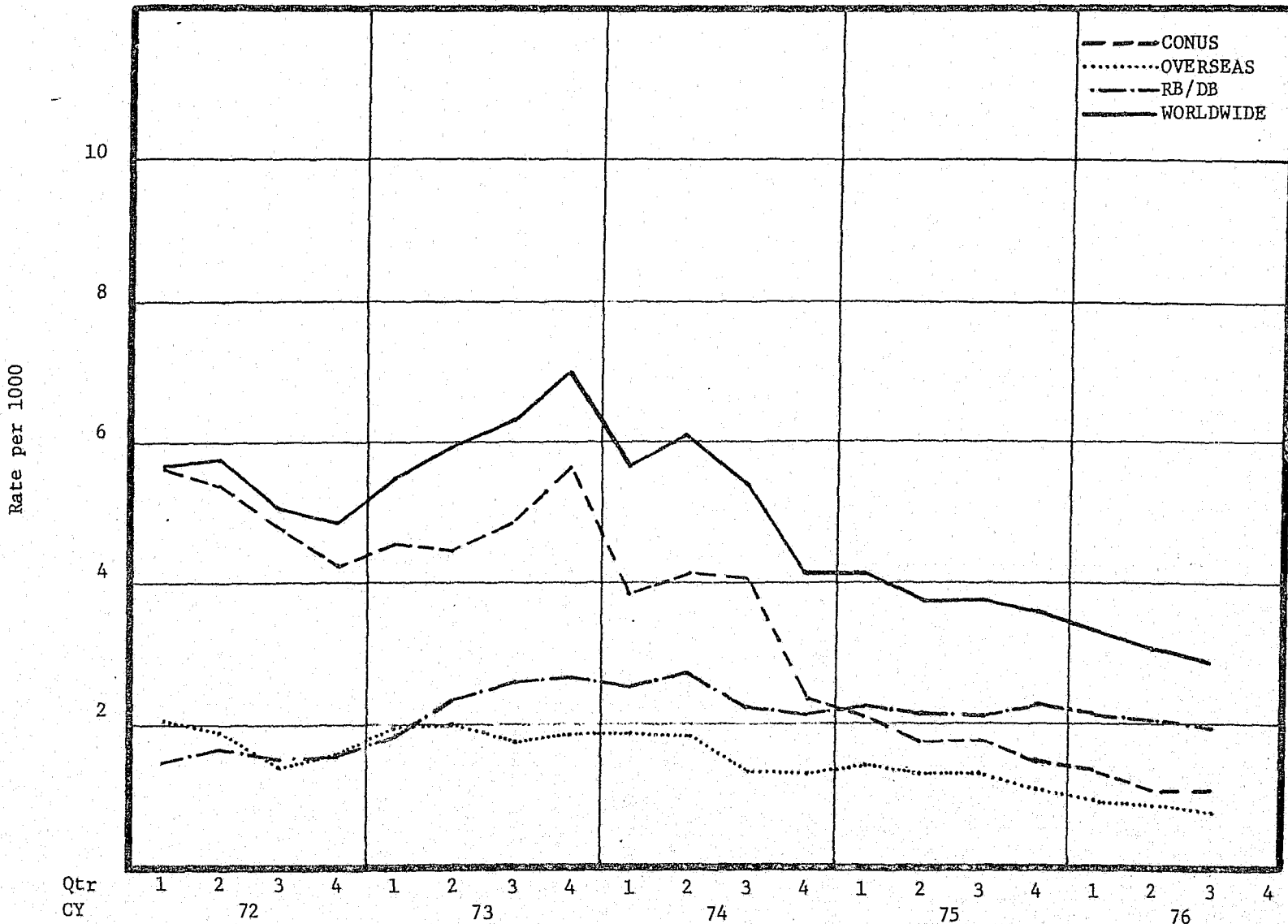


PRISONER POPULATION

CY	QTR	CONUS		RB/DB		OVERSEAS		WORLDWIDE	
		NO	RATE/1000	NO	RATE/1000	NO	RATE/1000	NO	RATE/1000
72	1	3170	5.66	1385	1.48	762	2.03	5317	5.67
	2	2840	5.40	1398	1.65	607	1.89	4845	5.71
	3	2577	4.79	1248	1.48	427	1.39	4252	5.03
	4	2394	4.21	1342	1.53	475	1.56	4211	4.81
73	1	2543	4.55	1588	1.84	600	1.98	4731	5.49
	2	2353	4.48	1959	2.37	604	2.00	4916	5.94
	3	2466	4.85	2120	2.63	526	1.77	5112	6.35
	4	2898	5.63	2165	2.70	526	1.84	5589	6.98
74	1	1986	3.83	2025	2.55	514	1.86	4525	5.69
	2	2132	4.11	2168	2.73	502	1.82	4802	6.05
	3	2094	4.02	1826	2.29	362	1.31	4282	5.38
	4	1227	2.38	1708	2.16	361	1.30	3295	4.16
75	1	1052	2.09	1807	2.29	405	1.42	3264	4.14
	2	869	1.73	1704	2.16	377	1.32	2950	3.75
	3	909	1.77	1712	2.15	369	1.31	2990	3.76
	4	727	1.46	1744	2.24	295	1.06	2766	3.56
76	1	642	1.30	1638	2.12	243	.87	2533	3.28
	2	526	1.05	1600	2.06	234	.85	2360	3.04
	3	543	1.07	1486	1.90	197	.72	2226	2.85

PRISONER POPULATION

Incl IIIA



ADJUDICATION CONUS

(Rate/1000)

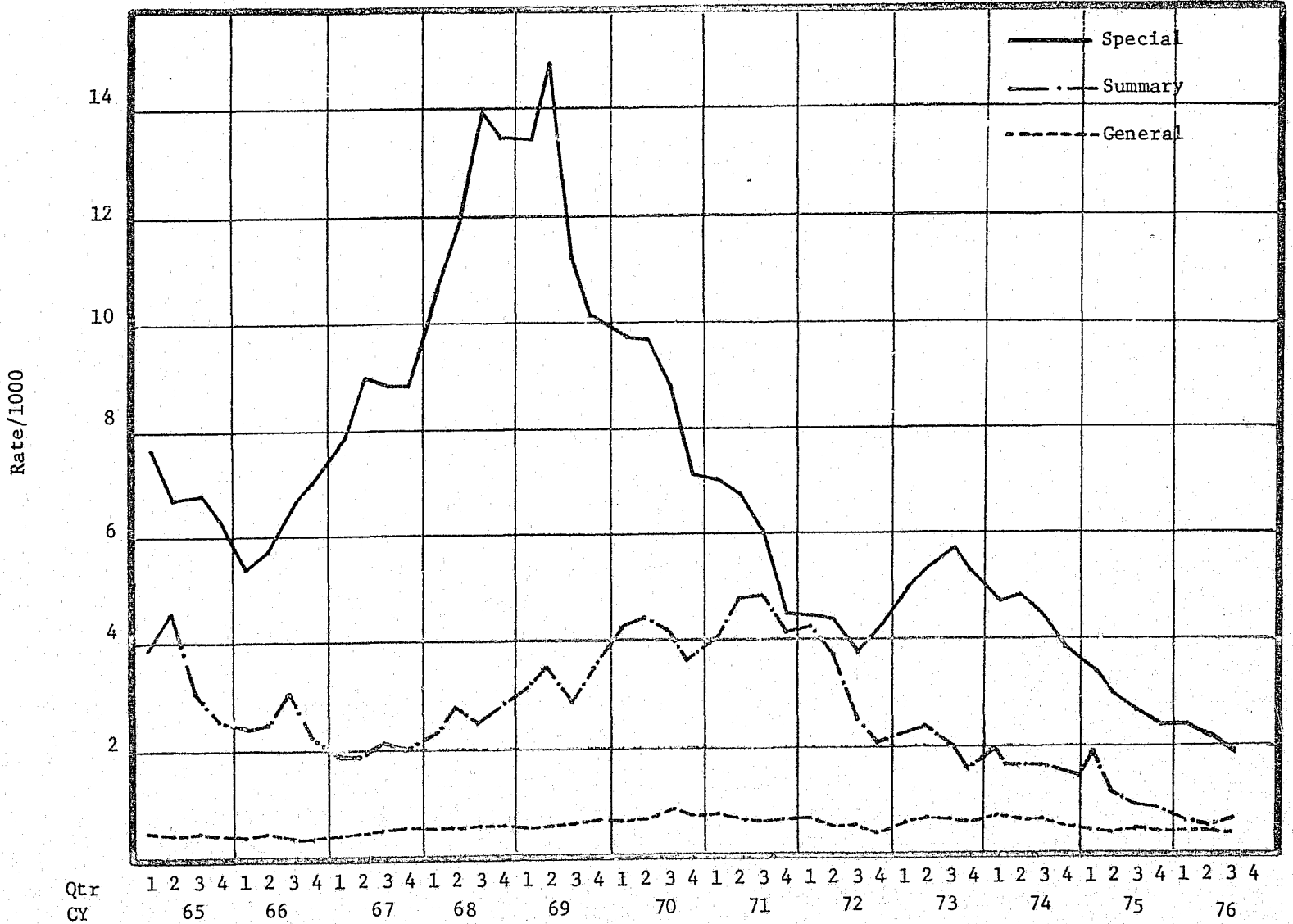
Incl 12

CY	QTR	GENERAL COURTS- MARTIAL	SPECIAL COURTS- MARTIAL	SUMMARY COURTS- MARTIAL	CY	QTR	GENERAL COURTS- MARTIAL	SPECIAL COURTS- MARTIAL	SUMMARY COURTS- MARTIAL
65	1	.45	7.66	3.91	71	1	.74	7.06	4.00
	2	.40	6.75	4.28		2	.65	6.76	4.77
	3	.46	6.80	3.06		3	.59	6.01	4.83
	4	.38	6.31	2.53		4	.61	4.45	4.11
66	1	.38	5.39	2.37	72	1	.63	4.42	4.21
	2	.41	5.75	2.44		2	.54	4.36	3.75
	3	.33	6.75	3.08		3	.54	3.78	2.51
	4	.35	7.07	2.22		4	.38	4.31	2.04
67	1	.39	7.87	1.88	73	1	.53	4.97	2.21
	2	.43	9.02	1.91		2	.63	5.37	2.33
	3	.46	8.55	2.08		3	.61	5.76	2.02
	4	.52	8.56	1.98		4	.54	5.34	1.55
68	1	.49	10.62	2.27	74	1	.66	4.72	1.94
	2	.51	11.94	2.74		2	.61	4.85	1.64
	3	.54	13.92	2.44		3	.61	4.53	1.63
	4	.52	13.46	2.76		4	.48	3.86	1.54
69	1	.51	13.41	3.17	75	1	.41	3.41	1.90
	2	.55	14.40	3.47		2	.35	2.97	1.18
	3	.58	11.20	2.86		3	.42	2.64	.92
	4	.67	10.13	3.47		4	.40	2.19	.83
70	1	.62	9.75	4.23	76	1	.40	2.25	.58
	2	.64	9.73	4.40		2	.40	2.10	.48
	3	.88	8.87	4.17		3	.30	1.83	.61
	4	.72	7.18	3.64					

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Incl 12A

ADJUDICATION
(Courts-Martial - CONUS)



ADJUDICATION OVERSEAS

(Rate/1000)

Incl 12B

CY	QTR	GENERAL COURTS- MARTIAL	SPECIAL COURTS- MARTIAL	SUMMARY COURTS- MARTIAL	CY	QTR	GENERAL COURTS- MARTIAL	SPECIAL COURTS- MARTIAL	SUMMARY COURTS- MARTIAL
65	1	.28	4.56	4.78	71	1	.30	3.21	1.39
	2	.28	4.47	4.67		2	.32	3.34	1.46
	3	.24	4.46	4.67		3	.46	3.66	1.71
	4	.21	4.21	3.44		4	.39	3.49	1.69
66	1	.25	4.04	4.15	72	1	.42	2.98	2.07
	2	.27	4.39	3.86		2	.32	2.57	1.94
	3	.25	3.84	3.30		3	.25	2.13	1.73
	4	.26	3.50	2.73		4	.32	2.89	1.78
67	1	.31	3.84	2.26	73	1	.48	3.35	1.89
	2	.29	4.12	1.74		2	.52	3.56	2.14
	3	.25	4.08	1.46		3	.35	3.81	1.61
	4	.25	3.81	1.54		4	.47	3.97	1.46
68	1	.28	3.84	1.52	74	1	.64	3.82	1.51
	2	.30	4.18	1.39		2	.69	3.37	1.28
	3	.22	4.70	1.56		3	.61	2.92	1.09
	4	.25	4.88	1.49		4	.64	2.55	.83
69	1	.23	5.08	1.64	75	1	.59	2.75	.91
	2	.36	5.34	1.73		2	.66	2.30	.78
	3	.20	3.44	1.39		3	.63	2.19	.76
	4	.25	3.14	1.00		4	.53	2.01	.59
70	1	.20	3.17	1.18	76	1	.57	2.07	.47
	2	.27	3.27	1.17		2	.61	1.77	.41
	3	.28	3.33	1.28		3	.55	1.46	.42
	4	.23	3.23	1.26					

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CONTINUED

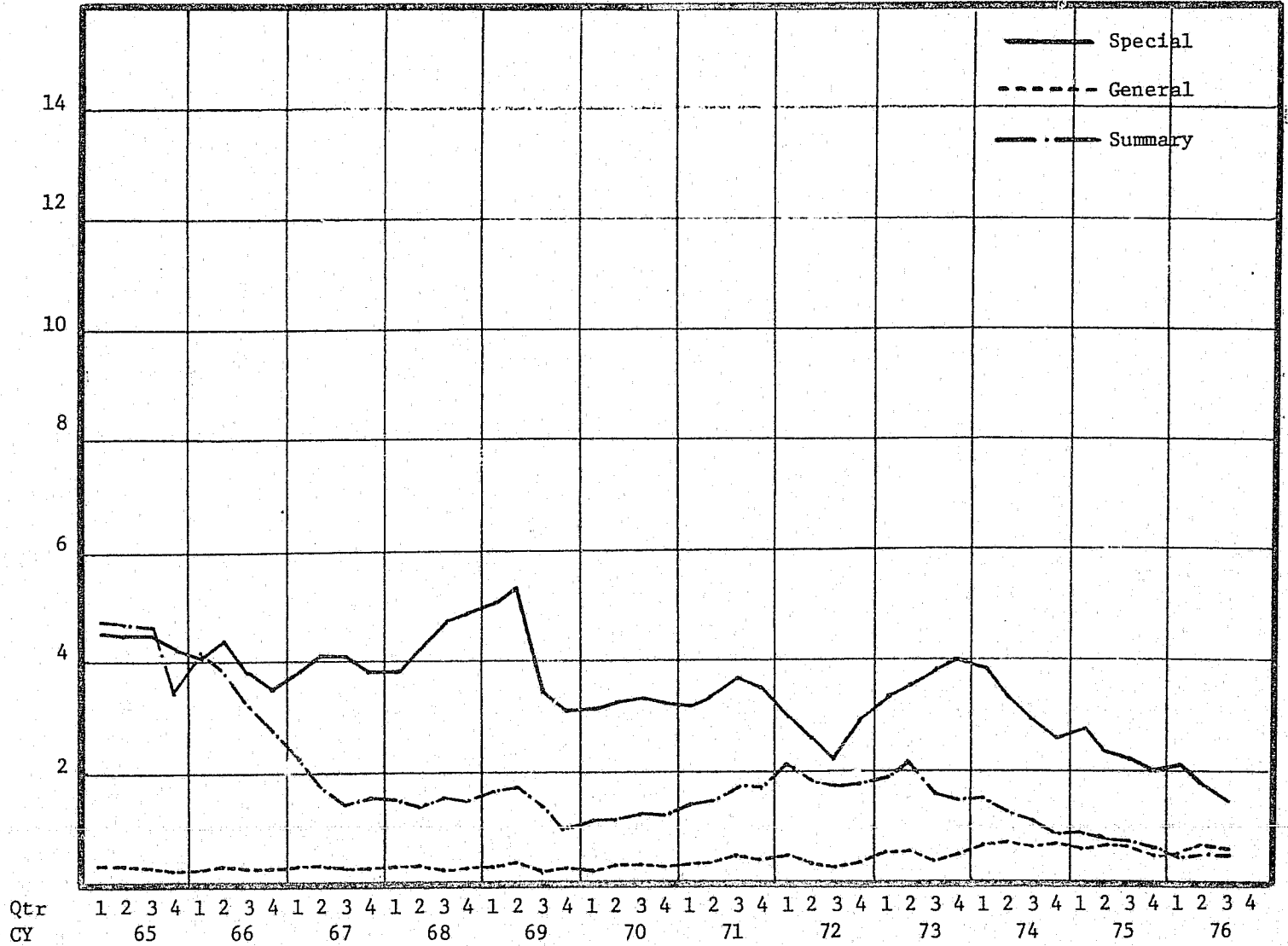
3 OF 6

ADJUDICATION

(Courts-Martial - OVERSEAS)

Incl 12C

0001/1000



ADJUDICATION WORLDWIDE

(Rate/1000)

Incl 12D

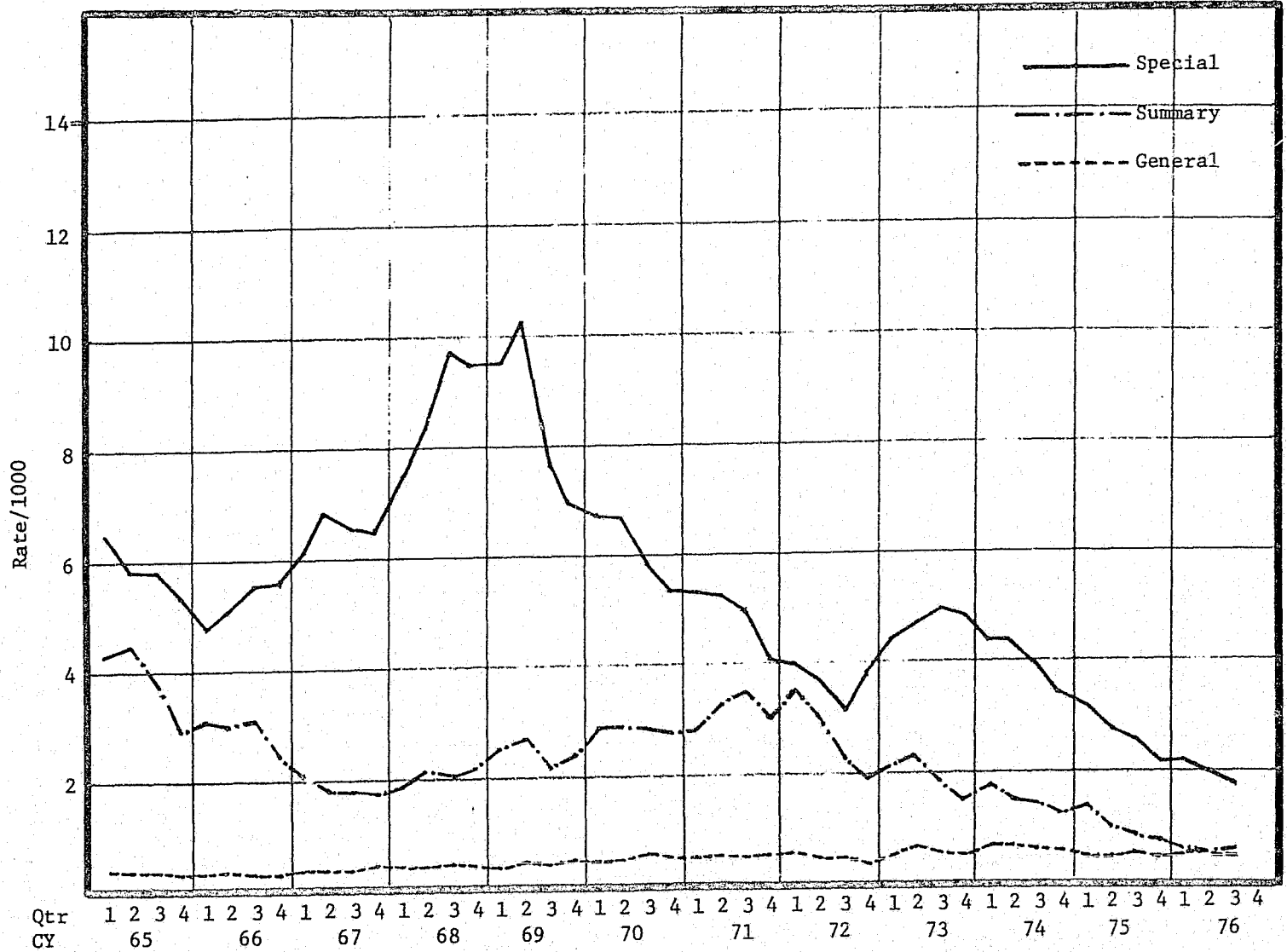
CY	QTR	GENERAL COURTS- MARTIAL	SPECIAL COURTS- MARTIAL	SUMMARY COURTS- MARTIAL	CY	QTR	GENERAL COURTS- MARTIAL	SPECIAL COURTS- MARTIAL	SUMMARY COURTS- MARTIAL
65	1	.38	6.46	4.24	71	1	.54	5.34	2.85
	2	.35	5.84	4.43		2	.51	5.27	3.33
	3	.37	5.82	3.72		3	.53	4.99	3.48
	4	.30	5.38	2.93		4	.52	4.03	3.08
66	1	.32	4.79	3.14	72	1	.57	3.98	3.48
	2	.35	5.16	3.03		2	.46	3.68	3.06
	3	.30	5.57	3.16		3	.44	3.18	2.23
	4	.31	5.61	2.42		4	.36	3.82	1.95
67	1	.35	6.13	2.04	73	1	.51	4.40	2.10
	2	.36	6.86	1.82		2	.59	4.72	2.26
	3	.37	6.53	1.80		3	.52	5.03	1.87
	4	.40	6.44	1.78		4	.51	4.85	1.52
68	1	.39	7.54	1.92	74	1	.66	4.40	1.79
	2	.41	8.39	2.12		2	.64	4.34	1.52
	3	.45	9.73	2.03		3	.61	3.97	1.44
	4	.39	9.48	2.17		4	.54	3.41	1.30
69	1	.37	9.52	2.46	75	1	.47	3.17	1
	2	.46	10.25	2.67		2	.44	2.76	1.05
	3	.41	7.63	2.18		3	.49	2.48	.86
	4	.48	6.95	2.35		4	.45	2.13	.75
70	1	.43	6.71	2.82	76	1	.46	2.18	.54
	2	.47	6.72	2.89		2	.47	1.99	.46
	3	.60	5.86	2.83		3	.39	1.69	.55
	4	.49	5.37	2.75					

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ADJUDICATION

(Courts-Martial - Worldwide)

Incl 12E



ADJUDICATION CONUS

(Rate/1000)

Incl 12F

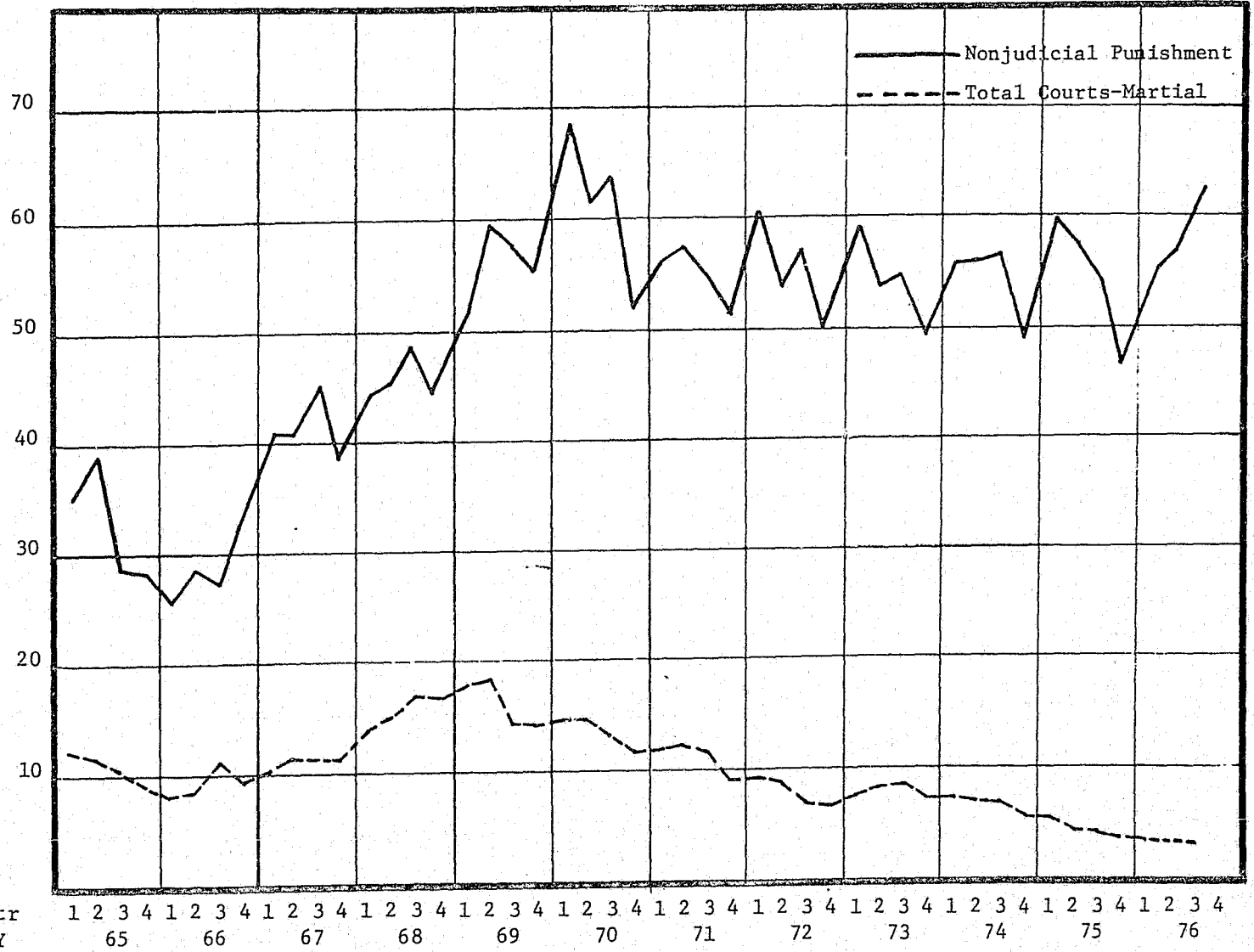
CY	QTR	TOTAL COURTS- MARTIAL	NON- JUDICIAL PUNISHMENT	CY	QTR	TOTAL COURTS- MARTIAL	NON- JUDICIAL PUNISHMEN
65	1	12.02	35.37	71	1	11.80	56.16
	2	11.43	39.13		2	12.18	57.33
	3	10.32	28.84		3	11.43	55.03
	4	9.22	28.42		4	9.17	51.30
66	1	8.14	25.93	72	1	9.26	60.12
	2	8.60	28.61		2	8.65	53.76
	3	10.16	27.37		3	6.83	56.98
	4	9.64	32.51		4	6.73	50.13
67	1	10.14	40.93	73	1	7.71	58.97
	2	11.36	40.86		2	8.33	53.88
	3	11.09	45.21		3	8.39	54.80
	4	11.06	38.62		4	7.43	49.67
68	1	13.38	44.33	74	1	7.32	55.86
	2	15.19	45.40		2	7.10	56.07
	3	16.90	48.83		3	6.77	56.81
	4	16.74	44.69		4	5.88	49.17
69	1	17.09	51.76	75	1	5.52	59.85
	2	18.42	59.66		2	4.49	57.57
	3	14.64	57.84		3	3.98	54.18
	4	14.27	55.66		4	3.42	46.72
70	1	14.60	68.47	76	1	3.23	55.22
	2	14.77	61.60		2	2.98	56.78
	3	13.12	63.95		3	2.74	62.29
	4	11.54	51.99				

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ADJUDICATION

(CONUS)

Incl 12G



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ADJUDICATION OVERSEAS

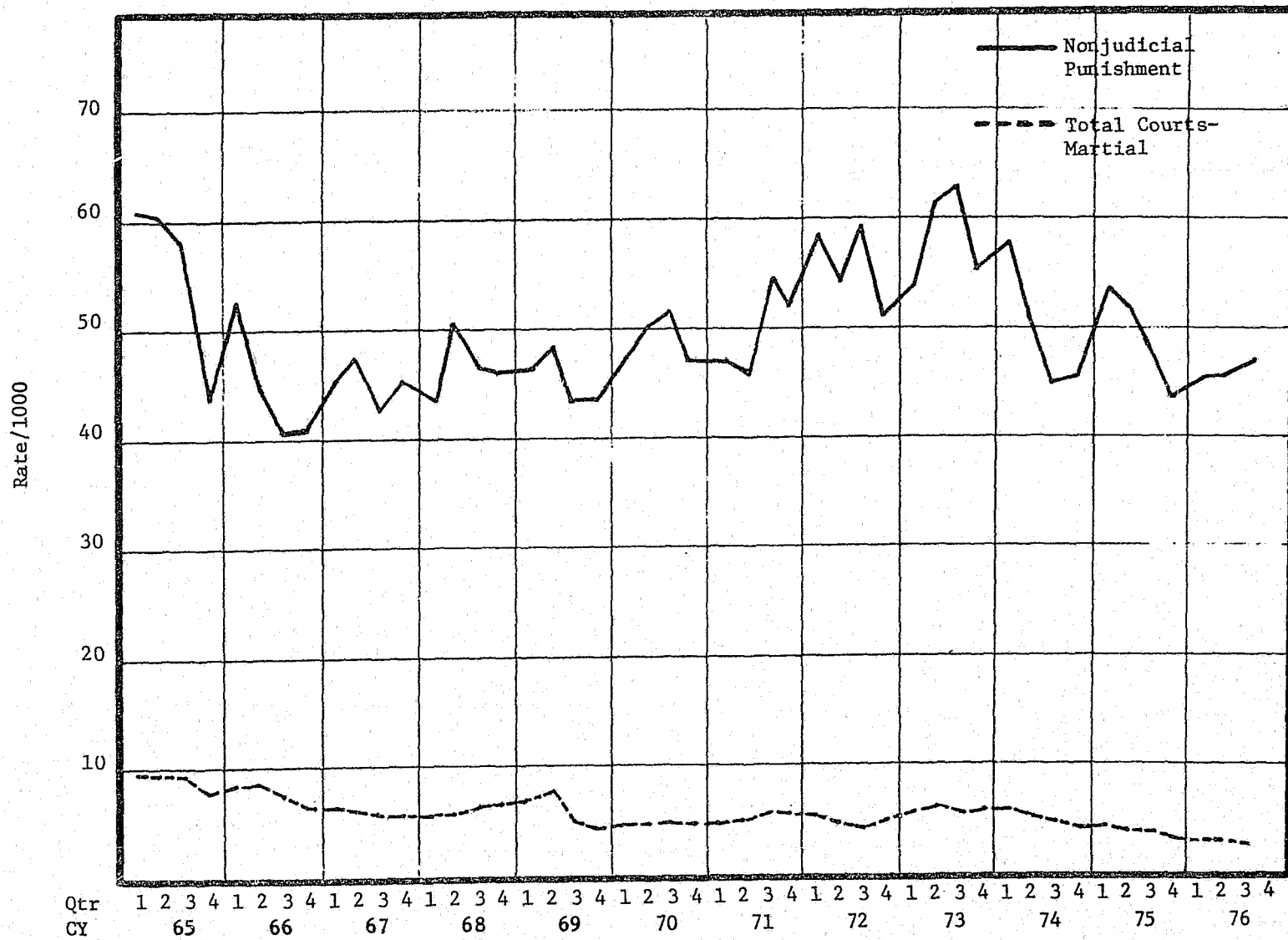
(Rate/1000)

CY	QTR	TOTAL COURTS- MARTIAL	NON- JUDICIAL PUNISHMENT	CY	QTR	TOTAL COURTS- MARTIAL	NON- JUDICI PUNISH
65	1	9.62	60.68	71	1	4.90	47.1
	2	9.42	60.52		2	5.12	46.0
	3	9.37	58.04		3	5.83	54.0
	4	7.86	43.87		4	5.57	51.9
66	1	8.44	52.68	72	1	5.47	58.4
	2	8.52	44.86		2	4.83	54.4
	3	7.39	40.37		3	4.11	59.1
	4	6.49	40.86		4	4.99	51.1
67	1	6.41	45.40	73	1	5.72	53.7
	2	6.15	47.30		2	6.22	61.1
	3	5.79	42.70		3	5.77	62.5
	4	5.60	45.39		4	5.90	55.6
68	1	5.64	43.66	74	1	5.97	57.6
	2	5.87	50.31		2	5.34	51.0
	3	6.48	46.85		3	4.62	45.1
	4	6.62	46.17		4	4.02	45.8
69	1	6.95	46.76	75	1	4.25	53.2
	2	7.43	48.47		2	3.74	51.8
	3	5.03	43.45		3	3.58	48.7
	4	4.39	43.50		4	3.13	43.8
70	1	4.55	47.41	76	1	3.11	45.8
	2	4.71	50.31		2	2.79	45.8
	3	4.89	51.59		3	2.43	46.7
	4	4.72	47.15				

ADJUDICATION

(OVERSEAS)

Incl 121



ADJUDICATION WORLDWIDE

(Rate/1000)

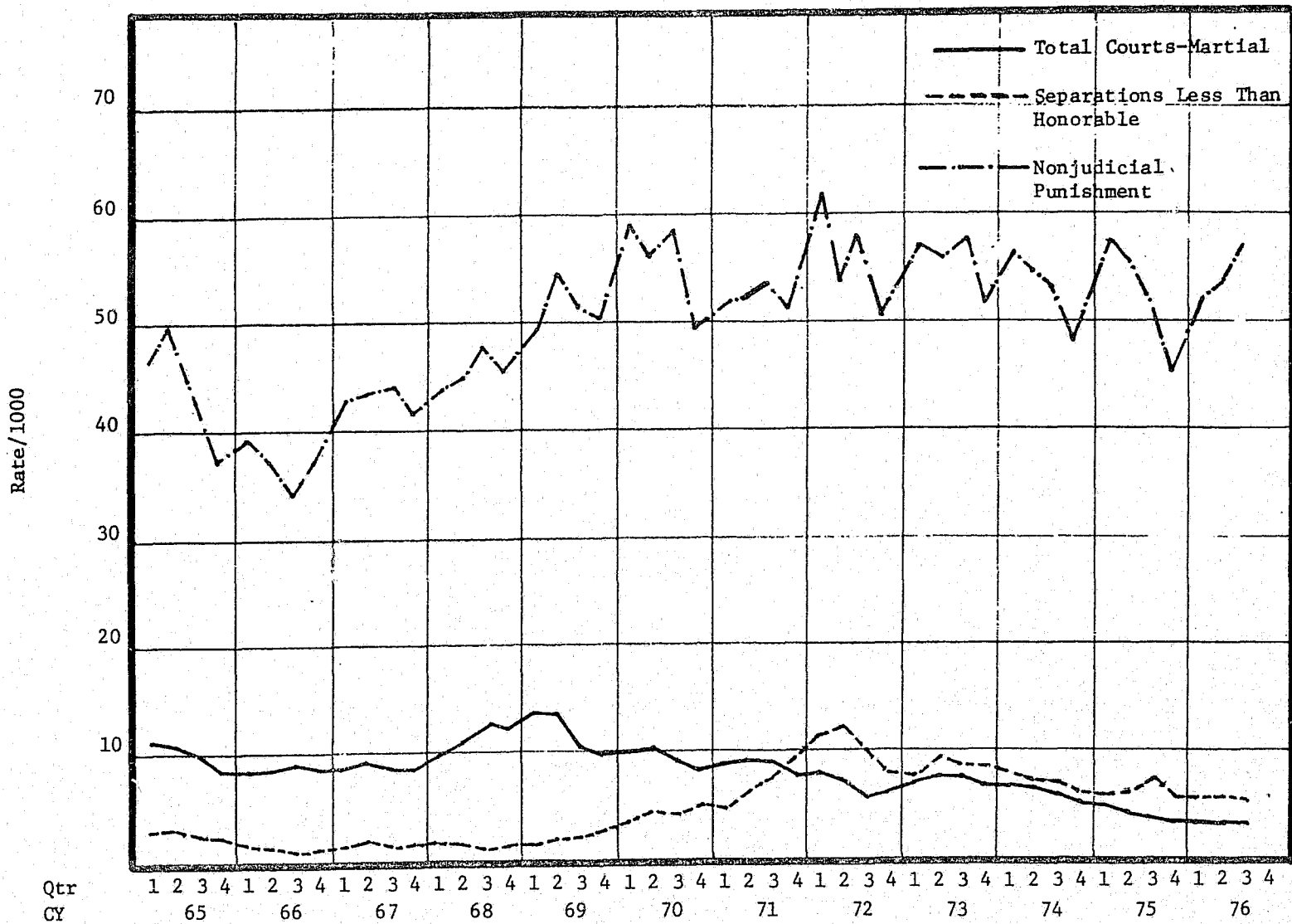
CY	QTR	TOTAL COURTS- MARTIAL	NON- JUDICIAL PUNISHMENT	SEPARATIONS LESS THAN HONORABLE	CY	QTR	TOTAL COURTS- MARTIAL	NON- JUDICIAL PUNISHMENT	SEPARATION LESS THAN HONORABLE
65	1	11.08	46.70	2.67	71	1	8.73	52.12	4.94
	2	10.62	49.60	2.88		2	9.11	52.25	6.35
	3	9.91	42.90	2.14		3	9.00	54.45	7.42
	4	8.61	37.20	1.99		4	7.63	51.31	9.56
66	1	8.25	39.20	1.56	72	1	8.03	61.67	11.15
	2	8.54	37.30	1.26		2	7.20	53.93	12.16
	3	9.03	34.10	.92		3	5.85	57.78	9.90
	4	8.34	37.20	1.04		4	6.13	50.40	7.98
67	1	8.52	42.60	1.30	73	1	7.01	57.05	7.76
	2	9.04	43.40	1.50		2	7.57	56.38	9.35
	3	8.70	43.90	1.28		3	7.42	57.71	8.83
	4	8.62	41.40	1.33		4	6.88	51.80	8.69
68	1	9.85	43.90	1.49	74	1	6.85	56.49	7.79
	2	10.92	45.00	1.23		2	6.50	54.32	7.21
	3	12.21	47.80	1.01		3	6.02	52.78	7.05
	4	12.04	45.30	1.32		4	5.25	48.01	6.38
69	1	12.35	49.40	1.45	75	1	5.05	57.48	5.95
	2	13.38	54.50	1.89		2	4.25	55.76	6.21
	3	10.22	51.20	2.11		3	3.83	52.24	7.47
	4	9.78	50.20	2.74		4	3.33	45.72	6.11
70	1	9.96	58.80	3.44	76	1	3.18	51.87	6.05
	2	10.08	56.30	4.34		2	2.92	53.05	6.02
	3	9.29	58.20	4.22		3	2.63	56.95	5.01
	4	8.61	49.70	4.97					

ADJUDICATION

(WORLDWIDE)

Incl 12K

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APPENDIX VIII to ANNEX E

CURRENT CRD RELEASE PROCEDURES

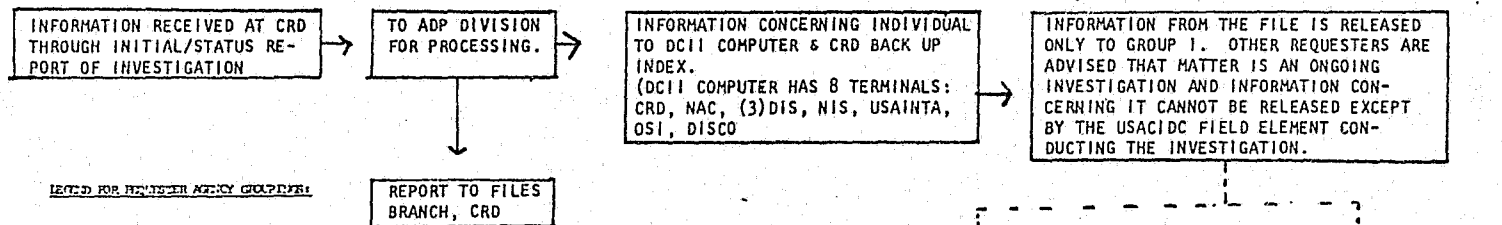
APPENDIX VIII TO ANNEX E

21 Nov 75

FLOW CHART

RELEASE OF INFORMATION FROM CRD, USACIDC

SUSPECT "OPEN CASE"
(CURRENT REPORTS)



LISTED FOR RELEASER AGENCY GROUPS:

GROUP 1

US ARMY LAW ENFORCEMENT AGENCIES:

Special Agents, US Army Criminal Investigation Command
Military Police Investigators
Release of Information Branch, SJA, USACIDC (Privacy Act/FOIA)
DCSFR (DAPE-IRS)

GROUP 2

DEPARTMENT OF DEFENSE LAW ENFORCEMENT AGENCIES:

US Army Investigative Service (Criminal)
US Air Force, Office of Special Investigations (Criminal)

GROUP 3

DEPARTMENT OF DEFENSE INTELLIGENCE AGENCIES:

Defense Investigative Service
US Army Intelligence Agency
US Army Investigative Service (Intelligence)
US Air Force, Office of Special Investigations (Intelligence)
US Army Security Agency
National Security Agency
Defense Intelligence Agency

GROUP 4

LAW ENFORCEMENT AGENCIES OF EXECUTIVE BRANCH OF US GOVERNMENT (External to DOD):

Department of Justice (Federal Bureau of Investigation, US Marshal Service, Drug Enforcement Agency)
Treasury Department
Department of Agriculture
Department of Transportation (Coast Guard)
United States Postal Service

GROUP 5

AGENCIES OF EXECUTIVE BRANCH OF US GOVERNMENT FEDERAL TO DEPARTMENT OF DEFENSE ENGAGED IN SECURITY/SUBVERSIVITY INVESTIGATIONS:

Federal Bureau of Investigations
Treasury Department
Civil Service Commission
Central Intelligence Agency

GROUP 6

DEPARTMENT OF DEFENSE NON-INVESTIGATIVE AGENCIES:

Office, Joint Chiefs of Staff
Department of Army Suitability and Evaluation Board
Department of Army Adjutant General Civil Management Director
Army Branch Institute of Pathology
US Army Finance Center
Department of Army Adjutant General Casualty Branch
US Army Recruitment Command
Department of Army, Office of the Judge Advocate General
US Army and Air Force Motion Picture Service
Defense Supply Agency
Defense Communication Agency
Army/Air Force Exchange Service
Military Personnel Center, DA
Narcotics Posts, Corps and Station Security Officers listed as authorized requesters in US Army Intelligence Agency Requester Account Control Number Booklet.

WHEN SUSPECT BECOMES SUBJECT OF FINAL SOLVED REPORT INFORMATION IS RELEASABLE TO REQUESTER IN GROUP 1 THRU 6.

WHEN INDIVIDUAL IS ELIMINATED AS SUSPECT INFORMATION IS DELETED FROM DCII COMPUTER AND CRD BACK UP INDEX. INFORMATION IS ENTERED INTO IN-HOUSE LAW ENFORCEMENT/CRIMINAL INFORMATION INDEX AND IS RELEASABLE ONLY TO GROUP 1.

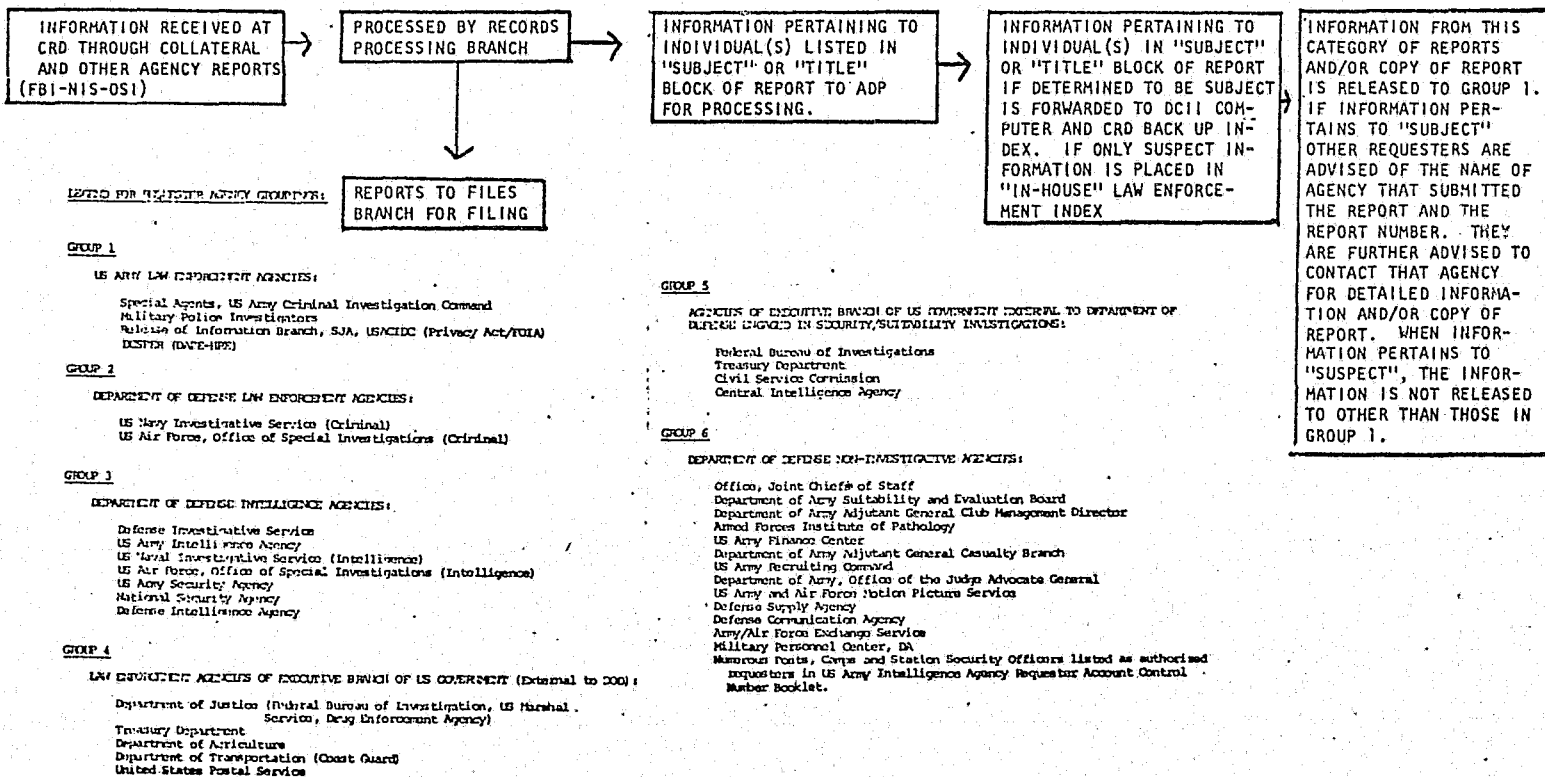
246

APPENDIX VIII TO ANNEX 1

FLOW CHART

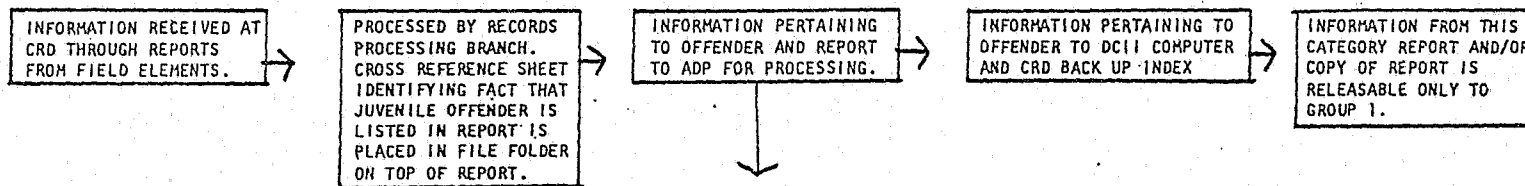
RELEASE OF INFORMATION FROM CRD, USACIDC

SUBJECTS/SUSPECTS OF OTHER AGENCY REPORTS (INCLUDES REFERRED, COLLATERAL AND PARALLEL)



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FLOW CHART
RELEASE OF INFORMATION FROM CRD, USACIDC
JUVENILE OFFENDERS



LISTED FOR RELEASE BY GROUPS:

GROUP 1

US ARMY LAW ENFORCEMENT AGENCIES:

Special Agents, US Army Criminal Investigation Command
Military Police Investigators
Release of Information Branch, SJA, USACIDC (Privacy Act/FOIA)
DCSPR (DAPE-100)

GROUP 2

DEPARTMENT OF JUSTICE LAW ENFORCEMENT AGENCIES:

US Navy Investigative Service (Criminal)
US Air Force, Office of Special Investigations (Criminal)

GROUP 3

DEPARTMENT OF DEFENSE INTELLIGENCE AGENCIES:

Defense Investigative Service
US Army Intelligence Agency
US Army Law Administrative Service (Intelligence)
US Air Force, Office of Special Investigations (Intelligence)
US Army Security Agency
Naval Security Agency
Defense Intelligence Agency

GROUP 4

LAW ENFORCEMENT AGENCIES OF EXECUTIVE BRANCH OF US GOVERNMENT (Excluded to DOI):

Department of Justice (Federal Bureau of Investigation, US Marshal Service, Drug Enforcement Agency)
Treasury Department
Department of Agriculture
Department of Transportation (Coast Guard)
United States Postal Service

INFORMATION PERTAINING TO REPORT TO MISO FOR MILPERCEN COMPUTER.

GROUP 5

AGENCIES OF EXECUTIVE BRANCH OF US GOVERNMENT EXCLUDED TO DEPARTMENT OF DEFENSE ENGAGED IN SECURITY/SUBSIDIARY INVESTIGATING:

Federal Bureau of Investigation
Treasury Department
Civil Service Commission
Central Intelligence Agency

GROUP 6

DEPARTMENT OF DEFENSE NON-INVESTIGATIVE AGENCIES:

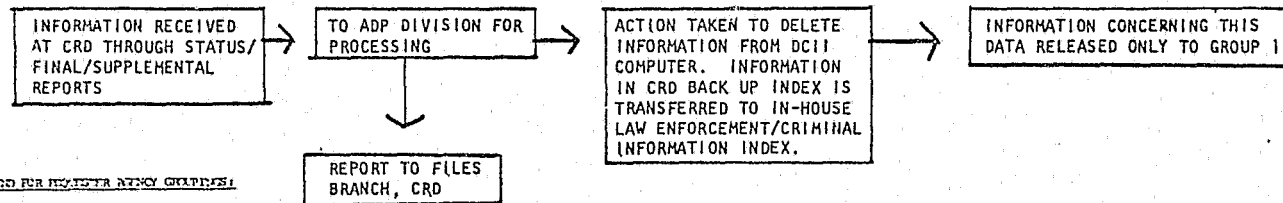
Office, Joint Chiefs of Staff
Department of Army Suitability and Evaluation Board
Department of Army Adjutant General Club Management Director
Armed Forces Institute of Pathology
US Army Finance Center
Department of Army Adjutant General Casualty Branch
US Army Recruiting Command
Department of Army, Office of the Judge Advocate General
US Army and Air Force Motion Picture Service
Defense Supply Agency
Defense Communication Agency
Army/Air Force Exchange Service
Military Personnel Center, DA
Numerous Posts, Corps and Station Security Officers listed as authorized requesters in US Army Intelligence Agency Requester Account Control Number Booklet.

21 Nov 75

FLOW CHART

RELEASE OF INFORMATION FROM CRD, USACIDC

INDIVIDUAL(S) DELETED FROM SUBJECT/TITLE BLOCK OF REPORTS OF INVESTIGATION
(ONGOING INVESTIGATIONS)



LEGEND FOR REGISTER AGENCY GROUPINGS:

GROUP 1

US ARMY LAW ENFORCEMENT AGENCIES:

Special Agents, US Army Criminal Investigation Command
Military Police Investigators
Bureau of Information Branch, SJA, USACIDC (Privacy Act/FOIA)
DCSIDR (SAFE-HSE)

GROUP 2

DEPARTMENT OF DEFENSE LAW ENFORCEMENT AGENCIES:

US Navy Investigative Service (Criminal)
US Air Force, Office of Special Investigations (Criminal)

GROUP 3

DEPARTMENT OF DEFENSE INTELLIGENCE AGENCIES:

Defense Investigative Service
US Army Intelligence Agency
US Army Investigative Service (Intelligence)
US Air Force, Office of Special Investigations (Intelligence)
US Army Security Agency
National Security Agency
Defense Intelligence Agency

GROUP 4

LAW ENFORCEMENT AGENCIES OF EXECUTIVE BRANCH OF US GOVERNMENT (External to DOD):

Department of Justice (Federal Bureau of Investigation, US Marshal
Service, Drug Enforcement Agency)
Treasury Department
Department of Agriculture
Department of Transportation (Coast Guard)
United States Postal Service

GROUP 5

AGENCIES OF EXECUTIVE BRANCH OF US GOVERNMENT EXTERNAL TO DEPARTMENT OF
DEFENSE ENGAGED IN SECURITY/SUITABILITY INVESTIGATIONS:

Federal Bureau of Investigations
Treasury Department
Civil Service Commission
Central Intelligence Agency

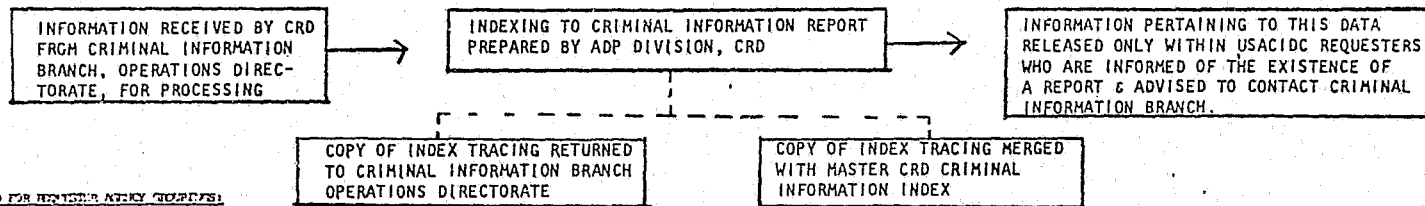
GROUP 6

DEPARTMENT OF DEFENSE NON-INVESTIGATIVE AGENCIES:

Office, Joint Chiefs of Staff
Department of Army Suitability and Evaluation Board
Department of Army Adjutant General Club Management Director
Armed Forces Institute of Pathology
US Army Finance Center
Department of Army Adjutant General Casualty Branch
US Army Recruiting Command
Department of Army, Office of the Judge Advocate General
US Army and Air Force Motion Picture Service
Defense Supply Agency
Defense Communication Agency
Army/Air Force Exchange Service
Military Personnel Center, DA
Numerous Posts, Camps and Station Security Officers listed as authorized
requesters in US Army Intelligence Agency Requester Account Control
Number Booklet.

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FLOW CHART
RELEASE OF INFORMATION FROM CRD, USACIDC
CRIMINAL INFORMATION REPORTS



LISTS FOR REQUESTER AGENCY GROUPS:

GROUP 1

US ARMY LAW ENFORCEMENT AGENCIES:

Special Agents, US Army Criminal Investigation Command
Military Police Investigators
Releasers of Information Branch, SJA, USACIDC (Privacy Act/FOIA)
DCS/PC (INVE-IRB)

GROUP 2

DEPARTMENT OF DEFENSE LAW ENFORCEMENT AGENCIES:

US Navy Investigative Service (Criminal)
US Air Force, Office of Special Investigations (Criminal)

GROUP 3

DEPARTMENT OF DEFENSE INTELLIGENCE AGENCIES:

Defense Investigative Service
US Army Intelligence Agency
US Army Investigative Service (Intelligence)
US Air Force, Office of Special Investigations (Intelligence)
US Army Security Agency
National Security Agency
Defense Intelligence Agency

GROUP 4

LAW ENFORCEMENT AGENCIES OF EXECUTIVE BRANCH OF US GOVERNMENT (External to DOD):

Department of Justice (Federal Bureau of Investigation, US Marshal Service, Drug Enforcement Agency)
Treasury Department
Department of Agriculture
Department of Transportation (Coast Guard)
United States Postal Service

GROUP 5

AGENCIES OF EXECUTIVE BRANCH OF US GOVERNMENT INTERNAL TO DEPARTMENT OF DEFENSE ENGAGED IN SECURITY/SUITABILITY INVESTIGATIONS:

Federal Bureau of Investigation
Treasury Department
Civil Service Commission
Central Intelligence Agency

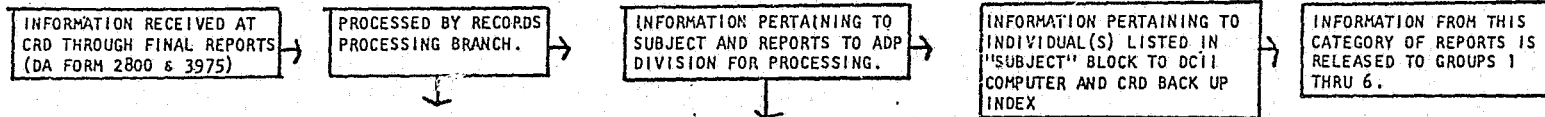
GROUP 6

DEPARTMENT OF DEFENSE NON-INVESTIGATIVE AGENCIES:

Office, Joint Chiefs of Staff
Department of Army, Suitability and Evaluation Board
Department of Army, Adjutant General Club Management Director
Armed Forces Institute of Pathology
US Army Finance Center
Department of Army, Adjutant General Casualty Branch
US Army Recruiting Command
Department of Army, Office of the Judge Advocate General
US Army and Air Force Motion Picture Service
Defense Supply Agency
Defense Communication Agency
Army/Air Force Exchange Service
Military Personnel Center, DA
Narcotics Posts, Corps and Station Security Officers listed as authorized requesters in US Army Intelligence Agency Requester Account Control Number Booklet.

FLOW CHART

RELEASE OF INFORMATION FROM CRD, USACIDC
SUBJECTS OF FINAL (FOUNDED - SOLVED) CID/MP REPORTS



LEGISLATIVE AGENCY GROUPS:

GROUP 1

US ARMY LAW ENFORCEMENT AGENCIES:

Special Agents, US Army Criminal Investigation Command
Military Police Investigators
Release of Information Branch, SJA, USACIDC (Privacy Act/FOIA)
DCSPER (DAPE-IRE)

GROUP 2

DEPARTMENT OF DEFENSE LAW ENFORCEMENT AGENCIES:

US Navy Investigative Service (Criminal)
US Air Force, Office of Special Investigations (Criminal)

GROUP 3

DEPARTMENT OF DEFENSE INTELLIGENCE AGENCIES:

Defense Investigative Service
US Army Intelligence Agency
US Naval Investigative Service (Intelligence)
US Air Force, Office of Special Investigations (Intelligence)
US Army Security Agency
National Security Agency
Defense Intelligence Agency

GROUP 4

LAW ENFORCEMENT AGENCIES OF EXECUTIVE BRANCH OF US GOVERNMENT (External to DOD):

Department of Justice (Federal Bureau of Investigation, US Marshal Service, Drug Enforcement Agency)
Treasury Department
Department of Agriculture
Department of Transportation (Coast Guard)
United States Postal Service

INFORMATION PERTAINING TO REPORTS TO MISO FOR MILPERCEN COMPUTER.

GROUP 5

AGENCIES OF EXECUTIVE BRANCH OF US GOVERNMENT (EXTERNAL TO DEPARTMENT OF DEFENSE ENGAGED IN SECURITY/SUITABILITY INVESTIGATIONS):

Federal Bureau of Investigations
Treasury Department
Civil Service Commission
Central Intelligence Agency

GROUP 6

DEPARTMENT OF DEFENSE NON-INVESTIGATIVE AGENCIES:

Office, Joint Chiefs of Staff
Department of Army Suitability and Evaluation Board
Department of Army Adjutant General Club Management Director
Army Forces Institute of Pathology
US Army Finance Center
Department of Army Adjutant General Casualty Branch
US Army Recruiting Command
Department of Army, Office of the Judge Advocate General
US Army and Air Force Motion Picture Service
Defense Supply Agency
Defense Communication Agency
Army/Air Force Exchange Service
Military Personnel Center, DA
Numerous Posts, Camps and Station Security Officers listed as authorized requesters in US Army Intelligence Agency Requester Account Control Number Booklet.

21 Nov 75.

FLOW CHART

RELEASE OF INFORMATION FROM CRD, USACIDC

INDIVIDUAL(S) LISTED IN SUBJECT BLOCK OF UNFOUNDED/UNSOLVED OFFENSES IN FINAL REPORTS* OF INVESTIGATION (THESE ARE REPORTS DATED PRIOR TO 1 APRIL 1975)

INFORMATION RECEIVED AT CRD THROUGH FINAL REPORTS PRIOR TO 1 APRIL 1975 DA FORM 19-65, 2800, 19-32, 3975

INFORMATION CONCERNING INDIVIDUAL(S) LISTED IN THE "SUBJECT BLOCK" OF THIS CATEGORY OF REPORT IS STILL IN DCII. HOWEVER, THE REPORT FILE HAS BEEN ANNOTATED INDICATING THE INVESTIGATION EITHER IN ITS ENTIRETY OR AS IT PERTAINS TO THAT INDIVIDUAL IS EITHER UNFOUNDED OR UNSOLVED. (NOTE: UPON LIFTING OF THE CONGRESSIONAL MORATORIUM ON DESTRUCTION/DELETION OF FILES DATA PERTAINING TO INDIVIDUALS IN THIS CATEGORY WILL BE DELETED FROM DCII. THIS INFORMATION WILL THEN BE PLACED IN THE "IN-HOUSE" LAW ENFORCEMENT INDEX.)

WHEN REQUEST FOR INFORMATION FROM OR A COPY OF THE REPORT IS RECEIVED THE REPORT IS SCREENED TO DETERMINE "PROBABLE CAUSE." IF "PROBABLE CAUSE" DOES NOT EXIST THE REPORT IS "TAGGED" INDICATING THE INDIVIDUAL(S) IN THE REPORT FITS THIS CATEGORY AND UPON LIFTING OF MORATORIUM WILL BE REMOVED FROM DCII.

INFORMATION FROM THIS CATEGORY OF REPORT IS RELEASED ONLY TO GROUP 1. AS THE DATA IS STILL IN DCII COMPUTER, OTHER REQUESTERS ARE ADVISED THAT THE OFFENSES AS PERTAINS TO THE INDIVIDUAL OF INTEREST TO THEM WAS NOT PROVEN OR THE CRIME DID NOT OCCUR. IF DETERMINED THAT INDIVIDUAL IS ONLY A SUSPECT THE INFORMATION IS RELEASED ONLY TO GROUP 1.

LEVELS FOR OTHER AGENCY GROUPS:

GROUP 1

US ARMY LAW ENFORCEMENT AGENCIES:

- Special Agents, US Army Criminal Investigation Command
- Military Police Investigators
- Office of Information Branch, SJA, USACIDC (Privacy Act/FOIA)
- DCIEX (SAFE-REG)

GROUP 2

DEPARTMENT OF DEFENSE LAW ENFORCEMENT AGENCIES:

- US Navy Investigative Service (Criminal)
- US Air Force, Office of Special Investigations (Criminal)

GROUP 3

DEPARTMENT OF DEFENSE INTELLIGENCE AGENCIES:

- Defense Investigative Service
- US Army Intelligence Agency
- US Naval Investigative Service (Intelligence)
- US Air Force, Office of Special Investigations (Intelligence)
- US Army Security Agency
- National Security Agency
- Defense Intelligence Agency

GROUP 4

LAW ENFORCEMENT AGENCIES OF EXECUTIVE BRANCH OF US GOVERNMENT (External to DOD):

- Department of Justice (Federal Bureau of Investigation, US Marshal Service, Drug Enforcement Agency)
- Treasury Department
- Department of Agriculture
- Department of Transportation (Coast Guard)
- United States Postal Service

GROUP 5

AGENCIES OF EXECUTIVE BRANCH OF US GOVERNMENT EXTERNAL TO DEPARTMENT OF DEFENSE INVOLVED IN SECURITY/SUBSIDIARY INVESTIGATIONS:

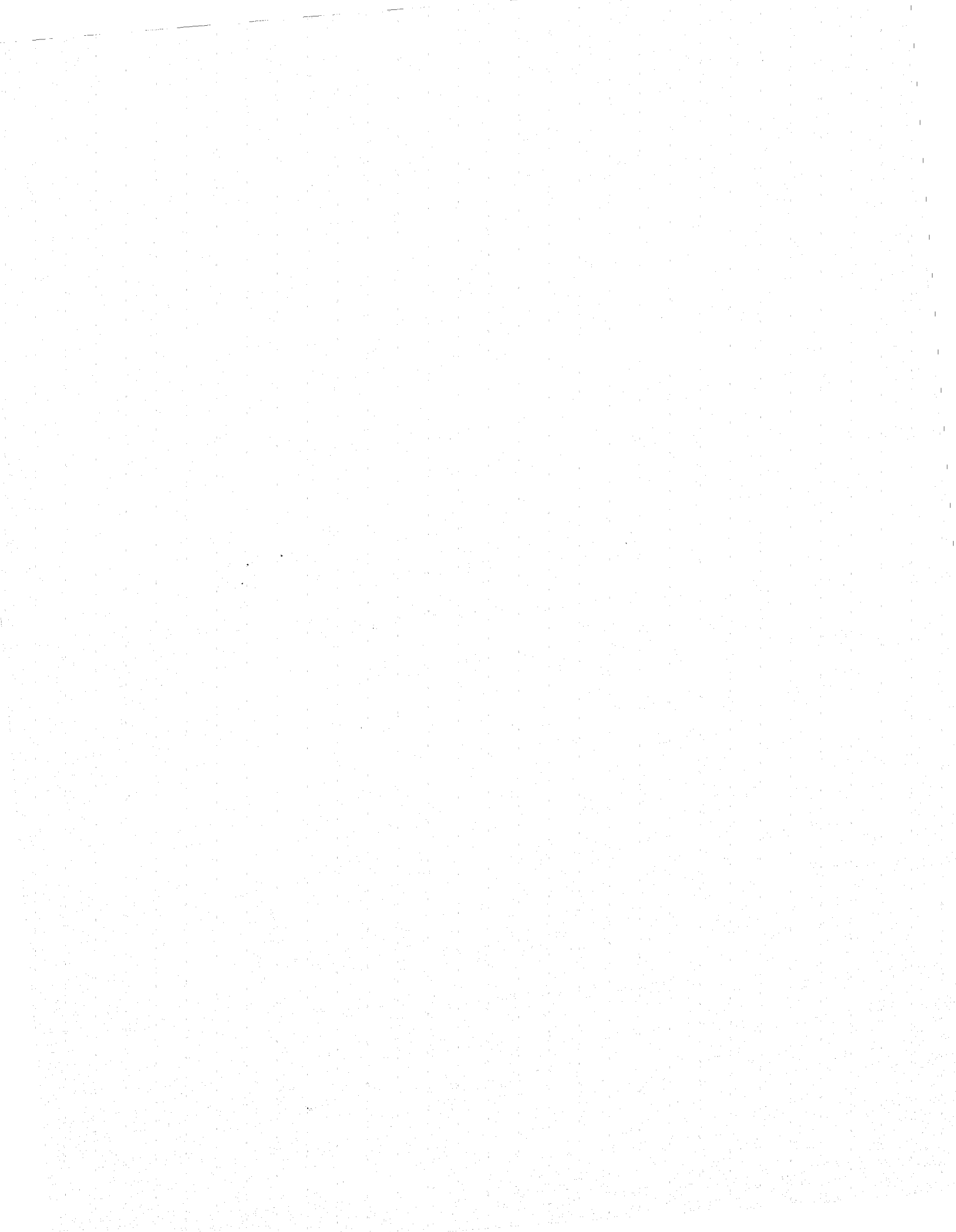
- Federal Bureau of Investigations
- Treasury Department
- Civil Service Commission
- Central Intelligence Agency

GROUP 6

DEPARTMENT OF DEFENSE NON-INVESTIGATIVE AGENCIES:

- Office, Joint Chiefs of Staff
- Department of Army Suitability and Evaluation Board
- Department of Army Adjutant General Club Management Directorate
- Army Forces Institute of Pathology
- US Army Finance Center
- Department of Army Adjutant General Casualty Branch
- US Army Recruiting Command
- Department of Army, Office of the Judge Advocate General
- US Army and Air Force Section Picture Service
- Defense Supply Agency
- Defense Communication Agency
- Army/Air Force Exchange Service
- Military Personnel Center, DA
- Numerous Posts, Corps and Station Security Officers listed as authorized requesters in US Army Intelligence Agency Requester Account Control Number booklet.

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APPENDIX IX to ANNEX E

CURRENT HQDA USES OF CRIME RECORDS

APPENDIX IX to ANNEX E

CURRENT HQDA USE OF ARMY CRIME RECORDS

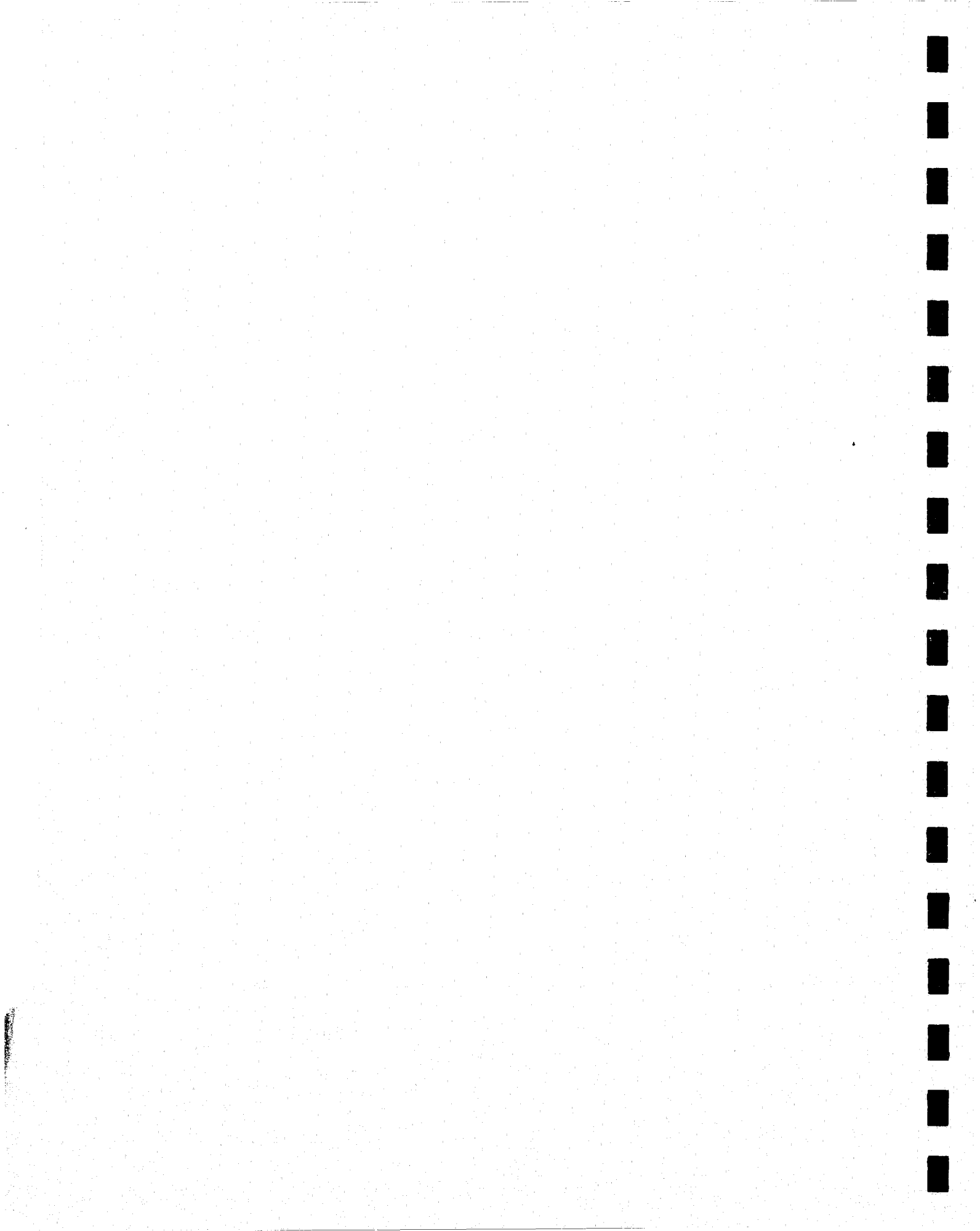
AGENCY OR OFFICE	TYPES OF RECORDS RECEIVED	USE AND AUTHORITY	CONTROL WITHIN AGENCY	FINAL DISPOSITION OF RECORDS	ASSESSMENT OF UTILITY	ESTIMATED FREQUENCY OF USE FOR CRIMES RECORDS
Army Military Review Boards Agency						
Army Council of Review Boards						
Discharge Review Board and Elimination and Security Review Boards	Arrest and Investigative Records.	Determination of corrections of discharge action or to verify evidence used in awarding discharge.	No distribution outside office, controlled access to working areas.	Returned or destroyed.	Essential	Two per month.
Army Board for Correction of Military Records	All records relating to trial by Court-martial.	AR 15-105. To provide information in support of decisions by board.	Official records made available to applicant or his attorney only. Controlled access to working areas.	Placed in "Retain File" in support of possible future actions. Retired to Suitland.	Useful	Approximately 20 per year.
Director of the Army Staff	SIRs only	AR 10-5 & 190-40 Alert CSA, VCSA to possible sensitive issues or incidents to maintain suspenses.	Limited distribution no copies allowed.	One copy filed for 30 days and then destroyed. Others destroyed weekly.	Essential	SIRs - all

AGENCY OR OFFICE	TYPES OF RECORDS RECEIVED	USE AND AUTHORITY	CONTROL WITHIN AGENCY	FINAL DISPOSITION OF RECORDS	ASSESSMENT OF UTILITY	ESTIMATED FREQUENCY OF USE FOR CRIMES RECORDS
Deputy Chief of Staff for Operations and	SIRs	AR 10-5 & 190-40 Early warning on matters involving chemical and nuclear security and aircraft thefts.	Surname reports to no further than XO unless action required Others to concerned AO only. No files maintained.	Returned to cables for destruction.	Useful	SIRs - all
Deputy Chief of Staff for Personnel (DCSPER)						
DASEB	Crimes Records referred by Commanders or MILPERCEN	AR 600-37 AR 195-2 Review of unfavorable information for inclusion in personnel file.	Official records made available to subject only. Case summaries included in personnel files.	Destroyed Information retained as case summary in personnel file of subject.	Important but not essential.	30 cases per month.
DCSPER, Director of Civilian Personnel	MP reports and CID ROI.	To determine suitability for employment and in consideration of initiation of disciplinary action. CSC Personnel Manual, Chpts. 731, 732, & 736; CFR I-2.	Treated in strict confidence IAW CSC FPM Chpt, 731. No further dist. outside agency.	Returned	Not provided.	Not provided.

AGENCY OR OFFICE	TYPES OF RECORDS RECEIVED	USE AND AUTHORITY	CONTROL WITHIN AGENCY	FINAL DISPOSITION OF RECORDS	ASSESSMENT OF UTILITY	ESTIMATED FREQUENCY OF USE FOR CRIMES RECORDS
US Army Military Personnel Center	MP reports and CID ROI.	ARs 190-9, 600-31, 600-37, 630-10, 614-20. Determination of AWOL. Determination of action to be taken in separation of OFF & Enl. Pers. Determination of suitability for sensitive assignments.	Information stored in limited access areas. May be fwd to DASEB or agencies listed in Annex A, DA Memo 340-4 on loan. Pro of AR 340-17 govern release to public. AWOL info sent to FBI NCIC.	Filed in OMPF or destroyed.	No provided. Assumed to be essential	Not provided.
Assistant Chief of Staff for Intelligence	SIRs CRD files	AR 10-5 AR 190-40 Alert to sensitive issues or personnel security problems support decisions on security access.	Distribution limited to Gen Offs and appropriate AOs.	Destroyed	Essential	SIRs - all Frequent
Personnel Security Office USAINTA	All material listed on DC 11	AR 604-5 AR 614-200 AR 614-103 AR 381-45 Determine suitability for positions of trust and responsibility.	Material maintained in limited access area.	Material resulting in adverse decisions incorporated into IRR dossier. Other material destroyed or forwarded to adjudicating cmd.	Essential	Frequent

AGENCY OR OFFICE	TYPES OF RECORDS RECEIVED	USE AND AUTHORITY	CONTROL WITHIN AGENCY	FINAL DISPOSITION OF RECORDS	ASSESSMENT OF UTILITY	ESTIMATED FREQUENCY OF USE FOR CRIMES RECORDS
Judge Advocate General	SIRS Other (as part of CM cases for review)	AR 10-5 AR 190-40 SIRS - Used to alert Gen Offs to situa- tions of potential wide interest. Other - To provide necessary additional information for C-M case review.	SIRS - Controlled by routing slip within office. Sur- name SIRS to 5 officials only. Stored in safe.	Routine SIRS destroyed surname SIRS filed for 3 mos. Then destroyed. Then Selected SIRS retained for varying periods.	Case records essential SIRS - convenient.	SIRS - all
Chief of Information	SIRS	AR 10-10 AR 190-40 Early warning of possibly sensitive situations or incidents; background or incidents.	Limited dis- tribution within office. No distri- bution to press without release.	Destroyed.	Essential	SIRS - all
DCSPER, Div of Human Resources, Police Operations Division	Reports of Investigation SIRS	Tasked by DCSPER on be- half of CSA. Determine status of investigations or actions taken against field grade officers who are subjects of investigations.	Maintained by AO only and kept in locked container.	Destroyed one year after completion of action.	Not provided assumed essential.	Not provided.

AGENCY OR OFFICE	TYPES OF RECORDS RECEIVED	USE AND AUTHORITY	CONTROL WITHIN AGENCY	FINAL DISPOSITION OF RECORDS	ASSESSMENT OF UTILITY	ESTIMATED FREQUENCY OF USE FOR CRIMES RECORDS
Inspector General and Auditor General	SIRs Other records to very limited degree.	AR 10-5 AR 190-40 AR 20-5 For information to insure no over- lap between IG and criminal investigations. Most informa- tion received in form of brief- ing by CIDC personnel when OTIGAG action required.	Distribution of surname SIRs to TIG & 5 other officers only. Routine SIRs to Assistance DIV and file. Maximum re- tention 6 mos. Other records to concerned investigator only.	Routine SIRs filed for 3 mos, surnames for 6 mos. then destroyed.	Useful	SIRs - all Other records - infrequent.



ANNEX F

RECOMMENDED POLICY CHANGES

		<u>PAGE</u>
Purpose		260
<u>Appendices</u>		
Appendix I	AR 190-45 (Military Police Records, Forms and Reports)	261
Appendix II	AR 600-37 (Unfavorable Information)	360
Appendix III	AR 195-2 (Criminal Investigative Activities)	386
Appendix IV	AR 340-18-5 (Maintenance and Disposition of Intelligence, Security, Military Police and Mapping Functional Files)	435
Appendix V	AR 340-17 (Release of Information from Army Records)	439
Appendix VI	AR 27-10 (Military Justice)	441
Appendix VII	AR 381-45 (US Army Investigative Records Repository)	443

ANNEX F

ANNEX F

Purpose. The purpose of this annex is to provide a consolidation of regulatory changes identified by the study group, as required to support conclusions and recommendations of the study itself. These changes were initiated by the regulatory proponent, staffing accomplished, and forwarded for publication.

AR 190-45 (MILITARY POLICE RECORDS, FORMS
AND REPORTS)

APPENDIX I TO ANNEX F

Army Regulation
No _____

HEADQUARTERS
DEPARTMENT OF THE ARMY
Washington, DC

MILITARY POLICE
RECORDS AND FORMS

Effective _____

This revision contains clarification, for military police purposes, of AR 340-17 and AR 340-21, which implement statutory requirements of the 1974 Amendment to the Freedom of Information Act and the Privacy Act of 1974. It provides procedural guidance for use, retention, disposition and release of crime record information maintained by the military police, to include associated law enforcement juvenile records, and incorporates policy and guidance for standardized reporting of information pertaining to law enforcement and security operations, formerly contained in AR 190-46. Local limited supplementation of this regulation is permitted. If supplements are issued, Army Staff agencies and major Army commands will furnish one copy of each to HQDA (DAPE-HRE-PO) WASH DC 20310; other commands will furnish one copy of each to the next higher headquarters.

Chapter 1.	GENERAL	Paragraph	Page
	Purpose-----	1-1	
	Applicability-----	1-2	
	Explanation of terms-----	1-3	
	Responsibilities-----	1-4	
	Forms used in military police reporting---	1-5	
2.	RECORDS ADMINISTRATION		
	Policies-----	2-1	
	Safeguarding official information-----	2-2	
	Special requirements of the Privacy Act of 1974-----	2-3	
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*This regulation supersedes AR 190-45, 4 November 1974 and AR 190-46, 14 July 1975; DA messages DAPE-HRE-PO 062100Z Feb 75 and 121756Z Mar 75, subject: Interim Change to AR 190-45; DA message DAPE-HRE 132231 Feb 75, subject: Referral of Off-Post Investigations by Crime Records Directorate, USACIDC; and DA messages DAPE-HRE 151849Z Jun 76 and 291231 Jul 76, subject: Interim Change to AR 190-46.

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CHAPTER 1

GENERAL

1-1. Purpose. a. Promulgate Army policies and procedures for use, retention, disposition and release of criminal record information used in military police crime prevention and law enforcement activities; provide for release of information from such records; and establish policy for forwarding selected military police offense reports to the Crime Records Directorate (CRD), US Army Criminal Investigation Command (USACIDC). Guidance regarding USACIDC criminal record information is outlined in AR 195-2.

b. Specify procedures applicable to military police in complying with requirements of the 1974 Amendment to the Freedom of Information Act (FOIA) and the Privacy Act of 1974; establish guidelines developed for use, retention, disposition and release of military police adult and juvenile offender records and reports. Violations of the provisions of the above statutes may subject the individual responsible to administrative sanctions, trial by courts-martial or prosecution in the US District Courts.

c. Provide a listing of those military police reports/forms common to normal operations of a provost marshal's office or its equivalent. Detailed instructions for completion, dissemination and protection of these reports are provided at Appendix A.

d. Establish reporting requirements for offenses investigated by military police and specify requirements related to disposition of offender information.

e. Establish requirements for the standardized reporting of law enforcement activities related to crime and security activities.

1-2. Applicability. a. The provisions of this regulation apply to all military police and DA civilian security police/guard activities.

b. This regulation applies to US Army Reserve (USAR) components and Army National Guard (ARNG) components, when federalized.

c. Where inconsistencies may arise between procedures and guidance herein, and Army implementing policies and procedures for release of information and protection of personal privacy, AR 340-17 and AR 340-21 shall govern.

1-3. Explanation of terms. See Appendix B.

1-4. Responsibilities. a. Commanders at each level are responsible for assuring that crime records and reports are prepared and maintained to protect personnel and property and the interests of the Army.

b. Commanders and supervisors at every level, as well as military police who execute the various records and reports, will insure they are completed in an accurate, clear and concise manner. The goal is to insure better law enforcement and the prevention of crime within the Army through the use of these records and reports, the management of information gathered from them and subsequent planning and execution of programs for the benefit of the Army.

1-5. Forms used in military police reporting. a. Military police records and reports provide a format for consistent, timely and precise reporting of law enforcement information that will enable the commander and installation/activity law enforcement officials to better plan and implement positive police services.

b. Military police records and reports are to be used only for the purpose for which designed and their format is not to be altered. Requests for deviation from an established format must be submitted IAW paragraph 2-8c, AR 310-1.

CHAPTER 2

RECORDS ADMINISTRATION

2-1. Policies. a. Military police records and files created under provisions of this regulation will be maintained and disposed of in accordance with instructions and standards prescribed in AR 340-18 series, AR 340-17, AR 340-21 and other applicable HQDA directives.

b. To prevent unauthorized disclosure, military police records and forms containing personally identifiable information, including working papers, notes and waste, will be destroyed as required in accordance with AR 340-16 or AR 380-5, as applicable.

c. Provost marshals/security officers will designate one member of their staff as responsible for safeguarding and accounting for all records containing personally identifiable information. The individual so designated will take action to insure that personal information is used, held and stored only where facilities or conditions are adequate to prevent unauthorized or unintentional disclosure.

d. Access to areas in which military police records and forms are prepared, processed and stored will be restricted to those personnel whose duties require their presence or to other personnel on official business. Whenever military police records and reports containing identifiable personal information are not under the personal control of an authorized individual, they will be stored in a locked room or locked file cabinet. Alternate storage systems may be employed provided they furnish an equivalent or greater degree of physical security. See AR 340-16.

e. Supervisors at all levels will insure that personnel whose duties involve the preparation, processing, filing and release of military police records and reports are knowledgeable of and comply with the policies and procedures contained in this regulation, AR 340-16, AR 340-17, AR 340-21 and other applicable HQDA directives. Particular attention will be given to provisions dealing with release of information and protection of privacy.

f. Selected military police records and reports pertaining to juvenile offenders will be filed separately from records and reports involving adult offenders or marked in such a manner that they are readily identifiable as juvenile records when filed among other records. Specific juvenile offender records and reports that require special filing, handling and/or preparation are identified in Appendix A.

2-2. Safeguarding official information. a. Military police records and forms are unclassified except when they contain National Security information as defined in DOD 5200.1-R, DOD Information Security Program Regulation (DODISPR).

b. When military police records and forms contain information which pertains to individuals, the unauthorized disclosure of which may result in an unwarranted invasion of personal privacy, these reports and records will be marked "For Official Use Only" (FOUO) when transmitted outside the military police station/security office and within the Federal government.

c. Such records and forms will be transmitted IAW AR 340-16.

d. "For Official Use Only" (FOUO) markings will be obliterated from copies of military police records and forms released external to the Federal government.

e. Military police records and reports released outside of the military police station/security office will be marked to show that they are exempt from automatic disclosure IAW 5 USC 552(b)(7) and 5 USC 552a(j)(2), as implemented by paragraphs 2-12g, AR 340-17 and Chapter 7, AR 340-21. Such markings will not be obliterated, even when released outside the Federal government in accordance with authorized disclosure.

2-3. Special requirements of the Privacy Act of 1974. a. Military police collection of information relevant to an individual's exercise of First Amendment rights is limited IAW Chapter 5, AR 340-21.

b. Military police records are exempt from requirements of paragraph 4-3, AR 340-21 with respect to informing individuals who furnish personal information during the conduct of a military police investigation. Disclosure of the Social Security Account Number (SSAN) is governed by provisions of paragraph 4-4, AR 340-21. The Privacy Act Statement prescribed by paragraph 4-5, AR 340-21 in conjunction with soliciting the SSAN, when applicable, is provided at Appendix D.

c. Social Security Account Number (SSAN) advisory notice procedures.

(1) Army law enforcement personnel in the performance of their official duties may request disclosure or verification of the SSAN for identification purposes. The following procedures may be utilized for the categories of individuals indicated.

(a) Active duty, reserve, national guard and retired military personnel will be requested to produce their Armed Forces of the United States Identification Card (DD Form 2A, DD Form 2A (Res) or DD Form

2A (Ret) as appropriate) and information contained thereon will be utilized to verify and complete the applicable sections of military police records and forms.

(b) Dependents of military sponsors will be requested to produce their Uniformed Services Identification and Privilege Card (DD Form 1173) and information contained thereon (e.g. sponsor's SSAN) may be utilized to verify and complete applicable sections of military police records and forms.

(c) DOD civilian personnel will be requested to produce their appropriate service identification; DA Civilian Identification Card (DA Form 1602) in the case of Department of the Army civilians. Information contained thereon will be utilized to verify and complete applicable sections of military police records and forms. If unable to produce such identification they will be requested to provide other verifying identification.

(d) Non-DOD civilians, including dependents and those whose status is undetermined when requested to disclose their SSAN, will be informed IAW requirements of paragraph 4-4, AR 340-21. Such advisory will be made utilizing the Privacy Act Statement at Appendix D, a copy of which may be provided the individual when requested.

(2) Military police forms which may require a Privacy Act Statement regarding Social Security Account Numbers are identified in Appendix A to this regulation.

(3) If more than one form requires the SSAN for completion for a single incident, only the Privacy Act Statement for the primary form need be furnished.

d. New systems of records, changes to existing systems and continuation of systems not covered by existing public notice will be processed IAW Chapters 5 and 6, AR 340-21.

e. Military police records systems for which systems notices have been published are at Appendix C to this regulation. AR 340-21-2 and AR 340-21-5 provide detailed information concerning these records systems.

2-4. Acquisition and storage of information on non-DOD affiliated persons and organizations. See AR 380-13.

2-5. Administration of expelled or barred persons file. a. When action by an installation/activity commander to bar/expel an individual from the installation/activity IAW Section 1382, Title 18, United States Code and AR 600-40 is completed, the installation/activity provost marshal or security officer will be notified by

the office/activity which recommended the bar. Such notification shall include, but is not limited to:

- (1) copy of the letter or order barring the individual;
- (2) reasons for the bar;
- (3) effective date of the bar and period covered.

b. The provost marshal/security officer will maintain a file of barred persons. When the bar or expulsion action is predicated on results contained within military police investigative records or reports, the bar or expulsion document will be cross-referenced to the appropriate report or record.

c. Expelled or barred persons files will be disposed of in accordance with AR 340-18-5.

2-6. Administration of criminal information. a. The purpose of gathering criminal information is to identify individuals or groups of individuals in an effort to anticipate, prevent or monitor possible criminal activity. If criminal information is developed to the point where it factually establishes a criminal offense, a military police, USACIDC or other appropriate law enforcement investigation will be initiated.

b. Criminal information files will be reviewed at least annually and purged as appropriate. Further, files will be reviewed upon any request for dissemination of information in the file and a determination will be made whether grounds still exist for retention; if not, it will be destroyed. Nothing herein shall be construed as authority to destroy criminal information and subsequently deny its existence when such is sought by a member of the public or an individual about whom the information pertains.

c. The maximum amount of criminal information will be exchanged between military police and USACIDC field elements.

d. Criminal information may be disclosed to law enforcement agencies outside of DOD when such disclosure is made IAW paragraph 3-2, AR 340-21.

2-7. Name checks. a. Local procedures will be established to assure only authorized personnel are allowed to request name checks from provost marshal/security office activities.

b. Checks will be accomplished by a review of Desk Reference Card Files (DA Form 3998).

c. Information will be disseminated IAW guidelines at Appendices E through G and Chapter 3 of this regulation.

d. Procedures for conduct of name checks by provost marshals/ security officers with the Crime Records Directorate (CRD) are outlined in AR 195-2.

CHAPTER 3

RELEASE OF INFORMATION

3-1. Policy. a. The maximum amount of law enforcement information available, consistent with applicable HQDA policies and appropriate regulations, will be furnished.

b. Each release of military police records or information therefrom, whether to persons within or outside the Army, must be in accordance with the Freedom of Information Act and the Privacy Act, as implemented by AR 340-17 and AR 340-21, and policies contained within this regulation.

c. Copies of investigatory records/reports compiled by a law enforcement investigative organization, but in the temporary custody of a non criminal-justice element for a matter properly within its purview, are the records/reports of the originating law enforcement organization.

(1) Investigatory records/reports permanently incorporated into the system of records of the non criminal-justice user may be protected from disclosure only IAW exemptions granted the user's system of records and AR 340-21. Requests for access to information permanently incorporated into the user's system of records (e.g., reference to a particular record/report, summary or the record/report itself) shall be processed by the user IAW AR 340-17 and AR 340-21.

(2) The request of an individual seeking access to records/reports in the temporary custody of the non criminal-justice user shall immediately be referred to the originating law enforcement investigative organization. The originating law enforcement investigative organization will process the request IAW AR 340-21 or other applicable HQDA directives, as appropriate.

(3) A non criminal-justice element will destroy the record/report, or return it to the appropriate Army or other law enforcement investigative element who originally provided it, when the temporary purpose of the user has been accomplished.

(4) A non criminal-justice user's record(s) may, subject to restrictions imposed by the originating law enforcement investigative element, make reference to the investigative record/report (e.g., MPR Number, date, offense, offender disposition, etc.); may summarize information contained in the investigative record/report as it pertains to the individual in question; or may include the investigative record/report in its record system when the user has sought and received the concurrence of the responsible law enforcement investigative activity.

In the latter case, the originating local law enforcement element may delete portions of the investigative record/report copy to protect law enforcement interests when necessary (e.g., preclude compromise of an investigation, protect special investigative techniques, maintain confidentiality).

3-2. Guidelines for internal use. a. In addition to paragraph 3-1c above, the following guidelines are provided concerning intra-agency dissemination of crime record information contained in military police records. Further guidance is shown at Appendix E (HQDA), Appendix F (MACOM), Appendix G (Installation) and this chapter.

b. Intra-agency disclosure of crime record information will be limited to those activities possessing a demonstratable need for the information for a use which is compatible with the purpose for which the record is maintained. A demonstrated need exists where the record is necessary for the accomplishment of a function properly within the purview of the requesting activity and prescribed by statute, DOD Directive/regulation or Army regulation.

(1) Intra-agency disclosure of crime record information will be subject to review and concurrence of the appropriate Access and Amendment Refusal Authority (AARA) identified in AR 340-21 prior to release to the requesting activity. Review and concurrence shall be necessary only in those instances requiring clarification of the activity's demonstrated need and/or statutory or regulatory authority, or the compatibility of the above with the purpose for which the record is maintained.

(2) Crime record information may be disclosed to commanders and designated staff activities when disclosure is necessary for the commander's conduct of criminal-justice responsibilities and/or crime prevention. Law enforcement elements will limit information IAW requirements of the user.

(3) Nothing contained herein shall be construed to preclude the intra-agency disclosure of crime record information when such disclosure is related to matters involving national security. Further, crime record information related to subjects and/or criminal-justice disposition shall be disclosed when such information is relevant to granting a security clearance. Provisions of paragraph 3-1c above and AR 340-21 apply.

(4) In those instances wherein an individual advises an agency/activity of crime record information pertaining to himself/herself, the activity may seek verification of such information by contacting the responsible law enforcement element. The individual will be advised by the activity that such verification may be sought. Nothing

herein shall be construed as abrogating the individual's right to seek access and amendment of the information, nor the authority of the AARA to deny access and amendment IAW AR 340-21.

c. Nothing herein shall be construed to limit the dissemination of information between military police and USACIDC elements.

3-3. Release of information. a. Release of information from Army records to sources outside the Department of Defense will be governed by AR 340-17, AR 340-21 and this regulation. Additional procedures for release of certain records or information from Army records are provided in the regulations listed below.

- (1) Inspector General Reports, AR 20-1.
- (2) Claims Reports, AR 27-20.
- (3) Litigation, AR 27-40.
- (4) Release of Information and Appearance of Witnesses, AR 27-40.
- (5) Criminal Investigation Activities, AR 195-2.
- (6) Medical Records and Files, AR 40-42.
- (7) Disciplinary Actions, AR 340-19.
- (8) Army Information, Public Information Policies, AR 360-5.

(9) Drug and Alcohol Involvement, AR 600-85. In those instances or offenses in which individuals have exhibited behavior indicating excessive use of alcohol, e.g., driving under the influence of alcohol, disorderly conduct involving alcohol, etc., and/or drug involvement, the installation/activity drug control office may be informed by providing a blotter extract (DA Form 3997).

b. The Director, Crime Records Directorate is authorized to release military police reports on file with the CRD when such use is compatible for the purpose for which intended (e.g., furthering criminal investigative purposes, actions of courts, etc.):

- (1) to DOD personnel and agencies whose official duties/functions require them to secure information from, have access to, or obtain copies or prepare summaries of military police reports;
- (2) to agencies that have been identified as routine users of military police records IAW AR 340-21.

c. Disclosure of military police records/information under conditions listed in paragraphs 3-4, 3-5 and/or 3-6 will be made by provost marshals/security officers, or Chief, Law Enforcement Division, ODCSPER, HQDA.

3-4. Release of information under the Freedom of Information Act.
a. Military police records and reports, including Serious Incident Reports (SIR) submitted IAW AR 190-40, are releasable except to the extent that they can be withheld IAW AR 340-17 (see AR 340-17 pertaining to investigative files).

b. In accordance with AR 340-17, the Deputy Chief of Staff for Personnel, HQDA is Initial Denial Authority (IDA) for release of Military Police Reports (DA Form 3975), Military Police Traffic Accident Investigation Reports (DA Form 3946) and military police records and reports, including Serious Incident Reports (SIR) submitted IAW AR 190-40. The Commander, USACIDC is the IDA for criminal investigation reports including those military police reports which are part of a criminal investigation report.

c. Military police reports/records or information therefrom may be released by installation/activity provost marshals/security officers receiving the request IAW AR 340-17 after consultation with staff judge advocates and staff public affairs officers, when appropriate.

d. All FOIA requests for military police records/reports from representatives of the press or other mass communication media will be handled IAW AR 340-17 and in coordination with the appropriate command/activity public affairs officer. Nothing herein shall be construed to preclude commanders, through their public affairs officers, from responding to informal and/or telephonic requests of representatives of the press or other mass communications media, when such information is releasable under provisions of AR 340-17 and is not in conflict with the Privacy Act of 1974 as implemented by AR 340-21, or other provisions of this regulation.

e. Procedures.

(1) Requests concerning military police records and reports will be processed IAW AR 340-17 and the following.

(a) The requested report will be reviewed by the provost marshal/security officer to determine if the report or information therefrom is exempted from release and if so, whether a legitimate governmental purpose exists for denying the request. Statutory and regulatory clarification may necessitate coordination with the local staff judge advocate.

(1) A telephone check may be made with the local USACIDC field element on requests for Military Police Reports (DA Form 3975) to determine if the release of the report would interfere with an ongoing criminal investigation or affect final disposition of such an investigation.

(2) If any doubt exists regarding the effect of release, a telephonic check will be made with the CRD by representatives of the provost marshal/security office to determine releasability. Checks will be specifically identified as an FOIA or Privacy Act request and will include available identifiable information concerning the subject(s) and requester.

(b) If a determination is made that either a part of, or the entire exempted record/report should not be released, immediate telephonic notification will be made to Law Enforcement Division, HQDA, ODCSPER (Autovon 225-4210). The request together with a complete copy of the record/report will be immediately forwarded by the most expeditious means directly to HQDA (DAPE-HRE), Washington, DC 20310 IAW AR 340-17. The material forwarded will include the specific exemption(s) relied upon, the governmental purpose served by the recommended denial and specific identification of the portions of the record to be denied.

(c) Requests for military police records and reports which are no longer available at installation/activity level, but which meet the criteria for forwarding to the CRD (reports in this category would normally be over 5 years old) will be processed as follows:

(1) For CONUS units/activities, a telephone check will be made with the CRD to determine whether the requested report is on file. Units/activities located OCONUS may request the check by electrical message. This request will provide the full name and address of the requester, the general substance of the request to include any indications by the requester of his or her willingness to pay the costs involved in providing the record and available identifiable information regarding the subject(s).

(2) If the report is available at the CRD and the check originated with a CONUS unit/activity, a copy of the report will be transmitted by mail to the provost marshal/security officer concerned. Procedures for review and release will be as outlined in paragraph 3-4e(1)(a) and (b) above, and AR 340-17.

(3) If the report is available and the check originated with an OCONUS unit/activity, the CRD will mail the report to HQDA (DAPE-HRE) who will act on the request IAW AR 340-17. The CRD will notify the OCONUS unit/activity of the referral by electrical message and the unit/activity will be provided a copy of the report by mail.

(4) If the requested report is not available, the CRD will notify the unit/activity provost marshal/security officer or HQDA (DAPE-HRE), as appropriate. The requester will be advised that the requested record is not available.

(2) Requests received by provost marshals/security officers concerning USACIDC reports of investigation or files will be referred to the Commander, USACIDC, ATTN: CLJA-RI, 5611 Columbia Pike, Falls Church, VA 22041.

(3) Requests concerning records or reports which are the proper concern of another HQDA activity, or agency outside the Army, will be referred for processing IAW AR 340-17.

3-5. Release of information under the Privacy Act of 1974.

a. Military police records and reports, or information therefrom, may be released IAW provisions of the Privacy Act of 1974 as implemented by AR 340-21 and in accordance with paragraph 3-1c, this regulation.

(1) The Deputy Chief of Staff for Personnel, HQDA is the Access and Amendment Refusal Authority (AARA) for military police records and reports.

(2) The Commander, US Army Criminal Investigation Command is the Access and Amendment Refusal Authority (AARA) for criminal investigation records, to include military police reports which are a part of criminal investigation records.

b. Requests pursuant to the Privacy Act for information or records will be processed IAW AR 340-21 and paragraph 3-4e(1)(a) and (b), this regulation.

c. Requests received by provost marshals/security officers concerning USACIDC reports of investigation or files will be referred to the Commander, USACIDC, ATTN: CLJA-RI, 5611 Columbia Pike, Falls Church, VA 22041.

d. A request for amendment of a military police report/record will be accomplished IAW Chapter 2, AR 340-21.

3-6. Maintenance, use and release of records pertaining to juvenile offenders. a. Except as indicated in paragraph 2-1f and this paragraph, military police records pertaining to juvenile offenders will be maintained, utilized and released in the same manner as records pertaining to adults as set forth elsewhere in this regulation and other regulations referenced herein.

b. Records pertaining to juvenile offenders retain their status as such even after individuals to whom the records pertain become adults.

c. The Freedom of Information Act and AR 340-17 are applicable to requests from members of the public for records pertaining to

juvenile offenders. Such records, however, except for traffic accident investigations, will normally be considered exempt from public disclosure IAW paragraphs 2-12f and 2-12g(3), AR 340-17 even though a similar record on an adult would be disclosed to a member of the public. For example, a military police record containing information which was made public at a criminal trial would not normally be exempt from public disclosure IAW paragraphs 2-12f and 2-12g(3), AR 340-17, but such information revealed in the course of a juvenile proceeding (and the results of juvenile proceedings) would normally remain exempt from public disclosure. Traffic accident investigations in which a minor is a subject will be disclosed or withheld on the same basis as investigations with adult subjects.

d. When court proceedings pertaining to a juvenile offender are sealed pursuant to 18 USC 5038 or applicable provisions of state law, steps will be taken to annotate all military police records pertaining to the case. A copy of the court order or other record evidencing the terms of restriction will be maintained with the original military police investigative record, and if the original record is on file with the Crime Records Directorate, with the local military police file copy.

e. When it appears that the terms of a court order or statute pertaining to sealing of juvenile court proceedings may also include restrictions on administrative use of records remaining in the custody of the Department of the Army, clarification will be obtained from local officials and the servicing judge advocate prior to interagency disclosure or intraagency administrative use of the record. Cases which cannot be resolved locally will be forwarded to HQDA (DAPE-HRE).

3-7. Military police record/information disclosure accounting.

a. Record/information disclosure accounting will be IAW Chapter 3, AR 340-21.

b. In order to insure that disclosure accounting prescribed by Chapter 3, AR 340-21 is maintained, each such disclosure will be recorded on DA Form 4410-R, Disclosure Accounting Record or facsimile. It will be attached to or associated with the military police report or record concerned.

c. Local procedures will be developed to insure information required for reporting purposes by AR 340-21 is available upon request.

3-8. Release of law enforcement information furnished by foreign governments or international organizations. a. Information furnished by foreign governments or international organizations is subject to disclosure unless exempt therefrom IAW AR 340-17, AR 340-21 or existing statutes or executive orders. Processing of requests for this type information will be IAW AR 340-17, AR 340-21 and this chapter.

b. Information may be received from a foreign source under an express pledge of confidentiality granted IAW paragraph 7-4, AR 340-21 (or under an implied pledge of confidentiality given prior to 27 September 1975).

(1) Foreign sources will be advised of the provisions of the Privacy Act of 1974 and the general and specific law enforcement exemptions available, as outlined in Chapter 7, AR 340-21 and the Freedom of Information Act and exemptions available thereunder, as outlined in paragraph 2-12g, AR 340-17.

(2) Information received under an express promise of confidentiality will be clearly annotated and the fact and date the pledge was made noted in the report (DA Form 3975 or other applicable record).

(3) Foreign sources should clearly understand that confidentiality is granted to preclude disclosure of sources, who but for the grant of confidentiality, would not provide the information.

(4) Information obtained, under terms of confidentiality, should clearly serve to further a US Army law enforcement investigation.

c. During the investigative process and prior to disposition, information provided by a foreign source under a pledge of confidentiality may be deniable on the basis that disclosure of the source would violate the pledge of confidentiality; and the release of the source or information would serve as a basis for impeding an ongoing investigation and/or the orderly administration of justice.

d. Subsequent to disposition, a request for information provided by a foreign source under a pledge of confidentiality may be deniable on the basis that the individual about whom the information is maintained has not been denied any right, privilege or benefit that he or she would otherwise be entitled by federal law; or the individual has been denied a right, privilege or benefit and disclosure of the source's identity would violate a pledge of confidentiality, or disclosure of the information would reveal the identity of that confidential source and hence violate a pledge of confidentiality.

e. Denial recommendations forwarded by records custodians to the appropriate Initial Denial Authority (IDA) or Access and Amendment Refusal Authority (AARA) IAW AR 340-17 or AR 340-21, and paragraph 3-4e(1)(b), above will specifically identify portions of US Army records which should be deleted and the basis for that recommendation, e.g., confidentiality, express or implied (prior to 27 September 1975) and whether or not disclosure of the information would serve as a basis for identifying the confidential source.

(1) Identify the source and date that confidentiality was granted, if implied; otherwise, identify the date that express confidentiality was granted and documents which so reflect.

(2) When appropriate, recommendations should advise whether disclosure would serve to impede investigative efforts or hinder the orderly administration of justice.

(3) Those portions of Army records, the disclosure of which would result in a violation of express or implied confidentiality, should be clearly identified in such a manner as to not obscure that portion when reproduced (e.g., do not use highlight devices).

CHAPTER 4

USE AND DISPOSITION OF FORMS

4-1. General. a. Use and disposition of commonly used military police forms are detailed in Appendix A, with a reference to the prescribing directive and training literature dealing with each form.

b. This chapter deals primarily with offense reporting and provides detailed guidance on the manner in which selected military police reports are forwarded to commanders and the Crime Records Directorate (CRD).

c. Commanders will monitor disposition of offender reports to insure timely and responsive reporting by subordinate commanders of action taken (DA Form 3975-1).

d. Commanders will stress the importance of providing disposition information as a means of insuring complete records and fulfilling a command responsibility for maintenance of law and order, crime prevention and justice.

4-2. General and special use of selected military police reports.

a. Military Police Report (DA Form 3975).

(1) General use. The DA Form 3975 is a multipurpose report used to:

(a) record data concerning information or complaints received, incidents observed by or reported to military police;

(b) apprise commanders and supervisors concerned of offenses and incidents involving personnel of their command;

(c) serve as a record of military police investigations;

(d) report information concerning investigations conducted by civilian law enforcement agencies which are properly of concern to the Army.

(2) Special use. The DA Form 3975 is also used as a forwarding document for the DA Form 3946 (Military Police Traffic Accident Report) and DD Form 1805 (Violation Notice) as follows:

(a) Use with DA Form 3946.

(1) The completed DA Form 3946, with statements, sketches and/or photographs, as required, will be forwarded to the commander concerned, using DA Form 3975 as the transmitting document. To complete DA Form 3975 for this purpose, check the appropriate REPORT TYPE/STATUS square in Block 1 and the "Traffic Offense" square in Block 2, EVALUATION. Block 3, TYPE COMPLAINT, will list the offense committed by the subject and Block 18, DETAILS OF REPORT, will contain the following statement: "Military Police Traffic Accident Report (DA Form 3946) attached." The INCLOSURES and DISTRIBUTION Blocks will be completed. No other information, except the authorizing signature, is necessary on the DA Form 3975.

(2) If the "Commanders Action Required" square in Block 1 is checked, a DA Form 3975-1 will accompany DA Form 3975 and DA Form 3946. Procedures for using DA Form 3975-1 are explained in paragraph 4-4.

(b) Use with DD Form 1805.

(1) In accordance with local policy, when DD Form 1805 is used to cite military personnel and DOD affiliated employees for mandatory appearance type violations, the commander/supervisor concerned will be advised. An information copy of DA Form 3975 that denotes, in the appropriate blocks, the date, time, place and type of violation and the date the violator is scheduled to appear before the US Magistrate may be used for this purpose. Other information may be added as required by local policy. Offenses which may result in the imposition of sanctions addressed in paragraph 4-3a(3) will be forwarded to the commander/supervisor concerned for information purposes utilizing DA Form 3975.

(2) Upon completion of action by the US Magistrate on mandatory appearance type offenses, the installation or activity provost marshal/security officer will provide the commander/supervisor concerned with a completed copy of DA Form 3975-1, reflecting final disposition of the case by the US Magistrate. Provisions of paragraph 4-4g(1) apply regarding signature. The policy for forwarding DA Form 3975 and DA Form 3975-1 to the CRD is applicable if the offense meets the criteria stated in paragraph 4-3a(3) of this regulation.

(3) When DD Form 1805 is used to cite military personnel and DOD affiliated employees for violations which are disposed of by mail, the commander/supervisor concerned will be advised. An information copy of DA Form 3975, denoting in the appropriate blocks the date, time, place and type of violation may be used for this purpose. When the DA Form 3975 is used, Block 18 will reflect the amount subject to forfeiture. Additional information may be provided IAW local policy.

b. Commanders Report of Disciplinary Action Taken (DA Form 3975-1). The DA Form 3975-1 is used with the DA Form 3975 to record actions taken against identified offenders by commanders and to report disposition of selected offenses referred to US District Courts and offenses investigated by civil law enforcement agencies. It may be used for certain other criminal-justice reporting purposes as prescribed by this regulation.

4-3. Offenses reportable to the Crime Records Directorate (CRD).

a. Provost Marshals/security officers will forward military police reports (DA Form 3975 and DA Form 3975-1) identifying persons as subjects of completed and founded military police investigations to the Commander, USACIDC, ATTN: CICR-ZA, 2301 Chesapeake Avenue, Baltimore, MD 21222 for the offenses listed below. The only exception to this is when an incident is investigated and reported by USACIDC on DA Form 2800 (CID Report of Investigation).

(1) Violations of Article 111 through 133, UCMJ.

(2) Violations of Article 77-84, 87-110 and 134, UCMJ for which the maximum punishment prescribed in the Manual for Courts-Martial, 1969 (Revised) is confinement for six months or more.

(3) Those offenses which result in revocation or suspension of driving privileges or the assessment of six or more points IAW Table 6-1, AR 190-5.

(4) An offense under the Assimilative Crimes Act (18 USC 13) or other Federal statute for which no corresponding offense is provided for in the Manual for Courts-Martial, 1969 (Revised) and for which a maximum punishment of six months or more confinement is prescribed.

b. DA Form 3975 and DA Form 3975-1 will be prepared and forwarded to the CRD for offenses committed off post by identified Army personnel IAW criteria in paragraph 4-3a above, or in which the Army has substantial interest when the investigation is conducted by a civil law enforcement agency and reported to military police. Provisions of paragraph 4-4g(1) regarding signature of DA Form 3975-1 apply.

c. Preliminary and interim reports (DA Form 3975) will not be provided to the CRD.

d. Reports of suicide brought to the attention of military police, but not investigated by USACIDC, will be reported utilizing DA Form 3975, IAW paragraphs 4-3b and 4-3c with the exception that there is no requirement to forward DA Form 3975-1.

e. Crime Records Data Reference Card (DA Form 2804). A separate DA Form 2804 for each identified subject will be forwarded to the CRD with the completed DA Form 3975. The form will be completed as prescribed in Appendix B, AR 195-2, except for the ROI Number block.

This block will reflect the number shown in the CROSS REF/CRD RPT NO block of the accompanying DA Form 3975. Use of DA Form 2804 for identification of MPI to CRD is discussed in AR 190-30.

f. Reports submitted to CRD will include the original of all statements, photographs, sketches, laboratory reports and other information which substantiate the findings or facilitate the understanding of the investigation/report, whenever available.

g. If an investigation subsequent to submission of a military police report to the CRD determines that the case is unfounded, the following actions will be initiated:

(1) a supplemental DA Form 3975, without the name of a subject in Block 10, will be submitted stating the facts of the subsequent investigation and that the case is unfounded;

(2) the CRD number associated with this case will not be voided.

(3) copies of the supplemental report will be provided those agencies or activities which received copies of the completed DA Form 3975 at the time of submission to the CRD and commander for action;

(4) a DA Form 2804 will be submitted with the supplemental report listing the name of the subject and requesting his/her name be removed from the Defense Central Index of Investigations (DCII) as a subject of the particular offense.

4-4. Preparation and disposition of military police reports forwarded to the CRD. a. When requirements of paragraph 4-3 dictate, DA Form 3975 will be prepared in three copies, signed and distributed as follows:

(1) original forwarded to the CRD;

(2) first copy held in provost marshal/security office suspense file until DA Form 3975-1 is returned by the commander;

(3) second copy forwarded through the field grade commander concerned, using Exclusive For address (e.g., Exclusive For: CDR, 1/60th Inf Bn), to the immediate commander concerned.

b. Three copies of DA Form 3975-1 (Commanders Report of Disciplinary Action Taken) will accompany the DA Form 3975 furnished the field grade commander concerned for each identified offender.

The provost marshal/security officer initiating DA Form 3975 will complete the appropriate blocks of DA Form 3975-1, including a suspense date, the THRU addressee (same as that shown on the associated DA Form 3975) and the return address in the TO block.

c. The commander concerned will complete DA Form 3975-1 reflecting final disposition of the offense and will return the original and first copy to the initiating provost marshal/security officer with the exception noted in paragraph 4-4e. The second copy will be retained by the commander for filing with the corresponding DA Form 3975.

(1) In the event that administrative, non-judicial or judicial action is taken against the subject of an offense, other than that shown in the OFFENSE block of DA Form 3975-1, the specific charge/offense will be listed in the details section of the form. For example, if DA Form 3975 and DA Form 3975-1 list larceny as the offense and the subject is tried by court-martial and convicted for wrongful appropriation, a statement to this effect will be entered in the block entitled DETAILS.

(2) If the commander elects to take no action he will so state in the DETAILS section of the DA Form 3975-1 and should provide an explanation as to why no action (ADMINISTRATIVE, NON-JUDICIAL or JUDICIAL) was taken when appropriate (e.g., lack of speedy trial, further investigation by the commander revealing additional information relevant to the subject's involvement, SJA recommendation based on insufficient evidence on which to base a conviction).

d. The provost marshal/security officer receiving the completed DA Form 3975-1 will forward the original to the CRD and retain the first copy with the file copy of the DA Form 3975. Copies of the completed DA Form 3975-1 reflecting final disposition will also be provided to those offices/agencies which receive copies of any initial, interim or final DA Form 3975. Appropriate MP/CID evidence custodians will also be advised that the completed DA Form 3975-1 has been received in order that action may be taken to dispose of related evidence IAW AR 190-22 and AR 195-5.

e. When the DA Form 3975 involves a subject who is assigned to or has been transferred to another command/installation/activity, the initiating provost marshal/security officer will forward the original of DA Form 3975 to the CRD. The second and one additional copy of DA Form 3975 and all copies of DA Form 3975-1 will be provided the commander of the parent or gaining command/installation/activity, ATTN: Provost Marshal or Security Officer, as appropriate.

(1) The provost marshal/security officer of the parent or gaining command/installation/activity will assign a suspense date

and forward the second copy of DA Form 3975 and all copies of DA Form 3975-1 to the appropriate field grade commander for action. The additional copy of DA Form 3975 will be retained for reference by the provost marshal/security officer of the parent or gaining command/installation/activity.

(2) When the immediate commander has returned the completed original and first copy of DA Form 3975-1, the provost marshal/security officer will forward the original DA Form 3975-1 to the CRD IAW paragraph 4-3. The first copy of the DA Form 3975-1 will be forwarded to the originating provost marshal/security officer by the provost marshal/security officer of the parent or gaining command/installation/activity.

(3) In no case should the cross reference index number be changed from that assigned by the originating office.

f. Only completed DA Form 3975-1 showing the commander's action taken will be forwarded to the CRD. Interim reports will be provided the initiating provost marshal/security officer by the commander concerned if final action cannot be completed by the established suspense date.

g. In cases occurring on a federal installation/reservation, involving Army investigative jurisdiction, with an identified subject who is not liable to judicial sanctions under provisions of UCMJ, the administrative sanctions, if any, taken by the commander (e.g., installation bar, denial of privileges, etc.) will be reported to the CRD utilizing DA Form 3975-1, if criteria of paragraph 4-3a are met.

(1) The installation provost marshal/security officer will be responsible for preparation, signature and distribution of DA Form 3975-1 to the commander concerned (second copy) and the CRD (original) for cases tried in civilian court, to include findings of guilt, innocence and punishment subsequent to the submission of DA Form 3975 when the offense meets criteria of paragraph 4-3a. That portion of the signature block of DA Form 3975-1 which contains the word COMMANDING will be deleted and the word REPORTING substituted. The reporting provost marshal/security officer or other designated person will sign the DA Form 3975-1.

(2) In those cases in which both judicial and administrative actions are taken, one DA Form 3975-1 will be prepared and forwarded to the CRD when both actions are completed.

h. When the offense is not within a category reportable to the CRD IAW paragraph 4-3a, but a report of commander's action is deemed

necessary (e.g., those with identified offenders), only two copies of DA Form 3975 and DA Form 3975-1 need be prepared. The procedure is the same as discussed in paragraphs 4-4a and 4-4b, except that in this case the original DA Form 3975 is kept in the provost marshal/security officer file and the first copy of the DA Form 3975 and DA Form 3975-1 (original and first copy) are sent to the commander concerned. The commander will complete the report of disciplinary action taken within the prescribed suspense date, forward the original to the TO block addressee and keep the first copy for file.

i. If, during review by higher authority or appellate proceedings, matters arise which change the finding of guilt to a finding of innocent for a particular identified subject, for which a DA Form 3975-1 and DA Form 2804 were submitted to the CRD, the following actions will be taken:

(1) the responsible commander will notify the nearest installation/activity provost marshal/security officer of the finding of innocence and provide full name, social security number; date of birth, former service numbers if known for the subject and pertinent information concerning the finding of innocence;

(2) the installation/activity provost marshal/security officer will telephonically contact the CRD if located in CONUS and, utilizing the information provided in paragraph 4-4i(1), request the CROSS REF/CRD REPT NO for the particular investigation upon which the original finding of guilt was made. OCONUS provost marshals/security officers will request the information by electrical message or letter;

(3) the installation/activity provost marshal or security officer will then accomplish the following:

(a) prepare and sign (see paragraph 4-4g(1) regarding signature) DA Form 3975-1 with the CROSS REF/CRD REPT NO, as provided by the CRD, to reflect a finding of innocent and data/information relevant to that finding,

(b) forward first copy, if applicable, to the provost marshal/security officer for the installation/activity where the offense was originally investigated for inclusion in the records of the case maintained by that office,

(c) forward original of DA Form 3975-1 to the CRD with required information,

(d) file the second copy of DA Form 3975-1 in the local provost marshal/security officer file, if the first copy is to be forwarded to the installation/activity where the offense was originally investigated.

(4) upon verification by the installation provost marshal/ security officer with the CRD that the matter is or was within the investigative reporting responsibility of USACIDC elements, the information will be provided the nearest USACIDC field element for transmittal through USACIDC channels.

(5) In those instances in which higher authority reduces or suspends administrative sanctions or punishment imposed, or during appellate action, the administrative sanctions or punishment are otherwise altered, no reporting action is required.

(6) Nothing herein shall be construed to eliminate reporting requirements prescribed in AR 27-10.

4-5. Numbering of DA Form 3975 and DA Form 3975-1 sent to CRD.
a. The DA Form 3975 sent to the CRD is entered into the Defense Central Index of Investigations, a computer-based information system.

(1) To insure compatibility with this system, the DA Form 3975 and supporting documents (DA Form 2804 and DA Form 3975-1) provided the CRD must use a special numbering system. Without properly annotating the DA Form 3975, information retrieval is difficult.

(2) CRD numbering will be used only on reports furnished the CRD. The CRD number will be typed, stamped or legibly printed when entered on DA Form 3975, in addition to the standard military police report numbering explained in FM 19-10.

b. The CRD number will appear in the CROSS REF/CRD REPT NO block of DA Form 3975, the MILITARY POLICE/CRD REPT NO block of DA Form 3975-1 and the ROI Number block of DA Form 2804.

c. The CRD number will consist of three groups of digital information separated by hyphens (e.g., XX-MPCXXX-XXXXX) and will appear in the following order.

(1) Year. The last two digits of the year in which the incident was reported to the military police will be used (e.g., 77-MPCXXX-XXXXX).

(2) MP unit number. The second digital grouping will be the unit number assigned to the preparing military police element (see Appendix H). The unit number is preceded by the letters MPC (e.g., 77-MPC056-XXXXX).

(3) Case number. The third digital grouping will be a case number allocated to the preparing military police element by each major command (e.g., 77-MPC056-4618C).

d. In the example cited, 77-MPC056-4618C, the CRD number shows this report to be a 1977 military police report; prepared by the Provost Marshal, Fort Carson, Colorado, number 4618C.

e. Not all military police unit numbers will be used, as units are subject to relocation and change. As needed, an update of unit numbers will be published. As relocations occur, affected units will provide address changes to HQDA, ATTN: DAPE-HRE, Washington, DC 20310 and Commander, USACIDC, ATTN: CICR, 2301 Chesapeake Avenue, Baltimore, MD 21222.

f. Case numbers to support the numbering system will be provided each major command by CRD on a calendar year basis. By 15 January each year, information copies of correspondence suballocating numbers to subordinate commands will be furnished the Commander, USACIDC, ATTN: CICR, 2301 Chesapeake Avenue, Baltimore, MD 21222. Information copies of correspondence making changes in suballocation of case numbers by a major command will also be forwarded to CRD.

g. Case numbers will be assigned on a calendar year basis, in sequence, by each using military police station identified in Appendix H.

h. In cases where a CRD number is assigned to a military police report and subsequent investigation reveals that the case should not be filed at the CRD, actions described in paragraph 4-3g will be accomplished.

4-6. Offense codes (Block 7, DA Form 3975). a. Block 7, OFFENSE CODE NO, DA Form 3975 will be completed for each report forwarded to the CRD.

(1) This block describes, as nearly as possible, the complaint listed in Block 3 by using an alphanumeric code (offense codes are listed in Appendix I).

(2) Data from this block facilitate more precise cataloging of reports. For instance, the report bearing CROSS REF/CRD REPT NO 77-MPC056-4618C, with offense code 7G1B2 in Block 7 would reflect a 1977 military police case, prepared by the Provost Marshal, Fort Carson, Colorado involving larceny of private property of a value less than \$50 from a troop billet.

b. Space has been provided in Block 7 to enter as many as two offense codes should the description contained in Block 3 warrant.

(1) If the TYPE COMPLAINT block indicated that the subject committed a larceny of private property of a value less than \$50

from a troop billet and, at the same time, was drunk and disorderly, Block 7 should show 7G1B2/5Y1. In this case, the 7G1B2 is the code for larceny; 5Y1 is the code for drunk and disorderly.

(2) If more than two offenses are to be listed, continue the listing in Block 18.

c. Block 7 is a key element in the information gathering requirement for the Law Enforcement Reporting System (LERS). Each installation provost marshal/security officer who implements LERS must insure that this block is completed accurately.

4-7. Special instructions concerning listing of prior offenses on DA Form 3975 and DA Form 3997. Whenever local policy requires that the provost marshal/security officer list subject's previous offenses on DA Form 3975 or DA Form 3997, entries should reflect a summary of the final disposition for each offense if known (e.g., Larceny-Art 15; Disorderly Conduct-Ltr of Reprimand; Assault-SCM (Convicted); Wrongful Appropriation-Verbal Reprimand).

4-8. Special instructions pertaining to USAR and ARNG personnel.

a. DA Form 3975 and DA Form 3975-1 will be forwarded for USAR and ARNG personnel committing offenses on US Army installations or activities as described below.

b. Reports pertaining to USAR personnel will be forwarded through the provost marshal for the CONUS Army area (e.g., Sixth Army) in which the individual's unit or activity is located, to the field grade commander concerned. Exclusive For addressing will be used for the TO addressee.

c. Reports pertaining to ARNG personnel who are not on active federal duty will be forwarded through the Adjutant General of the state concerned, to the commander concerned. Such reports will request the commander concerned provide disposition.

4-9. Reporting of off post offenses. a. Reports received from civil law enforcement agencies of crimes committed off post by Army personnel, involving Army property or in which the Army has a substantial interest, will be reported by the receiving provost marshal/security officer IAW paragraph 4-3a.

b. DA Form 3975 will be forwarded to the CRD with the civil report as an inclosure, when available.

(1) DA Form 3975-1 will be prepared by the receiving provost marshal/security officer, signed IAW paragraph 4-4g(1), and distributed when disposition is determined.

(2) Information copies of DA Form 3975 and DA Form 3975-1 will be provided the commander concerned and a blotter entry initiated utilizing DA Form 3997.

(3) An information copy of DA Form 3975 will be provided the local USACIDC element for any matter reported which normally falls within the investigative jurisdiction of USACIDC IAW AR 195-2.

(4) DA Form 3975 and DA Form 3975-1 will reflect an MPR number, CROSS REF/CRD REPT. NO and appropriate OFFENSE CODE NO.

c. In those instances in which USACIDC undertakes conduct of an off post investigation, such matters will be reported by the USACIDC element IAW USACIDC regulations.

4-10. Evaluation of disposition of offender information. a. Upon receipt of DA Form 3975-1 reflecting no action taken or administrative action, the provost marshal/security officer will review the military police report pertaining thereto. Such review will include, but is not limited to:

(1) determination of the adequacy of supporting documentation;

(2) whether or not coordination with the supporting SJA was appropriate, prior to dispatch of the report to the commander for action;

(3) Identification of areas which warrant additional training of military police/security personnel (e.g., search and seizure, evidence handling, rights warning/waiver, etc.).

b. Provost marshals/security officers will provide the supported General Courts-Martial (GCM) convening authority, and other commanders designated by such authority, with summary data concerning offender disposition. GCM convening authorities may direct such information be provided by alternative means (e.g., subordinate commanders report, etc.) in lieu of provost marshals/security officers reporting of data. Data analysis and trend assessments will be accomplished by the staff of the GCM convening authority or other designated commander, as appropriate. Offender summary data will be based on identified offenders upon whom disposition has been reported. It will be provided in a format and at a frequency determined by the commander concerned.

(1) This report may consolidate dispositions received by the supporting USACIDC field element and may be reported separately or in combination with military police data, as determined by the supported GCM convening authority.

(2) Supplemental information desired by the supported GCM convening authority will be provided as required and may include a summary of

subordinate commanders' reasons for which no action was taken, as reported on DA Form 3975-1.

(3) An information copy of this report may be provided designated members of the commander's staff as appropriate.

4-11. Preparation of offender disposition (DA Form 3975-1).

a. When prepared, offender disposition will include a summary of the action resulting from the specific disposition (e.g., judicial, non-judicial, administrative, etc.).

b. In the DETAILS block of DA Form 3975-1 the reporting commander will provide information concerning the sanction(s) imposed (e.g., in the case of SCM, a finding of guilty or not guilty and the specific punishment: forfeiture of \$50 a month for six months; confinement for four months (suspended) and reduction to grade E-1, etc.).

c. Such information, whether related to judicial, non-judicial or administrative action is intended to provide the most complete and timely information available and insures Army crime records accurately reflect disposition information.

d. In those instances wherein offender disposition cannot be obtained after a reasonable period of time, for whatever reason, the provost marshal/security officer will prepare DA Form 3975-1 and reflect in the DETAILS portion the action(s) taken to obtain offender disposition, reason(s) no disposition is available (if appropriate), and identification of the activity/component or element exercising disposition authority. Provisions of paragraph 4-4g(1) regarding signature apply.

CHAPTER 5

CRIME AND LAW ENFORCEMENT ACTIVITIES REPORTING

5-1. Purpose. This chapter prescribes responsibilities and establishes procedures for the coordination and standardization of crime reporting within the Department of the Army. Crime reports and trends provided to and within HQDA and those released outside the Department of the Army must be fully coordinated and have uniformity in terminology, methods of presentation, and statistical portrayal to preclude misinterpretation of the information.

5-2. Terms. Standard crime reporting terms are provided in Appendix B.

5-3. Responsibilities. a. The Deputy Chief of Staff for Personnel (DGSPER) has overall responsibility for crime reporting for the Army and will coordinate and clear all material containing crime data and trends involving the Army as a whole or reported to the Secretary of the Army (SA), Chief of Staff of the Army (CSA) or Headquarters Department of the Army (HQDA). The Inspector General and Auditor General reports under provisions of AR 20-1, The Judge Advocate General reports under provisions of AR 27-10, and the Criminal Investigation Command (USACIDC) reports under the provisions of AR 10-23 are exempt from reporting under provisions of this regulation. However, portions of their separate reports containing crime data should be coordinated when reported to the SA, CSA, or released outside of the Army.

b. Army Staff agencies will coordinate and clear all crime data with ODCSPER (DAPE-HRE) prior to release, with the exception of those specifically exempted (see paragraph 5-3a).

c. All Army commands will coordinate and clear reports of crime or crime-related matters involving the Army as a whole, and all reports addressed to the SA, CSA, or HQDA Staff agencies or released outside the Department of the Army, with ODCSPER (DAPE-HRE) prior to release. USACIDC is exempted for those specific reports covered by AR 10-23 (see paragraph 5-3a).

5-4. Procedures. The following procedures will be used for the preparation of all crime reports involving the Army as a whole or addressed to the SA, CSA, or HQDA Staff agencies or for release outside the Department of the Army. These procedures are encouraged for use in preparation of all crime statistical reports.

a. The Law Enforcement and Discipline Report (DA Form 2819) will be the basic document used for reporting crime data within the Army. Use of this report by all commands as a basis for reporting crime trends will standardize statistical data throughout DA.

b. Crime data will be reported on a calendar year (CY) basis.

c. For ease of comparison and correlation, all crime data prepared for the SA, CSA, or release outside the Department of the Army will be expressed in rates per thousand whenever practical. Rates per thousand will be computed as follows:

$$\frac{\text{Number of founded offenses during period} \times 1000}{\text{Average military strength during period}}$$

(1) Founded offenses will include all founded on-post incidents and those founded off-post incidents involving an Army member as the subject.

(2) Average Army military strength will include Active Army military personnel and Reserve component personnel on active duty for training. Installation or activities having a significantly high percentage of civilian personnel assigned or who, for any other reason, wish to deviate from this prescribed population base must submit request for exception through command channels to ODCSPER (DAPE-HRE).

d. Categories of crime will correspond to those used by the Federal Bureau of Investigation (FBI) and are listed on DA Form 2819 and defined in Appendix B.

e. Any deviation in crime reporting from the procedures prescribed in this paragraph will be clearly identified in the report.

5-5. Law Enforcement and Discipline Report. DA Form 2819 (Law Enforcement and Discipline Report) (Appendix J) RCS CSGPA-1353 will be used by installation and activities for submission of feeder reports to reporting agencies.

5-6. Reporting agencies. Except as noted in paragraph 5-6a through 5-6d Army Staff agency heads having installations or activities under their command and commanders of all major Army commands will prepare consolidated reports. CONUS installations will include all reportable incidents within their geographical jurisdiction as defined on Map 18, AR 5-9. Armed Forces Police Detachments (AFPD) will submit feeder reports to the appropriate installation having geographical jurisdiction for consolidation.

a. Commander, US Army Forces Command (FORSCOM) will submit separate reports for Alaska, Panama, Tripler Army Medical Center and Hawaii. Data from these elements will not be included in the FORSCOM consolidated report for CONUS activities.

b. Commanders of major commands and Army Staff agencies having activities of another major Army command within their geographical jurisdiction, as defined on Map 18, AR 5-9, will insure that all reportable data are included in the report prepared by the installation or command having geographical jurisdiction.

c. Commander, USACIDC will not prepare or submit reports directly but will insure that subordinate field offices provide all reportable data to the supported installation. Data pertaining to US Army Health Services Command (HSC) activities will be properly identified to facilitate completion requirements in paragraph 5-6d.

d. Commanders, US Army Training and Doctrine Command, FORSCOM, US Army Developments and Readiness Command, US Army Communications Command, US Army Military District of Washington, and the Superintendent, US Military Academy will insure that separate reports are prepared for HSC activities which are tenants on installations under their commands. These reports will be submitted through the HSC activity commander to the Commander, HSC, ATTN: HSSE-C, Ft Sam Houston, Texas 78234. Special reporting instructions for HSC activities are as follows:

(1) entries in Sections A through C will show founded offenses as follows:

(a) if there is an identified offender assigned or attached to the HSC activity.

(b) if there is no identified offender and the offense occurred within the HSC activity area of responsibility on the installation, including contiguous parking areas.

(2) entries in Section H will show incidents with identified subjects assigned or attached to HSC activities or involving HSC facilities or property.

(3) data included in reports for HSC activities will be included in host installation report submitted to the parent major Army command. The Commander, HSC will not include data on HSC activities which are tenants on host installations in the consolidated HSC report for HQDA, but will report data pertaining to HSC installations.

5-7. Reporting frequency and due dates. a. Reports will be prepared as of the last calendar day of each month.

b. One copy of the consolidated report, together with one copy of each subordinate CONUS installation report, will be dispatched to HQDA (DAPE-HRE), Washington, DC 20310 not later than 30 days following the end of the reporting month.

5-8. Clarification of entries. When it is necessary to clarify an entry, the letter "R" will be shown immediately after the entry, and clarifying information, properly referenced by section and line number, will be entered in the remarks section.

5-9. Analysis. a. Reporting agencies will attach an analysis to the report when:

(1) commanders believe changes in numbers of offenses, identified offenders, or type of involvement are sufficiently significant to provoke questions or to require explanation at higher echelons;

(2) increase or decrease in numbers of founded offenses, identified offenders, or type of involvement, however gradual, continues in the same trend for three consecutive periods.

b. Analysis will include:

(1) summaries of or references to significant data in subordinate command feeder reports;

(2) information relevant to paragraph 5-9a will be sufficiently detailed to identify primary factors relating to the increase or decrease; for example, changes in population served, changes in ratio of military police strength to population served, or implementation of new crime prevention programs;

(3) any other relevant information.

5-10. Classification. Reports will be unclassified.

5-11. General instructions. a. Consolidated reports submitted to HQDA will have sections A, B, C and H completed. The remaining sections are provided for optional use by MACOM's and installations. Procedures governing completion of the remaining sections may be included in MACOM supplements to this regulation.

b. To avoid duplication of reporting, entries will be made by the reporting command or agency which initially receives the complaint or initiates police action.

c. Involvement, columns i and j, will include entries for all founded offenses listed in columns c and d in which alcohol or drugs are involved. Determination of alcohol involvement will be based on statements of witnesses, police observation/performance tests, and/or results of chemical tests. Drug involvement will be based only on medical examination or chemical analysis.

d. Offenses against a person (murder, rape, aggravated assault, etc.), except robbery, are scored as one offense for each victim regardless of the number of offenders. Offenses against property (larceny, auto theft, etc.) are scored as one offense for each separate incident regardless of the number of offenders or victims. Incidents are considered separate by the passage of time or distance. Robbery will be scored in a manner similar to an offense against property.

e. Only the most serious crime or offense evolving from one incident or transaction will be listed in sections A through C. For example, if a person approaches a man sitting in an automobile, robs and kills him, and then drives off in the car, murder, robbery and auto theft have been committed. All three crimes are one transaction and murder, being the most serious, should be the only crime reported. If, however, the perpetrator in this case commits burglary while attempting to evade apprehension several hours later, it is a separate incident and will be reported accordingly.

f. Attempts to commit crimes or offenses will be reported as if the crimes or offenses were committed with the exception of attempted murder which will be reported as aggravated assault.

g. Offenses reported in sections A through C of DA Form 2819 are generally defined in terms of violations of UCMJ. Offenses charged as violations of federal or local civil laws will be reported as violations of the most closely related articles of the UCMJ..

h. The following information will be included in the Remarks section:

(1) "Average number of personnel assigned to MPI duties during the reporting period:_____."

(2) "Number of MPI investigations initiated during the reporting period:_____."

5-12. Detailed instructions for completing DA Form 2819. Table 5-1 provides detailed instructions for completing DA Form 2819 (Law Enforcement and Discipline Report).

Table 5-1. Detailed Instructions for Completing DA Form 2819

Line	Subject	Report
Section A. CRIMES OF VIOLENCE		
1	Murder	Violations of Article 118 (1), (2), and (4), UCMJ (para 197a,b,c, and e, MCM, 1969). Do not report homicides resulting from inherently dangerous acts with wanton disregard of human life under Article 118 (3), UCMJ (para 197d, MCM, 1969).
2	Rape	Violations of Article 120(a), UCMJ (para 199a, MCM, 1969). Do not report cases of carnal knowledge under Article 120(b), UCMJ (para 199b, MCM, 1969).
3	Robbery	Violations of Article 122, UCMJ (para 201, MCM, 1969).
4	Aggravated Assault	Violations of Article 128(b), UCMJ (para 207c, MCM, 1969). Do not report cases of simple assault under Article 128(a), UCMJ and assaults which permit increased punishment based on the rank or position of the victim (para 207a and b, MCM, 1969).
Section B. CRIMES AGAINST PROPERTY		
5	Burglary and Housebreaking	Violations of Articles 129 and 130, UCMJ (paras 208 and 209, MCM, 1969).
6	Larceny (\$50 and over)	Violations of Article 121(a)(1), UCMJ (para 200a, MCM, 1969), in which the value of the property was \$50 or more, with the following exceptions: a. Report larceny of motor vehicles in line 7. b. Report embezzlement or fraud (para 200a, MCM, 1969) in line 21. c. Report worthless checks and check fraud in line 21.
7	Auto theft	Larcenies and wrongful appropriations, Article 121, UCMJ (para 200, MCM, 1969), of any motor vehicles, including government vehicles. "Vehicle" includes automobile, truck, bus, motorcycle, motor scooter or other self-propelled vehicle that runs on the surface, not on rails.

Line	Subject	Report
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8	Larceny (under \$50)	Violations of Article 121(a)(1), UCMJ (para 200a, MCM, 1969) in which the value of the property was under \$50, with the same exceptions listed for line 6.
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SECTION C. DRUG OFFENSES

9-11	Use/possession	Instances and offenders engaged in unlawful use and/or possession of narcotics, dangerous drugs, and marihuana.
12-14	Sale/trafficking	Instances and offenders engaged in unlawful sale of and/or trafficking in narcotics, dangerous drug, and marihuana.

SECTION H. CRIME PREVENTION,
PHYSICAL SECURITY, AND PROPERTY

Property (lost or stolen) will be reported by the unit which exercised physical control over it at the time of loss. If property has been transferred, reassigned, hand-receipt, etc., the unit to which it has been transferred, reassigned, etc., is considered to be the one exercising physical control and any loss should be reported through appropriate channels of the unit. US Government property is property for which the US Government has ownership.

45	US Government property except motor vehicles	The total estimated value (to the nearest dollar) of US Government property lost, stolen, and/or recovered during the period. This line excludes lost, stolen, or recovered motor vehicles.
46	US Government motor vehicles	The total estimated value (to the nearest dollar) of US Government motor vehicles lost, stolen, and/or recovered during the period.
47	Private property except motor vehicles	The total estimated value (to the nearest dollar) of private property lost, stolen, and/or recovered motor vehicles.
48	Private motor vehicles	The total estimated value (to the nearest dollar) of private motor vehicles lost, stolen, and/or recovered during the period.

Line	Subject	Report
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| 49. | Nonappropriated funds/property | The total estimated value (to the nearest dollar) of nonappropriated funds or property lost, stolen, and/or recovered during the period. |
| 50 | Physical security inspections conducted | The total number of such inspections completed during the period, IAW AR 190-13. |
| 51 | Crime surveys conducted | The total number of such surveys completed during the period, IAW AR 195-2. |

APPENDIX A**

MILITARY POLICE RECORDS AND FORMS

Number	Name	Page
DD 460	Provisional Pass	
DD 629	Receipt for Prisoner or Detained Person* . . .	
DD 1408	Armed Forces Traffic Ticket*	
DD 1805	Violation Notice*.	
DD 1920	Alcohol Influence Report*.	
DA 2804	Crime Records Data Reference Card.	
DA 2823	Sworn Statement*	
DA 3626	Vehicle Registration/Driver Record*.	
DA 3835	Notice of Unauthorized Absence from US Army. .	
DA 3836	Notice of Return of US Army Member from Unauthorized Absence	
DA 3881	Rights Warning Procedure/Waiver Certificate* .	
DA 3945	Military Police Radio Log.	
DA 3946	Military Police Traffic Accident Report* . . .	
DA 3975	Military Police Report*.	
DA 3975-1	Commanders Report of Disciplinary Action Taken*	
DA 3997	Military Police Desk Blotter*.	
DA 3998	Military Police Desk Reference*.	
DA 4002	Military Police Property Identification Tag.	
DA 4137	Property Receipt*.	

*Reports pertaining to juvenile offenders and others which may require special handling, filing and/or marking. When such records or reports are transmitted outside the military police station/security office, FOUO protective markings will be assigned IAW AR 340-16, for those records and reports containing personally identifiable information, the unauthorized disclosure of which may result in an unwarranted invasion of personal privacy (e.g., personal embarrassment, sensitive nature of offense). Further, such FOUO markings are exempt from termination IAW AR 340-16; records and reports are exempt from automatic disclosure IAW 5 USC 552(b) (7) and 5 USC 552a(j) (2) as implemented by paragraph 2-12g, AR 340-17; Chapter 7, AR 340-21; and paragraph 3-1c, this regulation.

**Pending revision of appropriate field manuals and/or directives, the distribution and use of MP records and forms should be in accordance with AR 190-45 and Appendix A. As a general rule, the regulation listed first in "Prescribing Directive/Training Literature" column takes precedence over other directives or manuals listed.

MILITARY POLICE RECORDS AND FORMS

Number/Name	Use	Distribution	Prescribing Directive/ Training Literature	Remarks
DD 460 Provisional Pass	Provide members of Armed Forces with valid passes for use during travel under specific conditions described in FM 19-10.	Original (white) given to serviceman; 1st copy (blue) retained by PMO; 2d copy (yellow) forwarded to service member's commander.	AR 190-45 AR 310-1 FM 19-10	Provide copy to Installation Transportation Officer IAW AR 310-1.
DD 629* Receipt for Prisoner or Detained Person	Self-explanatory.	Original filed by unit relinquishing custody; 1st copy filed by unit receiving custody.	AR 190-45 FM 19-10	SSN Privacy Act Advisory may be required.
DD 1408* Armed Forces Traffic Ticket	Self-explanatory	Original forwarded thru command channels to cdr; 1st copy retained in PMO; 2d copy given to violator.	AR 190-5 FM 19-10	SSN Privacy Act Advisory may be required.
DD 1805* Violation Notice	To record minor offenses to include violations of state traffic laws applicable to military reservation (See Ar 190-29)	Original (white) plus 1st copy (yellow) & 2d copy (pink) retained by PMO. PM will forward original and 1st copy to appropriate US District Court; 3d copy (envelop) issued to violator.	AR 190-29 AR 190-5	Local policy regulates general use of this form. When DD 1805 is used for mail-in or mandatory appearance type offenses, for military or DOD affiliated persons, the cdr/supervisor will be advised. DA 3975 will be used to transmit information to cdr/supervisor for offenses addressed in para 4-3a(3), this regulation. See para 4-2a(2)(b), this regulation for further explanation.

MILITARY POLICE RECORDS AND FORMS

Number/Name	Use	Distribution	Prescribing Directive/ Training Literature	Remarks
DD 1920* Alcohol Influence Report	To note observation, de- scriptions and interpret and record results of behavioral tests.	Copies attached to DA 3946 and DA 3975 when required.	AR 190-5 AR 190-45 FM 19-26	SSN Privacy Act Advisory may be required.
DA 2804 Crime Records Data Reference Card	Accompanies DA 3975 for- warded to CRD when subject is known; assists in sub- ject identification.	One per subject of each MPR sent to CRD.	AR 195-2 AR 190-45 FM 19-10	Form utilized for MPI name checks (see AR 190-30).
DA 2823* Sworn Statement	For all statements regard- less of status of testi- fying individual.	As required.	AR 190-45 FM 19-10	SSN Privacy Act Advisory may be required. DA 2823 should be used in conjunction with and attached to DA 3881 (Rights Warning Procedure/ Waiver Certificate) when in- dividual making statement is subject.
DA 3626* Vehicle Registration/ Driver Record	Self-explanatory.	Prepared in 1 copy, remains at vehicle registration/PMO.	AR 190-5-1	SSN Privacy Act Advisory may be required. Record forwarded to gaining command PMO or de- stroyed.

MILITARY POLICE RECORDS AND FORMS

Number/Name	Use	Distribution	Prescribing Directive/ Training Literature	Remarks
DA 3835 Notice of Un- authorized Ab- sence from US Army	Self-explanatory.	Cmd prepares in 3 copies, forwards 2 to local PMO and retains 1 in individual's field 201 file; PMO forwards 1 copy to USADIP within 2 working days (see AR 190-9).	AR 190-9	Both DA 3835 and DA 3836 are addressed in detail in prescribing directive; included here as operational reference only.
DA 3836 Notice of Return of US Army member	Self-explanatory.	Within 2 working days, initiating PM will prepare form in 2 copies and forward 1 copy to USADIP and retain 1 copy in PMO.	AR 190-9	See remarks for DA 3835.
DA 3881* Rights Warning Procedure/Waiver Certificate	Provides standard, legally sufficient narrative rights warning.	As required.	AR 190-30 FM 19-10	SSN Privacy Act Advisory may be required. Must accompany DA 2823 when individual is a subject.
DA 3945 Military Police Radio Log	Official record of all MP radio traffic.	One copy normally retained in PMO files.	AR 190-45 FM 19-10	Filed chronologically by date. Recorded conversations may be used in lieu of DA 3945.

CONTINUED

4 OF 6

MILITARY POLICE RECORDS AND FORMS

Number/Name	Use	Distribution	Prescribing Directive/ Training Literature	Remarks
DA 3946* Military Police Traffic Accident Report	Self-explanatory.	Normal distribution; original to cdr concerned (DA 3975 utilized as transmittal document); 1st copy retained in PMO; 2d copy available for release as required. When forwarded to CRD, 2d copy retained by PMO, 1st copy to CRD. An information copy of DA 3946 may be provided the AAFES installation exchange manager for incidents involving AAFES equipment or facilities if the original is not forwarded for action.	AR 190-45 FM 19-26	SSN Privacy Act Advisory may be required. General instructions for completion and release on reverse of 2d copy; also see AR 340-17, AR 340-21 and Chap 3, this regulation.
DA 3975* Military Police Report	Record data concerning information/complaints received; incident's observed by or reported to MP; show police action; apprise the commander.	As discussed; cdr's action required; original to CRD; 1st copy to MP file; 2d copy to cdr concerned. Report will be stamped FOUO and marked IAW para 2-2, this regulation and AR 340-16. When forwarded the report will be placed in a sealed envelope and addressed: Exclusive For: to the field grade cdr concerned. The "THRU" Block addressee of the report will be the field grade cdr concerned; the "TO" block addressee will be the immediate cdr concerned.	AR 190-45 FM 19-10	SSN Privacy Act Advisory may be required. Initiating report normally completed in only 1 copy. Special use to inform CID of status of investigation involving controlled substances other than narcotics is discussed in AR 190-30. One copy of DA 3975 and DA 3975-1 showing completed report of action taken on all incidents involving shoplifting in AAFES facilities and other criminal acts against AAFES facilities will be provided the installation or facility exchange manager. DA 3975 will be used to refer incidents within the investigative responsibility of USACIDC to the appropriate CID element for investigation.

MILITARY POLICE RECORDS AND FORMS

Number/Name	Use	Distribution	Prescribing Directive/ Training Literature	Remarks
DA 3975-1* Commanders Report of Disciplinary Action Taken	Report final dispositon to command and CRD as re- quired by this regulation.	Forwarded to cdr with DA 3975. When action completed, original and 1st copy returned to forwarding PMO; 2d copy to unit file. Original will be sent to CRD by PMO.	AR 190-45 FM 19-10	Form used for MPR's where cdr's action required block is checked. TO and THRU block on DA 3975-1 will be completed by PM initiating the action. Also used by PM to report other type offender disposition (e.g., civil court) IAW Chapter 4, this regulation.
DA 3997* Military Police Desk Blotter	Daily chronological record of police activity de- veloped from reports, com- plaints, information and incidents.	Normally prepared in original and 3 copies. Copy sent to senior cdr supported by the respective desk. Original maintained in PM files; 1st copy in desk sergeant file; copy to supporting USACIDC field ele- ment. With senior commander approval, extracts may be prepared for other cdrs and appropriate staff agency heads containing entries pertaining to their respective cmds/activities. Distributed copies of blotter ex- tracts will include the statement (typed, printed or stamped): "This blotter extract is a daily chrono- logical record of police activity de- veloped from reports, complaints, in- cidents or information received and actions resulting therefrom. Entries contained in the blotter may or may not be completely accurate and are not adjudications attesting to the guilt or innocence of any person." The blotter and extracts thereof will be stamped FOUO IAW AR 340-16 and para 2-2, this AR when appropriate.	AR 190-45 FM 19-10	Entries will not list name(s) of juvenile subject(s), their parent(s), guardian(s) or sponsor(s). In certain in- cidents/offenses (e.g., rape, child molestation), names of victims should also be protect- ed. Only in those cases shown above will entries reflect the term "Protected Identity" (PI) where the name of the subject/ victim normally is listed. When approved by installation or activity PM/Sec Off, a similar technique may be used in other cases where dissemi- nation of any information re- ferring to a particular entry should be controlled. Blotter will indicate that entry is "Restricted" and show the num- ber of the associated military police report. EXAMPLE: "RESTRICTED ENTRY—MPR No. 10121-77.

MILITARY POLICE RECORDS AND FORMS

Number/Name	Use	Distribution	Prescribing Directive/ Training Literature	Remarks
DA 3998* Military Police Desk Reference	Alphabetical card index containing names of persons identified in MPR's as subject, victim, complainant or witness.	One copy normally retained in MP desk sergeant files; may be used to establish centralized file (card/paper/tape) at higher MP supervisory level.	AR 190-45 FM 19-10	Subsequent entries concerning same individual will be recorded on form bearing his/her name. Disposition information may be included. DA 3998 will not be prepared for on-duty MP's except when subject of investigation.
DA 4002 Military Police Property Identification	Prepared in single copy and attached as means of identification only to bulky items or objects of property found, seized as evidence or from prisoners or other persons for safekeeping.	Remains attached to property until final disposition is made; form is then destroyed.	AR 195-5 AR 190-22 AR 190-45 FM 19-10	
DA 4137* Property Receipt	Receipt for property seized as evidence, impounded, received from prisoners or detained persons, recovered (found); "chain of custody" document.	See details for various circumstances in FM 19-10. Normally completed in 4 copies; original and 1st copy remain with property; 3d copy to person releasing property; 2d copy attached to MPR.	AR 195-5 AR 190-22 AR 190-45 FM 19-10	SSN Privacy Act Advisory may be required.

*Reports pertaining to juvenile offenders and others which may require special handling, filing and/or marking. When such records or reports are transmitted outside the military police station/security office, FODO protective markings will be assigned IAW AR 340-16, for those records and reports containing personally identifiable information, the unauthorized disclosure of which may result in an unwarranted invasion of personal privacy (e.g., personal embarrassment, sensitive nature of offense). Further, such FODO markings are exempt from automatic disclosure IAW 5 USC 552(b)(7) and 5 USC 552a(j)(2) as implemented by paragraph 2-12g, AR 340-17; Chapter 7, AR 340-21; and paragraph 3-1c, this regulation.

APPENDIX B

DEFINITION OF TERMS

ARREST RECORD: A civilian law enforcement term referring to a record containing data concerning the arrest, detention, indictment or existence of any information or other formal filing of criminal charges concerning an individual which does not include the disposition arising out of the arrest, detention, indictment, information or charge. This term relates to the terms apprehension, Article 32 investigation, preferral of charges and court-martial in the Army.

CITIZEN'S ARREST: The act of a private person arresting or apprehending an individual for a crime in the absence of law enforcement and maintaining that state until law enforcement intercedes.

CIVILIAN OFFENSE: Any offense not unique to the military. The terms criminal offense and crime are synonymous for the purposes of this definition. Examples are murder, robbery, larceny and assault.

CONTROLLED SUBSTANCE: A drug, or other substance or immediate precursor thereof, listed in the current schedules of Section 812, Title 21, US Code. General categories included in this section are narcotics, derivatives of the cannabis sativa plant, amphetamines, barbiturates and hallucinogens.

CONVICTIONAL RECORD DATA: A civilian law enforcement term referring to a record containing data or information disclosing that a person pleaded guilty or nolo contendere to or was convicted of a criminal offense in a court of justice, sentencing information and whether such plea has been modified or reversed. In the Army this type of data and non-convictional data are referred to as a Report of Commander's Action Taken (DA Form 3975-1).

CRIME RECORD: A crime record, for the purposes of this regulation, is defined as any item, collection or grouping of information in any form prepared by or forwarded to the Army in support of law enforcement by other sources, addressing alleged, actual or contemplated criminal activity of individuals, or organizations, directed against the Army including personally identifiable data of complainants, victims, witnesses, subjects and to the degree known, administrative, non-judicial or judicial action taken against offenders. This includes but is not limited to DA Form 3975, DA Form 3975-1, DA Form 3881, DA Form 2823, DA Form 4137, DD Form 1920, photographs, sketches, reading files and case files, and similar records forwarded to the Army by other agencies. A more comprehensive listing of such records is at Appendix A of this regulation.

CRIMES AGAINST PROPERTY: Offenses of burglary, larceny and auto theft.

CRIMES OF VIOLENCE: Offenses of murder, rape, aggravated assault and robbery.

CRIMINAL COMPLAINT: An alleged criminal offense reported to or observed by military or security police or USACIDC personnel, whether subsequently determined to be founded or unfounded.

CRIMINAL INFORMATION (INTELLIGENCE): Commonly referred to as criminal intelligence, but in this regulation as criminal information. It is information compiled in an effort to anticipate, prevent or monitor possible criminal activity and is used to develop criminal investigative leads. It includes information from various sources including reports of informants, investigators or from any type of surveillance.

CRIMINAL-JUSTICE INFORMATION: Refers to criminal information (intelligence), investigative data, substantiated investigative data and disposition of offender information; may include criminal history record information.

CRIMINAL OFFENSE: Any offense not unique to the military. The terms criminal offense and crimes are synonymous for the purposes of this definition. Examples are murder, robbery, larceny and assault.

DANGEROUS DRUGS: Nonnarcotic drugs that are habit forming or have a potential for abuse because of their stimulant, depressant, or hallucinogenic effect, as determined by the Secretary of Health, Education, and Welfare or the Attorney General of the United States.

DISPOSITION INFORMATION: Refers to information disclosing that a decision has been made not to bring criminal charges or that criminal proceedings have been concluded, abandoned or indefinitely postponed or information relating to sentencing, correctional supervision, release from correctional supervision, the outcome of appellate review of criminal proceedings or executive clemency.

DISPOSITION OF OFFENDER INFORMATION: A term used in the Army to describe what action is taken on substantiated investigative data by the action or concerned commander or other authority for further criminal-justice disposition. Possible dispositions include no further action (abandoned due to various reasons), administrative action, non-judicial, judicial (court-martial) and appeals thereto. The Commander's Report of Action Taken (DA Form 3975-1) normally includes these dispositions.

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.

FRAUD OFFENSES: Offenses or incidents of bribery and frauds involving conflict of interest, dependency assistance, personnel action, nonappropriated funds, and pay and allowances. This category does not include the offense of forgery.

IDENTIFIED OFFENDER: An individual identified by completed police action as the perpetrator of a criminal offense.

INDEXED OFFENSES: Established offenses with a standard definition of each to assure uniform and consistent data submission in the Uniform Crime Report (UCR) Programs.

INVESTIGATIVE DATA: Information pertaining to identified individual(s) compiled during the course of an ongoing criminal investigation or one in which the investigating law enforcement element did not conclude that probable cause did exist at the time to believe that the identified individual(s) committed the offense under investigation. This type of data is contained in open cases where the investigative effort has been terminated. This type of information is also found in Serious Incident Reports (SIR) and Serious Sensitive Investigation Reports (SSI).

JUVENILE OFFENDER: The individual is or was a civilian, under the age of 18 at the time the offense was perpetrated, unless the individual is subsequently tried as an adult in a civilian court.

MARIJUANA: The intoxicating products of the hemp plant (cannabis sativa), including hashish.

MILITARY OFFENSE: Any offense unique in a military context which has no concomitant application in a civilian environment. Examples are AWOL, desertion and uniform violations.

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

NON-CONVICTIONAL DATA RECORD: A civilian law enforcement term referring to a record containing data or criminal history record information, which is not convictional record information, and includes decisions not to prefer criminal charges or criminal proceedings have been concluded, abandoned or indefinitely postponed. In the Army the Commander's Report of Action Taken (DA Form 3975-1) and investigative data which has not been classified as subject information may include this type of data.

OFFENSE: Any violation of law, lawful order, regulation, or directive which it is the offender's duty to obey.

OFFENSES AGAINST PERSONS: Offenses in which the likelihood exists of physical harm to any person or persons. These include the offense or incidents of adultery, bigamy, assaults, child abuse, extortion, forgery, all homicides, impersonations, kidnapping, narcotic and drug violations, perjury, false swearing, robbery, suicides, traffic incidents, wrongful possession of weapons, escape or resisting apprehension or arrest, communication of threats or harrasing communications. This category does not include crimes involving sexual matters or crimes involving fraud.

OFFENSES AGAINST PROPERTY: Offenses or incidents of arson, blackmarket, burglary, housebreaking, counterfeiting, smuggling (excluding drugs and narcotics), larceny, wrongful appropriation, wrongful disposition, wrongful destruction, postal violations, receiving stolen property, and failure to pay just debt. This category does not include crimes involving sexual matters or crimes involving fraud.

OPEN CASE: An investigation which is still in progress and has not reached investigative termination.

POLICE ACTION COMPLETED: A status indicating that all police actions are finalized and that DA Form 3975 has been forwarded to the commander concerned or the matter has been referred to other appropriate agency for disposition (e.g., US District Court).

SERIOUS CRIMINAL OFFENSE: Any criminal offense for which the punishment listed in the Table of Maximum Punishments, Manual for Courts-Martial, 1969 (Revised), is confinement for 1 year or more.

SEX OFFENSES: Offenses or incidents of child molestation, homosexuality, indecent acts, trafficking in pornography, rape, carnal knowledge, sodomy, bestiality, exhibitionism, incest, obscene communications, transvestism, voyeurism, prostitution, pandering and criminal abortion.

SOLVED CASE: A founded criminal offense in which a determination is made based on police action that probable cause exists to believe that the identified offender(s) committed the offense(s) under investigation. This determination is not based on court-martial or civilian court verdict.

SUBJECT: A person concerning whom probable cause exists to believe that the person committed an offense.

SUBSTANTIATED INVESTIGATIVE DATA: Information pertaining to identified individual(s) compiled during the course of a criminal investigation which results in a determination from a police viewpoint that probable cause exists to believe that the identifiable individual(s) committed the offense(s) under investigation. This type of information is found in completed military police reports and USACIDC reports.

SUPPLEMENTAL REPORT: A military police report (DA Form 3975) used to report significant new developments or changes in the status of the offense or offender.

UNFOUNDED ALLEGATION: An allegation against an individual that he or she committed a founded offense, where probable cause cannot be shown to exist that the person in question committed the offense.

UNFOUNDED OFFENSE: A criminal complaint in which a determination is made that a criminal offense was not committed or did not occur. This determination is based on police action, not on court-martial or civilian court verdict.

UNIFORM CRIME INDEX OFFENSES: Those crimes of murder, rape, robbery, aggravated assault, burglary or housebreaking, larceny and auto theft. With the exception of murder, attempts are included in the respective categories. Attempted murder will be included in the aggravated assault category.

UNSOLVED CASE: A founded criminal offense in which an offender is not identified, or determination cannot be made based on police action that probable cause exists at that time to believe that the identified offender(s) committed the offense(s) under investigation. This category would not include offenses in which an offender or subject is convicted by court-martial or civilian court.

APPENDIX C

MILITARY POLICE RECORD SYSTEM NOTICES

Pursuant to Section 552a, Title 5, United States Code, the following military police records system notices have been published in the Federal Register with system descriptions as described in AR 340-21-2 and AR 340-21-5.

<u>TITLE</u>	<u>FILE NUMBER</u>
Military Police Reporting Files	508-17
Traffic Law Enforcement Files	509-09
Expelled or Barred Persons Files	509-18
Military Police Investigator Certification Files	509-19
Local Criminal Information Files	509-21
Military Police Management Information Systems Files (CRS)	225-01a
Serious Incident Reporting Files	508-24
Absentee Case Files	508-16
FBI-Criminal Type Reporting Files	508-09
Registration and Permit Files	509-08

APPENDIX D
Privacy Act Statement

DATA REQUIRED BY THE PRIVACY ACT OF 1974 <small>(5 U.S.C. 552a)</small>	
<small>TITLE OF FORM</small> Rcpt for Prisoner/Detained Person; Armed Forces Traffic Ticket; Sworn Statement, Rights Warning Procedure/	<small>PRESCRIBING DIRECTIVE</small> AR 190-45
<small>1. AUTHORITY</small> Section 3012(g), Title 10, United States Code	
<small>2. PRINCIPAL PURPOSE(S)</small> <p>The Social Security Account Number is used for law enforcement purposes as an additional/alternate means of identification of subjects, suspects, victims, complainants and witnesses; facilitates accurate filing and retrieval.</p>	
<small>3. ROUTINE USES</small> <p>Information is used for law enforcement purposes; provides interface with the Standard Installation/Division System and is a major item used in processing machine record and output sequence for Military Police Management Information System.</p> <p>Provides commanders, law enforcement officials and individual with means by which information may be accurately extracted for records maintenance and disposition.</p> <p>Provide individual with copy of the record in certain cases (e.g. DD Form 1408, DA Form 4137).</p>	
<small>TITLE OF FORM (cont'd):</small> Waiver Certificate, MP Traffic Accident Report; MP Report; Property Receipt	
<small>4. MANDATORY OR VOLUNTARY DISCLOSURE AND EFFECT ON INDIVIDUAL NOT PROVIDING INFORMATION</small> Military and Civilian - Voluntary - No Effect	
<small>DD FM 629-R; DD FM 1408-R; DA FM 2823-R; DA FM 3881-R; DA FM 3946-R; DA FM 3975-R; DA FM 4137-R</small>	
Privacy Act Statement - 26 Sep 75	



APPENDIX E

GUIDELINES FOR ACCESS TO ARMY CRIME

RECORDS FOR ADMINISTRATIVE USE HQDA
CATEGORY OF RECORD

OFFICE/ACTIVITY	SUSPICION				INVESTIGATIVE DATA (FROM A POLICE INVESTIGATIVE STANDPOINT)			SUBSTANTIATED INVESTIGATIVE DATA (FROM POLICE STANDPOINT)	
	MILITARY POLICE AND USACIDC CRIMINAL INFORMATION (INTELLIGENCE)	SERIOUS INCIDENT REPORT (SIR)	SERIOUS OR SENSITIVE INVESTIGATIVE REPORT (SSI)	MPR-CID ROI "OPEN" CASE SUSPECT OR SUBJECT CATEGORY	PERSON DELETED FROM MPR-CID ROI SUBJECT TITLE BLOCKS "OPEN" OR "FINAL" CASE	MPR-CID ROI WITH JUVENILE OFFENDERS	SUBJECTS OF FINAL (FOUNDED - SOLVED) MPR-CID ROI CASES (MAY/MAY NOT INCLUDE DISPOSITION)		
SECRETARY OF THE ARMY*									
DEPUTY SECRETARY OF THE ARMY*									
CHIEF OF STAFF OF THE ARMY*									
DIRECTOR OF THE ARMY STAFF*									
ARMY MILITARY REVIEW BOARD AGENCY								X ¹	
Army Council of Review Boards								X ¹	
Discharge Review Board								X ¹	
Elimination and Security Review Board								X ¹	
CHIEF OF PUBLIC AFFAIRS		X						X ¹	
COMPTROLLER OF THE ARMY		X ¹						X ¹	
DEPUTY CHIEF OF STAFF FOR LOGISTICS		X ¹						X ¹	
DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANS		X ¹						X ¹	
DEPUTY CHIEF OF STAFF FOR PERSONNEL		X						X ¹	
Department of the Army Suitability Evaluation Board								X ¹	
Law Enforcement Division	X ^{1,2}	X	X	X ^{2,4}	X ^{2,4}	X ^{2,4}		X ^{2,4}	
Officer and Enlisted Personnel Division				X ⁵	X ⁵			X ¹	
Military Personnel Center				X ⁵	X ⁵			X ¹	
Equal Opportunity Office		X ¹						X ¹	
ASSISTANT CHIEF OF STAFF FOR INTELLIGENCE		X		X ¹	X ¹	X ¹		X ¹	
Commander, US Army Intelligence Agency		X ¹		X ¹	X ¹	X ¹		X ¹	
INSPECTOR GENERAL AND AUDITOR GENERAL	X ³	X ^{1,3}	X ^{1,3}	X ³	X ³	X ³		X ^{1,3}	
JUDGE ADVOCATE GENERAL	X ^{1,2}	X ^{1,2}	X ^{1,2}	X ^{1,2}	X ^{1,2}	X ^{1,2}		X ^{1,2}	
USACIDC (CRD)		X	X	X	X	X		X	
USACIDC (SJA)	X ^{1,2}		X ^{1,2}	X ^{1,2}	X ^{1,2}	X ^{1,2}		X ^{1,2}	
USACIDC (Operations)	X	X	X	X	X	X		X	
USACIDC (PA, Accreditations)	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴		X ⁴	

LEGEND

- * Unlimited Access
- X Routine Access
- 1 When related to area of interest
- 2 For military police or USACIDC FOIA and PA requests only
- 3 For IG inquiries, investigations and inspections of appropriate law enforcement activities only
- 4 For appointment of law enforcement investigative personnel
- 5 For notification and update for promotions and personnel appointments to sensitive and high positions (may be reflected by suspension or reinstatement of favorable personnel actions)

- NOTE 1 Information contained in crime records will not be released to individuals by staff agencies. Individuals desiring information will be informed to request the information under provisions of the FOIA or PA, as appropriate, except provisions of AR 340-21 and para 3-1c this AR may apply.
- NOTE 2 Information concerning criminal activity, not within the investigative jurisdiction of the Army, may be provided federal, state, local and foreign law enforcement activities to further justice proceedings IAW AR 340-21.
- NOTE 3 Release is to agency heads or individuals personally designated by them. Provisions of AR 340-21 and para 3-1c, this AR apply.
- NOTE 4 AR 195-2 provides policy regarding access to USACIDC crime records; users will consult with appropriate USACIDC element when seeking access.

APPENDIX F
GUIDELINES FOR USE OF ARMY CRIME RECORDS
FOR ADMINISTRATIVE USE AT MACOM LEVEL

CATEGORY OF RECORD

OFFICE/ACTIVITY	SUSPICION		INVESTIGATIVE DATA (FROM A POLICE INVESTIGATIVE STANDPOINT)			SUBSTANTIATED INVESTIGATIVE DATA (FROM A POLICE INVESTIGATIVE STANDPOINT)	
	MILITARY POLICE & USACIDC CRIMINAL INFORMATION (INTELLIGENCE)	SERIOUS INCIDENT REPORT (SIR)	SERIOUS OR SENSITIVE INVESTIGATIVE REPORT (SSI)	MFR-CID ROI "OPEN" CASE SUSPECT OR SUBJECT CATEGORY	PERSON DELETED FROM MFR-CID ROI SUBJECT TITLE BLOCKS "OPEN" OR "FINAL" CASE	MFR-CID ROI WITH JUVENILE OFFENDERS	SUBJECTS OF FINAL (FOUNDED-SOLVED) MFR-CID ROI CASES (MAY/MAY NOT INCLUDE DISPOSITION)
OFFICE/ACTIVITY							
COMMAND SECTION (CDR, DCDR, C/S)*							
DEPUTY CHIEF OF STAFF FOR PERSONNEL		X	X	X ⁵	X ^{1,5}	X ¹	X ¹
PROVOST MARSHAL	X ¹	X	X	X	X	X	X
ISACIDC	X ¹	X	X	X	X	X	X
EQUAL OPPORTUNITY OFFICER		X ¹					X ¹
ADJUTANT GENERAL							X ¹
FOIA AND PRIVACY	X ²	X ²	X ²	X ²	X ²	X ²	X ¹
MILITARY PERSONNEL				X ⁵	X ⁵		X ¹
CIVILIAN PERSONNEL				X ⁵	X ⁵		X ¹
POSTAL OFFICER							X ¹
CLUB OFFICER							X ¹
NONAPPROPRIATED FUND OFFICER							X ¹
SAFETY OFFICER							X ¹
DEPUTY CHIEF OF STAFF FOR OPERATIONS		X ¹					X ¹
DEPUTY CHIEF OF STAFF FOR LOGISTICS		X ¹					X ¹
DEPUTY CHIEF OF STAFF FOR INTELLIGENCE		X	X ¹	X ¹	X ¹	X ¹	X ¹
COMPTROLLER		X ¹					X ¹
FINANCE AND ACCOUNTING OFFICER							X ¹
PUBLIC AFFAIRS OFFICER		X					X ¹
INSPECTOR GENERAL	X ³	X ^{1,3}	X ^{1,3}	X ³	X ³	X ³	X ^{1,3}
STAFF JUDGE ADVOCATE	X ^{1,2}	X ^{1,2}	X ^{1,2}	X ^{1,2}	X ^{1,2}	X ^{1,2}	X ^{1,2}

LEGEND

- * Unlimited Access
- X Routine Access
- 1 When related to area of interest
- 2 For military police FOIA and PA requests only (CID information requests to SJA USACIDC)
- 3 For IG inquiries, investigations and inspections of appropriate law enforcement activities only
- 4 For appointment of law enforcement investigative personnel
- 5 For notification and update for promotions and personnel appointments to sensitive and high positions (may be reflected by suspension or reinstatement of favorable personnel actions)

- NOTE 1 Information contained in crime records will not be released to individuals by staff agencies. Individuals desiring information will be informed to request the information under the provisions of the FOIA or PA, except provisions of AR 340-21 and para 3-1c, this AR may apply.
- NOTE 2 Information concerning criminal activity, not within the investigative jurisdiction of the Army may be provided federal, state, local and foreign law enforcement authorities to further justice proceedings LAW AR 340-21.
- NOTE 3 Release is to agency heads or individuals personally designated by them. Provisions of AR 340-21 and para 3-1c, this AR apply.
- NOTE 4 AR 195-2 provides policy regarding access to USACIDC crime records; users will consult with appropriate USACIDC element when seeking access.

APPENDIX G

GUIDELINES FOR ACCESS TO ARMY CRIME RECORDS FOR ADMINISTRATIVE USE AT INSTALLATION/COMMUNITY LEVEL

CATEGORY OF RECORD

OFFICE/ACTIVITY	INITIAL RECORD INDX		SUSPICION				INVESTIGATIVE DATA (FROM A POLICE INVESTIGATIVE STANDPOINT)		SUBSTANTIATED INVESTIGATIVE DATA (FROM A POLICE INVESTIGATIVE STANDPOINT)		RECORD CHECKS	
	MP DESK BLOTTER DA FORM 3997	MP DESK REFERENCE CARD DA FORM 3998	CRIMINAL INFORMATION (INTELLIGENCE)	SERIOUS INCIDENT REPORTS (SIR)	SERIOUS OR SENSITIVE INVESTIGATION REPORTS (SSI)	MP-CID ROI "OPEN CASE" SUBJECT OR SUSPECT CATEGORY	PERSON DELETED FROM MP-CID ROI SUBJECT/TITLE BLOCKS "OPEN" OR "FINAL" CASES	MP-CID ROI WITH JUVENILE OFFENDERS	SUBJECTS OF FINAL (FOUNDED-SOLVED) MP-CID ROI CASES	PROPOST MARSHAL NAME CHECK	CID NAME CHECKS	
COMMAND SECTION (COMMANDER, DEPUTY COMMANDER, C/S)*												
DEPUTY CHIEF OF STAFF FOR COMMUNITY AFFAIRS	X			X	X	X ^{3,5}	X ^{3,5}	X ³	X ³			
- PROPOST MARSHAL	X	X	X	X	X	X	X	X	X	X	X	
- USACIDC SUPPORTING ELEMENT	X	X	X	X	X	X	X	X	X	X	X	
- EQUAL OPPORTUNITY OFFICER				X ³					X ³			
- ADJUTANT GENERAL									X ³			
- FOIA AND PA	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴	
- MILITARY PERSONNEL		X ³		X ³		X ³	X ³		X ³	X ³	X ³	
- CIVILIAN PERSONNEL		X ³		X ³		X ³	X ³		X ³	X ³	X ³	
- ALCOHOL AND DRUG ABUSE OFFICER	X ¹					X ³			X ³			
- SAFETY OFFICER	X ¹								X ³			
- CLUB OFFICER		X ³				X ³	X ³	X ³	X ³	X ³	X ³	
- NONAPPROPRIATED FUND OFFICER		X ³				X ³	X ³	X ³	X ³	X ³	X ³	
- ARMY AIR FORCE EXCHANGE OFFICER		X ³				X ³	X ³	X ³	X ³	X ³	X ³	
IMMEDIATE AND NEXT HIGHER LEVEL OF COMMAND/SUPERVISION OR INDIVIDUAL	X ¹	X				X	X	X	X	X	X	
DIRECTOR OF PLANS, TRAINING AND SECURITY	X			X ³	X ³	X ³	X ³	X ³	X ³	X ³	X ³	
- MILITARY INTELLIGENCE	X ³	X ³		X ³	X ³	X ³	X ³	X ³	X ³	X ³	X ³	
- DEFENSE INVESTIGATIVE SERVICE	X ³	X ³		X ³	X ³	X ³	X ³	X ³	X ³	X ³	X ³	
DIRECTOR OF INDUSTRIAL OPERATIONS	X ³			X ³		X ³	X ³		X ³			
COMPTROLLER				X ³					X ³			
- FINANCE AND ACCOUNTING OFFICER				X ³					X ³	X ³		
PUBLIC AFFAIRS OFFICER	X ¹			X					X ³			
STAFF JUDGE ADVOCATE	X	X ^{3,4}	X ^{3,4}	X ^{3,4}	X ^{3,4}	X ^{3,4}	X ^{3,4}	X ^{3,4}	X ^{3,4}	X ^{3,4}	X ^{3,4}	
MAJOR TENANT COMMANDERS (GROUP LEVEL OR HIGHER)	X ¹			X ³					X ³			
INSPECTOR GENERAL	X ²	X ²	X ²	X ^{2,3}	X ²	X ²	X ²	X ²	X ^{2,3}	X ²		

LEGEND

- * Unlimited Access
- X Routine Access
- 1 Extracted information pertinent to area of interest as appropriate
- 2 For IG inquiries, investigations and inspections of appropriate law enforcement activities only
- 3 When related to area of interest
- 4 For Military Police FOIA and PA requests only (CID information requests to SJA, USACIDC)
- 5 For notification and update for promotions and personnel appointments to sensitive and high positions (may be reflected by suspension or reinstatement of favorable personnel actions)

NOTE 1 Information contained in crime records will not be released to individuals by staff agencies. Individuals desiring information will be informed to request the information under the provisions of the FOIA and PA, except provisions of AR 340-21 and para 3-1c, this AR may apply.

NOTE 2 Information concerning criminal activity, not within the investigative jurisdiction of the Army, may be provided federal, state, local and foreign law enforcement authorities to further criminal justice proceedings IAW AR 340-21.

NOTE 3 Release is to agency heads or individuals personally designated by them. Provisions of AR 340-21 and para 3-1c, this AR apply.

NOTE 4 AR 195-2 provides policy regarding access to USACIDC crime records; users will consult with appropriate USACIDC element when seeking access.

APPENDIX H

MILITARY POLICE UNIT NUMBERS

002	Provost Marshal Ft Meade, MD 20755	022	Provost Marshal Ft Lee, VA 23801
007	Provost Marshal US Army Europe & 7th Army APO New York 09086	023	Provost Marshal Ft Bragg, NC 28307
009	Commander 15th Military Police Brigade APO New York 09086	024	Provost Marshal Ft Sill, OK 73503
011	Security Officer Badger Army Ammunition Plant Baraboo, WI 53913	025	Provost Marshal Ft Riley, KS 66442
013	Provost Marshal Ft Benning, GA 31905	026	Provost Marshal Presidio of San Francisco, CA 94129
014	Provost Marshal Ft Bliss, TX 79916	027	Provost Marshal Headquarters, TASCOM Worms APO New York 09508
015	Provost Marshal Ft Sheridan, IL 60037	028	Provost Marshal US Army Garrison, Okinawa APO San Francisco 96331
016	Provost Marshal Ft Lewis, WA 98432	029	Provost Marshal Ft Clayton, CZ
017	Station Commander MP Station Heidelberg (HDB) APO New York 09102	031	Security Officer Joliet Army Ammunition Plant Joliet, IL 60436
018	Provost Marshal US Army Garrison Honshu	032	Provost Marshal Ft Knox, KY 40121
019	Station Commander MP Station Kirchgoens (KGN) APO New York 09045	033	Provost Marshal Ft Campbell, KY 42223
021	Security Officer Indiana Army Ammunition Plant Charlestown, IN 47111	034	Provost Marshal Ft Hood, TX 76544

036	Provost Marshal Ft Ord, CA 93941	053	Provost Marshal Ft Jackson, SC 29207
037	Station Commander MP Station Neu Ulm (ULM) APO New York 09035	054	Provost Marshal Ft Polk, LA 71459
039	Station Commander MP Station Kitzingen (KIZ) APO New York 09031	055	Provost Marshal Ft Leavenworth, KS 66027
041	Provost Marshal Ft Myer, VA 22211	056	Provost Marshal Ft Carson, CO 80913
042	Provost Marshal Ft Dix, NJ 08640	059	BODC (PROV) 42d MP GP (Customs) Mannheim (MPCU-MAN) APO New York 09086
043	Provost Marshal Ft Gordon, GA 30905	061	Security Officer Radford Army Ammunition Plant Radford, VA 24141
044	Provost Marshal Ft Sam Houston, TX 78234	062	Provost Marshal Ft Devens, MA 01433
045	Provost Marshal Ft Leonard Wood, MO 65473	063	Provost Marshal Ft McClellan, AL 36201
046	Security Officer Iowa Army Ammunition Plant Burlington, IA 52601	064	Provost Marshal Ft Chaffee, AR 72901
047	Station Commander MP Station Giessen (GIS) APO New York 09169	065	Provost Marshal Ft Harrison, IN 46216
049	BODS (PROV) 42d MP GP (Customs) Augsburg (MPCU-AUG) APO New York 09178	066	Security Officer Umatilla Depot Activity Hermiston, OR 97838
051	Security Officer Newport Army Ammunition Plant Newport, IN 47966	067	Provost Marshal Headquarters V Corps Frankfurt APO New York 09086
052	Commander Armed Forces Police Det NY Metropolitan Area (FLD) US Army Element Brooklyn, NY 11205	069	Commander BOD (PROV) 42d MP GP (Customs) APO New York 09086

071	Security Officer Scranton Army Ammunition Plant 156 Cedar Avenue Scranton, PA 18501	093	Provost Marshal Ft Stewart, GA 31314
073	Provost Marshal Ft McPherson, GA 30330	097	Detachment C 42d MP GP (Customs) Hanau (MPCU-HAN) APO New York 09165
076	Security Officer Kansas Army Ammunition Plant Parsons, KS 67357	099	Detachment D 42d MP GP (Customs) Zwiebruecken (MPCU-ZWE) APO New York 09872
077	Provost Marshal USAAWSC Pirmasens APO New York 09189	101	Security Officer Twin Cities Army Ammunition Plant New Brighton, MN 55112
079	Provost Marshal 32d AADCOM Kaiserslautern APO New York 09227	103	Provost Marshal Redstone Arsenal Huntsville, AL 35809
081	Provost Marshal US Military Academy Bldg 681 West Point, NY 10996	107	Station Commander MP Station Bad Hersfeld (BHE) APO New York 09710
083	Provost Marshal Ft Rucker, AL 36360	108	Provost Marshal Schofield Bks Hawaii APO San Francisco 96557
086	Security Officer Riverbank Army Ammunition Plant Claus & Claribel Rds Riverbank, CA 95367	109	Provost Marshal Ft Richardson, AK 99505
087	Station Commander MP Station Wiesbaden (WIE) APO New York 09370	111	Security Officer US Army Automated Logistics Management System Agency 210 N. 12th Blvd., PO Box 1578 St Louis, MO 63188
089	Detachment E 42d MP GP (Customs) Vicenza (MPCU-VIC) APO New York 09221	112	Provost Marshal Aberdeen Proving Grounds MD 21005
091	Provost Marshal NATO/SHAPE Support Gp APO New York 09088	113	Security Officer Holston Army Ammunition Plant Kingsport, TN 37662

114	Provost Marshal White Sands Missile Range White Sands, NM 88002	137	Station Commander MP Station Ansbach (ANS) APO New York 09177
115	Commander 79th MP Det 4828 W. Silver Springs Rd Milwaukee, WI 53218	138	Provost Marshal Humphreys Sub Area APO San Francisco 96271
116	Provost Marshal Ft Lawton Seattle, WA 98199	139	Provost Marshal 1st Armored Division Ansbach APO New York 09326
117	Station Commander MP Station Butzbach (BUT) APO New York 09045	141	Provost Marshal US Army Security Agency Arlington, VA 22212
119	Provost Marshal 1st Support Brigade Kaiserslautern APO New York 09325	142	Provost Marshal Ft Monmouth, NJ 07703
122	Provost Marshal Ft Belvoir, VA 22060	143	Chief, Security Office Dwight D. Eisenhower Army Medical Center Ft Gordon, GA 30905
123	Office of Safety and Security Military Ocean Terminal SP Southport, NC 28461	145	Provost Marshal US Army St Louis Area Spt Center Granite City, IL 62040
125	Provost Marshal 1st Infantry Division Ft Riley, KS 66442	147	Station Commander MP Station Grafenwoehr (GRF) APO New York 09114
126	Office of Safety and Security MMTS Oakland Army Base Oakland, CA 91626	149	Station Commander MP Station Friedberg (FRT) APO New York 09074
127	Station Commander MP Station Bremerhaven (BRM) APO New York 09069	152	Security Officer Seneca Army Depot Romulus, NY 14541
129	Provost Marshal Coco Solo, CZ	153	Security Officer Louisiana Army Ammunition Plant PO Box 58 Shreveport, LA 71130
133	Security Officer Lake City Army Ammunition Plant Independence, MO 64056		

154	Security Officer Pine Bluff Arsenal Pine Bluff, AR 71601	189	Detachment E 42d MP GP (Customs) Livarno (MPCU-LEG) APO New York 09019
156	Director of Security Fitzsimmons Army Medical , Center Denver, CO 80240	193	Security Officer Longhorn Army Ammunition Plant Marshall, TX 75670
157	Provost Marshal 3d Infantry Division Wuerzburg APO New York 09036	197	BODN (PROV) 42d MP GP (Customs) Soesterberg (MPCU-SBF) APO New York 09710
163	Security Officer Milan Army Ammunition Plant Milan, TN 38358	199	Detachment D 42d MP GP (Customs) Bad Kreuznach (MPCU-BKR) APO New York 09111
165	Security Officer Jefferson Proving Ground Madison, IN 47250	207	Commander 62d MP Det APO New York 09696
167	Station Commander MP Station Baumholder (BAU) APO New York 09034	208	Provost Marshal Ft Shafter, Hawaii APO San Francisco 96558
168	Provost Marshal USA Bangkok Det (13th MP Co) APO San Francisco 96346	209	Provost Marshal Ft Wainwright Ft Wainwright, AK APO Seattle 98731
173	Security Officer Volunteer Army Ammunition Plant PO Box 1748 Chattanooga, TN 37401	212	Provost Marshal Ft Ritchie, MD 21719
177	Station Commander MP Station Schwaebisch Hall (SHL) APO New York 09025	214	Provost Marshal Ft Wingate Depot Activity Gallup, NM 87301
183	Security Officer Anniston Army Depot Anniston, AL 36201	215	Provost Marshal Ft McCoy, WI 54656
187	Detachment B 42d MP GP (Customs) Berlin (MPCU-BER) APO New York 09742	216	Commander Armed Forces Police Det US Army Element US Naval Supply Center Seattle, WA 98115

217	Station Commander MP Station Geinhausen (GEL) APO New York 09091	253	Provost Marshal Ft Buchanan, PR
222	Provost Marshal Ft Eustis, VA 23604	254	Commander Armed Forces Police Detachment US Army Element New Orleans, LA 70150
223	Provost Marshal 82d Airborne Division Ft Bragg, NC 28307	256	Security Officer Rocky Mountain Arsenal Denver, CO 80240
224	Security Officer Red River Army Depot Texarkana, TX 75501	257	Station Commander MP Station Werheim (WER) APO New York 09047
226	Security Officer Sacramento Army Depot Sacramento, CA 95813	262	Provost Marshal Army Material Mechanics Research Center Watertown, MA 02172
227	Station Commander MP Station Livorno (LIV) APO New York 09019	267	Provost Marshal 8th Infantry Division Bad Krueznach APO New York 09111
229	Provost Marshal USA Tropic Test Center Drawer 942 Ft Clayton, CZ	268	Provost Marshal US Army Ammo Activity Korat APO San Francisco 96233
237	Station Commander MP Station Aschaffenburg (ASG) APO New York 09162	277	Station Commander MP Station Stuttgart (STU) APO New York 09154
238	Provost Marshal Taegu Sub Area APO San Francisco 96212	287	Detachment B 42 MP GP (Customs) Hamburg (MPCU-HAM) APO New York 09069
241	Director of Security Walter Reed Army Medical Center Washington, DC 20012	293	Provost Marshal Hunter Army Air Field Hunter AAF, GA 31409
247	Station Commander MP Station Hanau (HAN) APO New York 09165	297	BODN (PROV) 42d MP GP (Customs) Schinnen (MPCU-SHN) APO New York 09710
252	Office of Safety and Security Military Ocean Terminal Bayonne Bayonne, NJ 07002		

299	Commander Detachment E 42d MP GP (Customs) APO New York 09184	327	Provost Marshal AFCENT Spt Act APO New York 09011
307	Station Commander MP Station Crailsheim (CRA) APO New York 09751	332	Commander US Army Military Police Det Louisville, KY 40201
309	Provost Marshal Ft Greely Ft Greely, AK APO Seattle 98733	334	Provost Marshal Corpus Christi Army Depot Corpus Christi, TX 78419
312	Military Police Field Office Central Police Station Fausway and Fayette Sts. Baltimore, MD 21202	337	Station Commander MP Station Augsburg (AUG) APO New York 09178
314	Chief, Security Office Brook Army Medical Center Ft Sam Houston, TX 78234	338	Provost Marshal US Army Garrison Yongsan APO San Francisco 96301
315	Commander 83d MP Det Ft Snelling Bldg 505 St Paul, MN 55111	342	Provost Marshal Carlisle Barracks Carlisle, PA 17013
316	Provost Marshal Yakima Firing Center Yakima, WA 98901	346	Commander 103d Military Police Det Ft MacArthur, CA 90733
317	Provost Marshal Northeast Bavaria APO New York 09114	347	Station Commander MP Station Hohenfels (HOH) APO New York 09411
322	Provost Marshal Ft Monroe, VA 23651	352	Provost Marshal Ft Hamilton, NY 11252
324	Chief, Security Office William Beaumont Army Medical Center El Paso, TX 79920	354	Office of Safety and Security MTMTS Gulf Outport New Orleans, LA 70140
326	Chief, Security Office Letterman Army Medical Center San Francisco, CA 94129	355	HHC US Disciplinary Barracks Ft Leavenworth, KS 66027
		356	Security Officer Pueblo Army Depot Pueblo, CO 81001

357	Station Commander MP Station Bad Kreuznach (BKR) APO New York 09111	412	Provost Marshal Ft Holabird, MD 21219
362	Security Officer US Army Natick Research and Development Command Kansas Street Natick, MA 01760	414	Commander Armed Forces Police Det US Army Element San Antonio, TX 78234
367	Provost Marshal 1st Infantry Division (Fwd) Goeppingen APO New York 09137	415	Commander 68th MP Det Selfridge Air Force Base Selfridge ANGB, MI 48405
368	Chief, Security Office Trippler Army Medical Center APO San Francisco 96558	416	Provost Marshal Van Couver Barracks Van Couver, WA 98661
377	Station Commander MP Station Pirmasens (PIR) APO New York 09189	417	Provost Marshal US Army Berlin APO New York 09742
387	Commander Detachment C 42d MP GP (Customs) APO New York 09710	422	Provost Marshal Camp Pickett, VA 23824
397	BODN (PROV) 42d MP GP (Customs) Rotterdam (MPCU-ROT) APO New York 09710	426	Security Officer Tooele Army Depot Tooele, UT 84074
399	Station Commander Detachment E 42d MP GP (Customs) Munich (MPCU-MUN) APO New York 09184	427	Provost Marshal AFCENT Support Activity Schinnen, Netherlands APO New York 09011
407	Station Commander MP Station Erlangen (ERL) APO New York 09066	432	Security Officer Lexington-Blue Grass Depot Activity Lexington, KY 40507
409	Provost Marshal USA Artic Test Center APO Seattle 98731	437	Station Commander MP Station Schwaebisch Gmuend (SGM) APO New York 09281
		438	Commander 3d MP Det (I Corps) APO San Francisco 96358

441	Security Officer Harry Diamond Laboratories 2800 Powder Mill Rd Adelphi, MD 20783	499	Detachment E 42d MP GP (Customs) Nuernberg (MPCU-NUR) APO New York 09696
446	Provost Marshal Ft Huachuca, AZ 85613	507	Station Commander MP Station Illesheim (ILL) APO New York 09140
447	Station Commander MP Station Wuerzburg (WUR) APO New York 09801	512	Director of Security Fort Detrick Frederick, MD 21701
452	Office of Safety and Security Military Ocean Terminal Brooklyn Brooklyn, NY 11232	514	Security Officer Lone Star Ammunition Plant Texarkana, TX 75501
457	Station Commander MP Station Pruen (PRU) APO New York 09692	515	Security Officer Rock Island Arsenal Rock Island, IL 61202
467	Station Commander MP Station Heilbronn (HBN) APO New York 09176	516	Chief, Security Office Madigan Army Medical Center Tacoma, WA 98431
468	Provost Marshal USA Sattahip Det (281st MP Co) APO San Francisco 96252	517	Station Commander MP Station Berlin (BER) APO New York 09742
477	Detachment A 42d MP GP (Customs) Stuttgart (MPCU-STU) APO New York 09154	522	Provost Marshal Camp A. P. Hill, VA 22421
487	Detachment C 42d MP GP (Customs) Frankfurt (MPCU-FRK) APO New York 09710	526	Security Officer Dugway Proving Ground Dugway, UT 84002
489	Station Commander MP Station Zweibruecken (ZWE) APO New York 09052	537	Station Commander MP Station Bamberg (BAM) APO New York 09139
497	Commander Detachment D 42d MP GP (Customs) APO New York 09227	538	Provost Marshal 4th Missile Command APO San Francisco 96208
		541	Provost Marshal Ft McNair Washington, DC 20319

542	Provost Marshal Indiantown Gap Military Reservation Annville, PA 17003	612	Military Police Field Office New Federal Building 1000 Liberty Avenue Pittsburg, PA 15222
546	Security Officer Navajo Depot Activity Flagstaff, AZ 86001	615	Security Officer Savannah Depot Activity Savanna, IL 61074
547	Station Commander MP Station Kitzingen (KIZ) APO New York 09031	617	Provost Marshal HQS USASETAF Spt Gp Vicenza, Italy APO New York 09221
552	Provost Marshal Camp Drum, NY 13601	622	Provost Marshal Ft Story, VA 23459
557	Station Commander MP Station Frankfurt (FRK) APO New York 09710	626	Commander Armed Forces Police Det Treasure Island San Francisco, CA 94130
567	Station Commander MP Station Bayreuth (BAY) APO New York 09411	627	Station Commander MP Station Bad Toelz (BTO) APO New York 09050
568	Provost Marshal US Army Udorn Det APO San Francisco 96237	637	Station Commander MP Station Darmstadt (DAR) APO New York 09175
577	Detachment A 42d MP GP (Customs) Heidelberg (MPCU-HDB) APO New York 09403	638	Provost Marshal Eighth United States Army APO San Francisco 96301
587	Detachment C 42d MP GP (Customs) Giessen (MPCU-GIE) APO New York 09169	641	Commander Armed Forces Police Det US Army Element Washington, DC 20374
597	Commander 21st MP Platcon APO New York 09407	642	Security Officer New Cumberland Army Depot New Cumberland, PA 17070
599	Detachment E 42d MP GP (Customs) Augsburg (MPCU-AUG) APO New York 09178	646	Security Officer Yuma Proving Ground Yuma, AZ 85364
607	Commander 17th MP Detachment APO New York 09166		

647	Station Commander MP Station Munich (MUN) APO New York 09407	726	Commander Armed Forces Police Det US Army Element Presidio of San Francisco, CA 94129
652	Security Officer Watervliet Arsenal Watervliet, NY 12189	727	Station Commander MP Station Worms (WOR) APO New York 09058
657	Commander 42d MP GP (Customs) APO New York 09086	737	Provost Marshal 3d Armored Division Frankfurt APO New York 09039
667	Station Commander MP Station Kaiserslautern (KSN) APO New York 09227	738	Provost Marshal 2d Infantry Division APO San Francisco 96224
677	Provost Marshal VII Corps APO New York 09107	741	Chief of Security Cameron Station Alexandria, VA 22314
687	Commander 34th MP Detachment APO New York 09801	742	Security Officer Tobyhanna Army Depot Tobyhanna, PA 18466
697	Commander 31st MP Detachment APO New York 09154	747	Station Commander MP Station Nuernberg (NUR) APO New York 09696
699	Detachment E 42d MP GP (Customs) Wuerzburg (MPCU-WUR) APO New York 09801	757	Commander Detachment A 42d MP GP (Customs) APO New York 09164
707	Commander 20th MP Detachment APO New York 09227	767	Station Commander MP Station Karlsruhe (KAR) APO New York 09164
712	MP Field Office 2800 South 20th Street Philadelphia, PA 19101	777	Commander Detachment B 42d MP GP (Customs) APO New York 09069
715	Security Officer HISA (AVSCOM) Granite City, IL 62040	787	Commander Detachment (PROV) Rhein/Main (MPCU-RHM) APO New York 09057
717	Provost Marshal EQS USASETAF Vicenza, Italy APO New York 09168		

797	Detachment D 42d MP GP (Customs) Kaiserslautern (MPCU-KSN) APO New York 09227	847	Station Commander MP Station Schweinfurt (SCH) APO New York 09033
799	Detachment E 42d MP GP (Customs) Garmisch (MPCU-GAR) APO New York 09053	857	Detachment A 42d MP GP (Customs) Karlsruhe (MPCU-KAR) APO New York 09164
807	Commander 60th MP Detachment APO New York 09034	867	Station Commander MP Station Mainz (MAI) APO New York 09185
812	MP Field Office Blair Bldg, Room 310 North Kanawha Street Beckley, WV 25801	877	Detachment B 42d MP GP (Customs) Bremerhaven (MPCU-BRM) APO New York 09069
815	Security Officer Detroit Arsenal Warren, MI 48090	887	BODN (PROV) 42d MP GP (Customs) Emmerich (MPCU-EMM) APO New York 09078
826	Security Officer Sharpe Army Depot Latthrop, CA 95330	897	Detachment D 42d MP GP (Customs) Baumholder (MPCU-BAU) APO New York 09034
827	Station Commander MP Station Berchtesgaden (BGN) APO New York 09108	899	Detachment E 42d MP GP (Customs) Bamberg (MPCU-BAM) APO New York 09139
837	Station Commander MP Station Fulda (FUL) APO New York 09146	907	Commander 67th MP Detachment APO New York 09165
838	Provost Marshal Waegwan Sub Area APO San Francisco 96460	915	Commander Chicago MP Detachment 1749 West Pershing Rd Chicago, IL 60609
841	Provost Marshal Suitland Station Suitland, MD 20331	917	Station Commander MP Station Vicenza (VIC) APO New York 09221
842	Security Officer Letterkenny Army Depot Chambersburg, PA 17201		

926. Security Officer Sierra Army Depot Herlong, CA 96113	977 Detachment B 42d MP GP (Customs) Helmstedt (MPCU-HEL) APO New York 09742
927 Station Commander MP Station Goeppingen (GOP) APO New York 09326	987 Detachment C 42d MP GP (Customs) Wiesbaden (MPCU-WIE) APO New York 09332
932 Security Officer Frankford Arsenal Bridge-Tacony Sts. Philadelphia, PA 19137	997 Detachment D 42d MP GP (Customs) Worms (MPCU-WOR) APO New York 09058
937 Station Commander MP Station Garmisch (GAR) APO New York 09053	999 Detachment E 42d MP GP (Customs) Neu Ulm (MPCU-ULM) APO New York 09035
938 Provost Marshal Pusan Sub Area APO San Francisco 96259	
941 Provost Marshal Davison US Army Airfield Ft Belvoir, VA 22060	
942 Security Officer Picatinny Arsenal Dover, NJ 07801	
947 Station Commander MP Station Bad Kissingen (BKS) APO New York 09330	
952 Provost Marshal USA Spt Det Oakdale Oakdale, PA 15701	
957 Detachment A 42d MP GP (Customs) Mannheim (MPCU-MAN) APO New York 09086.	
967 Station Commander MP Station Mannheim (MAN) APO New York 09166	

APPENDIX I

OFFENSE CODES

I-1. Basic Categories of Criminal Offenses. The following numbers serve to identify the category of criminal offense, and will be found in the first position of the offense code.

- | | | |
|----|----------|--------------|
| 5. | Criminal | Persons |
| 6. | Criminal | Sex Offenses |
| 7. | Criminal | Property |
| 8. | Criminal | Fraud |

I-2. Detailed Offense Code List. The basic offense categories are further subdivided as follows, providing the detailed offense code list:

5 CRIMES AGAINST THE PERSON

5A Adultery, Unlawful Fornication and Unlawful Cohabitation

- | | |
|-----|-----------------------|
| 5A1 | Adultery |
| 5A2 | Unlawful fornication |
| 5A3 | Unlawful cohabitation |

5B BIGAMY

- | | |
|-----|------------------------------------|
| 5B1 | Bigamy involving multiple husbands |
| 5B2 | Bigamy involving multiple wives |

5C ASSAULTS (Other than sexual)

5C1 Aggravated Assault

- | | |
|------|---|
| 5C1A | Aggravated assault involving handgun |
| 5C1B | Aggravated assault involving shoulder weapon |
| 5C1C | Aggravated assault by cutting or stabbing |
| 5C1D | Aggravated assault involving club or bludgeon |
| 5C1E | Aggravated assault involving glass, bottle, etc. |
| 5C1F | Aggravated assault involving metal tools, tire irons, etc. |
| 5C1G | Aggravated assault involving chains |
| 5C1H | Aggravated assault involving "Brass knuckles," blackjacks, slap-sticks, sling-shots and other prohibited items. |

5C1J Aggravated assault by kicking
 5C1K Aggravated assault with a boxer's fist
 5C1L Aggravated assault involving more than one individual striking victim
 5C1M Aggravated assault involving use of explosive device
 5C1N Other aggravated assaults involving grievous bodily harm

5C2 Simple Assault

5C2A Simple assault (Threats)
 5C2B Simple assault (Consummated with a battery)

5D CHILD ABUSE

5D1 Child Neglect
 5D2 Child Maltreatment or Mistreatment

5E CIVIL RIGHTS

5F EXTORTION

5F1 Extortion by blackmail
 5F2 Extortion by coercion

5G FORGERY

5G1 Forgery with negotiable instruments

5G1A Forgery of a personal check
 5G1B Forgery of a Government check
 5G1C Forgery of a commercial check
 5G1D Forgery of a nonappropriated fund check
 5G1E Forgery of a cashier's check
 5G1F Forgery of a traveler's check
 5G1G Forgery of a money order
 5G1H Forgery of a savings bond
 5G1J Forgery of a security
 5G1K Forgery of withdrawal forms

5G2 Forgery of documents

5G2A Forgery of military identification
 5G2B Forgery of military orders
 5G2C Forgery of post exchange ration card(s)
 5G2D Forgery of property receipts/sales invoices

5G2E. Forgery of property records
 5G2F. Forgery of test score results
 5G2G. Forgery of correspondence
 5G2H. Forgery of leave and pass documents
 5G2J. Forgery of finance or fiscal documents
 (.015 funds, etc.)
 5G2(K-Z) Unused

5H HOMICIDE

5H1 Murder

5H1A Murder by shooting
 5H1B Murder by cutting, stabbing, or mutilation
 5H1C Murder by strangulation
 5H1D Murder by bludgeoning
 5H1E Murder by hanging
 5H1F Murder by poisoning
 5H1G Murder by grenade(s)
 5H1H Murder involving explosives (excluding
 grenades)
 5H1J Murder involving narcotics or dangerous
 drugs
 5H1K Murder involving arson
 5H1L Murder by drowning
 5H1M Murder by suffocation or asphyxiation
 5H1N Murder by traffic
 5H1P Murder by other means

5H2 Voluntary Manslaughter

5H2A Voluntary manslaughter by shooting
 5H2B Voluntary manslaughter by cutting, stabbing
 or mutilation
 5H2C Voluntary manslaughter by strangulation
 5H2D Voluntary manslaughter by bludgeoning
 5H2E Voluntary manslaughter by hanging
 5H2F Voluntary manslaughter by poisoning
 5H2G Voluntary manslaughter by grenade(s)
 5H2H Voluntary manslaughter by involving ex-
 plosives (excluding grenades)
 5H2J Voluntary manslaughter involving narcotics
 and dangerous drugs
 5H2K Voluntary manslaughter by arson
 5H2L Voluntary manslaughter by drowning
 5H2M Voluntary manslaughter by suffocation or
 asphyxiation

5H2N. Voluntary manslaughter by traffic
5H2P. Voluntary manslaughter by other means

5H3 Involuntary Manslaughter

5H3A. Involuntary manslaughter by shooting
5H3B. Involuntary manslaughter by cutting or
stabbing
5H3C. Involuntary manslaughter by strangulation
5H3D. Involuntary manslaughter by bludgeoning
5H3E. Involuntary manslaughter by hanging
5H3F. Involuntary manslaughter by poisoning
5H3G. Involuntary manslaughter by grenade(s)
5H3H. Involuntary manslaughter involving ex-
plosives (excluding grenades)
5H3J. Involuntary manslaughter by narcotics or
dangerous drugs
5H3K. Involuntary manslaughter involving arson
5H3L. Involuntary manslaughter by drowning
5H3M. Involuntary manslaughter by suffocation
or asphyxiation
5H3N. Involuntary manslaughter by traffic
5H3P. Involuntary manslaughter by other means

5H4 Negligent Homicide

5H4A. Negligent homicide by shooting
5H4B. Negligent homicide by cutting or stabbing
5H4C. Negligent homicide by poisoning
5H4D. Negligent homicide by grenade(s)
5H4E. Negligent homicide involving explosives
(except grenades)
5H4F. Negligent homicide involving narcotics or
dangerous drugs
5H4G. Negligent homicide involving arson
5H4H. Negligent homicide involving drowning
5H4J. Negligent homicide by suffocation or
asphyxiation

5H5. Negligent Homicide (traffic)
5H6. Other Homicides (justifiable, excusable)
5H7. Assault with Intent to Commit Murder, Attempted
Murder
5H8. Accidental Death (other than traffic)

5I OMITTED

5J IMPERSONATIONS

- 5J1 Impersonating an officer
 - 5J1A Impersonating a US Army Officer
 - 5J1B Impersonating a US Naval Officer
 - 5J1C Impersonating a US Air Force Officer
 - 5J1D Impersonating a US Marine Officer
 - 5J1E Impersonating a US Coast Guard Officer
 - 5J1F Impersonating a Foreign Officer

- 5J2 Impersonating an NCO
 - 5J2A Impersonating a US NCO
 - 5J2B Impersonating a Foreign NCO

- 5J3 Impersonating an Agent
 - 5J3A Impersonating a civilian criminal investigator
 - 5J3B Impersonating a military criminal investigator
 - 5J3C Impersonating a civilian intelligence agent
 - 5J3D Impersonating a military intelligence agent
 - 5J3E Impersonating a foreign criminal investigator
 - 5J3F Impersonating a foreign intelligence agent
 - 5J3G Impersonating a civilian police officer
 - 5J3H Impersonating a military policeman

- 5J4 Unauthorized wearing of military uniform, insignia or accouterments
 - 5J4A Impersonating a soldier
 - 5J4B Wearing a military uniform to commit fraud
 - 5J4C Wearing of military uniform to practice confidence games
 - 5J4D Wearing of military uniform to gain unlawful entry
 - 5J4E Wearing of military uniform to commit a felony (other than listed in 5J4A through 5J4D above)

5K KIDNAPPING

- 5K1 Kidnapping (Ransom)
- 5K2 Kidnapping (Hostage)
- 5K3 Kidnapping (others)

5L CONTROLLED SUBSTANCE VIOLATIONS

5L1 OPIATES

- 5L1A Smuggling
- 5L1B Sale
- 5L1C Possession
- 5L1D Use
- 5L1E Growing or manufacturing

5L2 MARIJUANA

- 5L2A Smuggling
- 5L2B Sale
- 5L2C Possession
- 5L2D Use
- 5L2E Growing or manufacturing

5L3 DANGEROUS DRUGS (Amphetamines, Barbiturates and Combinations "SPEED")

- 5L3A Smuggling
- 5L3B Sale
- 5L3C Possession
- 5L3D Use
- 5L3E Manufacturing

5L4 HALLUCINOGENS (LSD, Peyote, Mescaline, Glue Sniffing etc.)

- 5L4A Smuggling
- 5L4B Sale
- 5L4C Possession
- 5L4D Use
- 5L4E Manufacturing

5L5 OTHERS

- 5L5A Smuggling
- 5L5B Sale
- 5L5C Possession
- 5L5D Use
- 5L5E Growing or Manufacturing

5M PERJURY, FALSE SWEARING AND FALSE OFFICIAL STATEMENT

- 5M1 Perjury
- 5M2 False swearing
- 5M3 False official statement

5N ROBBERY

- 5N1 Assault with intent to commit robbery, attempted robbery
- 5N2 Robbery of an individual
 - 5N2A1 Robbery of an individual by an individual with a handgun
 - 5N2A2 Robbery of an individual by more than one individual with a handgun
 - 5N2B1 Robbery of an individual by an individual with a shoulder weapon
 - 5N2B2 Robbery of an individual by more than one individual with a shoulder weapon
 - 5N2C1 Robbery of an individual by an individual with a knife
 - 5N2C2 Robbery of an individual by more than one individual using knives
 - 5N2D1 Robbery of an individual by an individual using strongarm methods
 - 5N2D2 Robbery of an individual by more than one individual using strongarm methods
 - 5N2E1 Robbery of an individual by an individual using other methods
 - 5N2E2 Robbery of an individual by more than one individual using other methods
- 5N3 Robbery of a business (bank, finance office, store, etc.)
 - 5N3A1 Robbery of a business by an individual with a handgun
 - 5N3A2 Robbery of a business by more than one individual with handguns
 - 5N3B1 Robbery of a business by an individual with a shoulder weapon
 - 5N3B2 Robbery of a business by more than one individual with shoulder weapons
 - 5N3C1 Robbery of a business by an individual with a knife
 - 5N3C2 Robbery of a business by more than one individual using knives
 - 5N3D1 Robbery by an individual of a business by strongarm methods
 - 5N3D2 Robbery by more than one individual of a business by strongarm methods

- 5N3E1 Robbery by an individual of a business by other means
- 5N3E2 Robbery by more than one individual of a business by other means

5P SUICIDE

- 5P1 Suicide (Attempted)
- 5P2 Suicide (Successful)

5Q TRAFFIC

- 5Q1 Traffic fatality
- 5Q2 Drunken driving
- 5Q3 Fleeing the scene of a traffic accident
- 5Q4 Traffic accident involving personal injury or destruction of property
- 5Q5 Traffic violation other

5R WEAPONS VIOLATIONS

5R1 Concealed Weapons

- 5R1A Pistol/revolver
- 5R1B Knife, razor, cutting instrument
- 5R1C Blackjack
- 5R1D Shotgun
- 5R1E Rifle
- 5R1F Submachine gun

5R2 Unlawful Possession of Weapons

- 5R2A Pistol/revolver
- 5R2B Knife, razor, cutting instrument
- 5R2C Blackjack
- 5R2D Shotgun
- 5R2E Rifle
- 5R2F Submachine gun
- 5R2G Wrongful possession of explosives and explosive device(s)

5R3 Other weapon matters

5S ESCAPE

- 5S1 Escape from confinement
- 5S2 Escape from custody
- 5S3 Resisting apprehension (Military)
- 5S4 Resisting arrest (Civil)

5T COMMUNICATIONS INCIDENTS
5T1 Communicating a threat (other than telephone)
5T2 Telephone threats
5T3 Bomb threats (all types)

5U HARASSING COMMUNICATION
5U1 Harassing communication
5U2 Harassing communication by phone

5V MALINGERING

5W UNAUTHORIZED ABSENCES

5W1 Desertion
5W2 AWOL

5X OTHER OFFENSES AGAINST PERSONS

5Y CONDUCT UNBECOMING A MEMBER OF THE MILITARY SERVICE

5Y1 Drunk and disorderly
5Y1A Drunk in public
5Y1B Drunk on duty
5Y2 Misconduct and breach of peace (other than
drunk & disorderly)
5Y3 Riot

6 SEX CRIMES

6A CHILD MOLESTATION

6A1 Indecent assault upon a child
6A2 Indecent acts upon a child
6A3 Enticing a child to commit a lewd act
6A4 Exhibitionism or lewd gestures toward a minor

6B HOMOSEXUALITY

6B1 Homosexual male (military)
6B2 Homosexual male (civilian)
6B3 Homosexual female (military)
6B4 Homosexual female (civilian)

6C INDECENT ACTS (Not involving sodomy)

6C1 Indecent assault (adult)
6C2 Indecent acts between two or more males
6C3 Indecent acts between two or more females
6C4 Indecent acts between male and female
6C5 Indecent acts between adult and minor

- 5T COMMUNICATIONS INCIDENTS
 - 5T1 Communicating a threat (other than telephone)
 - 5T2 Telephone threats
 - 5T3 Bomb threats (all types)
- 5U HARASSING COMMUNICATION
 - 5U1 Harassing communication
 - 5U2 Harassing communication by phone
- 5V MALINGERING
- 5W UNAUTHORIZED ABSENCES
 - 5W1 Desertion
 - 5W2 AWOL
- 5X OTHER OFFENSES AGAINST PERSONS
- 5Y CONDUCT UNBECOMING A MEMBER OF THE MILITARY SERVICE
 - 5Y1 Drunk and disorderly
 - 5Y1A Drunk in public
 - 5Y1B Drunk on duty
 - 5Y2 Misconduct (other than drunk & disorderly)
- 5X RIOT OR BREACH OF PEACE
 - 5Z1 Breach of Peace
 - 5Z2 Riot
- 6 SEX CRIMES
 - 6A CHILD MOLESTATION
 - 6A1 Indecent assault upon a child
 - 6A2 Indecent acts upon a child
 - 6A3 Enticing a child to commit a lewd act
 - 6A4 Exhibitionism or lewd gestures toward a minor
 - 6B HOMOSEXUALITY
 - 6B1 Homosexual male (military)
 - 6B2 Homosexual male (civilian)
 - 6B3 Homosexual female (military)
 - 6B4 Homosexual female (civilian)
 - 6C INDECENT ACTS (Not involving sodomy)
 - 6C1 Indecent assault (adult)
 - 6C2 Indecent acts between two or more males
 - 6C3 Indecent acts between two or more females
 - 6C4 Indecent acts between male and female
 - 6C5 Indecent acts between adult and minor

6D PORNOGRAPHY

6D1 Production/publication

6D1A Art
6D1B Literature
6D1C Movies
6D1D Photographs

6D2 Smuggling/illegal transport

6D2A Art
6D2B Literature
6D2C Movies
6D2D Photographs

6D3 Transport (other than above)

6D3A Art
6D3B Literature
6D3C Movies
6D3D Photographs

6D4 Introduction into mail channels

6D4A Art
6D4B Literature
6D4C Movies
6D4D Photographs

6D5 Illegal sale of pornography

6D5A Art
6D5B Literature
6D5C Movies
6D5D Photographs

6D6 Illegal exhibit of pornography

6D6A Art
6D6B Literature
6D6C Movies
6D6D Photographs

6D7 Illegal possession of pornography

6D7A Art
6D7B Literature
6D7C Movies
6D7D Photographs

6E. RAPE AND CARNAL KNOWLEDGE

6E1 Rape

6E1A Attempted rape

6E1A1 Attempted rape by force

6E1A2 Attempted rape with a weapon

6E1A3 Attempted group rape

6E1B Rape of a child

6E1B1 Rape by force

6E1B2 Rape with a weapon

6E1B3 Group rape of a child

6E1C Rape of a dependent wife

6E1C1 Rape by force

6E1C2 Rape with a weapon

6E1C3 Group rape of a dependent wife

6E1D Rape of a foreign national

6E1D1 Rape by force

6E1D2 Rape with a weapon

6E1D3 Group rape of a foreign national

6E1E Rape of an enlisted woman

6E1E1 Rape by force

6E1E2 Rape with a weapon

6E1E3 Group rape of an enlisted woman

6E1F Rape of a female officer

6E1F1 Rape by force

6E1F2 Rape with a weapon

6E1F3 Group rape of a female officer

6E1G Rape of a female (other)

6E1G1 Rape by force

6E1G2 Rape with a weapon

6E1G3 Group rape of a female (other)

6E2 Carnal knowledge

- 6F SODOMY
 - 6F1 Assault with intent to commit sodomy, attempted sodomy
 - 6F2 Active participant, fellatio
 - 6F3 Passive participant, fellatio
 - 6F4 Active participant, anal
 - 6F5 Passive participant, anal
 - 6F6 Active participant, cunnilingus
 - 6F7 Passive participant, cunnilingus
- 6G BESTIALITY
- 6H EXHIBITIONISM
- 6J INCEST
 - 6J1 Incest by natural parent
 - 6J2 Incest by natural brother
- 6K OBSCENE COMMUNICATION
 - 6K1 Transmitting obscene telephone calls
 - 6K1A to off post numbers
 - 6K1B to on post quarters
 - 6K1C to other on post telephones
 - 6K2 Obscene verbal communications
- 6L TRANSVESTISM
- 6M VOYEURISM
- 6N CRIMINAL ABORTION
 - 6N1 Abortion committed by a member of the Armed Forces
 - 6N2 Abortion committed upon a female member of the Armed Forces
 - 6N3 Abortion committed upon an Armed Forces dependent
- 6X OTHER SEX OFFENSES

7 CRIMES AGAINST PROPERTY

7A ARSON

7A1 Aggravated arson

- 7A1A Arson of a dwelling
- 7A1B Arson of a building
- 7A1C Arson not of a dwelling
- 7A1D Arson to cover a crime
- 7A1E Arson for insurance

7A2 Simple arson

- 7A2A Simple arson of a dwelling
- 7A2B Simple arson of a building
- 7A2C Simple arson not of a dwelling
- 7A2D Simple arson to cover a crime
- 7A2E Simple arson for insurance

7B BLACKMARKET

- 7B1 Blackmarket of PX merchandise
- 7B2 Blackmarket of Government property
- 7B3 Blackmarket of commissary items
- 7B4 Blackmarket of POL items
- 7B5 Blackmarket of Class VI
- 7B6 Misuse of APO to import for blackmarket
- 7B7 Illegal currency transactions
- 7B8 Organized blackmarket operations
- 7B9 Organized currency manipulation

7C ILLEGAL ENTRY

7C1 Burglary

- 7C1A Burglary of a barracks
- 7C1B Burglary of a family dwelling
- 7C1C Burglary of a house trailer

7C2 Housebreaking

- 7C2A Barracks
- 7C2B Family dwelling
- 7C2C House trailer
- 7C2D Tent
- 7C2E Warehouse
- 7C2F Finance office & banking facility
- 7C2G Mess hall(s) (appropriated fund)

- 7C2H Exchange facilities
- 7C2J Nonappropriated fund activities (exclude exchange facilities)
- 7C2K Arms storage facilities
- 7C2L Commissary/grocery store
- 7C2M Office facilities
- 7C2N Clothing sales store/department store
- 7C2P Gasoline sales/automotive store/POL distribution point on storage facility
- 7C2Q Beverage store (alcoholic and non-alcoholic store) and taverns
- 7C2R Hardware store
- 7C2S Educational facilities
- 7C2X Others

7C3 Unlawful/forced entry to include auto

7D COUNTERFEITING

7D1 Manufacture/production

- 7D1A Bonds (US Government)
- 7D1B Currency
- 7D1C Documents (identity)
- 7D1D Foreign currency
- 7D1E Military payment certificate(s)
- 7D1F Passes (installation and security)
- 7D1G Ration documents (except POL items)
- 7D1H Transportation Control Movement Document (TCMD)
- 7D1J POL item ration documents

7D2 Trafficking in counterfeit

- 7D2A Bonds (US Government)
- 7D2B Currency (US)
- 7D2C Documents (identity)
- 7D2D Foreign currency
- 7D2E Military payment certificate(s)
- 7D2F Passes (installation and security)
- 7D2G Ration documents (except POL items)
- 7D2H Transportation Control Movement Document (TCMD)
- 7D2J POL item ration documents

7D3 Passing

7D3A Bonds (US Government)
7D3B Currency (US)
7D3C Documents (identity)
7D3D Foreign currency
7D3E Military payment certificate(s)
7D3F Passes (installation and security)
7D3G Ration documents (except POL items)
7D3H Transportation Control Movement Document
 (TCMD)
7D3J POL item ration documents

7D4 Possession

7D4A Bonds (US Government)
7D4B Currency (US)
7D4C Documents (identity)
7D4D Foreign currency
7D4E Military payment certificate(s)
7D4F Passes (installation and security)
7D4G Ration documents (except POL items)
7D4H Transportation Control Movement Document
 (TCMD)

7D5 Use with intent to deceive or defraud

7D5A Bonds (US Government)
7D5B Currency (US)
7D5C Document(identity)
7D5D Foreign currency
7D5E Military payment certificate(s)
7D5F Passes (installation and security)
7D5G Ration documents (except POL items)
7D5H Transportation Control Movement Documents
 (TCMD)
7D5J POL item ration documents

7E SMUGGLING (other than narcotics)

7E1 Into US

7E1A Ammunition/weapons
7E1B Currency
7E1C Firearms (privately owned)
7E1D Government weapons
7E1E Hospital/medical supplies

	7E1F	Liquor
	7E1G	Military property
	7E1H	Post exchange commodities
	7E1J	War trophies
7E2		Into Europe and British Isles
	7E2A	Ammunition/weapons
	7E2B	Currency
	7E2C	Firearms (privately owned)
	7E2D	Government weapons
	7E2E	Hospital/medical supplies
	7E2F	Liquor
	7E2G	Military property
	7E2H	Post exchange commodities
	7E2J	War trophies
7E3		Into Canada and Alaska
	7E3A	Ammunition/weapons
	7E3B	Currency
	7E3C	Firearms (privately owned)
	7E3D	Government weapons
	7E3E	Hospital/medical supplies
	7E3F	Liquor
	7E3G	Military property
	7E3H	Post exchange commodities
	7E3J	War trophies
7E4		Into Vietnam
	7E4A	Ammunition/weapons
	7E4B	Currency
	7E4C	Firearms (privately owned)
	7E4D	Government weapons
	7E4E	Hospital/medical supplies
	7E4F	Liquor
	7E4G	Military property
	7E4H	Post exchange commodities
	7E4J	War trophies
7E5		Into Korea
	7E5A	Ammunition/weapons
	7E5B	Currency
	7E5C	Firearms (privately owned)
	7E5D	Government weapons

7E5E Hospital/medical supplies
7E5F Liquor
7E5G Military property
7E5H Post exchange commodities
7E5J War trophies

7E6 Into Thailand

7E6A Ammunition/weapons
7E6B Currency
7E6C Firearms (privately owned)
7E6D Government weapons
7E6E Hospital/medical supplies
7E6F Liquor
7E6G Military property
7E6H Post exchange commodities
7E6J War trophies

7E7 Into Pacific Theater (except VN, Korea and Thailand)

7E7A Ammunition/weapons
7E7B Currency
7E7C Firearms (privately owned)
7E7D Government weapons
7E7E Hospital/medical supplies
7E7F Liquor
7E7G Military Property
7E7H Post exchange commodities
7E7J War trophies

7E8 Into South America and Caribbean

7E8A Ammunition/weapons
7E8B Currency
7E8C Firearms (privately owned)
7E8D Government weapons
7E8E Hospital/medical supplies
7E8F Liquor
7E8G Military property
7E8H Post exchange commodities
7E8J War trophies

7E9 Other

7E9A Ammunition/weapons
7E9B Currency
7E9C Firearms (privately owned)

- 7E9D . . . Government weapons
- 7E9E . . . Hospital/medical supplies
- 7E9F . . . Liquor
- 7E9G . . . Military property
- 7E9H . . . Post exchange commodities
- 7E9J . . . War trophies

7F. LARCENY, GOVERNMENT PROPERTY

- 7F1 Larceny of government property (not funds or weapons)
 - 7F1A1 Larceny of government property (\$50 and over/not POL, funds, weapons, property disposal, or procurement)
 - 7F1A2 Larceny of government property (under \$50/not POL, funds, weapons, property disposal, or procurement)
 - 7F1B1 Larceny of Government property (property disposal of a value of \$50 or over)
 - 7F1B2 Larceny of government property (property disposal of a value of less than \$50)
 - 7F1C1 Larceny of government property (procurement of a value of \$50 or over)
 - 7F1C2 Larceny of government property (procurement of a value of less than \$50)
 - 7F1D1 Larceny of government property (POL items/\$50 or over)
 - 7F1D2 Larceny of government property (POL items/less than \$50)
- 7F2 Larceny of government funds
 - 7F2A1 Larceny of government funds (\$50 or over/other than check)
 - 7F2A2 Larceny of government funds (less than \$50/other than check)
 - 7F2B1 Larceny of government funds (\$50 or over/check)
 - 7F2B2 Larceny of government funds (less than \$50/check)
- 7F3 Wrongful appropriation of government property
 - 7F3A1 Wrongful appropriation of government property (\$50 or over/other than procurement or property disposal)

- 7F3A2 Wrongful appropriation of government property (less than \$50/other than procurement or property disposal)
- 7F3B1 Wrongful appropriation of government property (\$50 or over/property disposal)
- 7F3B2 Wrongful appropriation of government property (less than \$50/property disposal)
- 7F3C1 Wrongful appropriation of government property (\$50 or over/procurement)
- 7F3C2 Wrongful appropriation of government property (less than \$50/procurement)
- 7F3D1 Wrongful appropriation of government vehicle (\$50 or over)
- 7F3D2 Wrongful appropriation of government vehicle (less than \$50)
- 7F3E1 Wrongful appropriation of government property (POL items/\$50 or over)
- 7F3E2 Wrongful appropriation of government property (POL items/less than \$50)

7F4 Wrongful disposition of government property

- 7F4A1 Wrongful disposition of government property (\$50 or over/not procurement or property disposal)
- 7F4A2 Wrongful disposition of government property (less than \$50/not procurement or property disposal)
- 7F4B1 Wrongful disposition of government property (\$50 or over/property disposal)
- 7F4B2 Wrongful disposition of government property (less than \$50/property disposal)
- 7F4C1 Wrongful disposition of government property (\$50 or over/procurement)
- 7F4C2 Wrongful disposition of government property (less than \$50/procurement)
- 7F4D1 Wrongful disposition of government property (POL items/\$50 or over)
- 7F4D2 Wrongful disposition of government property (POL items/less than \$50)

7F5 Larceny of non-appropriated fund property

- 7F5A1 Larceny of non-appropriated fund property (\$50 or over/other than POL items and not Army and Air Force Exchange property)

- 7F5A2 Larceny of non-appropriated fund property (less than \$50/other than POL items and not Army and Air Force Exchange property)
- 7F5B1 Larceny of non-appropriated fund property (not including POL items/\$50 and over/Army and Air Force Exchange property)
- 7F5B2 Larceny of non-appropriated fund property (not including POL items/less than \$50/Army and Air Force Exchange property)
- 7F5C1 Larceny of non-appropriated fund property (POL items/\$50 or over)
- 7F5C2 Larceny of non-appropriated fund property (POL items/less than \$50)

- 7F6 Wrongful appropriation of non-appropriated fund property
 - 7F6A1 Wrongful appropriation of non-appropriated fund property (not including POL items/\$50 or over/other than Army and Air Force Exchange property)
 - 7F6A2 Wrongful appropriation of non-appropriated fund property (not including POL items/less than \$50/other than Army and Air Force Exchange property)
 - 7F6B1 Wrongful appropriation of non-appropriated fund property (not including POL items/\$50 or over/Army and Air Force Exchange property)
 - 7F6B2 Wrongful appropriation of non-appropriated fund property (not including POL items/less than \$50/Army and Air Force Exchange property)
 - 7F6C1 Wrongful appropriation of non-appropriated fund property (POL items/\$50 or over)
 - 7F6C2 Wrongful appropriation of non-appropriated fund property (POL items/less than \$50)

- 7F7A Wrongful disposition of non-appropriated fund property
 - 7F7A1 Wrongful disposition of non-appropriated fund property (not including POL items/\$50 or over/other than Army and Air Force Exchange property)
 - 7F7A2 Wrongful disposition of non-appropriated fund property (not including POL items/less than \$50/other than Army and Air Force Exchange property)

- 7F7B1 Wrongful disposition of non-appropriated fund property (not including POL items/ \$50 or over/Army and Air Force Exchange property)
- 7F7B2 Wrongful disposition of non-appropriated fund property (not including POL items/ less than \$50/Army and Air Force Exchange property)
- 7F7C1 Wrongful disposition of non-appropriated fund property (POL items/\$50 or over)
- 7F7C2 Wrongful disposition of non-appropriated fund property (POL items/less than \$50)

- 7F8A Larceny of government weapons
 - 7F8A1 Larceny of government weapons (\$50 and over)
 - 7F8A2 Larceny of government weapons (less than \$50)

- 7F8B Larceny of government munitions
 - 7F8B1 Larceny of government munitions (\$50 and over)
 - 7F8B2 Larceny of government munitions (less than \$50)

- 7F9 Larceny of government motor vehicles
 - 7F9A Larceny of government motor vehicles (\$50 and over)
 - 7F9B Larceny of government motor vehicles (less than \$50)

- 7G LARCENY OF PRIVATE PROPERTY/FUNDS
 - 7G1 Larceny of private property
 - 7G1A1 Larceny of private property (\$50 and over/ not POL items, funds, automobile, or from a troop billets)
 - 7G1A2 Larceny of private property (under \$50/not POL items, funds, automobile, or from a troop billets)
 - 7G1B1 Larceny of private property (\$50 and over from a troop billets/not funds or automobile)
 - 7G1B2 Larceny of private property (under \$50 from a troop billets/not funds or automobile)

- 7G1C1 Larceny of private property (POL items/\$50 or over)
- 7G1C2 Larceny of private property (POL items/less than \$50)
- 7G2 Larceny of private funds
 - 7G2A1 Larceny of private funds (\$50 and over/not checks or from a troop billets)
 - 7G2A2 Larceny of private funds (under \$50/not checks or from a troop billets)
 - 7G2B1 Larceny of private funds (\$50 and over from a troop billets/not checks)
 - 7G2B2 Larceny of private funds (under \$50 from a troop billets/not checks)
- 7G3 Larceny of private automobile
 - 7G3A Larceny of private automobile (\$50 and over)
 - 7G3B Larceny of private automobile (under \$50)
- 7G4 Larceny of private funds by means of check/making and uttering a worthless check
 - 7G4A Larceny of private funds by means of check/making and uttering a worthless check (\$50 and over)
 - 7G4B Larceny of private funds by means of check/making and uttering a worthless check (under \$50)
- 7G5 Wrongful appropriation of private property
 - 7G5A1 Wrongful appropriation of private property (\$50 and over/not POL items and not from a troop billets)
 - 7G5A2 Wrongful appropriation of private property (under \$50/not POL items and not from a troop billets)
 - 7G5B1 Wrongful appropriation of private property (\$50 and over from a troop billets)
 - 7G5B2 Wrongful appropriation of private property (under \$50 from a troop billets)
 - 7G5C1 Wrongful appropriation of private property (POL items/\$50 or over)
 - 7G5C2 Wrongful appropriation of private property (POL items/less than \$50)

- 7G6 Wrongful appropriation of private automobile
 - 7G6A Wrongful appropriation of private automobile (\$50 and over)
 - 7G6B Wrongful appropriation of private automobile (less than \$50)
- 7G7 Wrongful disposition of private property
 - 7G7A1 Wrongful disposition of private property (\$50 and over/not from a troop billets)
 - 7G7A2 Wrongful disposition of private property (less than \$50/not from a troop billets)
 - 7G7B1 Wrongful disposition of private property (\$50 and over/from a troop billets)
 - 7G7B2 Wrongful disposition of private property (less than \$50 from a troop billets)
- 7H POSTAL VIOLATIONS
 - 7H1 Larceny of or from the US mails
 - 7H2 Obstructing or secreting US mails
 - 7H3 Destruction of US mails
 - 7H4 Depositing prohibited matter in US mails
- 7J WRONGFUL DESTRUCTION
 - 7J1 Wrongful destruction of government property
 - 7J2 Wrongful damaging of government property
 - 7J3 Loss of government property through neglect
 - 7J4 Wrongful destruction of private property
 - 7J5 Wrongful damaging of private property
- 7K RECEIVING STOLEN PROPERTY
 - 7K1 Receiving stolen property (other than POL items, procurement, or property disposal)
 - 7K2 Receiving stolen property (property disposal)
 - 7K3 Receiving stolen property (procurement)
 - 7K4 Receiving stolen property (POL items)
 - 7K5 Receiving stolen property (POL ration documents)
- 7L FAILURE TO PAY JUST DEBT
- 7M REGISTRATION VIOLATIONS
 - 7M1 Registration violation vehicles
 - 7M2 Fish/game violations
 - 7M3 Registration violation other

7X OTHER

8 CRIMINAL FRAUD

8A BRIBERY

8A1 Bribery (other than procurement of property disposal)

8A2 Bribery (property disposal)

8A3 Bribery (procurement)

8B CONFLICT OF INTEREST

8B1 Conflict of interest (other than procurement or property disposal)

8B2 Conflict of interest (property disposal)

8B3 Conflict of interest (procurement)

8C DEPENDENCY ASSISTANCE

8D PERSONNEL ACTION

8D1 Personnel action effecting unlawful enlistment

8D2 Personnel action effecting unlawful separation

8D3 Personnel action effecting unlawful appointment

8D4 Personnel action effecting assignment/transfer

8E NON-APPROPRIATED FUNDS

8E1 Fraud involving officer's open mess

8E2 Fraud involving NCO open mess

8E3 Fraud involving EM open mess

8E4 Fraud involving rod and gun club

8E5 Fraud involving Army/Air Force Exchange Service facility

8E6 Fraud involving central post funds

8E7 Other frauds of non-appropriated fund activity

8F PAY AND ALLOWANCE

8F1 Collecting unauthorized travel pay for dependents

8F2 Collecting duplicate travel pay

8F3 Frauds involving TDY pay

8G PROCUREMENT/SALVAGE/PROPERTY DISPOSAL

8G1 Procurement

8G2 Salvage/property disposal

8H FRAUD INVOLVING POL ITEMS AND/OR POL RATION DOCUMENTS
8J CRIMES INVOLVING COMPUTER FRAUDS
8X OTHER

LAW ENFORCEMENT AND DISCIPLINE REPORT

LAW ENFORCEMENT AND DISCIPLINE REPORT <small>For use of this form, see AR 190-44; proponent is ODCSPER.</small>		PERIOD COVERED		REPORTS CONTROL SYMBOL CSOPAL - 1353						
THRU: (Include ZIP Code)		TO (Include ZIP CODE)		FROM: (Include ZIP Code)						
SECTION A - CRIMES OF VIOLENCE										
LINE	TYPE OF OFFENSE a	COMPLAINTS b	FOUNDED OFFENSES		IDENTIFIED OFFENDERS				INVOLVEMENT	
			ON POST c	OFF POST d	ARMY PERSONNEL			OTHER h	DRUGS i	ALCOHOL j
					CAU e	NEGRO f	ALL OTHER g			
1	Murder									
2	Rape									
3	Robbery									
4	Aggravated Assault									
SECTION B - CRIMES AGAINST PROPERTY										
5	Burglary and Housebreaking									
6	Larceny (\$50 or over)									
7	Auto Theft									
8	Larceny (Under \$50)									
SECTION C - DRUG OFFENSES										
USE/POSSESSION										
9	Narcotics									
10	Dangerous Drugs									
11	Marihuana									
SALE/TRAFFICKING										
12	Narcotics									
13	Dangerous Drugs									
14	Marihuana									
SECTION D - OTHER CIVIL OFFENSES										
15	Manslaughter									
16	Simple Assault									
17	Riot									
18	Breach of the Peace									
19	Arson									
20	Wrongful Appropriation									
21	Fraud									
22	Smuggling									
23	Sodomy									
24	Currency Manipulation									
25	Black Market Activities									
26	Other Sex Offenses									
27	Others									
SECTION E - MILITARY OFFENSES										
28	AWOL Reported									
29	Deserters Reported									
30	Uniform Violations									
31	Others									
SECTION F - ABSENTEE APPREHENSION										
32	AWOL Apprehended by Mil Auth									
33	AWOL Apprehended by Civ Auth									
34	Deserters Apprehended by Mil Auth									
35	Deserters Apprehended by Civ Auth									
36										
37										
38										
39										

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SECTION G - TRAFFIC LAW ENFORCEMENT													
CATEGORY			ARMY PERSONNEL	OTHER		ARMY PERSONNEL	OTHER	TOTAL	INVOLVEMENT				
									DRUGS	ALCOHOL			
40	MOVING VIOLATIONS	a. No. DD1805 Issued			b. No. DD 1408 & DA 3975			c.	d.	e.			
41	CHEMICAL TESTS	a. No. Administered			b. No. Refused								
42	DRIVING PRIVILEGES	a. No. Suspended			b. No. Revoked			c.					
43	VEHICLE REGISTRATION	a. No. Initial Registrations			b. No. Registration Terminated			c.					
44	MOTOR VEHICLE TRAFFIC ACCIDENTS REPORTED TO AND/OR INVESTIGATED BY MILITARY POLICE		NUMBER OF ACCIDENTS			NUMBER OF PERSONS				INVOLVEMENT			
			FATAL	NON-FATAL INJURY	PROP-ERTY DAMAGE	KILLED		INJURED		FATAL		NONFATAL INJURY	
						ARMY	OTHER	ARMY	OTHER	DRUGS	ALCO HOL	DRUGS	ALCO HOL
	ON POST												
	a	Collision with Pedestrian											
	b	Collision with Pedacyclist											
	c	Single Motorcycle											
	d	Single Motor Vehicle											
	e	Multiple Motor Vehicle											
	f	Non-Traffic Collisions											
g	TOTALS												
OFF POST													
h	TOTAL												
SECTION H - CRIME PREVENTION PHYSICAL SECURITY AND PROPERTY													
	TYPE				NUMBER		LOST	STOLEN	RECOVERED				
45	US Gov't Property Except Motor Vehicles												
46	US Gov't Motor Vehicles												
47	Private Property Except Motor Vehicles												
48	Private Motor Vehicles												
49	Nonappropriated Funds/Property												
50	Physical Security Inspections Conducted												
51	Crime Surveys Conducted												
SECTION I - STRENGTH													
52	Avg Active Army	a.	Reserve Forces on ADT			b.	Total Avg Strength			c.			
53	Avg DA Civilian												
SECTION J - CARPOOL													
54	No. Participating	a.	No. Parking Spaces			b.	Occupancy Rate			c.			
REMARKS													
TYPED NAME, GRADE AND TITLE OF APPROVING OFFICER						SIGNATURE OF APPROVING OFFICER							

The proponent agency of 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) direct to HQDA (DAPE-HRE), Washington, DC 20310.

By Order of the Secretary of the Army:

BERNARD W. ROGERS
General, United States Army
Chief of Staff

Official:
PAUL T. SMITH
Major General, United States Army
The Adjutant General

DISTRIBUTION:

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1944

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CHAPTER 1
GENERAL

1-1. Purpose. This regulation establishes policies and procedures--

a. For the resolution of unfavorable information.

b. To ensure that unsupported or unresolved unfavorable information, which may prejudice the individual's reputation or future in the military service, is not filed in an individual's official personnel files (Chap. 2).

1-2. Applicability. This regulation applies to the resolution of unfavorable information concerning all active, inactive, and retired Army personnel irrespective of component.

1-3. Objectives. Objectives are to--

a. Apply fair and just standards to all military personnel.

b. Protect the rights of individual members of the Army, and, at the same time, enable the Army to consider all available information when selecting individuals for positions of leadership, trust, and responsibility.

c. Provide safeguards from adverse personnel action based on unsubstantiated allegations or mistaken identity.

d. Provide a means of correcting injustices if they occur.

e. Ensure that individuals of questionable moral character are not continued in the service or elevated to positions of leadership and responsibility.

1-4. Explanation of terms. a. Unfavorable information. Any credible derogatory information that may reflect unfavorably on an individual's character, integrity, trustworthiness, and reliability.

b. Favorable personnel action. Any personnel management or career management decision that enhances the individual's status or position. Included are promotions, Regular Army appointments, selection for schooling, entry or continuation on active duty, awards, decorations, commendations, and

sometimes reassignment, retirement, separation, or release from active duty. Although the granting of security clearance is a "favorable personnel action" with far-reaching effects upon the career of an individual, it is not governed by this regulation (see AR 604-5 and AR 604-10).

c. Official personnel files: The Official Military Personnel File (OMPF), Career Management Individual File (CMIF) and the Military Personnel Records Jacket (MPRJ). Reports, forms, and records (in documents or data banks) that are maintained by the Army for consideration when making personnel management decisions affecting the individual.

d. Intelligence, Law Enforcement, and other investigative files. Reports, dossiers, and case materials (in documents or data banks) that are the property of intelligence, law enforcement or other investigative agencies. Examples are files of the US Army Investigative Records Repository, files of the Crime Records Repository, files pertaining to investigations conducted by officers exercising general courts-martial jurisdiction, and files of Inspectors General at all echelons.

e. Crime Records: CID Reports of Investigation, Military Police Reports, and other reports that are maintained by, or the property of the US Army Criminal Investigation Command. Examples are the CID and MP reports maintained at the U. S. Army Criminal Investigation Command, Crime Records Directorate.

f. Major commands. In addition to the designated major commands, separate Department of the Army agencies and activities, CONUS Armies, United States Army Recruiting Command, and Headquarters, DA General and Special Staff agencies are considered major commands for the purpose of processing cases under this regulation.

CHAPTER 2
UNFAVORABLE INFORMATION IN OFFICIAL PERSONNEL FILES

2-1. Policies. a. Favorable personnel decisions will be based on review of official personnel files and the knowledge and best judgments of the commander, board, or other responsible authority. Both favorable and unfavorable information regarding the individual will be considered. Performance and potential will be assessed based on a review of all pertinent records.

b. Unfavorable information will not be filed in an official personnel file without the knowledge of the affected individual, and an opportunity being afforded him/her to either make a written statement in reply to the unfavorable information, or to decline, in writing, to make such a statement. (Exceptions are contained in para 2-3.) Initiating officers should fully substantiate and document allegations. Unfavorable information filed in official personnel files must meet privacy act standards of accuracy, relevancy, timeliness, and completeness (see AR 340-21). Access to official personnel files will be granted to the individual concerned IAW AR 340-21.

c. Personnel decisions which may result in the selection of individuals for positions of public trust and responsibility or vesting such individuals with authority over others should be based upon a thorough review of the records of such individuals--including appraisal of both favorable and credible unfavorable information which may be available. The Army selects individuals for promotion or appointment to such positions on a competitive basis and only the best qualified should be promoted or appointed.

2-2. Unfavorable information that should be filed in official personnel files. Indications of substandard leadership ability, promotion potential, morals, and integrity must be identified early and reflected in permanent official personnel records. Other unfavorable character traits of a permanent nature should be similarly recorded.

2-3. Filing of information exempt from the referral procedure. The following information may be filed in the efficiency portion of the official military personnel file (OMPF) without further referral to the individual.

a. Records of courts-martial, and courts-martial orders and record of nonjudicial punishment under Article 15, UCMJ. (IAW AR 27-10).

b. Proceedings of boards of officers, provided that it is clearly indicated that the individual concerned has been given an opportunity to present evidence or cross-examine witnesses in his/her own behalf.

c. Completed investigative reports, including criminal investigation and inspector general reports, or duly authenticated extracts thereof which have resulted in elimination or disciplinary action against the individual concerned. When inclusion of the entire report or an extract of the report is not practicable, the investigative reports will be referenced.

d. Active suspension of favorable personnel actions reported under AR 600-31.

e. Civilian convictional record data which reflects both arrests and convictions, not to include minor traffic convictions.

f. Officer and enlisted evaluation reports. Filing of evaluation instruments in official personnel files will be governed by AR 600-200, AR 623-1, and AR 623-105.

g. Other unfavorable information of which the individual concerned had prior official knowledge as prescribed by paragraph 2-6 and an adequate opportunity to refute. A notation, "AR 600-37 complied with" will be entered below filing authority on such unfavorable information.

h. Internal staff actions and working papers within and among personnel management offices and personnel decision makers at Headquarters, Department of the Army. (Applicable to the career management individual file only.)

2-4. Filing of Nonpunitive Administrative Letters of Reprimand, Admonition, or Censure (as Outlined in Para 128c, MCM, 1969 (Rev.) in Official Military Files.

a. Any commander, supervisor, officer exercising general court-martial jurisdiction over the individual concerned, or general officer senior to the individual concerned, may direct the filing of such letters in the MPRJ after referral to the individual in accordance with paragraph 2-6. Each letter will contain a statement regarding the length of time the correspondence will remain in the MPRJ.

Only an officer exercising general court-martial jurisdiction over the individual may direct removal from the MPRJ prior to expiration of the designated period.

b. Any letter in the nature of an administrative reprimand, admonition, or censure, not imposed by an officer authorized to direct filing in the OMPF (see c., below), will be reviewed by a general officer in the chain of command for the purpose of determining whether the letter should be filed in the individual's OMPF.

c. A letter may be filed in the OMPF maintained by the Cdr, MILPERCEN, or the Cdr, USAERC, upon the specific direction of any general officer senior to the individual concerned or by an officer exercising general court-martial jurisdiction over the individual concerned. The direction for filing in the OMPF will be contained in the document itself, or in an indorsement or addendum thereto. A letter designated for inclusion in an individual's OMPF will:

(1) Be signed by or forwarded under the cover of signature of, an officer authorized to direct such filing;

(2) Contain a statement indicating that it has been imposed merely as an administrative measure and not as punishment under Article 15, UCMJ;

(3) Be referred to the individual for comment in accordance with paragraph 2-6. The referral will include reference to the intended filing of the letter. Statements furnished by the individual will be reviewed by the officer intending to direct filing in the OMPF, and will be attached to the basic letter should filing in the OMPF be finally directed.

(4) Be forwarded for inclusion in the efficiency portion of the OMPF only after due consideration of the circumstances and alternative nonpunitive measures. It is emphasized that it is not intended that minor behavior infractions or honest mistakes chargeable to sincere but misguided efforts be permanently recorded in an individual's OMPF. Once placed in the OMPF, such correspondence may be removed only through the appeal process (see Chap 6).

d. Circumstances affecting the imposition or processing of administrative letters of reprimand:

(1) Where the individual to be reprimanded leaves the chain of command or supervision after a commander or supervisor has initially indicated his intent to impose a reprimand, the action may be processed to completion in that chain of command.

(2) Where the reprimanding official leaves the chain of command or supervision after indicating his intent to impose a reprimand, his successor may complete appropriate action on the reprimand. In such cases, the successor should thoroughly familiarize himself with relevant information concerning the proposed reprimand.

(3) Where misconduct warranting a reprimand is discovered by a former commander or supervisor of the individual responsible, that official may:

(a) forward pertinent information to the individual's current commander for appropriate action;

(b) forward pertinent information to the appropriate career branch officials for appropriate action (Heads of HQDA Staff agencies and their superiors maintain authority to impose administrative reprimands against present or former members of their agency for misconduct committed by active duty service members).

Officials should give due consideration to the timeliness and relevance of the adverse information before taking administrative action at the subsequent date.

e. Reprimands and admonitions imposed as nonjudicial punishment (Art 15, UCMJ) are governed by Chapter 3, AR 27-10."

2-5. Anonymous communications. Anonymous communications will not be filed in an individual's MPRJ, OMPF, and CMIF unless after appropriate investigation or inquiry, they are found to be true, relevant, and fully substantiated or supported and, absent exemption under paragraph 2-3, paragraph 2-6 of this regulation is complied with.

2-6. Referral of information. (a) Except as specifically provided in paragraph 2-3, unfavorable information will be referred to the individual concerned for information and acknowledgement of his/her rebuttal opportunity in generally the following form:

(1) "I have read and understand the allegations made and submit the following statement in my behalf _____".

(2) "I have read and understand the allegations and elect not to make a statement."

b. In the event an individual refuses to acknowledge the referral of unfavorable information, a statement will be prepared by the individual's commanding officer in generally the following form: "Individual (name) has been shown the allegations on (Date) and refuses to acknowledge receipt by signature."

2-7. Resolution of unfavorable information in personnel files. Chapters 5, 6, and 7 outline the responsibilities and procedures for resolving unfavorable information in personnel files.

CHAPTER 3
UNFAVORABLE INFORMATION IN INTELLIGENCE FILES

3-1. General. To prevent undue credence being given to unresolved unfavorable information, with attendant harmful career implications, this chapter prescribes provisions for resolving such matters.

3-2. Security information. Derogatory information within the purview of paragraph 2-4, AR 604-10 (concerning loyalty and subversion), will be processed as prescribed by that regulation.

3-3. Security clearance. In taking action under this regulation, commanders will ensure that security clearances are neither revoked nor denied in lieu of action under other regulations or the Uniform Code of Military Justice or other criminal justice disposition. Denial or revocation of a security clearance will not be used as a punishment or disciplinary measure. Denial or revocation of personnel security clearances will be accomplished pursuant to the provisions of AR 604-5.

3-4. Resolution of unfavorable information in intelligence files. a. General. When a commander becomes aware of unfavorable information derived from intelligence files and security investigations, he will take one or more of the following actions:

(1) Suspend or deny access to classified information under the provisions of AR 604-5, and, if necessary, initiate investigation under the provisions of AR 381-20 or other appropriate directives to gain complete facts in the case.

(2) Deny or revoke the individual's personnel security clearance pursuant to AR 604-5 or AR 604-10. When a security clearance has been denied or revoked on an incumbent of a position of leadership, trust and responsibility, and elimination action has not been accomplished, that fact will require referral of the case to either the Command Suitability Evaluation Board, or the Department of the Army Suitability Evaluation Board, for determination as to what records will be made a part of the individual's official personnel files.

(3) Initiate elimination action under the provisions of AR 135-175, AR 135-178, AR 604-10, AR 635-100, AR 635-120, AR 635-200, or action under the uniform code of military justice.

(4) Reassign the individual to a less sensitive position.

(5) Close the case favorably and prepare a statement (for disposition in accordance with para 3-6c(1) or 4-3d(1), as applicable that information developed to date does not constitute a bar to the personnel action under consideration.

b. Procedures for resolution. In connection with a (1), (2), and (3) above, the following procedures may be considered:

(1) Interview under oath, giving the individual a full opportunity to rebut the unfavorable information which can be made available to him/her under current disclosure criteria (AR 381-20). Interviews should only be conducted by trained interviewer or interrogator.

(2) Use of additional investigative resources available to the commander such as military police, Inspector General, Criminal Investigation Command, and Military Intelligence agencies, who may conduct an investigation of a matter within their assigned area of responsibility.

c. Suspension of favorable personnel action. Suspension of favorable personnel action under the provisions of AR 600-31 will be considered in connection with a (1), (2), and (3) above.

3-5. Access to intelligence files. AR 340-21, AR 381-45, and AR 381-46 set forth procedures for gaining access to intelligence files.

3-6. Use of intelligence files in personnel actions. a. Intelligence files are not a part of the military personnel records system as prescribed by AR 640-10. However, in order to ensure that the interests of the Army are protected when selecting an individual for positions of leadership, trust, and responsibility, a screening system has been established to ensure that significant, verified information is correlated with information in personnel files, and, if appropriate, is made available to personnel decision makers.

b. It is recognized that current intelligence files may contain unevaluated and dormant information of a suitability nature which for the most part, the individual concerned has had no opportunity to comment upon. Intelligence files

also contain sensitive information which, if disclosed prematurely, could jeopardize current investigations or sources of information. For these reasons, intelligence files are not furnished to promotion selection boards or to other personnel decision makers except the following:

(1) The suitability evaluation boards outlined in chapters 5 and 6 (These boards do not make personnel decisions *per se*, but merely determine what information will be furnished to personnel decision makers.)

(2) Personnel managers in highly intensified personnel management areas as specifically designated by the Secretary of the Army, the Chief of Staff of the Army, or the Deputy Chief of Staff for Personnel.

c. Commanders, heads of staff agencies, and boards of officers referring to intelligence files, subsequent to the action in b(1) or (2) above, prior to taking personnel action will, after review of the unfavorable information in the file, take one of the following actions:

(1) When the information does not constitute a bar to the contemplated personnel action, a written statement will be prepared to the effect that the commander, staff agency head, or board of officers had determined that the unfavorable information contained in the intelligence file does not preclude the specific personnel action under consideration (the specific personnel action under consideration will be cited). This statement will be included as a permanent part of the intelligence file. Since the statement is based solely on the information reviewed at that particular time, care will be exercised to ensure that no subsequent additions to the intelligence file will be filed under the statement. However, the favorable determination will not preclude commanders, staff agency heads, or boards of officers from considering all information contained in the intelligence file when new derogatory information is developed or another personnel action is under consideration.

(2) When the decision making authority tentatively concludes that the unfavorable information, if not satisfactorily refuted or explained, would constitute a bar to the personnel action under consideration, the individual will be offered an opportunity to refute or explain the derogatory information, unless an exception has been authorized as prescribed in d below. A final determination will be made only after

consideration of the explanation offered by the individual. Additional information obtained from further investigation may be considered. When a final conclusion has been reached, the responsible official will either:

(a) Make unfavorable determination regarding the personnel action under consideration, notify individual of determination, and place information copy of letter of determination in individual's file. (Elimination, disciplinary action, admonition, or referral to the appropriate suitability board will be considered if information contained in the files is significant enough to warrant an unfavorable determination), or

(b) Determine that the unfavorable information does not now constitute a bar to the personnel action under consideration. In these cases a statement similar to that prescribed in 3-6c(1) above will be executed and attached to the intelligence file.

d. Authority to grant exceptions to rebuttal procedures as prescribed in paragraph 2-6 is limited to the Under Secretary of the Army or his Special Assistant.

(1) Consideration will be given to requests for exception only when the information is exempt from access by the individual under The Privacy Act and AR 340-21, and a significant and legitimate government purpose is served by claiming the exemption.

(2) When such an exception is requested by the responsible official(s), the pertinent facts will be forwarded through intelligence channels to the Assistant Chief of Staff for Intelligence (HQDA (DAMI-DOS) WASH DC 20310).

CHAPTER 4
UNFAVORABLE INFORMATION IN ARMY LAW ENFORCEMENT FILES

4-1. General. Legal or regulatory parameters, such as 5 USC 552a, paragraphs 5-2 and 5-4, AR 340-21, AR 190-45, AR 195-6, AR 196-6, and AR 381-17, govern the filing and use of unfavorable material concerning individuals found in military police or USACIDC crime records. Policy concerning law enforcement collection and filing of information, supporting the execution of criminal laws, dictates practices involving the filing of unfavorable personal information, which may be limited to only criminal-justice and crime prevention purposes. Law enforcement information may or may not resolve other unfavorable information. If resolution remains in question after criminal-justice disposition, this chapter prescribes provisions to resolve such matters and to prevent undue credence being given questionable unfavorable information.

4-2. Disposition of information contained in law enforcement files.

a. Criminal-justice action. Copies of criminal investigative case files, military police reports, or information from these files or reports are provided commanders by law enforcement agencies for criminal-justice disposition and ancillary actions,

(1) Criminal-justice disposition. As a result of command consideration, criminal-justice disposition proceeds to one of the categories listed below:

(a) Initiation of court-martial action;

(b) Initiation of action under the provisions of Article 15, Uniform Code of Military Justice, or other administrative action, as appropriate.

(c) Declination to further consider criminal-justice proceedings.

(2) Ancillary action. Consideration of action attendant or subsequent to criminal-justice action, which may result in action under one or more of the below listed categories. These actions are not considered to replace criminal-justice disposition, but are appropriately initiated independent of criminal-justice disposition.

(a) Initiation of action to suspend favorable personnel actions reported IAW AR 600-31;

(b) Initiation of elimination action IAW provisions of AR 135-175, AR 135-178, AR 604-10, AR 635-100, AR 135-120, AR 635-200 and AR 635-206;

(c) Initiation of action to suspend or deny access to classified information under the provisions of AR 604-5; and if necessary, initiation of investigation under the provisions of AR 381-20, or other appropriate directives to obtain additional facts in the case.

b. Noncriminal-justice action. Independent of completion of a criminal-justice disposition, as listed in paragraph 4-2a(1) above, Army review of criminal investigative or military police cases pertaining to subject personnel, for suitability consideration, may result in action under one or more of the categories listed below.

(1) Initiation of elimination action IAW provisions of AR 135-175, AR 135-178, AR 604-10, AR 635-100, AR 135-120, AR 635-200 and AR 635-206.

(2) Initiation of action to suspend or deny access to classified information IAW AR 604-5; and if necessary, initiation of an investigation IAW AR 381-20, or other appropriate directives to obtain additional facts in the case.

(3) Initiation of action to deny or revoke the individual's personnel security clearance IAW AR 604-5 or AR 604-10.

(4) Favorable closing of the case and preparation of a statement (for disposition in accordance with paragraph 4-3d(1)) that information developed to date does not constitute a bar to the personnel action under consideration.

4-3. Access to law enforcement investigative files.

a. AR 190-45, AR 195-2, AR 195-6, AR 340-17, and AR 340-21 set forth procedures for gaining access to law enforcement investigative files.

b. Law enforcement records and reports are not a part of the military personnel records system as prescribed by AR 640-10.

(1) To assure that commanders and supervisors effect appropriate criminal-justice decisions in the best interests of all concerned, information from criminal investigative and military police files is exchanged between USACIDC military police elements and the commanders whom they support.

(2) Army Regulations 190-45, AR 195-2 and AR 340-21 prescribe procedures to be followed to preclude the release of unfavorable information for other than criminal-justice purposes.

(3) These safeguards do not preclude appropriate dissemination of information contained in law enforcement files, when that information provides indications that an offense is imminent and commission of that offense will affect national security or the security of US Army personnel, activities or installations.

c. Release of information concerning an ongoing Army law enforcement investigation requires careful consideration with respect to the particular need for the information requested, the necessity to avoid dissemination of unsubstantiated allegations, requirements to protect a suspect's legal rights, and maintenance of the integrity and effectiveness of the investigation. The provisions of Army Regulations 190-45 and 195-2 apply in this regard. Criminal record data related to uses described by paragraph 4-2a(2) are not provided Army selection boards or other personnel decision makers prior to initial determination of guilt based on criminal-justice disposition except:

(1) Suitability evaluation boards outlined in Chapters 5 and 6, subject to restrictions which may be imposed concerning secondary release.

(2) Personnel managers of highly intensified personnel management areas, specifically designated by the Secretary of the Army, The Chief of Staff of the Army, or the Deputy Chief of Staff for Personnel.

d. Commanders, heads of staff agencies, and boards of officers, not acting in a criminal-justice role but referring to Army law enforcement records and reports, will take one of the following actions after reviewing such information:

(1) When the information does not constitute a bar to the contemplated personnel action, prepare a written statement to the effect that the commander, staff agency head, or board of officers has determined that the unfavorable information

contained in the files does not preclude the specific personnel action under consideration (the specific personnel action under consideration will be cited). This statement will be forwarded to the US Army Crime Records Directorate, 2301 Chesapeake Avenue, Baltimore, MD 21222 to be retained as a permanent document in the criminal investigative case/military police files;

(2) When the decision making authority tentatively concludes that the unfavorable information, if not satisfactorily refuted or explained, would constitute a bar to the personnel action under consideration, the individual will be offered an opportunity to refute or explain the derogatory information, unless an exception has been authorized as prescribed in paragraph 4-3e below. A final determination will be made only after the explanation offered by the individual has been considered. Additional information obtained from further investigation may be considered. When a final determination has been reached, the responsible official will either:

(a) Make unfavorable determination regarding the personnel action under consideration, notify the individual of such determination and place information copy of letter of determination in individual's file. Elimination, disciplinary action, admonition, or referral to the appropriate suitability board will be considered if information contained in the file is significant enough to warrant such, or;

(b) Determine that the unfavorable information does not now constitute a bar to the personnel action under consideration. In these cases a statement similar to that prescribed in paragraph 4-3d(1) will be executed and attached to the criminal investigative case/military police files.

e. Authority to grant exceptions to rebuttal procedures, as prescribed in paragraph 2-6, is limited to the Under Secretary of the Army or his Special Assistant.

(1) Consideration will be given to requests for exception when the information is exempt from access IAW the Privacy Act, as implemented by AR 340-21, and IAW AR 190-45 and AR 195-2, when a significant and legitimate governmental purpose is served by claiming the exemption.

(2) When such an exception is requested by the responsible official(s), the pertinent facts will be forwarded IAW AR 340-21 to the Commander, US Army Criminal Investigation Command, ATTN: CIJA, 5611 Columbia Pike, Falls Church, VA 22041, for CID records and information; or the Deputy Chief of Staff for Personnel, ATTN: DAPE-HRE, Washington, DC 20310 for military police records and information.

CHAPTER 5
RESPONSIBILITIES

5-1. Major commanders. a. Major commanders may, by supplementing this regulation, establish suitability evaluation boards and prescribe procedures to resolve cases arising within their commands. Operation of such boards will be consistent with the policies and procedures prescribed herein and by other applicable directives.

b. Major commanders who establish suitability evaluation boards, will make one of the following determinations after receipt of the report of such boards:

(1) That certain specific unfavorable information is or is not a bar to a favorable personnel action under consideration. A written statement similar to that prescribed in paragraph 3-6c(1) or 4-3d(1) is required.

(2) That the unfavorable information should be made a part of the individual's intelligence or law enforcement file for future consideration.

(3) That the unfavorable information should be noted in the individual's official personnel files. Such action must be directed over the signature of a general officer.

(4) That all available information concerning the case be transmitted to the immediate commander of the service member concerned for preliminary inquiry and report, including, any action deemed appropriate under the Uniform Code of Military Justice.

(5) That separation or elimination action should be initiated.

c. Major commanders will refer cases to the Department of the Army Suitability Evaluation Board (DASEB) for review and recommendation when:

(1) It is determined that unfavorable information concerning an individual cannot be practically resolved by other means.

(2) The severity and complexity are such that the commander does not feel the case can be adequately resolved by the suitability evaluation board within the command.

5-2. Department of the Army Suitability Evaluation Board (DASEB). DASEB is established as a continuing board, under the Deputy Chief of Staff for Personnel. The DASEB will review the records of each case referred to the board. When the Board concludes tentatively that specific unfavorable information should be made a part of the individual's official military personnel file, a case summary of the information will be prepared and forwarded to the individual by registered mail for comment, explanation, and/or rebuttal. The individual's reply will then be evaluated and the board will make one of the following determinations:

a. That certain unfavorable information will be made part of, or excluded from, the efficiency portion of the individual's official military personnel file for consideration in personnel action decisions and/or that separation or elimination action should be initiated under appropriate regulations. The DASEB can only make a recommendation regarding separation or elimination. The actual action regarding separation or elimination must be initiated by the commander or appropriate personnel management official.

b. That the information under consideration is not a bar to favorable personnel actions.

5-3. The Deputy Chief of Staff for Personnel (DCSPER). DCSPER will-

a. Determine the membership of the DASEB and appoint a president and additional members as required.

b. Prescribe policies governing operations of the DASEB.

c. Approve, disapprove, refer to higher authority, and/or direct appropriate action on all adverse DASEB determinations.

d. Monitor and coordinate all DASEB activities not otherwise prescribed.

5-4. The Assistant Chief of Staff for Intelligence (ACSI). ACSI will:

a. Ensure that the US Army Intelligence Command provides necessary assistance to the DASEB by making files available as may be required.

b. Prescribe procedures for release of information from intelligence files to commanders, the DASEB, and to other suitability boards, if established.

5-5. Department of the Army Staff agencies and commanders responsible for personnel actions. These agencies and commanders will -

a. Continuously screen official personnel records for suitability information and refer cases to the DASEB which they are unable to resolve.

b. Query, when deemed necessary, the holders of intelligence and investigative files through established channels concerning the existence of unfavorable information as discussed in Chapters 3 and 4 respectively prior to taking favorable personnel actions involving promotion or appointment to, or continuation in, positions of leadership, trust, and responsibility, and refer cases containing significant derogatory information to the DASEB for resolution. (This is not applicable in the determination of assignments by the HQDA career management divisions in filling worldwide requirements.)

c. When referring cases to the DASEB, provide recommendation for disposition from among those listed in paragraph 5-1, if appropriate.

d. Take necessary action to execute the decision of the DASEB or of the Deputy Chief of Staff for Personnel, on cases that have been reviewed by, or referred to them by higher authority.

5-6. Agencies responsible for release of information from intelligence and investigative files. These agencies will act in accordance with the procedures governing the use of investigative records outlined in this regulation, AR 190-45, AR 195-2, AR 381-45, AR 381-46, AR 40-42 and AR 40-400.

a. Intelligence agencies will, in accordance with chapter 3:

(1) Continuously screen files for information which should be made available to decision makers when considering individuals for positions of leadership, trust, and responsibility.

(2) Submit to the DASEB for consideration all unfavorable information that exists on enlisted personnel, officers and warrant officers.

(3) Advise the appropriate personnel management agency or commander of the existence of unfavorable information on individuals in, or being considered for, positions of leadership, trust, and responsibility.

(4) Provide file copies or information to major commanders, the DASEB, or other HQDA adjudicating agencies when requested. Files may be requested in accordance with AR 381-45 and AR 381-46.

(5) Ensure that unfavorable information received after review by an adjudicating agency is identifiable for subsequent reviews, after any initial determination.

b. Law enforcement agencies will, in accordance with Chapter 4 of this regulation, AR 190-45 and AR 195-2:

(1) Advise the DASEB or other appropriate HQDA adjudicating agency, upon request, when unfavorable information provided for criminal justice action exists on requested individuals.

(2) Provide file copies or extract thereof to these requestors, as appropriate.

(3) Ensure that results of adjudicating agency decision relative to information provided is attached to the file report.

CHAPTER 6
APPEALS

6-1. Processing appeals. Authority to revise, amend, or eliminate from the record, those case summaries, reports, or other matters of unfavorable information in the Official Military Personnel File, which are determined to be unjust or untrue, in whole or in part, is delegated to the Deputy Chief of Staff for Personnel (DCSPER), Headquarters, Department of the Army. To assist him in carrying out this responsibility, the DCSPER has established the DA Suitability Evaluation Board (DASEB) as the appeal authority for matters of adverse information entered in the Official Military Personnel File under the provisions of this regulation. The DASEB is under the direct supervision of the Director of Military Personnel Management (DMPM), ODCSPER. The DASEB is responsible for:

a. The review and evaluation of the validity of items of unfavorable information included in Official Military Personnel Files.

b. The revision, amendment, or elimination from official personnel records of those case summaries or other documents containing adverse information or reports that are determined to be unjust or untrue, in whole or in part.

6-2. Organization and procedures of the DASEB. a. The DASEB operates under the direct supervision of the Director of Military Personnel Management (DMPM), ODCSPER, Headquarters, DA.

b. The DASEB is authorized direct communication with all commanders, agencies, and individuals. In general, cases will be referred to the DASEB only when resolution of adverse suitability information is not practicable under provisions of other directives and guidance.

c. The DASEB will consist of senior commissioned officers. A quorum will be not less than three active members for each case considered. Determination and recommendations will be by majority vote.

d. Voting members on any case will be senior in the grade serving to any individual whose case is being reviewed and evaluated. No DASEB member will vote on a case on which he was personally involved or in which he knowingly has any bias for or against any of the parties concerned.

6-3. Reserve personnel appeals. Appeals submitted by Reserve officers and enlisted personnel not on active duty are normally processed through the Commanding General, US Army Reserve Components Personnel and Administration Center (RCPAC) and referred to the DCSPER by the CG, RCPAC, with appropriate recommendation. DCSPER will refer such cases to DASEB for evaluation.

6-4. Individual responsibilities. Once an official document containing adverse information is accepted by HQDA for inclusion in official personnel files, the individual has the burden of proving that the document is unjust or untrue, in part or in whole, and therefore should be removed from the record or amended. Any individual may appeal the inclusion of a document placed in his/her file under the provisions of this regulation. However, an individual appealing inclusion of such a document in his/her file must submit substantive evidence to support his/her claim that it is unjust or untrue. An appeal which merely alleges an injustice or error is not acceptable and will not be considered as a valid appeal.

a. An appeal must be filed within three years after knowledge of the alleged error or injustice.

b. An appeal must be in writing. No appellant is authorized to appear in person before the DASEB.

c. Appeals should be prepared in the form of a military letter and submitted directly to President, DA Suitability Evaluation Board (HQDA) (DAPE-MPO-E) WASH DC 20310).

d. Appeals for removal of Article 15's from the official file do not fall within the purview of this regulation. Such appeals should be submitted IAW AR 27-10.

6-5. Nothing herein shall be construed to limit or restrict an individual's right to request amendment of his records under the Privacy Act and AR 340-21, or to limit or restrict the authority of the Department of the Army Suitability Evaluation Board to act as an Access and Amendment Refusal Authority under AR 340-21.

6-6. Correction of military records. AR 15-185 contains policy and procedures for application to the Army Board for Correction of Military Records (ABCMR) for relief, and for the correction of military records by the Secretary of the Army acting through the ABCMR. Appeals should be submitted to the ABCMR to correct an error or remove an injustice only after all other means of appeal have been exhausted.

CHAPTER 7
PROCEDURES FOR PROCESSING UNFAVORABLE
INFORMATION CASES

7-1. Procedures. a. Except as otherwise specifically provided in this regulation, the development of procedures for referring cases to suitability evaluation boards is a function of command. In general, cases will be referred only when unfavorable information cannot be resolved under the provisions of other directives.

b. When a case has been resolved without referral to a suitability evaluation board, the commander or head of the DA agency responsible for the personnel action will outline the details of the action in a memorandum for record and transmit it to the Commander, U. S. Army Intelligence Agency, ATTN: MIIA-CAR, Fort Meade, Maryland 20755 or Commander, US Army Criminal Investigation Command, ATTN: CICR-CR, 2301 Chesapeake Avenue, Baltimore, MD 21222 as appropriate.

c. Suitability evaluation boards will make independent evaluations of all relevant information. Additional information, including medical and/or legal evaluations, will be obtained as required.

d. Boards will be provided information and assistance to enable them to conduct detailed and objective evaluations. Prior decisions made by commanders, courts-martial, elimination boards, or other authorities will not relieve the boards of responsibility to proceed in an impartial and independent manner. Due consideration will be given to the double jeopardy limitations prescribed by paragraph 5-4, AR 635-100 and paragraph 1-13, AR 635-200.

e. The provisions of AR 15-6 do not apply to suitability evaluation board proceedings. To ensure protection of individual rights, each board member must be senior in rank to the individual being evaluated. Additionally, the individual must be afforded the opportunity to review the evidence against him/her and to submit a written rebuttal for consideration by the board prior to any adverse finding or recommendation.

7-2. Requirement for documentation. Suitability evaluation boards will document their findings, conclusions and recommendations. A determination of "no bar" to favorable personnel actions will be placed only in the file containing the unfavorable information and the board's record file. A "no bar" determination

does not preclude future reconsideration if additional facts or additional unfavorable information, not previously considered by the board, becomes available at a later date. Other determinations will be filed in official personnel files in accordance with governing regulations.

7-3. ARNG and USAR personnel not on active duty. Coordination with the Office of the Chief, National Guard Bureau, or of the Chief, Army Reserve, Department of the Army, will be accomplished prior to making adverse determinations pertaining to ARNG and USAR personnel not on active duty.

The proponent agency of 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) direct to HQDA (DAPE-MPO-C) WASH DC 20310.

BY ORDER OF THE SECRETARY OF THE ARMY:

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AR 195-2 (CRIMINAL INVESTIGATIVE ACTIVITIES)

APPENDIX III TO ANNEX F

ARMY REGULATION

HEADQUARTERS
DEPARTMENT OF THE ARMY
Washington, DC

No. 195-2

CRIMINAL INVESTIGATION
CRIMINAL INVESTIGATION ACTIVITIES
Effective

This is a complete revision of AR 195-2 and changes are made throughout. Local supplementation of this regulation is prohibited except upon approval of the Commander, United States Army Criminal Investigation Command.

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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 responsibilities of all personnel assigned to CID elements.

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

1-2. Policy. The United States Army Criminal Investigation Command (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 investigative activities will be followed by all CID personnel and elements throughout the United States Army.

1-3. Explanation of Terms. For the purpose of this regulation, the following definitions will apply:

a. Army Criminal Investigation Program (CID Program). The CID program includes criminal investigation procedures, techniques, resources, training, and those CID communication procedures employed by USACIDC, throughout the Army.

b. Branch Office. A branch office is the smallest USACIDC operational element, and normally consists of three or less CID special agents. It provides CID support within a specified geographical area of responsibility.

c. CID. The historical acronym for matters specifically identified with USACIDC activities.

d. CID Special Agent. An individual who has been accepted by the Cdr, USACIDC, in accordance with AR 195-3.

e. CID Report of Investigation (DA Form 2800). An official written record of all pertinent information and facts obtained in a criminal investigation.

f. CID Supervisor. A commissioned officer who has been assigned as a region, laboratory, district or field office commander or executive officer, or to other positions for Criminal Investigation Officers designated by the Cdr, USACIDC. Officers assigned as CID supervisors are responsible for the conduct and/or support of the criminal investigation mission.

g. Controlled Substances. Controlled substances are those substances or immediate precursors listed in the current schedules of Title 21, US Code, section 812. General categories include, but are not limited to narcotics, derivatives of the Cannabis Plant, amphetamines, barbiturates, hallucinogens, and methaqualone.

h. 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.

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

j. Criminal Investigation. An investigation of a criminal incident/allegation conducted by USACIDC.

k. Criminal Investigative Information. Information compiled in the course of a criminal investigation.

l. 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.

m. Criminal Offense. Any criminal act or omission as defined and prohibited by the Uniform Code of Military Justice, the US 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.

n. District. A district is a subordinate operating element of a region. It provides CID support within a specified geographical area. A district is normally larger than a field office.

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

p. Field Office. A field office is a subordinate operating element of a region and is normally smaller than a district. It provides CID support within a specified geographical area.

q. 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.

r. Juvenile. For purposes of this regulation, a person under the age of eighteen at the time of the offense who was not then a military member.

s. Military Offense. Any wrongful act or omission which is unique in the military context and has no concomitant application in a civilian context.

t. Narcotics. Opium, opium derivatives (morphine, codein, heroin); synthetic opiates (meperidine, methodone); the coca leaf, and its derivative, cocaine.

u. Non-narcotic Controlled Substances. Those substances or their immediate precursors listed in the current schedules of Title 21, US Code, section 812, which do not contain a narcotic, such as derivatives of the Cannabis Plant (marihuana), amphetamines, barbiturates, hallucinogens, and methaqualone.

v. Preliminary Inquiry. An examination by 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, to determine what agency has investigative responsibility.

w. Property of a Sensitive Nature. Those government owned items defined as sensitive in AR 740-26.

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

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

z. Resident Agency. A resident agency is normally a subordinate element of a field office or district. It provides CID support within a specified portion of a district's or field office's geographical area of responsibility.

aa. Special Agent In Charge (SAC). A CID special agent appointed as the supervisor of a resident agency or branch office.

ab. Special Background Investigation. An expanded background investigation conducted by Defense Investigative Service (DIS) for the purpose of verifying information concerning an individual's personal qualifications, loyalty and assignment to a special position of trust.

1-4. Investigative Policies.

a. Commanders will insure that criminal incidents/allegations in the Army affecting or involving persons subject to the Uniform Code of Military Justice, civilian employees of the Department of Defense with their assigned duties, 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 paragraph 1-13, AR 210-10. Information indicating a violation of AR 600-50, or ASPR 1-608.1, that develops into possible criminal activity will also be reported to the military police/security police.

b. Military police/security police will refer promptly all crimes or incidents falling within CID investigative responsibility to the appropriate CID element for investigation. DA Form 3975 (Military Police Report) will be used for the purpose of referring these incidents to CID.

c. Commanders of installations or activities without assigned military police/security police will report known criminal incidents/allegations to the supporting USACIDC element, or the supporting military police/security police, as appropriate.

d. USACIDC will determine appropriate investigative action in accordance with this regulation for all criminal incidents/allegations reported to it or which are developed through its own sources. Necessary reports will be prepared reflecting the results thereof.

e. USACIDC elements receiving reports of criminal incidents/allegations from other than the military police or security police will notify the appropriate provost marshal/security officer of the incident, unless such notification will compromise the investigation.

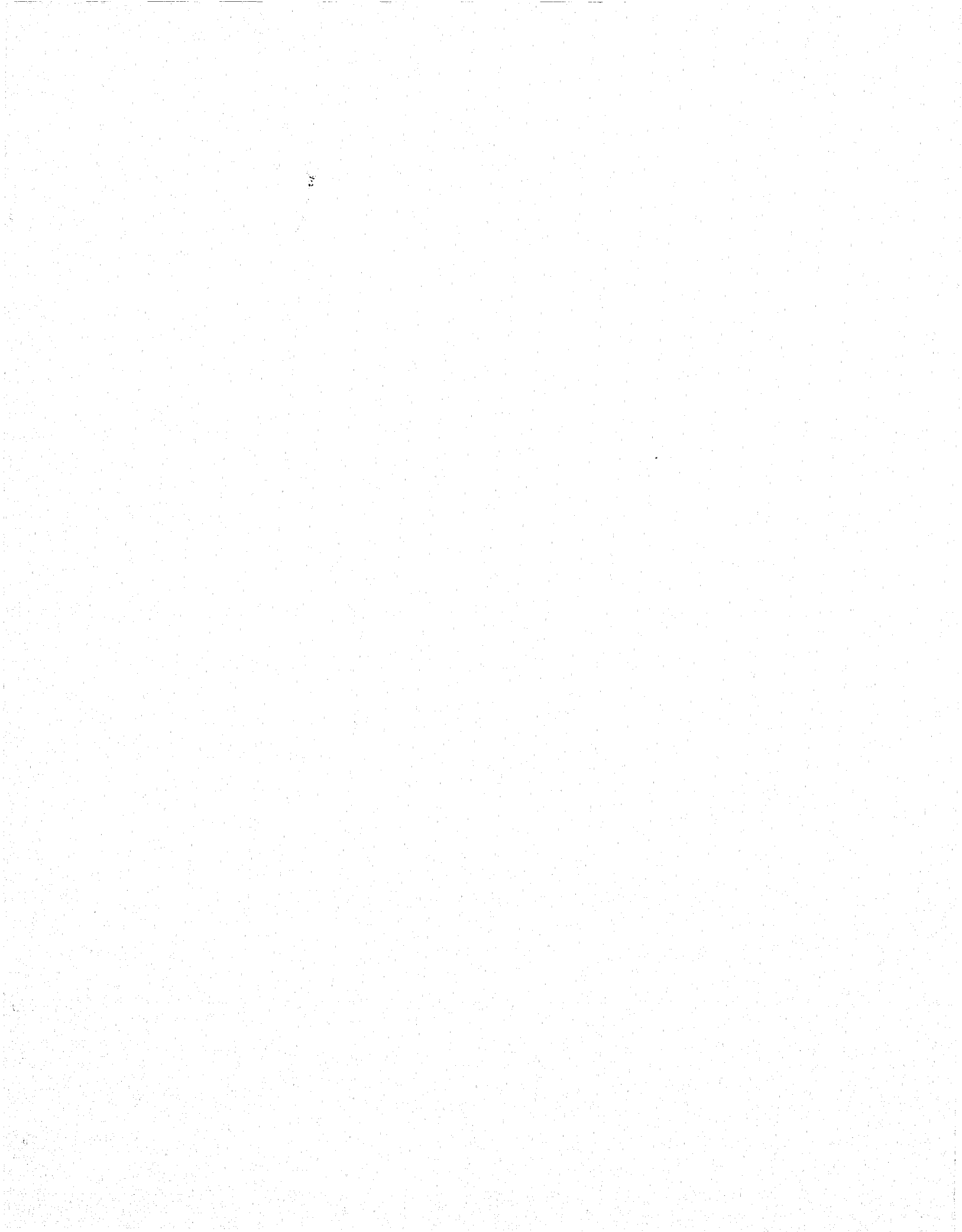
f. Notification to Department of Justice. 28 USC 535 requires that any information, allegation or complaint relating to violations of Title 18, US Code, involving government officials and employees shall be reported expeditiously to the Department of Justice (DOJ).

(1) For violations in the United States, the normal method of referral and consultation with the Federal Bureau of Investigation (FBI) on all such violations involving either military or civilian personnel is the usual and desirable procedure for accomplishing the notification required under 28 USC 535, e.g., see Chapter 7, AR 27-10.

(2) In the case of overseas violations or loss or injury to the United States occasioned by any civilian, whether or not such person is a DOD employee (e.g., a defense contractor), which affect Armed Forces activities, a full report on the nature and apparent scope of the violation, loss or injury involved will be provided through USACIDC channels. Headquarters, USACIDC, will effect notification to DOJ as appropriate. A prompt initial notification should be submitted through USACIDC channels in all instances involving bribery and conflict of interest, and in those fraud, theft, and/or unlawful destruction of Government property instances when the loss to the United States exceeds \$1000 or is expected to exceed that amount.

g. 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 USACIDC.

h. Continuous criminal investigation/military intelligence liaison will be maintained. Information pertaining to actual or alleged espionage, sabotage, treason, or sedition developed during the course of USACIDC activities, will be furnished immediately to



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the appropriate military intelligence representative. Similarly, information concerning an offense or incident involving any person authorized access to classified information will also be furnished as soon as practicable to the appropriate military intelligence representative. Criminal information developed by military intelligence activities will be expeditiously reported to CID for appropriate action.

i. USACIDC elements will refer information related to systematic weaknesses or managerial deficiencies, not of a criminal nature, to the appropriate Inspector General office, in accordance with AR 20-5.

j. Criminal Information.

(1) USACIDC will maintain a Criminal Information Program to provide for the expeditious reporting and recording of information concerning criminal activities directed against or involving the US Army. The program will develop and report modus operandi and assess the vulnerability of Army activities or crime conducive conditions. The focus of the Criminal Information Program will be the detection and prevention of criminal activity. Information gathered may be fragmentary, unsubstantiated, or factual.

(2) Criminal information will be exchanged between CID elements and the Provost Marshals/Security Officers they support. Criminal information files will be periodically reviewed to determine if information is necessary and relevant to the program scope and will be purged as required. Safeguards will be established to preclude the release of criminal information to unauthorized persons or agencies.

(3) 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 US Army personnel, activities or installations. Release will be made only to the extent necessary to prevent the commission of the offense.

(4) Information concerning criminal activity of interest to US 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 these agencies will be forwarded to the Commander, USACIDC, ATTN:

CIOP-CP, 5611 Columbia Pike, Falls Church, VA 22041. All releases of information under this provision will be in accordance with AR 340-21.

(5) 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.

(6) Collateral reports of investigations (reports of criminal investigation received from civilian agencies) pertaining to offenses within USACIDC's normal investigative responsibility will be forwarded by Provost Marshals/Security Officers IAW AR 190-45 to the Crime Records Directorate. An information copy of the DA 3975, with the civilian police report as an inclosure, will be provided to the supporting CID element to insure the receipt of criminal information. When the overall interests of the Army would best be served, USACIDC may assume collateral reporting responsibility for any particular off-post investigation by notifying the appropriate provost marshal/security officer.

k. The contents of Army investigative files will be restricted to information which is necessary and relevant to authorized criminal investigation and law enforcement information gathering activities or otherwise authorized by AR 380-13, Acquisition and Storage of information Concerning Non-Affiliated Persons and Organizations.

l. USACIDC personnel will not direct non-CID personnel to work with or for civilian police agencies within the US or its territories and possessions. However, non-CID personnel may provide information to or work with civilian police authorities in performing their normal duties of citizenship, if they independently and personally elect to do so. See paragraph 3-2c for the use of CID personnel.

m. Commanders and supervisors receiving action copies of final CID reports of investigations pertaining to a member of their organization will reply within 60 days after receipt of the CID Report of Investigation through local command channels to the USACIDC element preparing the report, indicating the judicial, non-judicial, or administrative action, or lack thereof, taken against persons listed in the title block under their

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supervision or command. Changes to non-judicial or administrative action resulting from subsequent appellate action will also be reported by commanders and supervisors to the preparing USACIDC element. This report of action taken is required for completion of investigative files and to protect the rights of individuals involved.

n. Commanders/supervisors of activities, facilities, or installations who have received a crime prevention survey conducted by USACIDC will furnish a report of corrective action taken or a statement that no corrective action was taken as a result of that survey. This report of corrective action must be forwarded by the commander/supervisor concerned through local command channels to the appropriate USACIDC field element within 90 days after receipt of the survey.

o. 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 Cdr, USACIDC, ATTN: CIOP-SA.

1-5. Responsibilities. a. In addition to those functions prescribed in AR 10-23, the Cdr, USACIDC, will:

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

(2) Conduct evaluations of Army polygraph activities and provide membership on DOD polygraph committees.

(3) Maintain full cognizance of, and overall responsibility for, Army investigations of offenses involving "controlled substances", as defined in Title 21, US Code, section 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. Crime Statistics. 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. Statistical

data necessary to support locally established reports may be provided within the administrative and record keeping capabilities of the supporting CID element.

c. Within their respective areas of responsibility, major Army commanders and subordinate commanders will support the Army CID program by providing necessary facilities and support as required by current regulations or as delineated in support agreements to assist USACIDC in meeting the criminal investigative requirements of their subordinate commands, installations, and other supported Army activities.

d. Cdr, Training and Doctrine Command (TRADOC) is responsible for the formal training of USACIDC personnel at TRADOC schools as necessary to meet the requirements of USACIDC.

CHAPTER 2

USACIDC ORGANIZATION

2-1. General. a. USACIDC is a major Army command of the Department of the Army (see AR 10-5 and AR 10-23). It is organized into a command headquarters, regions, laboratories, districts, field offices, resident agencies, branch offices, and liaison offices. USACIDC may establish separate elements for those areas which are not within the area of a region. USACIDC will establish subordinate regions, districts, field offices, resident agencies, branch offices, and liaison offices, as required to fulfill its investigative mission.

b. USACIDC elements are normally tenants at an Army installation and provide investigative support to the installation commander as well as to the commanders of all Army elements located within the USACIDC element's geographical area of responsibility. The commanders or special agents in charge at each level of command provide staff advice and guidance on all CID matters to supported commanders and provost marshals/security officers.

2-2. CID Support to the Army in the Field.

a. During other than tactical operations, all units will receive CID support from USACIDC elements as described in para 2-1b. During tactical operations, field exercises and in active theaters of operation, Cdr, USACIDC, will provide CID support to tactical units and their supporting elements under one of the following options:

(1) General Support, i.e., CID support is rendered the supported force in a given geographical area by CID elements under command and control of a USACIDC headquarters.

(2) Direct Support, i.e., CID support is provided by a USACIDC element not attached or under command of the supported organization, but the USACIDC element is required to provide dedicated support to the supported organization.

(3) Attachment, i.e., the temporary placement of USACIDC elements under the command and control of the commander of the organization receiving the attachment who will exercise the same degree of command and control over CID elements as over units/individuals organic to his command, less reassignment and promotion

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responsibilities which are retained by USACIDC.

b. The selection of the most appropriate 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 Cdr, USACIDC. The commander of the supported tactical force will provide necessary logistical and administrative support to CID elements in direct support or attached.

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, and appropriate provisions of this regulation.

2-3. Organizational Changes. Activation, inactivation and changes of MICE/TDA will be IAW applicable USACIDC regulations and AR 310-49, The Army Authorization Documents System.

CHAPTER 3
CRIMINAL INVESTIGATION ACTIVITIES

SECTION I. GENERAL

3-1. Investigative Responsibility.

a. The normal division of investigative responsibility between USACIDC and Military Police assigns investigative responsibility for Army-related felonies (offenses punishable by death or confinement for more than one year) to USACIDC and investigative responsibility for Army-related misdemeanors (offenses punishable by confinement for one year or less) to Military Police. See, however, paragraph 3-4 below.

b. Exceptions to the normal division of responsibility are:

(1) USACIDC is responsible for investigating property-related offenses when the value of the property taken or destroyed or the amount of damage inflicted is \$250 or more. Military Police are responsible for investigating property-related offenses when the value is less than \$250. When requested by the supported commander, USACIDC will investigate property crimes of lesser value, such as a series of minor larcenies which appear to be work of an organized group, insofar as USACIDC assets allow.

(2) USACIDC has overall responsibility for offenses involving controlled substances. USACIDC is responsible for investigating use, possession, sale and trafficking of controlled substances classified as narcotics and the sale and trafficking of non-narcotic controlled substances. Use and possession of non-narcotic controlled substances will be investigated by the Military Police who will notify the local USACIDC element without delay that such an investigation has been initiated and will provide to that office copies of all resulting military police reports.

(3) 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 A.

(4) USACIDC is responsible for conducting an investigation into non-combat deaths where medical authorities cannot determine that death resulted from natural causes.

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(5) Certain military offenses, such as misbehavior as a sentinel or disrespect, will not normally be investigated either by USACIDC or the Military Police. However, when the significance of the incident and the complexity of the facts dictate, USACIDC or the Military Police may assume investigative responsibility.

(6) Normally, crimes involving members of the Army National Guard (ARNG) and United States Army Reserve (USAR) units not on active duty are not investigated by USACIDC. Exceptions may be requested through appropriate Reserve Component channels to Cdr, USACIDC, ATTN: CIOP-SA.

(7) USACIDC is responsible for investigating suspected war crimes when a violation of the UCMJ, listed in Appendix A, is indicated or when otherwise directed by HQDA.

(8) Allegations of obstruction of justice or perjury violations, no matter by whom committed, should be referred to the FBI.

c. USACIDC may conduct preliminary inquiries as required.

3-2. USACIDC Responsibility In US Territory.

a. On Army controlled installations:

(1) USACIDC is responsible for investigating criminal offenses listed in Appendix A.

(2) When an offense is not listed in Appendix A, nor in AR 190-30, investigative responsibility will be determined as provided in paragraph 3-1 above.

b. Outside Army controlled installations:

(1) USACIDC will not normally investigate criminal offenses committed outside the military installation. See paragraph 1-4j(6) for collateral reports of investigations.

(2) In exceptional circumstances, USACIDC may investigate criminal offenses committed outside military controlled installations when there is a legitimate Army interest as determined in coordination with the local commander. Such investigations will not be conducted for the purpose of enforcing civilian law.

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(3) Except where there is affirmative evidence that alleged criminal activity involves persons subject to the UCMJ, civilian employees of the Department of Defense in connection with their assigned duties, or military property, CID elements will neither sanction, nor lend affirmative assistance for the use of military personnel as sources or informants for civilian law enforcement agencies. This provision will not be construed to prevent CID personnel from performing normal duties of citizenship in terms of reporting crimes or other suspicious activities to civilian law enforcement agencies or otherwise cooperating with civilian police in their private capacities, nor does it preclude the mutual exchange of police information.

3-3. USACIDC Responsibility Outside US Territory.

a. In oversea commands, the investigative authority of US forces is normally defined by Status of Forces Agreements or similar international covenants. Within the constraints of such agreements, USACIDC will investigate those offenses listed in Appendix A.

b. If such agreements do not exist, USACIDC will investigate those offenses listed in Appendix A, but only when they occur on US controlled installations or involve Government property or when Army personnel, DA civilians, or their dependents are identified as suspects/subjects. This policy will be modified as necessary to bring it into agreement with policies of the host government and the appropriate US Ambassador.

c. See Annex D for oversea drug suppression policies.

3-4. Assumption of Investigative Responsibility. USACIDC may assume the responsibility for investigating any criminal offense within the investigative authority of the Army when appropriate to a related investigation or to further the law enforcement or crime prevention goals of the Army, except as specifically prohibited by higher authority. When USACIDC assumes control of an investigation from the military police, the investigation will be carried through to conclusion by USACIDC and not transferred back to the Military Police.

3-5. Agreements Between USACIDC and Provost Marshal/Security Elements. Modification of investigative responsibility is authorized on a local basis in the event that the resources of either USACIDC or the Military Police cannot fully support their investigative workload and no suitable alternative is available.

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Such modifications will be by mutual agreement between the Provost Marshal/Security Officer and the supporting CID commander. Agreements will be in writing and restricted to a period of no more than six months duration at a time without renegotiation.

3-6. Referral of Investigations. For some criminal offenses within USACIDC investigative authority occurring on US installations, an external agency may have the primary right to investigate. In such cases, the external agency will be promptly informed of the allegation and, if the external agency exercises its right to investigate the case, it will be referred to that agency. USACIDC will submit a report of investigation reflecting the referral and the result of the investigation by the external agency. If after exercising its right to investigate, the external agency ceases the development of investigative leads, USACIDC may conduct further investigation provided the external agency presents no valid objections. If the external agency declines to exercise its right to investigate, USACIDC will conduct the investigation providing the external agency interposes no valid objection.

3-7. Army Alcohol and Drug 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 in 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 approached by CID Special Agents for the purpose of soliciting information about controlled substances trafficking unless the participant voluntarily offers to provide such information. Identification as an abuser of controlled substances through urinalysis screening will not be used as the basis for initiating a CID investigation.

3-8. Self-Admitted Homosexuality.

Cases of self-admitted homosexuality will be referred to USAICIDC for investigation. When specific information as to names, places, and dates is not provided, nor are investigative leads developed:

- a. The appropriate intelligence activity will be notified.
- b. A Final Report of Investigation will be prepared noting that the investigation is terminated due to the refusal or inability of the subject to furnish any investigative leads.

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3-9. Customs and Postal Matters.

a. Postal and Customs authorities periodically find unauthorized material; e.g., contraband, explosives, ammunition, unauthorized or illegal weapons, which may be the property of the US Government.

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

c. Recovery of weapons and significant amounts of ammunition will be reported by the Army element receipting for them IAW AR 190-11.

d. USACIDC will investigate such incidents when appropriate in conformity with this regulation.

SECTION II. CRIME PREVENTION SURVEYS

3-10. Crime prevention surveys are conducted by USACIDC 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.

SECTION III. PROTECTIVE SERVICES

3-11. USACIDC plans for and conducts protective service operations. When conducting such operations, USACIDC personnel will be provided logistical, administrative, and personnel support from US Army elements as required.

SECTION IV. OPERATIONAL CONSIDERATIONS

3-12. Freedom of Movement. a. During the course of a criminal investigation, CID special agents/supervisors are authorized freedom of movement between geographical areas of responsibility.

b. CID personnel assigned to USACIDC are not required to obtain specific theater clearance from oversea commanders prior to undertaking oversea travel in connection with their official duties (See para 1-2b(5), AR 1-40).

3-13. Crime Scenes. The control and processing of a crime scene, and the collection and preservation of the evidence found therein, is the exclusive responsibility of the CID special agent/supervisor in charge of the crime scene. In order to prevent the possible destruction of evidence, the CID special agent/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 maintaining necessary operations and security determined in conjunction with the appropriate commander.

3-14. Coordination. a. USACIDC elements will establish liaison with the headquarters responsible for the installation, activity or area supported. Commanders and provost marshals/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 Cdr, USACIDC, who will inform the Chief of Staff and/or the Secretary of the Army of the intention to delay or withhold the release.

b. Other Services. USACIDC elements will notify promptly the appropriate headquarters of another military service of any known or suspected crime for which USACIDC has investigative responsibility in which the personnel or property of the other service are involved. Upon written request from the headquarters having jurisdiction over the personnel concerned, an investigation may be made by 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 or Army Reserve not on active duty will be reported to the appropriate state adjutant general in those cases involving National Guard personnel and Cdr, Forces Command, in those cases involving Army Reserve personnel.

d. Derogatory information that mentions or can be tied to particular individuals will be released only to those persons whose official duties create a definite identifiable need to have access to the information.

3-15. Access to Army Facilities and Records. CID special agents/supervisors will be granted access to all Army facilities and records when necessary for criminal investigations, protective services missions, or crime prevention surveys, except when access is specifically prohibited by law. See AR 40-42, relative to policies and procedures for the release of private medical information. All accredited CID special agents and supervisors are required to have a Top Secret clearance.

3-16. Other Background Investigations. 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 Crime Records Directorate, USACIDC, however, terminals located at CONUS installations as specified in AR 190-27 are available for use by CID after coordination with the commander concerned.

b. 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 USACIDC and which meets the criteria established by the FBI for entry into the system. Data pertaining to absentees or deserters who have been identified as Army subjects of CID investigations will be entered through the USACIDC terminal at the Crime Records Directorate, USACIDC.

c. The use of the NCIC will be in accordance with AR 190-27 and the operating instructions of the FBI. USACIDC elements using terminals located at CONUS installations will adhere to the applicable FORSCOM or TRADOC directives. The Commander, USACIDC, will issue appropriate instructions for the use of the NCIC by USACIDC elements.

d. USACIDC and the US Army Deserter Information Point (USADIP) will establish liaison to insure timely exchange of information on matters pertaining to military deserters. Crime Records Directorate, USACIDC, will provide USADIP with the names of those Army

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deserters in whom USACIDC has an interest. USADIP will insure that notification of apprehension or inquiries from civil law enforcement authorities on subjects of CID investigations are transmitted to Crime Records Directorate, USACIDC by the most expeditious means.

3-18. Warning of Rights. Prior to any questioning, suspects or accused persons must be given a proper warning of their rights. See Appendix C, AR 190-30. The rights include advice regarding the nature of the offense, the right not to make a statement (Article 31, UCMJ or the 5th Amendment, Constitution of the United States), right to legal counsel, and right not to consent to search and seizure.

SECTION V. CID SPECIAL AGENTS

3-19. Utilization. a. CID special agents will not be assigned to other than criminal investigative duties without the prior approval of the Cdr, USACIDC. Assignment of CID special agents or supervisory personnel to duties such as post or staff duty officer/noncommissioned 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 being considered by the board, is not authorized. This does not preclude the performance by CID special agents or supervisors of those additional duties associated with assignment to a military unit, such as supply, operations, or safety officer, or unit boards and councils.

b. In exceptional circumstances, civilian employees of the US Army may be authorized by the Cdr, USACIDC, to assist in criminal investigations and to perform other CID related duties, to include the administering of oaths. Those civilian employees who have been certified as polygraph examiners IAW AR 195-6, by the Cdr, USACIDC, may conduct polygraph examinations in connection with criminal investigations.

3-20. Authority to Apprehend or Detain. a. CID special agents and supervisors have the authority to apprehend persons subject to the UCMJ upon probable cause that an offense has been committed and that the person apprehended committed the offense. See AR 600-40 and Ch V, MCM 1969, Revised. Absent exigent circumstances, individuals will not be apprehended in their on-post private dwelling without the prior appropriate authorization by a responsible commander based upon probable cause. An exigent circumstance

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would be one in which a delay would likely lead to the immediate escape of the individual to be apprehended or the loss of life. An individual may not evade apprehension by entering private quarters when being pursued; entry into the quarters in such circumstances is governed by the principle of hot pursuit. Warrantless entry into private quarters is permissible when there is probable cause to believe that there is evidence therein and that the evidence will be lost or destroyed unless it is immediately seized. This is an exception to the requirement for search warrants. CID special agents may enter off-post private dwellings only if a search warrant is obtained or if they are invited to enter.

b. When available, detention facilities operated as an integral part of a military police station may be utilized by CID personnel for detention of apprehended personnel for a period not to exceed 24 hours. Further detention may be authorized in unusual circumstances by the installation commander. When using detention facilities, the provisions of AR 190-38 will apply.

c. Female military personnel normally will be detained by placing them in the custody of the commanding officer of the nearest Army facility where adequate housing and supervision for women is found. If factors such as time or distance dictate, similar facilities of another military service may be used. When neither of these solutions is feasible, the nearest facility suitable for the detention of female Federal prisoners may be utilized on a reimbursable basis. Female personnel may be detained in a military police detention facility, as a measure of last resort, when clear military necessity exists, for the safety of the detainee, or if the safety of others requires it. Female detainees will not be detained with male detainees. See AR 190-47.

d. Civilians involved in criminal incidents occurring on a US Army installation may be detained by CID special agents until they can be released to the appropriate Federal, state, or local law enforcement agency.

3-21. Authority to Administer Oaths. CID special agents and supervisors have authority to administer oaths pursuant to Article 136(b)(4), UCMJ when conducting investigations. Civilian employees designated IAW para 3-19b above are authorized to administer oaths under the provisions of Title 5, US Code, section 303.

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3-22. Firearms. a. CID agents/supervisors are authorized to carry concealed weapons in the performance of official investigative duties. The carrying of concealed weapons aboard commercial aircraft will be governed by the provisions of AR 190-14 and the air carrier concerned. The carrying of privately owned weapons is prohibited.

b. Unless authorized by the Cdr, USACIDC, or the commander's designated representative for a specific investigation, only government issued/acquired weapons and ammunition will be utilized.

3-23. Civilian Clothing. a. Unless precluded by the theater requirements; e.g., combat operations, CID special agents will 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 IAW AR 700-84.

b. CID special agents/supervisors may obtain non-standard spectacle frames under the provisions of paragraph 11-9(g) (2), AR 40-3.

3-24. Billets and Messes. a. Normally, male enlisted USACIDC unit administrative personnel will not be billeted with other than military police personnel. Female unit administrative personnel will normally be billeted with female Army personnel on the installation, however, alternative billeting arrangements will be provided when it is determined that the USACIDC mission may be adversely affected. It is not the intent of this policy to preclude USA-CIDC administrative personnel from living in non-military police billets when accomplishment of the USACIDC mission will not be endangered.

b. Enlisted CID special agents will not be billeted in normal troop type billets at any time. They are authorized to occupy Senior Bachelor Enlisted Quarters (SBEQ) type billets regardless of their grade. If SBEQ type facilities are not available, enlisted CID special agents will be authorized to reside off-post and will be entitled to allowances commensurate with their grade (see AR 210-16).

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c. Enlisted CID special agents and enlisted laboratory examiners in a TDY status will not be billeted in troop transient billets. If SBEQ billets are not available, a certificate of non-availability for billeting will be issued the individual.

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 oversea areas not authorized Basic Allowance for Quarters and Basic Allowance for Subsistence.

f. Enlisted CID special agents will utilize officer facilities only when required by specific investigative duties and authorized by a CID supervisor.

3-25. Disclosure of Grade. a. CID special agents in the conduct of USACIDC activities will not be required to reveal their military grade or position other than as "CID Special Agent" when such disclosure might interfere with the discharge of investigative duties. Their status as a member of the US Army may also be concealed if such concealment is in the best interest of a specific investigation. CID supervisors normally will be referred to by their rank, whether in uniform or civilian clothing.

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

3-26. Retention of 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 a criminal investigation, or related duties are exempted from the requirements of AR 108-5.

3-27. Standards of Conduct. Standards of conduct for DA personnel are contained in AR 600-50 and will apply to all personnel in the Army CID Program. Additional restrictions of off-duty employment of personnel assigned to USACIDC may be determined by the Cdr, USACIDC.

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 the 340-18 series of Army Regulations, this regulation and other applicable regulations or directives.

4-2. Preparation and Maintenance. .a. Cdr, USACIDC will establish policies and procedures for the preparation and maintenance of investigative records and reports as prescribed in this regulation and other applicable regulations.

b. Investigative forms. This regulation is the prescribing directive for the following forms:

(1) DA Form 2800 (CID Report of Investigation) will be utilized for all completed CID reports of investigation. The format for utilization will be prescribed in appropriate USACIDC regulations.

(2) DA Form 2804 will be utilized as an index card for subjects, suspects and victims of each CID report of investigation and subjects/victims of military police reports forwarded to the USACIDC Crime Records Directorate for file. See Appendix B for instructions on completing this form.

c. Investigative files.

(1) Cdr, 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 contained in these files.

(2) Cdr, 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 military police reports submitted to the Crime Records Directorate in accordance with AR 190-45 and for the release of information therefrom.

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(3) Those files pertaining to investigative activity by USACIDC elements are exempt from the filing provisions of paragraph 4-8b, AR 340-18-1.

d. Reports Control. USACIDC investigative reports are exempt from reports control under paragraph 7-2t, AR 335-15.

e. Classification and Safeguards.

(1) USACIDC investigative records and reports will be marked "FOR OFFICIAL USE ONLY" (FOUO) under the provisions of AR 340-16. 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, classifying and handling will be in accordance with AR 380-5.

(2) Access to CID reports will be limited to those personnel 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 Crime Records Directorate when not under personal control of an authorized individual will be stored in a locked room or file cabinet, desk, or shelf-file, or under other conditions which furnish an equivalent or greater degree of physical security.

(4) Copies, extracts or reproductions of CID reports will not be transmitted outside of the requesting agency without prior approval of the Cdr, USACIDC. This does not apply to CID reports included in a court-martial record of trial.

(5) When reports provided by USACIDC are disposed of, they will be destroyed in accordance with AR 340-16.

4-3. Release and Use of Information.

a. The release of investigative information within the meaning of this regulation includes any visual access, oral disclosure, explanation of contents, or reproduction of material contained in investigative records, reports, or other documents of USACIDC origin.

b. The release of USACIDC investigative records and reports or information is authorized when such release is in conformity with this regulation; AR 40-2 and 40-42; AR 190-45; AR 195-6; AR 340-17; AR 340-19; AR 340-21, DA MSG 021847Z AUG 74, Army Regulation 381-17, Wiretap, Investigative Monitoring and Eavesdrop Activities, and policy pertaining to external agency information, as applicable.

c. Routine distribution within DOD, but external to USACIDC, of final CID reports of investigation (DA Form 2800) will be thru the next higher field grade commander to the commander responsible for initiation of disciplinary or corrective action, with copies provided the staff judge advocate supporting the action commander and the provost marshal/security officer responsible for law enforcement in the area in which the incident occurred, or as further directed by the Cdr, USACIDC. Disclosures outside DA under the authority of this paragraph must be accounted for IAW appropriate USACIDC regulations.

d. Criminal Law Enforcement Exchange. Information originated or maintained by USACIDC pursuant to authorized USACIDC criminal investigative activity concerning suspected criminal conduct may be disclosed to and if necessary acquired from any Federal, state, local or foreign criminal law enforcement unit, department or agency; unless specifically prohibited by regulations (e.g., those noted in subparagraph b above and paragraph 1-4k, this regulation). A disclosure under this paragraph to a criminal law enforcement element outside DOD is a routine disclosure for Privacy Act purposes and must be accounted for IAW Chapter 3, AR 340-21.

e. Sensitive Investigative Information. The identity of confidential informants, information pertaining to CID investigative techniques, and data contained in internal CID records, reports or indices thereof will be released only as authorized by subparagraph d above or the Cdr, USACIDC. All other inquiries or requests regarding this type of information, not made under the provisions of subparagraph g below, will be forwarded to Commander, USACIDC, ATTN: CLJA-ZA, 5611 Columbia Pike, Falls Church, VA 22041.

f. Juvenile Records. Investigative information pertaining to juveniles will be released only as authorized by subparagraph c and d above or the Commander, USACIDC. The fact that the individual to whom the information pertains has become an adult does not alter the protection provided juvenile records. All other inquiries or requests regarding this type of information, not

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made under the provisions of subparagraph g below, will be forwarded to Commander, USACIDC, ATTN: CICR-ZA, United States Army Crime Records Directorate, USACIDC, 2301 Chesapeake Avenue, Baltimore, MD 22122.

g. Freedom of Information and Privacy Act. All requests under the Privacy Act or Freedom of Information Act will be processed in accordance with AR 340-21 and 340-17, respectively. Requests for USACIDC records under these acts will be forwarded immediately upon receipt to Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, VA 22041. The Commander, USACIDC is the only person within the command authorized to deny such requests for USACIDC records.

h. 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 Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, VA 22041. Requests from the legislative branch will be processed in accordance with AR 1-20 and AR 340-21. Civilian judicial requests or subpoena, including those originated by prosecution and defense counsel, will also include that information required by Chapter 7, AR 27-40.

i. 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, Crime Records Directorate, USACIDC, 2301 Chesapeake Ave., Baltimore, MD 22122. The Director, Crime Records Directorate, is authorized direct communication with these agencies and components for this purpose.

j. No individual, agency or component which receives CID investigative reports or other information is authorized to further disclose those documents or other information, except for military justice purposes (e.g., disclosure in Article 32 proceedings or courts-martial, or to a trial or defense counsel) without the prior approval of the Commander, USACIDC. This prohibition does not apply to recipients of CID reports or information pursuant to the Privacy or Freedom of Information Acts (subparagraph g above).

k. News media requests under AR 340-19 for CID criminal investigative information and not resolved at the investigating element's level may be directed to Commander, USACIDC, ATTN: CIIO-ZA, 5611 Columbia Pike, Falls Church, VA 22041.

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1. All other requests not specifically addressed above for copies of CID investigative reports or information will be referred to the Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, VA 22041.

CHAPTER 5

CRIME RECORDS DIRECTORATE, USACIDC

5-1. General. The Crime Records Directorate, USACIDC, will receive and maintain the permanent files of CID Reports of Investigation (DA Form 2800) and selected Military Police Reports (DA Form 3975) and Commanders Reports of Disciplinary Action Taken (DA Form 3975-1 or appropriate USACIDC form). It will insure the retention and proper utilization of these records and furnish data, copies of files or documents or information therefrom to persons or agencies authorized to receive such information. It will refer or forward requests as appropriate to agencies controlling release of the requested information. It will maintain crime record liaison for Cdr, USACIDC, with the Defense Investigative Service, the US 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 Crime Records Directorate will:

- a. Receive and file all records and reports as directed by the Cdr, USACIDC.
- b. Receive and file military police reports acquired under the provisions of AR 190-45.
- c. Process all CID reports of investigation, other agency criminal investigation reports and military police reports, to include the review of offense coding for filing, and insure that each report is administratively complete.
- d. Provide records checks, both emergency and routine, for provost marshals/security officers, USACIDC elements, DA, DOD and other law enforcement agencies identified by the Cdr, USACIDC, as routine users of records maintained by the Crime Records Directorate.
- e. Operate and maintain criminal investigative data reference indexes.
- f. Provide DCII with indexing data for individuals listed in the title block and victims of all CID reports of investigation and for subjects of all military police reports.

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g. Develop specialized statistics and reports pertaining to crime within the Army for USACIDC as required by HQDA.

h. Transmit, for law enforcement purposes, copies of CID reports of investigation and MP reports to provost marshals/security officers, USACIDC elements, Departments of Army and Defense officials with an authority to obtain and use, and other law enforcement agencies identified by the Cdr, USACIDC, and ODCSPER, HQDA, as routine users of CID and MP records respectively, on request.

i. Implement applicable release policy and procedures as delineated in paragraph 4-3i and 5-2h, this regulation.

j. Refer requests or requestors to appropriate agencies or investigating elements if information requested does not fall within CRD control for release implementation.

k. Receive 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 DOD components. The Director, Crime Records Directorate, is authorized direct communication with these agencies for this purpose.

l. Transmit copies of final CID reports of investigation and MP reports reflecting known subjects upon written request to Department of the Army and Department of Defense agencies and elements of the Executive Branch of the Government authorized by statute, executive order, directive or regulation to have access to law enforcement files in order to make determinations regarding:

(1) Suitability for access to classified national defense information (AR 604-6 and AR 604-10).

(2) Filing of unfavorable information in official military personnel files (AR 600-37).

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

m. Transmit CID reports and MP reports upon written request to the Office of the Inspector General for the activities authorized by AR 20-1 and AR 20-5.

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5-3. Routine Investigative Name Checks. a. The Crime Records Directorate 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.

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 Directorate. Requests for name checks for other than law enforcement purposes will be in writing and will specify the reasons for the request and the uses to be made of the data. The specific statute, directive, or regulation upon which the request is based will be cited.

5-4. Immediate Name Checks. a. The Crime Records Directorate has facilities available to conduct expeditious checks for USACIDC elements and military police/security police, for criminal justice purposes. If, during the conduct of a criminal investigation, the requirement arises to determine if an individual has any previous military criminal record, this may be done by using either telephone, facsimile or electrical message. All name checks submitted by electrical message will be directed to the Director, Crime Records Directorate, USACIDC, Fort Holabird, MD //CICR-CR//.

b. Requests for immediate name checks should be limited to situations where an investigative need for immediate results exists.

c. The formats to be followed in requesting name checks by telephone are in Appendix C.

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

5-5. Files Procurement. a. Requests for CID reports of investigation and military police reports as outlined in paragraph 4-3, this regulation and AR 190-45, will be directed to the Commander, USACIDC, ATTN: CICR-ZA, United States Army Crime Records Directorate, USACIDC, 2031 Chesapeake Avenue, Baltimore, MD 22122.

b. Requests for these reports in connection with law enforcement/investigative activities should include the full identity of the subject/suspect or victim of the investigation, place and

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date of birth, social security number and/or former military service number, the complete report number, and if completed prior to 1 January 1968, the CID Report of Investigation number and repository file number, if available.

c. Requests in connection with law enforcement/investigative activities for investigative files of the Air Force Office of Special Investigations, the Naval Investigative Service, the US Army Intelligence and Security Command and Defense Investigative Service may also be sent to the Crime Records Directorate.

d. Requests for CID reports of investigation and military police reports or information therefrom for other than law enforcement purposes will include the full name of the individual, place and date of birth, social security number and/or former military service number and the 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 utilized for requests and transmittal of records from the Crime Records Directorate.

5-6. Safeguarding of Information Contained in CID and MP Reports.

a. Access to CID and MP reports will be limited to those personnel whose official duties create a definite identifiable need to have access to such reports.

b. Reports procured from the Crime Records Directorate when not under personal control of an authorized individual will be stored in a locked room or file cabinet, desk, or shelf-file, or under other conditions which furnish an equivalent or greater degree of physical security.

c. Copies, extracts or reproductions of CID or MP reports will not be transmitted outside of the requesting agency without prior approval of the Cdr, USACIDC.

d. When reports provided by USACIDC are no longer required they will be destroyed in accordance with approved destruction methods authorized by AR 340-16.

5-7. Use of Information Contained in CID and MP Reports. a. If a military police/criminal investigative record is used as a basis for denying any individual a right, privilege or benefit 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

US ARMY CRIMINAL INVESTIGATION LABORATORIES

6-1. General. USACIDC's laboratories provide quality forensic laboratory assistance to United States Army investigative elements, other DOD investigative agencies, and federal law enforcement agencies as appropriate.

6-2. Responsibilities. The Cdr, USACIDC, is responsible for policies and procedures concerning each US Army Criminal Investigation Laboratory (USACIL), will insure quality control and technical proficiency in USACIL operations, and will provide for 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 Cdr, USACIDC.

6-4. Court Appearance. a. To the extent practical, laboratory examiners required at a legal proceeding will be requested by a message to reach the appropriate USACIL commander 10 working days prior to the requested appearance date. This leadtime is necessary to avoid conflicts with other commitments, allow time for administrative processing, and for court preparation. The message will include as a minimum:

- (1) USACIL referral number (from laboratory report).
- (2) Division completing 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 concerned will notify the requester by return message explaining the reason for the nonavailability of the witness, such as a conflict with another court appearance, and give the exact dates that the witness will be available.

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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 the examiner's absence from the laboratory to a minimum amount of time.

6-5. On Scene Assistance. When particular expertise is required to process crime scenes, laboratory examiners may be requested from the commander of the supporting USACIL.

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APPENDIX A
OFFENSES INVESTIGATED BY CID

Article of UCMJ	Description of Offense
77	PRINCIPALS OF AN OFFENSE LISTED IN THIS APPENDIX.
78	ACCESSORY AFTER THE FACT TO AN OFFENSE LISTED IN THIS APPENDIX.
80	ATTEMPTS TO COMMIT AN OFFENSE LISTED IN THIS APPENDIX.
81	CONSPIRACY TO COMMIT AN OFFENSE LISTED IN THIS APPENDIX.
84	EFFECTING AN UNLAWFUL ENLISTMENT, APPOINTMENT OR SEPARATION.
92	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, CONFLICT OF INTEREST, UNLAWFUL WIRETAPS, ELECTRONIC SURVEILLANCE OR EAVESDROP.)
93	CRUELTY, OPPRESSION OR MALTREATMENT.
94	MUTINY, SEDITION.
96	RELEASING, WITHOUT PROPER AUTHORITY, A PRISONER DULY COMMITTED TO HIS CHARGE. SUFFERING A PRISONER DULY COMMITTED TO HIS CHARGE TO ESCAPE THROUGH DESIGN.
97	UNLAWFUL DETENTION OF ANOTHER.
103	CAPTURED OR ABANDONED PROPERTY, FAILING TO SECURE, GIVE NOTICE AND TURN OVER, SELLING, OR OTHERWISE WRONGFULLY DEALING IN OR DISPOSING OF A VALUE OF \$250 OR MORE. LOOTING OR PILLAGING.

Article of UCMJ

Description of Offense

- 108 SELLING OR OTHERWISE DISPOSING OF MILITARY PROPERTY OF THE UNITED STATES OF A VALUE OF \$250 OR MORE.
- THROUGH NEGLIGENCE, DAMAGING, DESTROYING, OR LOSING OR, THROUGH NEGLIGENCE, SUFFERING TO BE LOST, DAMAGED, DESTROYED, SOLD, OR WRONGFULLY DISPOSED OF MILITARY PROPERTY OF THE UNITED STATES OF A VALUE OR DAMAGE OF \$250 OR MORE.
- 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 \$250 OR MORE.
- 109 WASTING, SPOILING, DESTROYING OR DAMAGING ANY PROPERTY OTHER THAN MILITARY PROPERTY OF THE US OF A VALUE OR DAMAGE OF \$250 OR MORE.
- 110 HAZARDING OR SUFFERING TO BE HAZARDED ANY VESSEL OF THE ARMED FORCES.
- 115 INTENTIONAL SELF-INFLICTED INJURY.
- 116 RIOT.
- 118 MURDER.
- 119 MANSLAUGHTER.
- 120 RAPE.
- WRONGFUL CARNAL KNOWLEDGE OF A FEMALE UNDER THE AGE OF 16 YEARS.
- 121 LARCENY OR WRONGFUL APPROPRIATION OF PROPERTY OF A VALUE OF \$250 OR MORE.
- LARCENY OR WRONGFUL APPROPRIATION OF ANY MOTOR VEHICLE, AIRCRAFT OR VESSEL.
- LARCENY OR WRONGFUL APPROPRIATION OF PROPERTY OF A SENSITIVE NATURE.

Article of UCMJ

Description of Offense

BIGAMY.

BRIBE OR GRAFT: ACCEPTING, ASKING, RECEIVING,
OFFERING, OR PROMISING.

BURNING, WITH INTENT TO DEFRAUD.

CRIMINAL LIBEL.

DRUGS: HABIT FORMING (TO INCLUDE DANGEROUS
DRUGS AND NARCOTIC DRUGS), WRONGFUL POSSESSION,
SALE, TRANSFER, USE OR INTRODUCTION INTO
MILITARY UNITS, BASE, STATION, POST, SHIP OR
AIRCRAFT (AS SPECIFIED IN PARA 3, THIS
REGULATION).

DRUGS: MARIJUANA WRONGFUL POSSESSION, SALE,
TRANSFER, INTRODUCTION INTO MILITARY UNITS,
BASE, STATION, POST, OR AIRCRAFT (AS SPECIFIED
IN PARA 3 THIS REGULATION).

FALSE OR UNAUTHORIZED MILITARY PASS, PERMIT,
DISCHARGE CERTIFICATE, OR IDENTIFICATION
CARD: MAKING, ALTERING, SELLING, POSSESSING
OR USING WITH INTENT TO DEFRAUD OR DECEIVE.

FALSE PRETENSES, OBTAINING SERVICES UNDER, OF
A VALUE OF \$250 OR MORE.

FALSE SWEARING.

HOMICIDE, NEGLIGENT.

IMPERSONATING AN OFFICER, WARRANT OFFICER,
NONCOMMISSIONED OR PETTY OFFICER OR AGENT OF
SUPERIOR AUTHORITY, WITH INTENT TO DEFRAUD.

INDECENT ACTS OF LIBERTIES WITH A CHILD UNDER
THE AGE OF 16 YEARS.

INDECENT, INSULTING, OR OBSCENE LANGUAGE
COMMUNICATED TO ANY CHILD UNDER THE AGE OF
16 YEARS.

Article of UCMJ	Description of Offense
122	ROBBERY
123	FORGERY
123A	CHECK, WORTHLESS, MAKING, DRAWING, UTTERING, DELIVERING, WITH INTENT TO DEFRAUD (FOR PROCUREMENT OF ANY ARTICLE OR THING OF VALUE) IN THE AMOUNT OF \$250 OR MORE.
124	MAIMING
125	SODOMY
126	ARSON, AGGRAVATED. ARSON, SIMPLE, WHERE PROPERTY IS OF A VALUE OF \$250 OR MORE.
127	EXTORTION.
128	ASSAULT (CONSUMMATED BY A BATTERY) ON A CHILD UNDER THE AGE OF 16 YEARS. ASSAULT, AGGRAVATED.
129	BURGLARY.
130	HOUSEBREAKING.
131	PERJURY.
132	FRAUDS AGAINST THE UNITED STATES WHEN THE AMOUNT INVOLVED IS \$250 OR MORE.
134	ADULTERY. ASSAULT: INDECENT. WITH INTENT TO COMMIT VOLUNTARY MANSLAUGHTER, ROBBERY, SODOMY, ARSON, OR BURGLARY. WITH INTENT TO COMMIT HOUSEBREAKING. WITH INTENT TO COMMIT MURDER OR RAPE.

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Article of UCMJ

Description of Offense

INDECENT OR LEWD ACTS WITH ANOTHER.

MAIL MATTER IN THE CUSTODY OF THE US POSTAL SERVICE OR IN THE CUSTODY OF ANY OTHER AGENCY, OR NOT YET DELIVERED OR RECEIVED: TAKING, OPENING, ABSTRACTING, SECRETING, DESTROYING, STEALING, OR OBSTRUCTING.

MAILS, DEPOSITING OR CAUSING TO BE DEPOSITED OBSCENE OR INDECENT MATTER IN.

MISPRISION OF A FELONY.

OBSTRUCTING JUSTICE.

PANDERING.

PERJURY.

PUBLIC RECORD, WILLFULLY AND UNLAWFULLY ALTERING, CONCEALING, DESTROYING, MULTILATING, OBLITERATING, REMOVING OR TAKING AND CARRYING AWAY WITH INTENT TO ALTER, CONCEAL, DESTROY, MUTILATE, OBLITERATE, REMOVE OR STEAL.

REFUSING, WRONGFULLY, TO TESTIFY BEFORE A COURT MARTIAL, MILITARY COMMISSION, COURT OF INQUIRY, BOARD OF OFFICERS, INVESTIGATION UNDER ARTICLE 32, OR OFFICER TAKING DEPOSITION.

SOLICITING ANOTHER TO COMMIT AN OFFENSE LISTED IN THIS APPENDIX.

STOLEN PROPERTY, KNOWINGLY RECEIVING, BUYING, CONCEALING: OF A VALUE OF \$250 OR MORE.

THREAT, COMMUNICATING

TRANSPORTING, UNLAWFULLY, A VEHICLE OR AIRCRAFT IN INTERSTATE OR FOREIGN COMMERCE.

APPENDIX B

PREPARATION OF THE DA FORM 2804

B-1. GENERAL. Potential investigative assistance can be negated by failure to provide complete data on Crime Records Data Reference Card (DA Form 2804), by misspelling names, or listing incorrect data. Careful attention to the completion of this form is mandatory.

B-2. REQUIREMENT. A separate DA Form 2804 will be made for each of the following:

a. Each individual, firm or other legal entity, classified as a suspect or as a subject of a Final CID Report of Investigation.

b. Each individual, firm or other legal entity, listed as a subject of a Military Police Report (DA Form 3975), required to be forwarded to the Crime Records Directorate, USACIDC, IAW AR 190-45.

c. Each victim, including individuals, identified US Government Agencies or organizations, private firms or corporations, or other legal entities listed as such, in either CID Reports of Investigation or Military Police Reports to be forwarded to the Crime Records Directorate.

d. Each alias or other name under which the suspect/subject or victim is or has been known. This will include the maiden name and any present or former married names of females.

B-3. PREPARATION. The blocks of DA Form 2804 will be completed as follows:

a. Block 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. Block 2, SS. CRD use only.

c. Block 3, Grade. The appropriate entry will be made in accordance with the following:

(1) For military personnel, list the grade of the named individual, e.g., E4, W3, O5.

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(2) For US civilian employees of the US Government, show the rating of the named individual, e.g., GS7, WG5.

(3) For military dependents, 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) For other US civilians, use the abbreviation, CIV.

(5) For foreign nationals, reflect nationality, e.g., GER, KOR, THI.

d. Block 4, MCAC. Enter Major Command Activity Code, if applicable.

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

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

g. Block 7, Sex. Enter M for males and F for females.

h. Block 8, Race. Identify named individuals as follows:

- (1) Cauc (Caucasion)
- (2) Negro
- (3) Span-Amer (Spanish-American)
- (4) Amer-Ind (American Indian)
- (5) Orient-Amer (Oriental-American)
- (6) Puerto-Rican

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- (7) Filipino
- (8) Hawaiian
- (9) Eskimo
- (10) Mongolian
- (11) Malayan
- (12) Other
- (13) Unk (Unknown)

i. Block 9, Former Service Number. Enter any previous service number held by the listed individual.

j. Block 10, DOB. Enter the named individual's date of birth using numerical designation for year, month and day, in that order, e.g., 42-06-20, for 20 June 1942.

k. Block 11, 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.

l. Block 12, ROI/MPR. 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.

m. Block 13, SVC. CRD use only.

n. Block 14, Other Offense Codes. When an ROI number has been entered in block 12, offense codes, other than the primary code, will be entered in this block. Military Police will enter all offense codes other than the primary code.

o. Block 15, 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.

p. Block 16, SC. CRD use only.

q. Block 17, Date Opened. CRD use only.

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- r. Block 18, Date Closed. CRD use only.
- s. Block 19, Drugs Involvement. CRD use only.
- t. Block 20, Other Involvement. CRD use only.
- u. Block 21, FI. CRD use only.
- v. Block 22, Suspect/Subject/Victim. Check the appropriate box.
- w. Block 23, Disp. CRD use only.
- x. Block 24, Date Reported. Enter the date the complaint was reported to the preparing element.
- y. Block 25, Action Taken. When Block 22 reflects a check in the "subject" box, check the appropriate box in Block 25 to indicate whether a report of commander's action taken has been received.

APPENDIX C

TELEPHONIC NAME CHECK FORMAT

C-1. General. The format which follows is designed to allow rapid processing of name checks requests by the Director, Crime Records Directorate, USACIDC, 2031 Chesapeake Avenue, Baltimore, Maryland 22122.

C-2. Immediate Action Request Format. a. General.

(1) Immediate action requests transmitted by facsimile will not exceed 20 names or a total number that can be listed double spaced on a single 8" by 10½" sheet of paper. Immediate action requests transmitted by telephone will not exceed 5 names.

(2) Search may be requested of the Criminal Records files, or Defense Central Index for Investigation files, or both. Files available in the Crime Records Directorate will be checked while the requester waits. File checks of the Defense Central Index of Investigations require a minimum of 30 minutes and the requester will have to call back.

(3) Calls should be placed to the Crime Records Directorate, USACIDC, AUTOVON 283-9222/3/4, on a 24 hour basis.

b. Telephone check format. The following format will be used in requesting telephonic checks:

(1) State your name, organization, duty position and need, and authorization for the receipt of the requested information.

(2) State that a records check is desired either of the Crime Records Directorate files or of all files.

(3) Give last name, first name, middle name or initial; date of birth; place of birth; social security number; and service number of individual on whom the check is being requested. Omit any elements not available.

C-3. Crime Records Directorate Reply. The reply will indicate that no record was on file or will cite the specific files available. If any Army CID files are involved, additional data pertaining to the individual(s) will be provided.

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APPENDIX D
OVERSEA DRUG OPERATIONS

TO BE PUBLISHED

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The proponent agency of this regulation is the US Army Criminal Investigation Command. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the Commander, US Army Criminal Investigation Command, ATTN: CICD-PD, 5611 Columbia Pike, Falls Church, VA 22041.

BY ORDER OF THE SECRETARY OF THE ARMY:

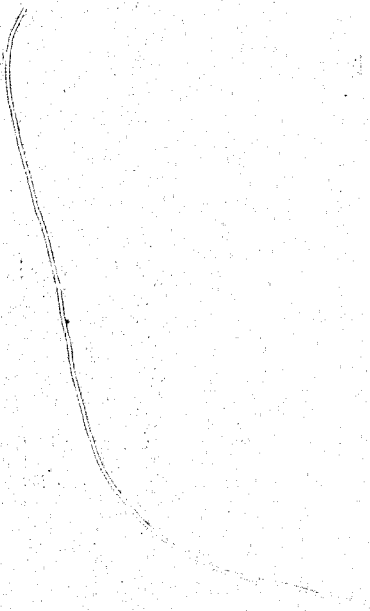
BERNARD W. ROGERS
General, United States Army
Chief of Staff

OFFICIAL:

PAUL T. SMITH
Major General, United States Army
The Adjutant General

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AR 340-18-5 (MAINTENANCE AND DISPOSITION
OF INTELLIGENCE, SECURITY, MILITARY
POLICE AND MAPPING FUNCTIONAL FILES)

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AR 340-18-5
C 9

CHANGE }
No. 9 }

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, 31 January 1977

OFFICE MANAGEMENT

MAINTENANCE AND DISPOSITION OF INTELLIGENCE,
SECURITY, MILITARY POLICE, AND MAPPING
FUNCTIONAL FILES

Effective 15 March 1977

This change revises the notation attached to the description of file number 508-17.

AR 340-18-5, 14 August 1969, is changed as follows:

1. Changed material is indicated by a star.
2. Remove old pages and insert new pages as indicated below:

Remove pages

Insert pages

17 and 18

17 and 18

3. File this change sheet in front of the publication for reference purposes.

The proponent agency of this regulation is The Adjutant General Center. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA (DAAG-AMR-P) WASH DC 20314.

By Order of the Secretary of the Army:

BERNARD W. ROGERS
General, United States Army
Chief of Staff

Official:

PAUL T. SMITH
Major General, United States Army
The Adjutant General

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Active Army, ARNG, USAR: To be distributed in accordance with DA Form 12-9A requirements for AR, Maintenance and Disposition of Intelligence Security, Military Police, and Mapping Functional Files—C.

31 January 1977

C. 9; AR 340-18-5

File No.	Description	Disposition
508-16	Absentee case files. Case files containing records of absentees (AWOL personnel, escaped military prisoners (US Army personnel), and deserters). The files contain documents which pertain to the return or apprehension of absentees, and include reports on absentees wanted by the Armed Forces, reports of return of absentees, reports of apprehension of absentees, correspondence on description of absentees, and leads for apprehension.	Destroy 3 months after arrest or apprehension or completion of case, or 3 years after creation if absentee is not returned to military control, or on discontinuance of unit or installation, whichever is first. However, in time of war, when the individual is not arrested or apprehended, retain until determined that the individual died or was discharged without arrest or apprehension.
508-17	MP reporting files. Military police reports concerning routine complaints received and incidents observed or reported to military police (excluding criminal investigations). Included are reports with supporting documents such as affidavits, copies of provisional passes, and similar documents. However, this description does not include files furnished for court-martial purposes. ★Note: military police reports of special categories of complaints, defined in AR 190-45, will be forwarded to Crime Records Directorate, US Army Criminal Investigation Command, 2301 Chesapeake Avenue, Baltimore, MD, 21222 where they will be maintained under File Number 508-11, Criminal Investigation Case Files.	Destroy after 5 years.
508-18	MP journal files. Documents containing a chronological record of police activity developed from reports, complaints, incidents, or information received and action taken; and record of police radio traffic. Included are desk blotters and police radio logs.	Destroy in CFA after 5 years.
508-19	MP desk reference files. Card indexes containing the names of persons who are identified in military police reports as subject, victim, complainant, or witness in connection with a complaint.	Each January withdraw and destroy cards 5 years after date of last entry on card or on discontinuance, whichever is first.
508-20	Police property files. Documents reflecting the receipt and release of property that is found, impounded, or seized as contraband or prohibited property, or safeguarded for detained personnel. Included are logs, receipts, releases, and related papers.	Destroy 5 years after return or release of property.
508-21	Prisoner or detained person receipt files. Documents reflecting the receipt of prisoners or detained persons.	Destroy after 3 years or on discontinuance, whichever is first.
508-22	Provisional pass files. Retained copies of passes issued to personnel for use during travel to their units.	Destroy after 3 years or on discontinuance, whichever is first.
508-23	Loss, theft, and recovery of firearms files. Reports relating to the loss, theft, and recovery of firearms, ammunition, and related items.	Office performing Army-wide staff responsibility: Permanent. Cut off after recovery or after 5 years, whichever is first. Other offices: Destroy 1 year after recovery or after 5 years, whichever is first. Retain in CFA.
508-24	Serious incident reporting files. Reports of serious incidents which may embarrass or be of concern to the Department of the Army or the Department of Defense. Included are initial, supplemental, terminal, and special interest followup reports, and related documents.	Destroy 1 year after completion or receipt of final report.
508-25	Criminal investigation data reference files. Cards maintained by CID units reflecting individuals involved in criminal investigations. Included are DA Forms 2804.	Destroy in CFA after 3 years.

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31 January 1977

509 MILITARY POLICE AND CIVILIAN GUARD PROTECTIVE SERVICES FILE

These files relate to military police and civilian guard activities concerned with the protection and security of installations. Included are personnel identification, vehicle and firearm registration, traffic law enforcement, physical security surveys, and sentry dog files.

File No.	Description	Disposition
509-01	Security identification application files. Documents relating to the issue of security identification cards or badges. Included are applications and related documents.	Destroy 3 months after turn-in of card or badge.
509-02	Security identification accountability files. Documents used to maintain accountability for identification cards and badges. Included are registers and similar or related documents.	Destroy 3 years after last card or badge number entered has been accounted for.
509-03	Trophy firearm registration files. Documents relating to the retention and registration of firearms secured by individuals during armed conflicts. Included are retention authorizations, registration forms, and directly related correspondence.	Office performing Army-wide staff responsibility: Permanent. Cut off on cessation of hostilities. Other offices: Destroy after 3 years or on discontinuance, whichever is first.
509-04	Firearms authorization files. Documents authorizing Department of the Army civilian employees to carry firearms. Included are firearms authorization cards and related papers.	Destroy on expiration of authorization.
509-05	Parking permit control files. Documents relating to the allotment of parking spaces, control of issuance and withdrawal of parking permits, and the recording of violations by holders of parking permits.	Destroy on transfer or separation of parking permit holder, or when permit is superseded or revoked, whichever is first.
509-06	Vehicle registration and driver record files. Documents used to register privately owned motor vehicles and to record traffic violations and accidents of individual drivers.	Dispose of as provided by AR 190-5-1.
509-07	Missing vehicle register card files. Cards reflecting the description of missing or stolen military or civilian vehicles. Included are vehicle registers and similar papers.	Destroy 1 year after recovery of the vehicle, or 3 years after the end of the year of creation if not recovered, or on discontinuance, whichever is first.
509-08	Registration and permit files. Documents relating to the registration of restricted property, privately owned weapons, and issuance of hunting, fishing, and trapping permits.	Destroy 1 year after expiration or revocation, or after 1 year if expiration or revocation is not applicable, or on discontinuance, whichever is first.
509-09	Traffic law enforcement files. Documents relating to traffic enforcement activities such as surveys, accidents, and traffic violations. Included are traffic law enforcement surveys, accident reports, traffic violation reports, notices, and summons. This description does not include documents relating to traffic accidents that are forwarded to and held by claims officers.	Destroy in CFA after 2 years or on discontinuance, whichever is first.
509-10	Traffic survey files. Documents reflecting the results of installation traffic surveys conducted to achieve maximum flow and control of traffic. Included are reports, recommendations, and related papers.	Destroy after next comparable survey or on discontinuance, whichever is first.

AR 340-17 (RELEASE OF INFORMATION
FROM ARMY RECORDS)

APPENDIX V TO ANNEX F

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131130Z JAN 77

FROM DA WASH DC //DAAG-AMR-S//

TO ALL HOLDERS OF AR 340-17

UNCLAS

SUBJ: INTERIM CHANGE TO AR 340-17

THE FOLLOWING CHANGES TO PARAGRAPHS 2-7b(4) and (12), AR 340-17 ARE EFFECTIVE IMMEDIATELY:

(4) THE DEPUTY CHIEF OF STAFF FOR PERSONNEL IS AUTHORIZED TO ACT ON REQUESTS INVOLVING CIVILIAN PERSONNEL RECORDS, BEHAVIORAL SCIENCE MATTERS, AND MILITARY POLICE REPORTS.

(12) THE JUDGE ADVOCATE GENERAL IS AUTHORIZED TO ACT ON ALL OTHER REQUESTS. HE IS ALSO AUTHORIZED TO ACT ON REQUESTS WITHIN THE PURVIEW OF (1) THROUGH (11) ABOVE IN CASES INVOLVING LITIGATION IN WHICH THE UNITED STATES HAS AN INTEREST.

APPENDIX V TO ANNEX F

AR 27-10 (MILITARY JUSTICE)

APPENDIX VI TO ANNEX F

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231300Z MAR 77

DA WASHDC //DAJA-CL//

AIG 7405

AIG 7406

AIG 7446

UNCLAS

DAJA-CL 1977/1692

FOR SJA. PASS TO SUBORDINATE COURT-MARTIAL JURISDICTIONS

SUBJ: DISTRIBUTION OF SUPPLEMENTARY COURT-MARTIAL ORDERS

A RECENT DEPARTMENT OF THE ARMY STUDY REVEALED THAT A SIGNIFICANT NUMBER OF REPORTS OF INVESTIGATION MAINTAINED BY THE CRIME RECORDS DIRECTORATE, US ARMY CRIMINAL INVESTIGATION COMMAND, FAIL TO REFLECT FINAL DISPOSITION OF THE CASE. CHANGE 17 TO AR 27-10, CURRENTLY BEING PREPARED FOR PUBLICATION, WILL REQUIRE THAT A COPY OF ALL SUPPLEMENTARY COURT-MARTIAL ORDERS BE FORWARDED TO THE CRIME RECORDS DIRECTORATE TO ASSIST THEM IN UPDATING THEIR INFORMATION. PENDING PUBLICATION OF CHANGE 17 ALL STAFF JUDGE ADVOCATES SHOULD ENSURE THAT A COPY OF EACH SUPPLEMENTARY ORDER ISSUED WITHIN THEIR JURISDICTION, INCLUDING SUBORDINATE JURISDICTIONS, IS FORWARDED TO THE CRIME RECORDS DIRECTORATE, USACIDC, 2301 CHESAPEAKE AVENUE, BALTIMORE, MARYLAND 21222.

APPENDIX VI TO ANNEX F

AR 381-45 (US ARMY INVESTIGATIVE
RECORDS RESPOSITORY)

APPENDIX VII TO ANNEX F

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101959Z JAN 77

FM DA WASH DC //DAMI-DOS//

TO AIG 7405
AIG 7406
AIG 7407
AIG 7446
AIG 7447
ARSTAF

UNCLAS

SUBJECT: INTERIM CHANGES, AR 381-45

1. THE FOLLOWING CHANGES ARE TO BE MADE TO ARMY REGULATION 381-45, SUBJECT: US ARMY INVESTIGATIVE RECORDS REPOSITORY (USAIRR), 30 JULY 1968, AS AN INTERIM MEASURE PENDING SCHEDULED REVISION, O/A 1 JUL 77.

A. PARA 1-1, LINES 5 AND 6: DELETE "AND MILITARY POLICE REPORTS OF INVESTIGATIONS OF CRIMES."

B. PARA 1-4, LINES 4 AND 5: REPLACE "AND CRIMINAL INVESTIGATIVE FILES (COLLOCATED)" WITH "FILES."

C. PARA 1-5A, LINE 2: DELETE "AND CRIMINAL INVESTIGATIVE."

D. PARA 1-5G: DELETE ENTIRE SUBPARAGRAPH.

E. PARA 1-5H, LINE 2: DELETE "AND CRIMINAL."

F. PARA 1-5J: DELETE ENTIRE SUBPARAGRAPH.

G. PARA 1-7A: DELETE ENTIRE SUBPRAGRAPH.

H. PARA 1-7B(12): DELETE ENTIRE SUBPARAGRAPH.

I. PARA 1-7G, LINE 6: DELETE "OR CRIMINAL."

J. PARA 2-1C: DELETE ENTIRE SUBPARAGRAPH.

K. PARA 2-9, LINE 4: DELETE "OR PROVOST MARSHAL" AND "AS APPROPRIATE."

2. THE ABOVE CHANGES WILL BE INCORPORATED INTO THE REVISED AR 381-45.

APPENDIX VII TO ANNEX F

US ARMY CRIME RECORDS
POLICY REPORT

ADDENDUM

15 July 1977

1. Subsequent to the Study Group concluding efforts to revise the various Army regulations found at Annex F, concern arose over the Army's ability to verify disclosures from records indexed and maintained by the US Army Crime Records Directorate (CRD).

2. Review of the practices and procedures in effect at the CRD determined that:

a. Routine name checks, for other than law enforcement purposes, are required to be submitted in writing and must specify the reasons for the request and uses to be made of the data. Further, the specific statute, directive, or regulation upon which the request is based will be cited. This becomes the basis for the maintenance of the CRD's disclosure accounting.

b. Name checks, for investigative purposes, may be made in writing, by letter or message, or telephonically. These investigative name checks may be made with a precedence of either routine or immediate, but require the requester's identity be verified when done telephonically. Telephonic name checks are automatically given a precedence of immediate and are limited to a search of not more than five names. Immediate requests transmitted by facsimile are restricted to not more than 20 names. Any disclosure for a law enforcement purpose is recorded in the file pertaining to the investigation.

c. The disclosure record, although not required under the Privacy Act of 1974 (5 USC 552a) with respect to internal agency disclosures, is being maintained for both non investigative and law enforcement purposes. This practice serves the best interests of the Army by providing a record of all such disclosures and consequently assures the Army that the record's use can be more readily reconstructed, should the need arise. Similarly, it affords the individual about whom the record pertains the opportunity to determine exactly who and for what purpose the disclosure was made, although the disclosure record itself may be exempt from automatic disclosure when a legitimate governmental purpose is served.

d. While a non investigative use of a disclosure is readily verifiable, since it is associated with a specific identifiable requester's use, the same is not so for law enforcement uses. Although the Army law enforcement user's identity is verified by soliciting certain personally unique information associated with the requester, once the disclosure has been made there

is no easy means to tie the disclosure to a specific investigative effort. While no indications of misuse of criminal data were evidenced, with respect to name checks by military police or USACIDC personnel for law enforcement purposes, it became evident that some mechanism should be developed, whereby such verification could be accomplished.

3. Inasmuch as verification of a particular disclosure, for a law enforcement purpose, should be readily identifiable and verifiable with a particular investigation, it was determined that the use of a uniquely identifiable character would satisfy the requirements. It was also considered important to avoid any unnecessary administrative requirement(s) which would delay processing of investigative name checks or create the perception, on the part of requesters, that investigative name checks were discouraged. To this end, it was determined that soliciting the military police report (MPR) number or CRD cross reference number, in the case of military police requesters, would afford the means of verifying the disclosure in support of Army law enforcement efforts. Similarly, the use of the unique CID Report of Investigation (ROI) number or sequence number would accomplish the same objective with respect to CID requesters. In any instance then, the particular number would be recorded on the disclosure record and maintained in the investigative record from which information was disclosed. The current investigation, which the disclosure supported, would also contain reference to the name check and the results.

4. While conducting this review, and determining the optimum manner in which to assure verifiability of disclosures for investigative purposes, it was also recommended that a HQDA message be dispatched. The purpose of this message was envisioned as twofold. First, it was considered important to clarify, for Army law enforcement, the procedures involved in the conduct of name checks, the restrictions associated with various systems of records searched by use of the respective indices, and the fact that disclosures would be subject to random verification. Secondly, the message would announce the policy of soliciting the numbers, explain the recording in the disclosure record, and the requirement that the field annotate the investigative record. The resulting message is at Incl 1 to this addendum.

5. In concert with the disclosure question, it was noted that functional realignment for reporting of off-post offenses has resulted in this responsibility residing with the military police. While the policy has been established for some time, as has the responsibility, the actual procedures have only recently been specified in a published regulation, AR 190-45 (Military Police Records and Forms). Consequently, to assure that Army law enforcement elements are aware of the procedures and the attendant military police responsibilities, it was considered necessary to supplement the HQDA message by addressing these in the text.

6. Analysis of AR 10-23 (Organizations and Functions - USACIDC) determined that the Commander, USACIDC has responsibility for controlling the release of information from criminal investigation records and the receipt, analysis, correlation and dissemination of criminal information. The Criminal Information program, established by AR 195-2 (Criminal Investigative Activities) is

supportive of the accomplishment of these responsibilities. As such, the program's purpose is to develop and report modus operandi, aid in the prevention and detection of criminal activity, and assess the Army's vulnerability to crime. This same regulation specifies policies and procedures for preparation, maintenance, dissemination and release of criminal record data, to include routine and immediate name checks. To this end, it was determined that certain portions of AR 195-2 should be changed, as shown at Incl 2 to this addendum.

7. The message at Incl 1, as well as the change to AR 195-2, were reviewed and concurred in by OTIG, OTAG, OTJAG and USACIDC. In summary, based on concern that the Army have the means to verify an Army law enforcement record's disclosure for a current investigative purpose, it was determined that an already existing and unique number related to the ongoing investigation would be solicited by the CRD. This number would be recorded in the disclosure accounting record, already being maintained, and would facilitate rapid verification of random inquiries for inspections, as well as queries concerning whether disclosures had been made for specified investigations.

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ZNR UUUUU
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FM HQDA//DAPE-HRE-PO//
TO AIG 7406
AIG 7446
INFO RUCLBWA/CMDT USAMPS, FT MCCLELLAN, AL
BT

UNCLAS SECTION 1 OF 2
FOR ARMY LAW ENFORCEMENT ACTIVITIES
SUBJ: INVESTIGATIVE PROCEDURES AND COLLATERAL REPORTING (NAME CHECKS
AND OFF-POST OFFENSES)

REFERENCES.

- A. AR 195-2, 6 MAY 77 (EFF 1 JUL 77)
 - B. AR 190-45, 31 MAY 77 (EFF 1 JUL 77)
 - C. AR 340-21
 - D. AR 340-21-5
 - E. HQDA MSG, DAPE-HRE, 132231Z FEB 75, SUBJECT: REFERRAL OF OFF-
POST INVESTIGATIONS BY CRIME RECORDS DIRECTORATE, USACIDC.
 - F. AR 1-32
1. CHAP 5, REF A SPECIFIES POLICY FOR CONDUCT OF ROUTINE INVESTIGA-
TIVE NAME CHECKS WITH THE US ARMY CRIME RECORDS DIRECTORATE (CRD), AS
WELL AS INQUIRIES FOR OTHER THAN LAW ENFORCEMENT INVESTIGATIVE
PURPOSES. REQUESTS FOR OTHER THAN MP/USACIDC INVESTIGATIVE PURPOSES
WILL BE IN WRITING AND WILL SPECIFY THE REASON(S) FOR THE REQUEST,
AS WELL AS USES TO BE MADE OF DATA PROVIDED. ADDITIONALLY, THE
SPECIFIC STATUTORY, REGULATORY OR OTHER AUTHORITY UPON WHICH THE NON
INVESTIGATIVE REQUEST IS BASED WILL BE CITED.
2. CHAP 5 AND APP C, REF A ALSO SPECIFY PROCEDURES FOR CONDUCT OF
IMMEDIATE NAME CHECKS BY MILITARY POLICE/SECURITY POLICE AND USACIDC
ELEMENTS FOR CRIMINAL-JUSTICE PURPOSES. SUCH INQUIRIES MAY BE MADE
BY TELEPHONE, FACSIMILE OR ELECTRICAL MESSAGE. IMMEDIATE NAME CHECKS
SHOULD BE LIMITED TO SITUATIONS WHEREIN INVESTIGATIVE NEED DICTATES
EXPEDITED PROCESSING BY CRD. DUE TO THE SENSITIVITY OF INFORMATION
SOUGHT, TELEPHONIC NAME CHECKS NECESSITATE ADDITIONAL MEANS OF VERI-
FYING THE REQUESTER'S IDENTITY (E.G., SOLICITING MILITARY POLICE
INVESTIGATOR CREDENTIAL NO., DOB, SSN, ETC.).
3. WHEN EITHER A ROUTINE OR IMMEDIATE NAME CHECK IS INITIATED, FOR
A LAW ENFORCEMENT PURPOSE, THE CRD WILL CONDUCT A SEARCH OF THE DE-

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FENSE CENTRAL INDEX OF INVESTIGATIONS (DCII) AND CRD INDICES. CDRS WILL OVERSEE REQUESTS TO ASSURE SUBMISSION IAW POLICIES AND PROCEDURES DESCRIBED HEREIN AND BY REF A. SUCH CHECKS ARE SUPPORTIVE OF THE SUCCESSFUL CONCLUSION OF LAW ENFORCEMENT INVESTIGATIONS AND ARE ENCOURAGED.

A. DCII CRIMINAL RECORD CHECKS RESULT IN IDENTIFYING INDIVIDUALS WHO ARE SUBJECTS OF MP INVESTIGATIONS FORWARDED TO THE CRD IAW REF B, AS WELL AS SUBJECTS AND VICTIMS OF USACIDC REPORTS OF INVESTIGATION (ROI). PERSONS CATEGORIZED AS SUSPECTS OF ONGOING USACIDC INVESTIGATIONS ARE ALSO FOUND IN THE DCII.

B. A CHECK OF CRD INDICES WILL IDENTIFY PERSONS CATEGORIZED AS SUSPECTS OF COMPLETED CID ROI'S, FORMER SUBJECTS OF UNFOUNDED INVESTIGATIONS, JUVENILE SUBJECTS AND VICTIMS, AND PERSONALITIES RELATED TO CRIMINAL INFORMATION REPORTS (CID FM 97).

4. IN ADDITION TO TERMS DEFINED IN REFERENCES A AND B, ARMY LAW ENFORCEMENT REQUESTERS SHOULD BE COGNIZANT OF DIFFERENCES BETWEEN ARMY LAW ENFORCEMENT RECORDS SYSTEM NOTICES, PREPARED IAW REF C AND CONTAINED IN REF D.

A. ATTENTION SHOULD BE DIRECTED TO THE ROUTINE USES FOR CERTAIN OF THOSE RECORDS SYSTEMS FOUND IN REF D, WHEREIN CRIMINAL INFORMATION IS NORMALLY RELEASED ONLY FOR ARMY LAW ENFORCEMENT INVESTIGATIVE PURPOSES AND IS SUPPORTIVE OF CRIME PREVENTION, MGDUS OPERANDI ANALYSIS AND DEVELOPMENT OF INVESTIGATIVE LEADS (E.G., AD508.11B USACIDC, CRIMINAL INFORMATION REPORTS AND CROSS INDEX CARD FILES, REF D).

B. SUCH RECORDS AND THEIR USES SHOULD BE CONTRASTED WITH THOSE AFFORDED OTHER ARMY LAW ENFORCEMENT RECORDS (E.G., THOSE LISTED IN THE DCII), WHEREIN BROADER USES ARE AUTHORIZED IAW REF C AND THE "ROUTINE USES" OF THESE RECORDS (E.G., AD508.11A USACIDC, CRIMINAL INVESTIGATION AND CRIME LABORATORY FILES, REF D).

5. ARMY LAW ENFORCEMENT REQUESTERS MAKING NAME CHECKS OF CRD CRIME RECORDS AND/OR CRIMINAL INFORMATION, IN THE FURTHERANCE OF A LAW ENFORCEMENT INVESTIGATION, WILL PROVIDE THE CRD WITH THE CURRENT AND LOCALLY ASSIGNED INVESTIGATIVE REPORT NUMBER OF THE ONGOING INVESTIGATION, IN ADDITION TO OTHER DATA PRESCRIBED BY REF A.

A. MP ELEMENTS WILL PROVIDE THE LOCAL MP REPORT (MPR) NO. AND/OR CRD CROSS REF NO. (IF ASSIGNED).

B. USACIDC ELEMENTS WILL PROVIDE THE SEQUENCE NUMBER FOUND ON THE CID FM 66 OR THE CID ROI NUMBER (IF ASSIGNED).

C. CRD WILL ENTER DATA PROVIDED BY THE REQUESTER IN THE CRD DISCLOSURE ACCOUNTING RECORD, WHICH MAY THEN BE ASSOCIATED WITH THE SUPPORT OF AN IDENTIFIED ARMY LAW ENFORCEMENT INVESTIGATION.

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6. FIELD ELEMENTS ARE SUBJECT TO RANDOM VERIFICATION OF CRD DISCLOSURES IN SUPPORT OF LAW ENFORCEMENT INVESTIGATIONS. SUCH VERIFICATION MAY BE SOUGHT BY HQDA, USACIDC, MACOM PROVOST MARSHALS/SECURITY OFFICERS OR DURING THE CONDUCT OF INSPECTIONS (E.G., ANNUAL GENERAL INSPECTION). CONSEQUENTLY, THE INVESTIGATIVE RECORD SHOULD REFLECT THAT A CRD NAME CHECK WAS CONDUCTED, AS WELL AS THE RESULTS OBTAINED.
- A. IN THE CASE OF TELEPHONIC NAME CHECKS, THE INVESTIGATIVE RECORD MAY BE ANNOTATED UTILIZING THE CASE PROGRESS SUMMARY, INTERVIEW WORK SHEET, AN INVESTIGATOR'S STATEMENT (DA FM 2823), OR ELSEWHERE IN THE CASE FILE OR BODY OF THE REPORT, AS APPROPRIATE.
- B. CRD RESPONSES PROVIDED BY MESSAGE OR LETTER MAY BE INCORPORATED INTO THE CASE FILE ITSELF OR REFERENCED BY THE CASE FILE.
7. IN THOSE INSTANCES WHEREIN CRD RECORDS REFLECT THE MAINTENANCE OF A CRIMINAL INFORMATION REPORT (CID FM 97), THE REQUESTER WILL BE REFERRED TO HQ USACIDC FOR ACCESS.
- A. MILITARY POLICE ELEMENTS WILL CONTACT THE LOCAL USACIDC ELEMENT FOR ASSISTANCE IN OBTAINING ACCESS AND EVALUATION OF THE INFORMATION.
- B. CRD WILL NOTE THE REFERRAL IN ITS DISCLOSURE ACCOUNTING RECORD. HQ USACIDC WILL MAKE A CORRESPONDING ENTRY IN THE CRIMINAL INFORMATION FILE IAW PARA 5, ABOVE.
8. PARA 4-9, REF B ESTABLISHES POLICY FOR REPORTING CRIMES COMMITTED OFF-POST BY ARMY PERSONNEL, INVOLVING ARMY PROPERTY OR IN WHICH THE ARMY HAS SUBSTANTIAL INTEREST. PROVISIONS OF A SIMILAR NATURE ARE ALSO ADDRESSED IN REF E.
- A. REPORTS RECEIVED FROM CIVIL LAW ENFORCEMENT AGENCIES WILL BE REPORTED BY THE RECEIVING PROVOST MARSHAL/SECURITY OFFICER.
- B. MP REPORTS (DA FM 3975) WILL BE PREPARED BY THE RECEIVING PROVOST MARSHAL/SECURITY OFFICER AND FORWARDED TO THE QDR CONCERNED (2D CY) AS WELL AS THE CRD (ORIGINAL CY), WHEN CRITERIA FOR FORWARDING TO CRD ARE MET.
- (1) AN INFORMATION CY OF DA FM 3975 WILL BE PROVIDED THE LOCAL USACIDC ELEMENT FOR ANY MATTER WHICH NORMALLY FALLS WITHIN ITS INVESTIGATIVE JURISDICTION IAW REF A.
- (2) IN THOSE INSTANCES IN WHICH USACIDC ASSUMES CONDUCT OF AN OFF-POST INVESTIGATION, THE MATTER WILL BE REPORTED BY USACIDC AND PROVOST MARSHALS/SECURITY OFFICERS WILL NOT SUBMIT THE MP REPORT (DA FM 3975) TO THE CRD. PROVISIONS OF CHAP 3, REF A APPLY, INCLUDING USACIDC'S AUTHORITY TO ASSUME RESPONSIBILITY FOR ANY INVESTIGATION IAW PARA'S 1-4J(6) AND 3-4 THEREOF.
- C. WHEN REPORTING RESPONSIBILITY RESIDES IN PROVOST MARSHALS/SECURITY OFFICERS, A SUPPLEMENTARY REQUIREMENT EXISTS TO OBTAIN AND DISSEMI-

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NATE OFFENDER DISPOSITION (DA FM 3975-1). RECEIVING PROVOST MARSHALS
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ACTION ADDRESSEES

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ZNR UUUUU
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FM HQDA//DAPE--RE-PO//
TO AIG 7406
AIG 7446
INFC RUCLBWA/CMDT USAMPS, FT MCCLELLAN, AL
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UNCLAS FINAL SECTION OF 2

/SECURITY OFFICERS WILL PREPARE DA FM 3975-1 AND MAY SIGN SAME AS THE REPORTING OFFICER IAW PARA 4-4G(1), REF B UNLESS USACIDC HAS UNDERTAKEN A COLLATERAL INVESTIGATION AND CONSEQUENTLY ASSUMED REPORTING RESPONSIBILITY, TO INCLUDE OFFENDER DISPOSITION.

D. PROVOST MARSHALS SECURITY OFFICERS SHOULD SOLICIT THE CIVIL REPORT AND ATTACH SAME AS AN INCLOSURE TO THE DA FM 3975. CARE SHOULD BE TAKEN IN EVALUATING SUCH REPORTS TO ASSURE THAT PROBABLE CAUSE IS ESTABLISHED BEFORE LISTING AND REPORTING AN ARMY MEMBER AS A SUBJECT ON DA FM 3975.

E. WHEN A MATTER IS BROUGHT TO THE ATTENTION OF PROVOST MARSHALS/SECURITY OFFICERS, AN ENTRY WILL BE MADE IN THE MP BLOTTER (DA FM 3997), A COPY OF WHICH WILL BE PROVIDED THE LOCAL USACIDC ELEMENT, IAW APP A, REF B.

F. USACIDC ELEMENTS RECEIVING REPORTS FROM OTHER THAN MP/SECURITY POLICE WILL NOTIFY SAME IAW PARA 1-4E, REF A.

G. NOTHING HEREIN SHOULD BE CONSTRUED TO PRECLUDE EXPEDITED AND FREE EXCHANGE OF INFORMATION BETWEEN MILITARY/SECURITY POLICE AND USACIDC ELEMENTS AS PROVIDED FOR BY PARA 3-2C, REF B.

9. PROVISIONS OF PARAS 4B(2) AND (3), REF E ARE APPLICABLE TO OBTAINING TIMELY AND RELEVANT INFORMATION CONCERNING MATTERS IN WHICH PRIMARY INVESTIGATIVE RESPONSIBILITY RESTS WITH CIVIL AUTHORITIES. PROVOST MARSHALS SECURITY OFFICERS WILL INSURE MAINTENANCE OF CLOSE CIVIL LIAISON WITHIN THE GEOGRAPHICAL AREA INFLUENCING MILITARY DISCIPLINE. COOPERATION AND SUPPORT OF CIVIL LAW ENFORCEMENT SHOULD BE SOLICITED IN REPORTING CRIMES AND INCIDENTS INVOLVING ARMY MEMBERS.

BT

ACTION ADDRESSEES

003 DAPE

INFORMATION ADDRESSEES

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AR 195-2

C1

Change

HEADQUARTERS

DEPARTMENT OF THE ARMY

No. 1

Washington, DC 15 August 1977

Criminal Investigation

CRIMINAL INVESTIGATION ACTIVITIES

AR 195-2, 6 May 77, is changed as follows:

1. Page 5-2, Paragraph 5-3a is changed to add the underscored portion to the end of the paragraph. CDRS will oversee requests to assure submission IAW policies and procedures described by this regulation.
2. Page 5-2, Paragraph 5-3b is changed to add the underscored portion to the end of the paragraph. "The specific statute, directive, or regulation upon which the request is based will be cited. Requests for law enforcement purposes will include the current and locally assigned MP Report No. and/or CRD Cross Ref No. (if available), in the case of military or security police, or the Sequence No. or CID ROI No. in the case of USACIDC elements."
3. Page 5-2, Paragraph 5-4b is changed to add the underscored portion to the sentence, "Requests for immediate name checks should be limited to situations where an investigative need for immediate results exists, and will include the locally assigned report or sequence number."
4. APP C (Page C-1) is amended as shown by underscoring.
 - a. Paragraph C-2a(2). DELETE: "File checks of the Defense Central Index of Investigations require a minimum of 30 minutes and the requester will have to call back.
 - b. Paragraph C-2a. ADD: C-2a(4). "Requesters will provide CRD with current and locally assigned MPR No. and/or CRD Cross Ref No. (MP only), or Sequence No. or ROI No. (USACIDC only), as appropriate."
 - c. Paragraph C-2b(2). DELETE: "State that a records check is desired either of the Crime Records Directorate files or of all files."

By Order of the Secretary of the Army:

BERNARD W. ROGERS
General, United States Army
Chief of Staff

Official:

PAUL T. SMITH

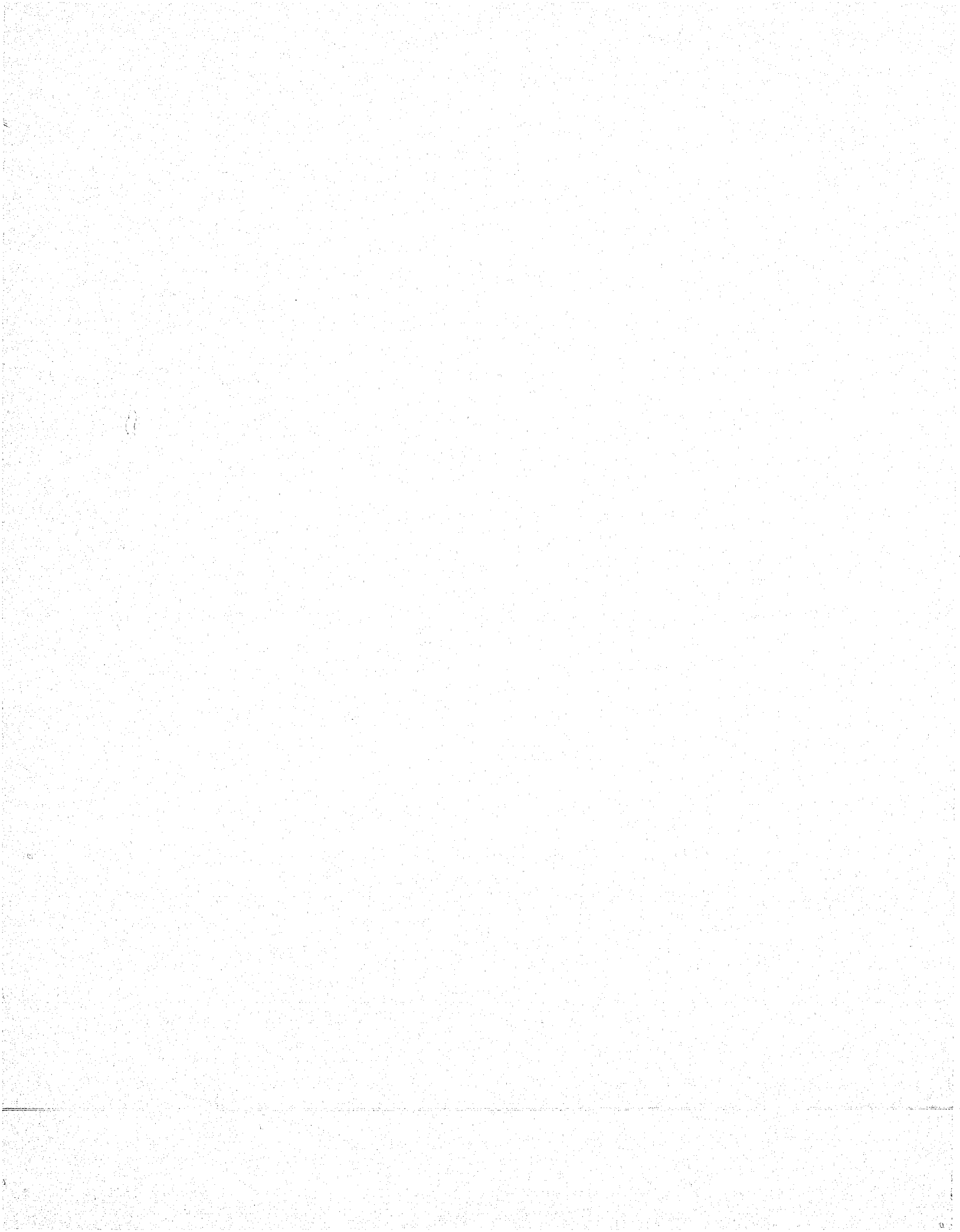
Major General, United States Army

The Adjutant General

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Inclosure 2



END