

Army Regulation 190–45

Military Police

Law Enforcement Reporting

DRAFT
as of 18 Dec 2012

Headquarters
Department of the Army
Washington, DC
20 November 2012

UNCLASSIFIED

SUMMARY of CHANGE

AR 190-45

Law Enforcement Reporting

This major revision, dated 20 November 2012--

- o Adds a requirement for chain of command notification by law enforcement within 4 hours upon apprehension or initiation of investigation of a Soldier (para 1-4g(16)).
- o Updates the installation's geographical area of responsibilities (table 1-1).
- o Establishes policy pertaining to the level of security clearance and background check required for use of the Centralized Operations Police Suite (para 2-1).
- o Updates the policy on sex offenders on Army installations (para 2-7).
- o Updates the policy pertaining to the collection of deoxyribonucleic acid samples from Soldiers (para 2-8).
- o Updates the policy pertaining to the disclosure of information contained in military police reports or military police investigation reports (para 3-8).
- o Adds reporting requirement of domestic incidents to the Army Family Advocacy Program (para 3-9).
- o Establishes the procedure for sending a redacted DA Form 3975 (Military Policy Report) to outside agencies (para 4-2e).
- o Adds guidance on preparing and disseminating DA Form 4833 (Commander's Report of Disciplinary or Administrative Action) (para 4-8).
- o Adds offense codes pertaining to Articles 112a, 120, and 134, Uniform Code of Military Justice (table 4-1).
- o Changes phencyclidine's classification from dangerous drug to hallucinogen (table 4-1).
- o Updates offense codes that pertain to suicide, including suicide attempts, thoughts, and gestures (table 4-1).
- o Adds offense codes to register Department of Defense employee and Family members or dependents who are sex offenders (table 4-1).
- o Establishes a requirement for all installations to use the Centralized Operations Police Suite to generate the DA Form 3997 (Military Police Desk Blotter) (para 7-15a).
- o Updates the serious-incident report requirement (para 8-1).

- o Changes the status for incidents involving Army Biological Select Agent and Toxins and Chemical Agents from a category 2 serious incident to a category 1 serious incident (para 8-1i).
- o Clarifies serious-incident report requirements for deaths occurring on and off post (para 8-3m).
- o Establishes procedures for suspicious activity reporting (para 8-7).
- o Adds a law-enforcement sensitive statement to all serious-incident report notifications (para 9-1).
- o Clarifies the completion of serious-incident reports that involve protected identities (para 9-4).
- o Authorizes the limited use of the Federal Bureau of Investigation's National Crime Information Center to conduct checks of visitors to an installation (para 12-2).
- o Establishes a procedure for reporting positive urinalysis results into the National Instant Checks System database (para 12-4).
- o Makes administrative revisions (throughout).

Effective 20 December 2012

Military Police

Law Enforcement Reporting

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Central Violations Bureau Form (United States District Court Violation Notice) when referring offenders to the U.S. Magistrate. It meets law enforcement reporting requirements for selected criminal incidents and provides law enforcement agencies, such as the Department of Homeland Security and Transportation Security Administration, with the most current information available. It also provides the chain of command with timely information to respond to queries from the Department of Defense, the news media, and others.

Applicability. This regulation applies to the Active Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated. It also applies to Department of the Army civilian police and security guard activities. This regulation is required during mobilization. Chapters 10–12 apply to misdemeanor offenses committed on United States Army installations in the United States and its territories that have a U.S. Magistrate Court. Chapters 10–12 apply to U.S. Army military police, directorates of law enforcement and security, Department of the Army civilian police and security guard activities, and to security force operations when authorized to issue violation notices.

Proponent and exception authority. The proponent of this regulation is the Provost Marshal General. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include a formal review by the activity's senior legal officer. All waiver requests will be endorsed

by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

Army internal control process. This regulation contains internal control provisions and provides an internal control evaluation for use in evaluating key internal controls (see appendix D).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval of the Office of the Provost Marshal General (DAPM–MPO–LE), 2800 Army Pentagon, Washington, DC 20310–2800.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Office of the Provost Marshal General (DAPM–MPO–LE), 2800 Army Pentagon, Washington, DC 20310–2800.

Committee management. AR 15–1 requires the proponent to justify establishing/continuing committee(s), coordinate draft publications, and coordinate changes in committee status with the U.S. Army Resources and Programs Agency, Department of the Army Committee Management Office (AARP–ZA), 9301 Chapek Road, Building 1458, Fort Belvoir, VA 22060–5527. Further, if it is determined that an established “group” identified within this regulation, later takes on the characteristics of a committee, as found in the AR 15–1, then the proponent will follow all AR 15–1 requirements for establishing and continuing the group as a committee.

Distribution. This publication is available in electronic media only and is intended for command levels C, D, and E for the active Army, the Army National

History. This publication is a major revision.

Summary. This regulation establishes policies and procedures for offense and serious-incident reporting within the Army; for reporting to the Department of Defense and the Department of Justice, as appropriate; and for participating in the Federal Bureau of Investigation's National Crime Information Center, the Department of Justice's Criminal Justice Information System, the National Law Enforcement Telecommunications System, and State criminal justice systems. It implements the reporting requirements of DODD 7730.47, the sex offender registration requirements of DODI 1325.7, and the victim/witness requirements contained in DODI 1030.2. It implements the portion of Section 1561a, Title 10, United States Code (The Armed Forces Domestic Security Act) that gives a civilian protection order the same force and effect on a military installation that it has within the jurisdiction that issued it. This regulation mandates the use of the Centralized Operations Police Suite Military Police Reporting System. It sets forth the revised objectives and procedures applicable to the referral and trial by U.S. magistrates for misdemeanors committed on Army installations. It also describes the proper use, preparation, and disposition of the

*This regulation supersedes 190–45, dated 30 March 2007.

Contents (Listed by paragraph and page number)

Chapter 1

Introduction, page 1

Purpose • 1-1, page 1

References • 1-2, page 1

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

Responsibilities • 1-4, page 1

Chapter 2

Records Administration, page 18

General • 2-1, page 18

Safeguarding official information • 2-2, page 19

Special requirements of The Privacy Act of 1974 • 2-3, page 19

Administration of expelled or barred persons file • 2-4, page 19

Police intelligence and criminal information • 2-5, page 19

Name checks • 2-6, page 20

Registration of sex offenders on Army installations (inside and outside the continental United States) • 2-7, page 21

Collection of deoxyribonucleic acid • 2-8, page 22

Armed escorts and unique Federal agency number documentation • 2-9, page 23

Chapter 3

Release of Information, page 24

General • 3-1, page 24

Guidelines for disclosure within the Department of Defense • 3-2, page 24

Release of information • 3-3, page 24

Release of information under the Freedom of Information Act • 3-4, page 25

Release of information under The Privacy Act of 1974 • 3-5, page 25

Amendment of records • 3-6, page 25

Accounting for military police record disclosure • 3-7, page 26

Release of law enforcement information furnished by foreign governments or international organizations • 3-8, page 26

Release of domestic incidents reports to the Army Family Advocacy Program • 3-9, page 26

Chapter 4

Offense Reporting, page 27

General • 4-1, page 27

DA Form 3975 (Military Police Report) • 4-2, page 27

Identifying criminal incidents and subjects of investigation • 4-3, page 28

Offense codes • 4-4, page 28

Military police codes • 4-5, page 28

U.S. Army Crime Records Center control numbers • 4-6, page 29

Reserve component, U.S. Army Reserve, and Army National Guard personnel • 4-7, page 29

DA Form 4833 (Commander's Report of Disciplinary or Administrative Action) • 4-8, page 29

Updating the Centralized Operating Police Suite Military Police Reporting System • 4-9, page 31

FBI Form FD 249 and final disposition report submission requirements • 4-10, page 31

Procedures for reporting desertion, absence without leave, and special category absentee offenses • 4-11, page 34

Vehicle Registration System • 4-12, page 36

Establishing memorandums of understanding • 4-13, page 36

Lost, abandoned, or unclaimed property • 4-14, page 36

Contents—Continued

Procedures for restricted and unrestricted reporting in sexual assault cases • 4–15, *page 37*

Procedures for restricted and unrestricted reporting in domestic-violence cases • 4–16, *page 37*

Domestic violence • 4–17, *page 38*

Protection orders • 4–18, *page 38*

Defense Incident-Based Reporting System/National Incident-Based Reporting System reporting responsibilities
• 4–19, *page 39*

Chapter 5

Army Law Enforcement Trends and Analysis Report, *page 39*

General • 5–1, *page 39*

Crime rate reporting • 5–2, *page 40*

Chapter 6

Victim and Witness Assistance Procedures, *page 40*

General • 6–1, *page 40*

Procedures • 6–2, *page 40*

Notification • 6–3, *page 41*

Statistical reporting requirements • 6–4, *page 41*

Chapter 7

Related Military Police Forms, *page 41*

General • 7–1, *page 41*

DD Form 460 (Provisional Pass) • 7–2, *page 41*

DD Form 553 (Deserter/Absentee Wanted by the Armed Forces) • 7–3, *page 41*

DD Form 616 (Report of Return of Absentee) • 7–4, *page 42*

DD Form 2708 (Receipt for Inmate or Detained Person) • 7–5, *page 42*

DD Form 1408 (Armed Forces Traffic Ticket) • 7–6, *page 42*

United States District Court CVB Form • 7–7, *page 42*

DD Form 1920 (Alcohol Incident Report) • 7–8, *page 43*

DA Form 2804 (Crime Records Data Reference) • 7–9, *page 43*

DA Form 2823 (Sworn Statement) • 7–10, *page 43*

DA Form 3881 (Rights Warning Procedure/Waiver Certificate) • 7–11, *page 43*

DA Form 3626 (Vehicle Registration/Driver Record) • 7–12, *page 43*

DA Form 3945 (Military Police Radio Log) • 7–13, *page 43*

DA Form 3946 (Military Police Traffic Accident Report) • 7–14, *page 43*

DA Form 3997 (Military Police Desk Blotter) • 7–15, *page 44*

DA Form 4002 (Evidence/Property Tag) • 7–16, *page 44*

DA Form 4137 (Evidence/Property Custody Document) • 7–17, *page 44*

Accountability of DD Form 1408 and the CVB Form • 7–18, *page 45*

Chapter 8

Reportable Serious Incidents, *page 45*

Policy • 8–1, *page 45*

Category 1 reportable serious incidents • 8–2, *page 45*

Category 2 reportable serious incidents • 8–3, *page 46*

Category 3 reporting criteria • 8–4, *page 48*

Operational reporting reports • 8–5, *page 48*

Incidents reportable by means other than serious-incident reports • 8–6, *page 48*

Suspicious activity report • 8–7, *page 48*

Chapter 9

Reporting Procedures for Serious-Incident Reports, *page 50*

Special handling of reports • 9–1, *page 50*

Time requirements and means of reporting • 9–2, *page 50*

Types of serious-incident reports and reporting formats • 9–3, *page 53*

Contents—Continued

Protected identity • 9–4, *page 57*
Reporting incidents when reporting responsibility is transferred • 9–5, *page 59*
Required information addressees on serious-incident reports • 9–6, *page 59*

Chapter 10

U.S. Magistrate Court, *page 60*

Relationship to Army • 10–1, *page 60*
U.S. Magistrate Court objectives • 10–2, *page 60*
Court appearances • 10–3, *page 60*
Central Violations Bureau • 10–4, *page 60*

Chapter 11

Use of United States District Court CVB Form, *page 61*

General • 11–1, *page 61*
Important guidelines for issuing the U.S. District Court CVB Form • 11–2, *page 61*
Issue and disposition procedures • 11–3, *page 61*
Fines, collateral, and nonpayment delinquencies • 11–4, *page 62*
Notification to commanders and supervisors • 11–5, *page 62*
Use of statement of probable cause • 11–6, *page 62*
Mandatory appearance • 11–7, *page 62*
Submitting mandatory hearing violations • 11–8, *page 62*
Submitting CVB Forms to the Central Violations Bureau • 11–9, *page 62*
Agency requests to dismiss or void a CVB Form • 11–10, *page 62*
Request for dismissal or void by the defendant • 11–11, *page 63*
CVB Forms issued to unattended vehicles • 11–12, *page 63*
U.S. magistrate judge docket report • 11–13, *page 63*
Request to agency for a better address • 11–14, *page 63*
Undeliverable warning letters referred to U.S. magistrate judge • 11–15, *page 63*
Notice to appear letters • 11–16, *page 64*
Warrant • 11–17, *page 64*
Suspension notices • 11–18, *page 64*
Agency notification • 11–19, *page 64*
Hearing types • 11–20, *page 64*
Forfeiture of collateral on a court docket • 11–21, *page 64*
Payment by credit card • 11–22, *page 64*
Payroll deductions • 11–23, *page 64*
Citations on the docket to be reset • 11–24, *page 65*
Agency monthly reports • 11–25, *page 65*
Waiver of venue for plea and sentence • 11–26, *page 65*
Intra-district transfer • 11–27, *page 65*
Voice Case Information System • 11–28, *page 65*
Central Violations Bureau database search option through email • 11–29, *page 65*
Disposition of personnel subject to the Uniform Code of Military Justice • 11–30, *page 65*
Disposition of juvenile offenders • 11–31, *page 66*

Chapter 12

National Crime Information Center Policy, *page 66*

Authority • 12–1, *page 66*
Standards • 12–2, *page 66*
Authorized access • 12–3, *page 66*
Reports of positive urinalysis-test results entered into the National Instant Checks System database through National Crime Information Center • 12–4, *page 66*

Contents—Continued

Chapter 13

National Crime Information Center Procedures, *page 67*

Requesting an originating agency identifier • 13-1, *page 67*

Suspension or revocation • 13-2, *page 69*

Entry • 13-3, *page 69*

Modification • 13-4, *page 71*

Cancellation • 13-5, *page 71*

Validation • 13-6, *page 71*

Army participation in Criminal Justice Information System • 13-7, *page 71*

Appendixes

A. References, *page 72*

B. General Instructions for Completing DA Form 3975, *page 80*

C. Contact information and mailing addresses for serious-incident reports, *page 86*

D. Management Control Checklist, *page 89*

Table List

Table 1-1: Geographical area of responsibilities, *page 4*

Table 4-1: List of offenses from the Uniform Code of Military Justice, *page 33*

Figure List

Figure 9-1: Format and instructions for preparing a serious incident report, *page 51*

Figure 9-1: Format and instructions for preparing a serious incident report, continued, *page 52*

Figure 9-2: Format for a serious incident report add-on, which is used to update an earlier report, *page 53*

Figure 9-3: Format for a serious incident report correction, *page 54*

Figure 9-4: A sample of a serious incident report, involving a homicide, *page 55*

Figure 9-4: A sample of a serious incident report, involving a homicide, continued, *page 56*

Figure 9-5: A sample of a serious incident report add-on, *page 56*

Figure 9-6: A sample of a serious incident report correction, *page 57*

Figure 9-7: A sample of a serious incident report, involving a rape, showing two protected identities, *page 58*

Figure 9-7: A sample of a serious incident report, involving a rape, showing two protected identities, continued, *page 59*

Figure 13-1: Sample request from a regional office of the Installation Management Command to obtain an originating agency identifier, *page 68*

Figure 13-2: Sample request—from an Army command, Army service component command, or direct reporting unit—to obtain an originating agency identifier, *page 69*

Figure 13-3: Sample of an originating agency identifier holder agreement, *page 70*

Glossary

as of 18 Dec 2012
DRAFT

Chapter 1 Introduction

1–1. Purpose

This regulation prescribes policies, procedures, and responsibilities on the preparation, reporting, use, retention, and disposition of Department of the Army (DA) forms and documents related to law enforcement (LE) activities. It implements Federal reporting requirements on serious incidents, crimes, and misdemeanor crimes. It also assigns the geographic areas of responsibility to a specific installation Provost Marshal Office (PMO) or Directorate of Emergency Services.

1–2. References

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

1–3. Explanation of abbreviations and terms

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

1–4. Responsibilities

a. Provost Marshal General. PMG will—

(1) Establish and develop policy and procedures for the following:

(a) Preparation, use, and disposition of military police (MP) records and forms.

(b) Army participation in the Criminal Justice Information System (CJIS), the National Crime Information Center (NCIC), the National Law Enforcement Telecommunications Systems (NLETS), and Army access to State LE and criminal justice agency information consistent with applicable State and Federal laws.

(c) Reporting serious incidents to Headquarters, Department of the Army (HQDA).

(2) Maintain the official record of serious-incident reports (SIRs) submitted to HQDA. All official records will be maintained in accordance with AR 25–400–2.

(3) Report crime within the Army, develop Armywide crime statistics, and coordinate LE reporting to the CJIS, the Federal Bureau of Investigation (FBI), and the Department of Justice (DOJ).

(4) Establish and manage the Centralized Operations Police Suite (COPS) as the automated Military Police Reporting System (MPRS) within the Army. This includes procedures for entering records, retaining records, disseminating records, and using such records by DA, Department of Defense (DOD) agencies, and Federal, State, and local LE agencies.

(5) Prepare and execute the DA's agreement to use the services of NLETS and participation in CJIS.

(6) Ensure that those counterintelligence (CI) related incidents specified in AR 381–12 are properly reported to the local Army CI field office or the Army Counterintelligence Coordinating Authority at Fort Belvoir, VA.

b. Commander, Installation Management Command; Commander, U.S. Army Materiel Command; Commander, U.S. Army Medical Command; commanders of Army commands, Army service component commands, and direct reporting units—excluding the U.S. Army Criminal Investigation Command—who have reporting or oversight responsibilities under this regulation (such as the Director, Army National Guard, and Commander, Military Surface Deployment and Distribution Command). The commanders for IMCOM, AMC, MEDCOM, ACOMs, ASCCs, relevant DRUs excluding USACIDC; the Director, ARNG; and Commander, SDDC will ensure that subordinate garrison commanders—

(1) Use COPS to meet reporting requirements prescribed in this regulation.

(2) Appoint in writing a COPS system administrator and ensure the system's maintenance.

(3) Comply with all referenced provisions of Federal law in this regulation.

(4) Submit required criminal history data to the U.S. Army Crime Records Center (USACRC) for transmittal to CJIS.

(5) Forward requests for participation in NCIC that meet the criteria of this regulation to the Director, U.S. Army Crime Records Center (CICR–CR), 27130 Telegraph Road, Quantico, VA 22134.

(6) Ensure that installation provost marshals (PMs) or directors of emergency services (DESs) enter into State-government user agreements for access to State LE telecommunications systems and agencies.

(7) Report serious incidents to HQDA as prescribed by this regulation.

(8) Ensure that installation PMs or DESs execute liaison coordination and information exchange with civilian LE authorities within their geographic area of responsibility.

(9) Report incidents occurring off the installation, in the geographic areas for PM or DES activities prescribed by table 1–1.

(10) If an installation is a Joint service base, ensure commanders abide by the IMCOM-facilitated memorandum of agreement, which addresses each Service's reporting requirement. The Army chain of command reporting requirements are still required in accordance with Combined Joint Chiefs of Staff Manual 3150.03D for operational reporting and this regulation for serious-incident reporting.

(11) Establish additional reporting categories as prescribed in paragraph 8–4, below, if desired.

(12) Appoint in writing a victim/witness coordinator. This coordinator is responsible for the LE notification requirements to all identified victims and witnesses of crime.

c. Senior commanders and State Adjutants General. These leaders will—

(1) Ensure that commanders at all levels report alleged criminal incidents to the installation PMO or Directorate of Emergency Services, and the USACIDC, for appropriate inquiry and investigation.

(2) Ensure submission of DA Form 4833 (Commander's Report of Disciplinary or Administrative Action) to their local installation PMO or DES on dispositions of cases referred to them for action by an investigating officer (commander's inquiry or AR 15–6 investigation) and those incidents outlined in paragraph 4–19 of this regulation.

(3) Ensure that battalion commanders or the first lieutenant colonel in the chain of command (of the Soldier in the "SUBJECT" block) complete and return the DA Form 4833 within 60 days with supporting documentation (copies of investigations under Article 15, Uniform Code of Military Justice; court martial orders; reprimands; and so forth) for all USACIDC investigations. Army civilian and contract personnel will also have a DA Form 4833 completed by their military supervisor with special courts martial convening authority. The unit and brigade commanders, or their equivalent, will also receive a copy of the DA Form 4833 for all USACIDC investigations.

(4) Ensure that company, troop, and battery level commanders complete and return the DA Form 4833 within 45 days with supporting documentation (copies of investigations under UCMJ, Art. 15; court martial orders; reprimands; and so on) in all cases investigated by MP investigations, civilian detectives employed by the DA, and the PMO or DES.

(5) Ensure their senior MP commanders and/or installation PMs or DESs provide to their subordinate garrisons and installations staff, oversight, and technical assistance for MP-related issues.

d. The Commanding General, U.S. Army Criminal Investigation Command. The CG, USACIDC will—

(1) Provide reports and/or statistical data to installation PMs or DESs in order to support commands with the relative number and types of serious crimes and incidents investigated, subjects identified, value of property stolen or recovered, and other information reflecting the status of discipline, law, and order necessary for the completion of reports required by HQDA. Statistical data necessary to support locally established reports may be provided within the administrative and record-keeping capabilities of the supporting USACIDC element.

(2) Submit all reports of investigation (ROIs) to the installation provost marshal (PM) or DES for entry into COPS via the DA Form 3975 (Military Police Report).

e. The Commanding General, U.S. Army Training and Doctrine Command. The CG, TRADOC will—

(1) Ensure that COPS technical training for functional users is incorporated within the instructional programs of service schools.

(2) Ensure that the requirements of completing the DA Form 4833 are incorporated within the company through a brigade-level commanders' course.

(3) Ensure the DA Form 4833 requirements are briefed to commanders and command sergeants major during the Garrison Pre-command Course.

f. The Director, U.S. Army Crime Records Center. The Director, USACRC will—

(1) Serve as the Army's collection point and analytic center for all Army aggregate crime data.

(2) Receive DA Form 3975 prepared per this regulation and related Army LE regulations, policies, and procedures.

(3) Maintain records that support entries made in the FBI's CJIS. This includes the criminal history file of the NCIC.

(4) Respond to requests for information received from local, State, Federal, and international law enforcement agencies.

(5) Process amendment requests under Section 552a, Title 5, United States Code (The Privacy Act) in coordination with installation PMs and DESs.

(6) Be responsible to the PMG for coordinating installation PM or DES participation in CJIS and NCIC, and resolution of operational issues concerning the DA's participation in CJIS and NLETS.

(7) Be responsible to the Commander, USACIDC for establishing internal NCIC operating policies based on rules and operating policies of the NCIC Advisory Policy Board and State control terminal agencies (CTAs).

(8) Appoint a CJIS systems officer to represent the PMG at working group meetings for CJIS and NLETS.

(9) Enter into a user agreement with CJIS concerning the Army's adherence to all CJIS operating policies and regulations and, where applicable, State criminal justice agencies.

g. Other commanders. The MP brigade or battalion combat support commanders (who may be dual-hatted as an installation PM or DES), and the ACOM, ASCC, DRU, and installation PMs and DESs in charge of LE operations will—

(1) Provide staff oversight and technical assistance for LE-related issues to installation and garrison commanders and IMCOM regional directors. They will also provide supported commands with staff review and advice concerning doctrine, organization, training, materiel, leadership and education, personnel and facilities, and resourcing and LE policy development.

- (2) Comply with crime records and reporting requirements of this regulation and ensure that documents and forms are accurately completed and forwarded as prescribed per this regulation.
- (3) Respond to routine requests for information received from local, State, Federal, international law enforcement agencies, and requests for information under Title 5, United States Code, Section 552a (The Privacy Act) and Title 5, United States Code, Section 552 (The Freedom of Information Act).
- (4) Enforce all laws and regulations pertaining to misdemeanors and felonies, if declined by USACIDC.
- (5) Assure adherence by Army installation LE personnel to provisions of this regulation, with the exception of changes dictated by the U.S. Magistrate or U.S. District Court of the judicial district in which their installation is located.
- (6) Ensure violations issued on the Central Violations Bureau (CVB) Form (United States District Court Violation Notice) are entered into COPS, and closed when complete. The DD Form 1408 (Armed Forces Traffic Ticket) will be entered into COPS for violations outside the continental United States (OCONUS).
- (7) Ensure that release of LE information complies with 5 USC 552a (The Privacy Act), 5 USC 552 (The Freedom of Information Act), and chapter 3 of this regulation.
- (8) Ensure that funding requirements for NCIC equipment, software, and maintenance are submitted through the appropriate resourcing channels.
- (9) Ensure that all NCIC transactions are in compliance with this regulation, operating policies of the NCIC, and the State CTA.
- (10) Ensure that NCIC terminals are staffed 24 hours per day or secured to preclude access by unauthorized personnel.
- (11) Ensure that NCIC terminal operators successfully complete required training on the NCIC and State systems.
- (12) Appoint an NCIC terminal coordinator in writing, identifying their duties and responsibilities.
- (13) Ensure execution of NCIC inquiries for the USACIDC special agents in support of criminal investigations or related inquiries.
- (14) Be responsive to the Federal service coordinator and State CTA in operating the NCIC and State law enforcement telecommunications systems and for access to, and dissemination of, criminal information. (Note: OCONUS exempt from NCIC requirements throughout this regulation.)
- (15) Ensure execution of necessary liaison and coordination with civilian authorities, within their geographic area of responsibility, as assigned in [table 1-1](#).
- (16) Upon apprehension—or initiation of investigation of a Soldier, DOD civilian, or contractor, by installation or civilian LE officer—immediately notify (within 4 hours) the chain of command (commander, deputy director, or civilian equivalent) and document via DA Form 3975. (Exception for semi-covert investigations in which notification could compromise the integrity or successful resolution of investigations, in these cases, only if the subject is notified that he or she is under investigation, then the commander will also be informed of the investigation).
- (17) Release Soldiers under law enforcement control only to the commander, command sergeant major, or first sergeant via DD Form 2708 (Receipt for Inmate or Detained Person).
- (18) Ensure accountability for all Soldiers and prisoners confined in local civilian confinement facilities using the Army Corrections Information System module of the COPS. AR 190-47 authorizes installations without an Army corrections facility to contract the incarceration of Army pretrial prisoners in Federally approved local civilian jails when military facilities are not available and prisoners with sentences to confinement locally for 30 or fewer days. Copies of agreements will be forwarded to the Army Corrections Command for review and recommendation. Reference AR 190-47 for other confinement policy and procedures.
- (19) Screen all DA Forms 3975 for possible alcohol or other drug abuse involvement, and provide the Army Substance Abuse Program (ASAP) manager with excerpts from the DA Form 3997 (Military Police Desk Blotter) on all incidents involving alcohol, drugs, or other substance abuse on a daily basis.
- (20) Request the assistance of civilian local and State law enforcement agencies, upon request from a reserve component commander, to determine the whereabouts and welfare of Soldiers when a second unexcused absence from a unit training assembly occurs.
 - h. Directors of Emergency Services.* Each Director of Emergency Services, for installations and for regions, is responsible for maintaining the COPS system. The system administrators for COPS are appointed, in writing, by the installation.
 - i. Victim/witness coordinator.* The victim/witness coordinator, who is appointed in writing by the installation PMO or DES, is responsible for fulfilling the LE notification requirements to all identified victims and witnesses of crime.
 - j. U.S. Army Reserve commanders.* All U.S. Army Reserve (USAR) commanders unit, agency, or activity commanders will submit SIRs thru the Army Reserve Watch, then follow the steps in paragraph *k*, below.
 - k. Commanders of active, unified, or combined command elements.* All active Army and USAR unit, agency, or activity commanders, to include commanders of Army elements of unified or combined commands, will—
 - (1) Notify the continental United States (CONUS) installation commander having geographic reporting responsibility or the overseas ASCC commander and the appropriate region DES, as appropriate, of serious incidents immediately.

- (2) Provide follow up information for supplementary reporting, as necessary.
- (3) The ARNGUS reports will include the State Adjutant General Office and the National Guard Bureau as information addressees.
- (4) In accordance with DTM 08-03, dated 2 April 2008, all U.S. Army commissioned officers, warrant officers, and enlisted members above the pay grade of E-6, who are on active duty or in an active status in the reserve component, will report in writing via DA Form 4187 (Personnel Action) or memorandum, any conviction of such member for violation of a criminal law of the United States—whether or not the member is on active duty or in an active status at the time of the conduct that provides the basis for the conviction.
- l. Commanders of installations within the continental United States.* The commanders of CONUS installations will transfer reporting responsibility to another CONUS installation commander by mutual agreement, subject to PMG approval. Transfer procedures are described in paragraph 9-5 of this regulation.
- m. Director, U.S. Army Criminal Investigation Laboratory.* The Director, USACIL will—
- (1) Be responsible to the PMG for guidance identifying live-scan, electronic, fingerprint and palm-print equipment that is compatible with the FBI's electronic fingerprint transmission specification and electronic biometric transmission standard, the American National Standards Institute, the National Institute of Standards and Technology, national LE standards for fingerprints or palm prints, and USACIL's Automated Fingerprint Identification System.
 - (2) Be responsible for all USACIL Integrated Automated Fingerprint Identification System (IAFIS) transactions involving latent finger and palm prints.
 - (3) Be responsible for Army LE coordination with the FBI concerning IAFIS databases to include the criminal master file, civil files, and special latent cognizant files.
 - (4) Enter into a user agreement with CJIS concerning the USACIL's adherence to all CJIS operating policies and regulations involving latent print transactions and IAFIS files.
 - (5) Enter into a user agreement with CJIS concerning the Army's adherence to all CJIS operating policies and regulations involving latent print transactions and special latent cognizant files.
- n. National Crime Information Center terminal coordinator.* The NCIC terminal coordinator will—
- (1) Ensure the accuracy of entries and validating records.
 - (2) Respond to inquiries.
 - (3) Ensure physical security of the terminal.
- o. National Crime Information Center terminal coordinator at the U.S. Army Deserter Information Point.* The NCIC terminal coordinator at the U.S. Army Deserter Information Point (USADIP) will be responsible for—
- (1) The NCIC entries concerning U.S. Army deserters.
 - (2) The NCIC terminal operations at the Personnel Control Facility, Fort Knox, KY.
 - (3) Criminal-history record checks for identifying and verifying Army deserters, parole violators, and escaped prisoners.
 - (4) The NCIC records of parole violators and escaped military prisoners.
- p. Installation staff judge advocates.* SJAs will advise Army installation commanders and installation PMs, DESs, or security officers concerning implementation of this regulation as requested.

Table 1-1
Geographical area of responsibilities

Installation	Area of responsibility
Aberdeen Proving Ground	a. Delaware county (1) New Castle b. Maryland counties (1) Baltimore (2) Cecil (3) Harford (4) Kent c. New Jersey counties (1) Atlantic (2) Camden (3) Cape May (4) Cumberland (5) Gloucester (6) Salem
Army Support Activity (ASA) Dix	a. All Maine counties b. All Massachusetts counties c. All New Hampshire counties

**Table 1-1
Geographical area of responsibilities—Continued**

Installation	Area of responsibility
	d. Pennsylvania counties (1) Berks (2) Bucks (3) Chester (4) Delaware (5) Lancaster (6) Lebanon (7) Lehigh (8) Montgomery (9) Northampton (10) Philadelphia f. All Rhode Island counties g. All Vermont counties
Fort AP Hill, VA	a. Virginia counties (1) Caroline (2) Essex (3) Hanover (4) King and Queen (5) King George (6) King William (7) Lancaster (8) Louisa (9) Northumberland (10) Richmond (11) Spotsylvania (12) Westmoreland b. West Virginia counties (1) Boone (2) Clay (3) Fayette (4) Greenbrier (5) Jackson (6) Kanawha (7) Lincoln (8) Logan (9) McDowell (10) Mercer (11) Monroe (12) Nicholas (13) Putman (14) Raleigh (15) Roane (16) Wyoming
Fort Belvoir, VA	a. Virginia counties (1) Albemarle (2) Augusta (3) Bath (4) Clarke (5) Culpeper (6) Fauquier (7) Frederick (8) Greene (9) Highland (10) Madison (11) Orange (12) Page (13) Rappahannock (14) Rockingham (15) Shenandoah (16) Stafford (17) Warren b. West Virginia counties (1) Barbour (2) Berkeley (3) Braxton (4) Brooke (5) Calhoun (6) DODd-Ridge (7) Gilmer (8) Grant

**Table 1-1
Geographical area of responsibilities—Continued**

Installation	Area of responsibility
	<ul style="list-style-type: none"> (9) Hampshire (10) Hancock (11) Hardy (12) Harrison (13) Jefferson (14) Lewis (15) Marion (16) Marshall (17) Mineral (18) Monongalia (19) Morgan (20) Ohio (21) Pendleton (22) Pleasants (23) Pocahontas (24) Preston (25) Randolph (26) Ritchie (27) Taylor (28) Tucker (29) Tyler (30) Upshur (31) Webster (32) Wetzel (33) Wirt (34) Wood
Fort Benning, GA	<ul style="list-style-type: none"> a. Florida counties (1) Bay (2) Calhoun (3) Columbia (4) Dixie (5) Escambia (6) Franklin (7) Gadsden (8) Gilchrist (9) Gulf (10) Hamilton (12) Jackson (11) Holmes (13) Jefferson (14) Lafayette (15) Leon (16) Liberty (17) Madison (18) Okaloosa (19) Santa Rosa (20) Suwannee (21) Taylor (22) Wakulla (23) Walton (24) Washington b. Georgia counties (1) Baker (2) Bartow (3) Berrien (4) Bleckley (5) Calhoun (6) Carroll (7) Chattahoochee (8) Cherokee (9) Clay (10) Clayton (11) Cobb (12) Colquitt (13) Columbus-Muscogee (14) Cook (15) Coweta (16) Crawford (17) Crisp (18) Decatur

Table 1-1
Geographical area of responsibilities—Continued

Installation	Area of responsibility
	<ul style="list-style-type: none"> (19) Dooly (20) Dougherty (21) Douglas (22) Early (23) Fayette (24) Fulton (25) Grady (26) Haralson (27) Harris (28) Heard (29) Houston (30) Lamar (31) Lee (32) Macon (33) Marion (34) Meriwether (35) Miller (36) Mitchell (37) Monroe (38) Paulding (39) Peach (40) Pickens (41) Pike (42) Pulaski (43) Quitman (44) Randolph (45) Schley (46) Seminole (47) Spalding (48) Stewart (49) Sumter (50) Talbot (51) Taylor (52) Terrell (53) Thomas (54) Tift (55) Troup (56) Turner (57) Upson (58) Webster (59) Wilcox (60) Worth c. Alabama counties (1) Chambers (2) Lee (3) Russell
Fort Bliss, TX	<ul style="list-style-type: none"> a. All New Mexico counties, except (1) Catron (2) Grant (3) Hidalgo b. All Texas counties west of, and including (1) Bailey (2) Crockett (3) Dawson (3) Hockley (4) Lubbock (5) Lynn (6) Martin (7) Midland (8) Pecos (9) Terrell (10) Upton (11) Val Verde

**Table 1-1
Geographical area of responsibilities—Continued**

Installation	Area of responsibility
Fort Bragg, NC	<ul style="list-style-type: none"> a. All North Carolina counties b. Tennessee counties <ul style="list-style-type: none"> (1) Carter (2) Johnson (3) Sullivan (4) Unicoi (5) Washington c. Virginia counties <ul style="list-style-type: none"> (1) Bland (2) Buchanan (3) Carroll (4) Dickenson (5) Floyd (6) Grayson (7) Henry (8) Lee (9) Patrick (10) Pulaski (11) Russell (12) Scott (13) Smyth (14) Tazewell (15) Washington (16) Wise (17) Wythe
Fort Buchanan, PR	<ul style="list-style-type: none"> a. All of Puerto Rico b. U.S. Virgin Islands
Fort Campbell, KY	<ul style="list-style-type: none"> a. Arkansas counties <ul style="list-style-type: none"> (1) Crittenden (2) Lee (3) Mississippi (4) Monroe (5) Phillips (6) St. Francis b. All Illinois counties east and south of, and including <ul style="list-style-type: none"> (1) Clark (2) Cumberland (3) Fayette (4) Franklin (5) Jackson (6) Jefferson (7) Marion (8) Shelby c. All Kentucky counties west of, and including <ul style="list-style-type: none"> (1) Allen (2) Butler (3) Daviess (4) Ohio (5) Warren d. All Mississippi counties north of, and including <ul style="list-style-type: none"> (1) Clay (2) Coahoma (3) Grenada (4) Monroe (5) Tallahatchie (6) Webster e. All Tennessee counties not listed under Fort Bragg, Fort Knox, and Fort McPherson

**Table 1-1
Geographical area of responsibilities—Continued**

Installation	Area of responsibility
Carlisle Barracks, PA	a. All Ohio counties east of, and including (1) Coshocton (2) Guernsey (3) Holmes (4) Lorain (5) Medina (6) Monroe (7) Noble (8) Wayne b. All Pennsylvania counties not listed under Fort Hamilton and ASA Dix
Fort Carson, CO	a. All Colorado counties b. All Montana counties east of, and including (1) Fergus (2) Park (3) Phillips (4) Sweet Grass (5) Wheatland c. All Nebraska counties west of, and including (1) Arthur (2) Grant (3) Hayes (4) Hitchcock (5) Keith (6) Perkins (7) Sheridan d. All Utah counties e. All Wyoming counties
Fort Detrick, MD	Maryland counties (1) Allegany (2) Carroll (3) Frederick (4) Garrett (5) Washington
Fort Drum, NY	All New York counties except those listed under Fort Hamilton

**Table 1-1
Geographical area of responsibilities—Continued**

Installation	Area of responsibility
Fort Gordon, GA	Georgia counties (1) Baldwin (2) Banks (3) Barrow (4) Bibb (5) Bulloch (6) Burke (7) Butts (8) Candler (9) Clarke (10) Columbia (11) Dawson (12) DeKalb (13) Elbert (14) Emanuel (15) Forsyth (16) Franklin (17) Glascock (18) Greene (19) Gwinnett (20) Habersham (21) Hall (22) Hancock (23) Hart (24) Henry (25) Jackson (26) Jasper (27) Jefferson (28) Jenkins (29) Johnson (30) Jones (31) Laurens (32) Lincoln (33) Lumpkin (34) Madison (35) McDuffie (36) Montgomery (37) Morgan (38) Newton (39) Oconee (40) Oglethorpe (41) Putnam (42) Rabun (43) Richmond (44) Rockdale (45) Screven (46) Stephens (47) Taliaferro (48) Towns (49) Treutlen (50) Twiggs (51) Union (52) Walton (53) Warren (54) Washington (55) Wheeler (56) White (57) Wilkes (58) Wilkinson

**Table 1-1
Geographical area of responsibilities—Continued**

Installation	Area of responsibility
Fort Hamilton, NY	<ul style="list-style-type: none"> a. All Connecticut counties b. All New York counties south of, and including <ul style="list-style-type: none"> (1) Columbia (2) Greene (3) Sullivan (4) Ulster c. Pennsylvania counties <ul style="list-style-type: none"> (1) Carbon (2) Lackawanna (3) Luzerne (4) Monroe (5) Pike (6) Wayne d. All New Jersey counties except those listed under Aberdeen Proving Ground
Fort Hood, TX	<ul style="list-style-type: none"> a. All Texas counties south, and east, of <ul style="list-style-type: none"> (1) Cottle (2) Crockett (3) Dawson (4) Floyd (5) Foard (6) Hale (7) Lamb (8) Lubbock (9) Lynn (10) Martin (11) Midland (12) Motley (13) Upton (14) Wichita (15) Wilbarger (16) Val Verde
Fort Huachuca, AZ	<ul style="list-style-type: none"> a. All Arizona counties b. New Mexico counties <ul style="list-style-type: none"> (1) Catron (2) Grant (3) Hidalgo
Fort Irwin, CA	<ul style="list-style-type: none"> a. All California counties not listed under Fort Lewis b. All Nevada counties
Fort Jackson, SC	<ul style="list-style-type: none"> a. All South Carolina counties, except <ul style="list-style-type: none"> (1) Beaufort (2) Jasper b. Tennessee counties <ul style="list-style-type: none"> (1) Cocke (2) Greene

**Table 1-1
Geographical area of responsibilities—Continued**

Installation	Area of responsibility
Fort Knox, KY	<ul style="list-style-type: none"> a. All Illinois counties east and north of, and including <ul style="list-style-type: none"> (1) Boone (2) Coles (3) De Kalb (4) DeWitt (5) Edgar (6) LaSalle (7) Livingston (8) Macon (9) McLean (10) Moultrie b. All Indiana counties c. All Kentucky counties east of <ul style="list-style-type: none"> (1) Allen (2) Butler (3) Daviess (4) Ohio (5) Warren d. All Michigan counties e. All Ohio counties west of <ul style="list-style-type: none"> (1) Coshocton (2) Guernsey (3) Holmes (4) Lorain (5) Medina (6) Monroe (7) Noble (8) Wayne f. Tennessee counties <ul style="list-style-type: none"> (1) Campbell (2) Claiborne (3) Clay (4) Fentress (5) Hancock (6) Hawkins (7) Jackson (8) Morgan (9) Overton (10) Pickett (11) Scott g. West Virginia counties <ul style="list-style-type: none"> (1) Cabell (2) Mason (3) Mingo (4) Wayne
Fort Leavenworth, KS	<ul style="list-style-type: none"> a. All Iowa counties b. All Kansas counties east of, and including <ul style="list-style-type: none"> (1) Brown (2) Coffey (3) Jackson (4) Montgomery (5) Osage (6) Shawnee (7) Wilson (8) Woodson c. All Minnesota counties d. All Wisconsin counties

**Table 1-1
Geographical area of responsibilities—Continued**

Installation	Area of responsibility
Fort Lee, VA	Virginia counties (1) Accomack (2) Alleghany (3) Amelia (4) Amherst (5) Appomattox (6) Bedford (7) Botetourt (8) Brunswick (9) Buckingham (10) Campbell (11) Charles City (12) Charlotte (13) Chesapeake City (14) Chesterfield (15) Colonial Heights (16) Craig (17) Cumberland (18) Dinwiddie (19) Franklin (20) Fluvanna (21) Giles (22) Gloucester (23) Goochland (24) Greensville (25) Halifax (26) Hampton Cities (27) Henrico (28) Hopewell (29) Isle of Wight (30) James City (31) Lunenburg (32) Mathews (33) Mecklenburg (34) Middlesex (35) Montgomery (36) Nelson (37) New Kent (38) Newport News (39) Norfolk City (40) Northampton (41) Nottoway (42) Petersburg (43) Pittsylvania (44) Portsmouth City (45) Powhatan (46) Prince Edward (47) Prince George (48) Roanoke (49) Rockbridge (50) Southampton (51) Suffolk City (52) Surry (53) Sussex (54) Virginia Beach City (55) York
Fort Leonard Wood, MO	a. All Arkansas counties not listed under Fort Campbell, Fort Polk, and Fort Sill b. All Illinois counties not listed under Fort Campbell and Fort Knox c. All Missouri counties

**Table 1-1
Geographical area of responsibilities—Continued**

Installation	Area of responsibility
Fort Lewis, WA	<ul style="list-style-type: none"> a. California Counties <ul style="list-style-type: none"> (1) Del Norte (2) Humboldt (3) Modoc (4) Shasta (5) Siskiyou (6) Trinity b. All Idaho counties c. All Montana counties west of <ul style="list-style-type: none"> (1) Fergus (2) Park (3) Phillips (4) Sweet Grass (5) Wheatland d. All Oregon counties e. All Washington counties
Fort Meade, MD	<ul style="list-style-type: none"> a. All Maryland counties not listed under Fort Myer, Fort Detrick, and Aberdeen Proving Ground b. Delaware counties <ul style="list-style-type: none"> (1) Kent (2) Sussex
Fort Myer, VA	<ul style="list-style-type: none"> a. All of District of Columbia b. Maryland counties <ul style="list-style-type: none"> (1) Montgomery (2) Prince George's c. Virginia cities <ul style="list-style-type: none"> (1) Alexandria (2) Fairfax (3) Manassas (4) Manassas Park d. Virginia counties <ul style="list-style-type: none"> (1) Arlington (2) Fairfax (3) Loudoun (4) Prince William
Fort Polk, LA	<ul style="list-style-type: none"> a. All Arkansas counties south of, and including <ul style="list-style-type: none"> (1) Arkansas (2) Desha (3) Garland (4) Grant (5) Jefferson (6) Montgomery (7) Polk (8) Saline b. All Louisiana parishes c. All Mississippi counties west and south of, and including <ul style="list-style-type: none"> (1) Attala (2) Bolivar (3) Carroll (4) Jefferson Davis (5) Leake (6) Leflore (7) Marion (8) Montgomery (9) Rankin (10) Simpson (11) Sunflower

Table 1-1
Geographical area of responsibilities—Continued

Installation	Area of responsibility
Redstone Arsenal	a. All Alabama counties except those listed under Fort Rucker b. Georgia counties (1) Catoosa (2) Chattooga (3) Dade (4) Fannin (5) Floyd (6) Gilmer (7) Gordon (8) Murray (9) Polk (10) Walker (11) Whitfield c. Tennessee counties (1) Anderson (2) Bledsoe (3) Blount (4) Bradley (5) Grainger (6) Hamblen (7) Hamilton (8) Jefferson (9) Knox (10) Loudon (11) Marion (12) McMinn (13) Meigs (14) Monroe (15) Polk (16) Rhea (17) Sequatchie (18) Sevier (19) Union
Fort Riley, KS	a. All Kansas counties not listed under Fort Leavenworth b. All Nebraska counties east of (1) Arthur (2) Grant (3) Hayes (4) Hitchcock (5) Keith (6) Perkins (7) Sheridan c. All North Dakota counties d. All South Dakota counties
Fort Rucker, AL	a. All Alabama counties south of, and including (1) Bibb (2) Chilton (3) Coosa (4) Greene (5) Hale (6) Sumter (7) Tallapoosa b. All Mississippi counties except those listed under Fort Campbell and Fort Polk

Table 1-1
Geographical area of responsibilities—Continued

Installation	Area of responsibility
Fort Sill, OK	a. Arkansas counties (1) Crawford (2) Franklin (3) Logan (4) Scott (5) Sebastian b. All Oklahoma counties c. All Texas counties north of, and including (1) Cottle (2) Floyd (3) Foard (4) Hale (5) Lamb (6) Motley (7) Wichita (8) Wilbarger

as of 18 Dec 2012

**Table 1-1
Geographical area of responsibilities—Continued**

Installation	Area of responsibility
Fort Stewart, GA	a. All Florida counties except (1) Bay (2) Calhoun (3) Columbia (4) Dixie (5) Escambia (6) Franklin (7) Gadsden (8) Gilchrist (9) Gulf (10) Hamilton (11) Holmes (12) Jackson (13) Jefferson (14) Lafayette (15) Leon (16) Liberty (17) Madison (18) Okaloosa (19) Santa Rosa (20) Suwannee (21) Taylor (22) Wakulla (23) Walton (24) Washington b. Georgia counties (1) Appling (2) Atkinson (3) Bacon (4) Ben Hill (5) Brantley (6) Brooks (7) Bryan (8) Camden (9) Charlton (10) Chatham (11) Clinch (12) Coffee (13) DODge (14) Effingham (15) Echols (16) Evans (17) Glynn (18) Irwin (19) Jeff Davis (20) Lanier (21) Liberty (22) Long (23) Lowndes (24) McIntosh (25) Pierce (26) Tattnall (27) Telfair (28) Toombs (29) Ware (30) Wayne c. South Carolina counties (1) Beaufort (2) Jasper
USAREUR	All of Europe
USARPAC	a. All of Alaska b. All of Hawaii c. All of Japan
USAG—Red Cloud	Area I
USAG—Yongsan	Area II
USAG—Humphreys	Area III

Table 1-1
Geographical area of responsibilities—Continued

Installation	Area of responsibility
USAG–Daegu	Area IV

Chapter 2

Records Administration

2-1. General

a. The MP records and files created under provisions of this regulation will be maintained and disposed of in accordance with instructions and standards prescribed by AR 25-400-2, AR 25-55, AR 340-21, AR 25-1, AR 600-63, DA Pam 600-24, and other applicable HQDA directives.

b. Each installation PM or DES will appoint, in writing, two staff members (one primary and one alternate) to account for and safeguard all records containing personally identifiable information (PII) protected by law. Action will be taken to ensure that protected personal information is used and stored only where facilities and conditions will preclude unauthorized or unintentional disclosure.

c. PII is information so unique to an individual that it enables others to identify the individual without his or her knowledge or permission; the information is frequently used to obtain improper financial benefit. Some examples include social security number (SSN), age, military rank or civilian grade, marital status, race, salary, home or office phone numbers, and other demographic, biometric, personnel, medical, or financial information.

d. The COPS system administrators will have a final secret clearance. An interim secret security clearance is acceptable, provided the requisite personnel security investigation has been submitted. All COPS users will undergo mandatory pre-employment background screening to make a determination as to the users' character and trustworthiness. Foreign national personnel employed by the installation PM or DES will undergo host nation LE and security agency checks, at local and national levels, where permissible by host nation law. Access to COPS information will be limited to no lower than installation ACOM and ASCC with a PM or DES.

e. Access to areas in which MP records are prepared, processed, and stored will be restricted to those personnel whose duties require their presence and to other personnel on official business. The MP records containing PII will be stored in a locked room or locked filing cabinet when not under the personal control of authorized personnel. Alternate storage systems providing equal or greater protection will be used in accordance with AR 25-55.

f. Only personnel on official business can have access to areas in which computers are used to store, process, or retrieve MP records (for example, remote computer terminals and authorized personal computers used for Government business and activities). When processing MP information, computer video display monitors will be positioned so that protected information cannot be viewed by unauthorized persons. Computer output from automated MP systems will be controlled as specified in *d* and *e*, above.

g. Output from any locally prepared data or automated systems containing personal information subject to 5 USC 552a (The Privacy Act) will be controlled in accordance with AR 340-21. All locally created unique automated systems of records containing LE information developed by ACOMs, ASCCs, DRUs, supported or supporting commands, must be reported to and approved by the PMG. The request must clearly document why the COPS MPRS cannot meet the requirements or objectives of the organization. After review and approval by HQDA, the installation, IMCOM, USAMC, MEDCOM, and other ACOMs, ASCCs, and DRUs will complete and process the systems notice for publication in the Federal Register in accordance with AR 340-21 and 5 USC 552a (The Privacy Act).

h. The installation PMs or DESs using automated systems will appoint, in writing, as an additional duty, an information assurance security officer (IASO) who will ensure implementation of automation security requirements within the organization. Passwords used to control systems access will be generated, issued, and controlled by the IASO.

i. Supervisors at all levels will ensure that personnel whose duties involve preparation, processing, filing, and release of MP records are knowledgeable of, and comply with policies and procedures contained in, this regulation, AR 25-55, AR 340-21, and other applicable HQDA directives. Particular attention will be directed to provisions on the release of information and protection of privacy.

j. The MP records identifying juveniles as offenders will be clearly marked as juvenile records and will be kept secure from unauthorized access by individuals. Juvenile records will be stored with adult records, but clearly designated as juvenile records even after the individual becomes of legal age. In distributing information on juveniles, the installation PM or DES will ensure that only individuals with a clear reason to know the identity of a juvenile are provided the PII on the juvenile. For example, a community commander is authorized to receive pertinent information on juveniles. When the DA Form 3975 identifying juvenile offenders must be provided to multiple commanders or supervisors, the installation PM or DES must sanitize reports to withhold juvenile information not pertaining to that commander's area of responsibility.

k. The MP records in the custody of USACRC will be processed, stored, and maintained in accordance with policy established by the Director, USACRC.

2-2. Safeguarding official information

- a. The MP records are unclassified except when they contain national security information as defined in AR 380-5.
- b. When MP records containing PII are transmitted outside the installation LE community to other departments and agencies within DOD, such records will be marked "For Official Use Only" (FOUO). These records will be transmitted as prescribed by AR 25-55. Use of an expanded marking is required for certain records transmitted outside DOD per AR 25-55.
- c. The MP records will also be released to Federal, State, local, or foreign LE agencies as prescribed by AR 340-21. Expanded markings will be applied to these records.

2-3. Special requirements of The Privacy Act of 1974

- a. Certain PII is protected under 5 USC 552a (The Privacy Act) and AR 340-21.
- b. Individuals requested to furnish personal information must be advised of the purpose for which the information is routinely used.
- c. Army LE personnel performing official duties often require an individual's SSN for identification purposes. Personal information will be obtained from identification documents without violating an individual's privacy and without providing a Privacy Act Statement. This PII can be used to complete DA Form 3975 and records. The following procedures will be used for identification:
 - (1) Active Army, USAR, ARNG/ARNGUS, and retired military personnel are required to produce their common access card (CAC) or other Government-issued identification, as appropriate.
 - (2) Family members of sponsors will be requested to produce their DD Form 1173 (Uniformed Services Identification and Privilege Card). Information contained thereon (for example, the sponsor's SSN) will be used to verify and complete applicable sections of DA Form 3975.
 - (3) All DOD civilian personnel will be requested to produce their appropriate service identification. The DA Form 1602 (Civilian Identification) or the CAC will be requested from DA civilian employees. If unable to produce such identification, DOD civilians will be requested to provide other verifying documentation.
 - (4) Non-DOD civilians, including Family members and those whose status is unknown, will be advised of the provisions of The Privacy Act Statement when requested to disclose their SSN.
- d. Requests for new systems of MP records, changes to existing systems, and continuation systems not addressed in existing public notices will be processed as prescribed in AR 340-21, after approval is granted by HQDA, OPMG (DAPM-MPO-LE), 2800 Army Pentagon, Washington, DC 20310-2800.
- e. The statutes 5 USC 552a (The Privacy Act), 10 USC 301, and 5 USC 2951 require that Federal agencies inform individuals, at the time information is solicited from them, whether the disclosure is mandatory or voluntary, by what authority such information is solicited, and what uses will be made of the information. Authority for soliciting SSNs is Executive Order 13478. The purpose is to provide commanders and law enforcement officials with means by which information may accurately identified. The SSN is used as an additional or alternate means of identification to facilitate filing and retrieval. Disclosure of SSNs is voluntary.

2-4. Administration of expelled or barred persons file

- a. When action is completed by an installation commander to bar an individual from the installation under 18 USC 1382, the installation PM or DES will be provided with—
 - (1) A 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 installation PM or DES will maintain a list of barred or expelled persons. When the bar or expulsion action is predicated on information contained in MP investigative records, the bar or expulsion document will reference the appropriate MP record or DA Form 3975. When a DA Form 3975 results in the issuance of a bar letter, the installation PM or DES will forward a copy of the bar letter to Director, USACRC to be filed with the original DA Form 3975. The record of the bar will also be entered into COPS, in the Vehicle Registration System (VRS) module, under "Barrings."

2-5. Police intelligence and criminal information

- a. The purpose of gathering police intelligence is to identify individuals or groups of individuals to anticipate, prevent, or monitor possible criminal activity. Police intelligence aids criminal investigators in developing and investigating criminal cases. The AR 195-2 designates USACIDC as having the primary responsibility to operate a criminal intelligence program. Criminal intelligence will be reported through the Army Criminal Investigation and Intelligence (ACI2) System and other criminal intelligence products. The crimes listed in paragraphs (1) and (2) below, as well as the reportable incidents specified by AR 381-12, will be reported to the nearest Army CI office—

(1) Known or suspected compromise of classified or unclassified defense information by unauthorized disclosure or espionage.

(2) Active attempts to encourage military or civilian employees to violate laws, disobey lawful orders or regulations, or disrupt military activities (subversion).

b. Information on persons and organizations not affiliated with DOD will not normally be acquired, reported, processed, or stored. Situations justifying acquisition of this information include, but are not limited to—

(1) Theft, destruction, or sabotage of weapons, ammunition, equipment facilities, or records belonging to DOD units or installations.

(2) Protection of Army installations and activities from potential threat.

(3) Information received from the FBI, State, local, or international LE agencies that directly pertain to the law enforcement mission and activity of the installation PM or DES office; the ACOM, ASCC, or DRU PMO or DES; or that has a clearly identifiable military purpose and connection. A determination that specific information will not be collected, retained, or disseminated by intelligence activities does not indicate that the information is automatically eligible for collection, retention, or dissemination under the provisions of this regulation. The above policies are not intended—and will not be used—to circumvent any Federal law that restricts gathering, retaining, or dissemination of information on private individuals or organizations.

c. Retention and disposition of information on non-DOD affiliated individuals and organizations are subject to the provisions of AR 380–13 and AR 25–400–2.

d. If a written extract from local police intelligence files is provided to an authorized investigative agency, the following will be included on the transmittal documents: “THIS DOCUMENT IS PROVIDED FOR INFORMATION AND USE. COPIES OF THIS DOCUMENT, ENCLOSURES THERETO, AND INFORMATION THEREFROM, WILL NOT BE FURTHER RELEASED WITHOUT THE PRIOR APPROVAL OF THE INSTALLATION PROVOST MARSHAL/DIRECTORATE OF EMERGENCY SERVICES.”

e. Local police intelligence files will be exempt from certain disclosure requirements by AR 25–55 and 5 USC 552 (The Freedom of Information Act), commonly known as the FOIA.

2–6. Name checks

a. Information contained in MP records will be released under the provisions of AR 340–21 to authorized personnel for valid background check purposes. Examples include child care and youth program providers, access control, unique or special duty assignments, and security clearance procedures. Any information released must be restricted to that necessary and relevant to the requester’s official purpose. The installation PMs and DESs will establish written procedures to ensure that release is accomplished in accordance with AR 340–21.

b. Checks will be accomplished by a review of the COPS MPRS. Information will be disseminated according to chapter 3 of this regulation.

c. In response to a request for local files or name checks, installation PMs and DESs will release only founded offenses with final disposition. Offenses determined to be unfounded will not be released. These limitations do not apply to requests submitted by LE agencies for LE purposes or to CI investigative agencies for counterintelligence purposes.

d. The COPS MPRS is a database that contains all DA Forms 3975 filed worldwide. Authorized users of COPS MPRS can conduct name checks for criminal justice purposes. To conduct a name check, users must have the SSN, foreign national number, or the first and last name of the individual. If a search is done by name only, COPS MPRS will return a list of all matches to the data entered. Select the appropriate name from the list.

e. A successful query of COPS MPRS would return the following information—

(1) The DA Form 3975 number.

(2) Report date.

(3) The SSN.

(4) Last name.

(5) First name.

(6) Whether the individual has a protected identity.

(7) A link to view the DA Form 3975, DA Form 4833, and DA Form 3946 (Military Police Traffic Accident Report).

(8) Whether the individual is a subject, victim, or a person related to the report disposition.

f. Name checks will include the criteria established in COPS MPRS and the USACRC. All of the policies and procedures for such checks will conform to the provisions of this regulation. Any exceptions to this policy must be coordinated with HQDA, PMG before any name checks are conducted. The following are examples of appropriate uses of the name check feature of COPS MPRS:

(1) Individuals named as the subjects of SIRs.

(2) Individuals named as subjects of investigations who must be reported to the USACRC.

(3) Employment as child care or youth program providers.

(4) Local checks of the COPS MPRS as part of placing an individual in the COPS MPRS.

(5) Name checks for individuals employed in law enforcement positions.

g. The installation PM or DES will ensure that an audit trail is established and maintained for all information released from MP records.

h. Procedures for the conduct of name checks with the USACRC are addressed in AR 195–2. The following information is required for USACRC name checks (when only the name is available, USACRC should be contacted telephonically for assistance)—

(1) Full name, date of birth, SSN, and former Service number of the individual concerned.

(2) The specific statute, directive, or regulation on which the request is based, when requested for other than criminal investigative purposes.

i. Third party checks (first party asks second party to obtain information from third party on behalf of first party) will not be conducted.

2–7. Registration of sex offenders on Army installations (inside and outside the continental United States)

a. Garrison commanders will ensure that all registered sex offenders (in accordance with para c, below) who reside or are employed on an Army installation, register with the installation PM or DES. This includes Servicemembers, civilian employees, accompanying dependent Family members, and contractors.

b. The installation PM or DES will screen all in-processing and out-processing Soldiers through the installation PMO or DES to identify and ensure registration of Soldier sex offenders. The installation PMO or DES can screen Soldiers through a search of the DOJ's National Sex Offender Web site, at <http://www.nsopw.gov/>.

 A sex offender is defined as—

Any person, including but not limited to a Servicemember, Servicemember's Family member, civilian employee, civilian employee's Family member, or contractor, who either is registered as a sex offender or is required to register as a sex offender pursuant to any DOD, Army, State government, District of Columbia, Commonwealth of Puerto Rico, Guam, America Samoa, Northern Mariana Islands, U.S. Virgin Islands, or Federally recognized Indian tribe, law, regulation, or policy where they are employed, reside, or are a student. This definition includes, but is not limited to, any person listed above with a State or Federal conviction for a felony crime of sexual assault, or any general or special court-martial conviction for an offense under the Uniform Code of Military Justice that otherwise meets the elements of a crime of sexual assault, even though not classified as a felony or misdemeanor.

(2) This section also applies to any person listed above who is convicted by a foreign government (for example, the United Kingdom) of an equivalent or closely analogous covered offense as listed in AR 27–10. See 42 USC 16911(5)(B) and Volume 73, Federal Register, pp. 38030, 38050–1 for guidelines and standards. Contact the servicing Office of the Staff Judge Advocate for assistance with this provision.

d. Sex offenders, as defined in subparagraph c, must register with the installation PMO or DES within 3 working days of arrival on an installation. Sex offenders must provide the installation PMO or DES with evidence of the qualifying conviction. Registration with the PMO or DES does not relieve sex offenders from their legal obligation to comply with applicable State and local government registration requirements for the state in which they reside, work, or attend school. (See AR 190–47 and AR 27–10.) The State government registration is required under 42 USC 16901 et seq. (The Sex Offender Registration and Notification Act), and implemented by AR 27–10 and DODI 1325.7. In addition, upon assignment, reassignment, or change of address, sex offenders will report within 3 working days to the installation PM or DES. Failure to comply with registration requirements is punishable under Federal or State law and/or under the UCMJ.

e. Installation PMOs and DESs will—

(1) Maintain and update a monthly roster of current sex offenders and provide it to the Sexual Assault Review Board; the ACOM, ASCC and DRU PMs and DESs; and the garrison commander.

(2) Notify gaining PMs or DESs when a Soldier who is a sex offender out-processes the installation PMO or DES, and provide a copy of the DA Form 7439 (Acknowledgement of Sex Offender Registration Requirements), if applicable, and DA Form 3975 to the gaining installation PM or DES, ensuring compliance with applicable privacy and information handling policies.

f. Any DOD civilians, contractors, and Family members who fail to register at the installation PMO or DES are subject to a range of administrative sanctions, including but not limited to, a complete or limited bar to the installation and removal from military housing.

g. Installation PMs and DESs must be familiar with applicable State registration requirements for sex offenders. Installation PMs and DESs will coordinate with the local SJA and local LE agencies to identify and register those sex offenders required to register on the installation.

(1) Installation PMs or DESs will complete the following procedures for Soldier sex offender registration—

(a) Obtain a completed DA Form 7439 (Acknowledgement of Sex Offender Registration Requirements) from trial counsel when a Soldier is convicted at a special or general courts martial of a qualifying offense but the sentence does

not include any term of confinement. The installation PM or DES will ensure that a copy of the DA Form 7439 is filed with the USACRC, along with any report of investigation related to the qualifying conviction.

(b) Provide all military sex offenders with the "State registration" document(s), available through State and local LE agencies for use in registration. Direct the Soldiers to the local or State law enforcement agency, which will register them based on their physical residence address and subsequently notify the installation to which they are assigned. Installation PMs and DESs in the United States will provide written notice of the conviction or transfer to the offender's gaining unit commander, the State's chief LE officer, the chief LE officer of the local jurisdiction in which the accused will reside, the State or local agency responsible for the receipt or maintenance of a sex offender registration where the person will reside, and upon request, governmental officials of foreign countries. Installation PM and DES notifications to State and local officials are described in DODI 1325.7, paragraph 6.18.6.

(c) Complete a DA Form 3975 as an information entry into COPS using the "9Q" offense code.

(d) Complete "Section III - Subject (1a-7)" on the DA Form 3975, to identify the sex offender. Ensure the sex offender produces either evidence of their qualifying conviction or their sex offender registration paperwork in order to complete "Section VII - Narrative," with the state the sex offender was convicted, date of conviction, and results of conviction, to include length of time required to register and any specific court ordered restrictions.

(e) Capture a photograph of sex offender and upload it into COPS.

(f) Provide written notice to State and local LE agencies of the arrival of an offender to their local area.

(2) Installation PMs and DESs will complete the following procedures for all other sex offenders required to register on the installation—

(a) Complete a DA Form 3975 as an information entry into COPS using the "9Q" offense code.

(b) Complete "Section III - Subject (1a-7)" on the DA Form 3975 to identify the sex offender. Ensure the sex offender produces either evidence of the qualifying conviction or the sex offender registration paperwork in order to complete "Section VII - Narrative" with the state in which the sex offender was convicted, date of conviction, and results of conviction, to include length of time required to register and any specific court ordered restrictions.

2-8. Collection of deoxyribonucleic acid

a. Army LE personnel must collect deoxyribonucleic acid (DNA) pursuant to DODI 5505.14. Per this regulation, a sample of an individual's DNA is to allow for positive identification and to provide or generate evidence to solve crimes through database searches of potentially matching samples. DNA samples will not be collected from juveniles.

b. Army LE investigators (MPs, CID agents, MP investigators, and DA civilian police detectives) must consult their servicing staff judge advocate to determine whether they are within the geographic jurisdiction of a Federal District Court that has held the collection of DNA, under 42 USC 14135a(a)(1)(a), to be unconstitutional.

c. Installation PMs and DESs will request and fund the DNA database collection kits from USACIL.

d. Once DNA samples are taken, installation PMs and DESs must ensure DNA samples are expeditiously forwarded to USACIL.

e. Army LE personnel will forward DNA samples taken from Soldiers to USACIL if one of the following circumstances exists—

(1) When in consultation with a judge advocate an Army LE investigator concludes there is probable cause that a subject being fingerprinted committed an offense identified in table 4-1, below—with the exception of Article 112a, Uniform Code of Military Justice.

(2) Army LE personnel will not obtain DNA samples from individuals suspected of wrongful use or possession of a controlled substance unless it is believed the substance was intended for distribution or is possessed in connection with wrongful importation or exportation. The investigator may collect DNA samples prior to consulting a judge advocate but will not forward the samples to USACIL until probable cause is determined based on judge advocate consultation.

(3) When court-martial charges are preferred, in accordance with Rule for Court-Martial 307, and if any LE personnel have not previously obtained and submitted a DNA sample.

(4) When a Soldier is ordered into pre-trial confinement by a competent military authority after a commander completes the 72-hour memorandum required by Rule for Courts-Martial 305(h)(2)(c), and if LE has not previously obtained and submitted a DNA sample.

(5) When a Soldier is confined to a military correctional facility or temporarily housed in civilian facilities, as a result of a general or special court-martial conviction, and if LE have not previously obtained and submitted a DNA sample.

f. Army LE personnel will obtain a DNA sample from a civilian in their control at the point it is determined there is probable cause to believe the detained person violated any provision of federal law that requires an in-court appearance.

(1) Army LE personnel are not required to take DNA samples from a civilian not in their control at the point when the Army LE personnel makes a probable cause determination. Likewise, Army LE personnel are not required to obtain DNA samples when another LE agency has, or will obtain, the DNA.

(2) Army LE personnel will forward civilian DNA samples to USACIL. Army LE personnel will document, in the

appropriate case file, when civilian LE agencies handle the DNA processing and whether the civilian LE agency forwarded the DNA sample to the FBI laboratory.

g. Army LE personnel will use the USACIL DNA database collection kit to collect DNA samples in accordance with this regulation.

(1) Army LE personnel will complete the DNA database collection kit training program prior to using the kit. The training presentation CD is included in the kit. It is also available on the USACIL portal at <https://usacil.forscom.army.mil/codis/default.aspx>.

(2) Army LE personnel will ensure The Privacy Act Statement and Notice of the General Rights for Requesting Expungement (both are included in the USACIL kit) are provided to subjects when DNA samples are collected.

(3) The kit includes a pink DNA sample card and data card. Army LE personnel will write the SSN or any available means of identification (license number; resident number) of the individual whose DNA is being taken on both the back of the DNA sample card and data card. The DA Form 3975 or ROI number, as appropriate, will be entered on the data card.

h. Expungement procedures include the following—

(1) Soldiers may request, in writing, that their DNA records be expunged if their DNA sample was taken but they are not convicted of any offense by general or special courts-martial (including action generally inconsistent with such conviction, such as administration of nonjudicial punishment, administrative separation, or referral to a summary court).

(a) Soldiers must forward requests for expungement through the first commanding officer in the grade of major, or higher, in the Soldier's chain of command. Requests must include proof that charges were dismissed, withdrawn, disposed of in a manner not resulting in referral of charges pursuant to RCM 307, or otherwise did not or will not result in a conviction of any offense (including proof of action by a general or special court-martial convening authority resulting in full acquittal).

(b) The first commanding officer in the grade of major or higher then reviews, confirms the information, and submits the request through the installation PM or DES.

(c) Installation PMs and DESs then receive the expungement requests and must ensure Soldiers have no convictions prohibiting the expungement. Installation PMs and DESs must provide a memorandum to USACIL stating that the individual is entitled to expungement. Requests must be on letterhead and bear the title, signature, and telephone number of the Army LE personnel submitting the request, as well as the Soldier's full name, SSN, and mailing address. Requests must include all documents submitted by the member, along with additional relevant documents in the possession of the commander or official receiving the request. Installation PMs and DESs will forward the memorandum to the attention of the Combined DNA Index System Branch chief at USACIL for action. The Army LE organization will maintain a copy of requests for expungement in the case file. This includes those requests not forwarded to USACIL because expungement was not appropriate.

(d) Installation PMs and DESs will forward to USACRC the expungement request memoranda and associated documentation to be included in the case file.

(e) If the commanding officer, after consulting with a judge advocate, determines that expungement is not authorized, the commander notifies the requestor in writing with a copy furnished to the Army LE organization.

(2) The DODI 5505.14 details the procedures former Soldiers and civilians must follow to request expungement of their DNA records. Former Soldiers and civilians from whom DNA samples have been taken, but were not convicted, do not submit requests to have their DNA record expunged through installation PMO or DES channels.

i. This policy does not eliminate other legal or policy requirements to provide DNA, fingerprints, or criminal history data, including submissions to the Defense Incident-Based Reporting System (DIBRS).

j. This policy does not affect OPMG policies and procedures for the identification, collection, and retention of biological and other physical evidence during the course of an investigation.

2-9. Armed escorts and unique Federal agency number documentation

In compliance with AR 190-30 and AR 25-400-2, the installation PMO or DES will ensure the completion and submission of DA Form 3975 and supporting documentation in COPS and to USACRC for all armed escorts of Soldiers who are absent without leave (AWOL), deserters, and military prisoners. The installation PMO or DES will add an information entry into the blotter records of AWOL and prisoner escorts by law enforcement. Supporting documents must include—

a. Colonel-level commander's armed escort approval and a unique Federal agency number request memorandum (if using commercial air).

b. The DA Form 7566 (Composite Risk Management Worksheet). For use of the form, see FM 5-19.

c. The DA Form 7630 (Department of the Army Law Enforcement Escort Credential). For use of the form, see AR 190-9

d. A completed DA Form 4833.

e. Absentee and deserter documents as applicable—

- (1) The DD Form 553 (Deserter/Absentee Wanted by the Armed Forces).
 - (2) The DD Form 616 (Report of Return of Absentee).
 - (3) The DA Form 3975.
- f.* Prisoner documents as applicable—
- (1) The DD Form 2707 (Confinement Order). For use of the form, see AR 190–47.
 - (2) Assignment orders (identification of confinement or correctional facility).
 - (3) The DA Form 4430 (Department of the Army Report of Results of Trial). For use of the form, see AR 27–10.

Chapter 3

Release of Information

3–1. General

a. The policy of HQDA is to conduct activities in an open manner and provide the public accurate and timely information. Accordingly, LE information will be released to the degree permitted by law and Army regulations. The public affairs officer (PAO) must be informed of information released outside the local jurisdiction, and the PAO must be included as a trusted agent on communications between the installation PM, or DES, and the commander (see AR 360–1).

b. Any release of MP records or information compiled for LE purposes, whether to persons within or outside the Army, must be in accordance with the FOIA and The Privacy Act.

c. Requests by individuals for access to MP records about themselves will be processed in compliance with AR 25–55 and AR 340–21.

d. The MP records in the temporary possession of another organization remain the property of the originating LE agency. The following procedures apply to any organization authorized temporary use of MP records—

(1) Any request from an individual seeking access to MP records must be immediately referred to the originating LE agency for processing. The temporary custodian of MP records does not have the authority to release those records.

(2) When the temporary purpose of the using organization has been satisfied, the MP records will be destroyed or returned to the originating LE agency.

(3) A using organization will maintain information from MP records in their system of records, if approval is obtained from the originating LE agency. This information will include reference to an MP record (for example, DA Form 3975 number or date of offense), a summary of information contained in the record, or the entire MP record. When a user includes an MP record in its system of records, the originating LE agency must delete portions from that record to protect special investigative techniques, maintain confidentiality, preclude compromise of an investigation, and protect other LE interests.

3–2. Guidelines for disclosure within the Department of Defense

a. Criminal record information contained in MP documents will not be disseminated unless there is a clearly demonstrated, official, need to know. A demonstrated, official, need to know exists when the record is necessary to accomplish a function that is within the responsibility of the requesting activity or individual, is prescribed by statute, DOD directive, regulation, or instruction, or by Army regulation.

(1) Criminal record information will be disclosed to commanders or staff agencies to assist in executing criminal justice functions. Only that information reasonably required will be released. Such disclosure must clearly relate to a LE function.

(2) Criminal record information related to subjects of criminal justice disposition will be released when required for security clearance procedures.

(3) Criminal record information will be released to an activity when matters of national security are involved.

(4) When an individual informs an activity of criminal record information pertaining to him or her, the receiving activity will seek verification of this information through the responsible LE agency or will forward the request to that organization. The individual must be advised by the receiving agency of the action being pursued. Law enforcement agencies will respond to such requests in the same manner as with requests under FOIA and The Privacy Act.

b. Nothing in this regulation will be construed to limit the dissemination of information between military police, the USACIDC, and other LE agencies within the Army and DOD.

c. Information released within the DOD must be structured to support DOD guidance on net-centric data sharing implementation, under DOD 8320.02–G, and must conform to the standards, principles, and business rules in the common operating environment.

3–3. Release of information

a. Release of information from Army records to agencies outside DOD will be governed by AR 25–55, AR 340–21, AR 600–37, and this regulation. Procedures for release of certain other records and information is contained in AR

20–1, AR 27–20, AR 27–40, AR 40–66, AR 195–2, AR 360–1, and AR 600–85. Installation drug and alcohol offices will be provided an extract of DA Form 3997 (Military Police Desk Blotter) for offenses involving the use of alcohol or drugs (for example, drunk driving, drunk and disorderly conduct, or a positive urinalysis).

b. Installation PMs and DESs are the release authorities for MP records under their control. They release criminal record information to other activities as prescribed in AR 25–55, AR 340–21, and this regulation.

c. Authority to deny access to criminal records information rests with the initial denial authority (IDA) for the FOIA and the access and amendment refusal authority (AARA) for Privacy Act cases, as addressed in AR 25–55 and AR 340–21.

3–4. Release of information under the Freedom of Information Act

a. The release and denial authorities for all FOIA cases concerning MP records include installation PMs, DESs, and the Commander, USACIDC. Authority to act on behalf of the Commander, USACIDC is delegated to the Director, USACRC.

b. All FOIA requests from members of the press will be coordinated with the installation PAO prior to release of records under the control of the installation PM or DES. When the record is on file at the USACRC, the request must be forwarded to the Director, USACRC.

c. Requests will be processed as prescribed in AR 25–55 and as follows—

(1) The installation PM or DES reviews requested reports to determine if any portion is exempt from release. Any discretionary decision to disclose information under the FOIA should be made only after full and deliberate consideration of the institutional, commercial, and personal privacy interests that could be implicated by disclosure of the information.

(2) Statutory and policy questions will be coordinated with the local SJA.

(3) Coordination will be completed with the local USACIDC activity to ensure that the release will not interfere with a criminal investigation in progress or affect final disposition of an investigation.

(4) If it is determined that a portion of the report or the report in its entirety will not be released, the request to include a copy of the DA Form 3975 or other MP records will be forwarded to the Director, USACRC (CICR–FP), 27130 Telegraph Road, Quantico, VA 22134. The requestor will be informed that the request has been sent to the Director, USACRC, and provided the mailing address for the USACRC. When forwarding FOIA requests, the outside of the envelope must be clearly marked “FOIA REQUEST.”

(5) A partial release of information by an installation PM or DES is permissible when partial information is acceptable to the requester. (An example would be the deletion of a third party’s SSN, home address, and telephone number, as permitted by law.) If the requester agrees to the omission of exempt information, such cases do not constitute a denial. If the requester insists on obtaining the entire report, then a copy of the report and the request for release will be forwarded to the Director, USACRC. There is no requirement to coordinate such referrals at the installation level. The request is simply forwarded to the Director, USACRC for action.

(6) Requests for MP records that have been forwarded to USACRC and are no longer on file at the installation PMO or DES must be forwarded to the Director, USACRC for processing.

(7) Requests concerning USACIDC reports of investigation or USACIDC files will be referred to the Director, USACRC. In each instance, the requestor will be informed of the referral and provided the address for the Director, USACRC.

(8) Requests concerning records that are under the supervision of an Army activity, or other DOD agency, will be referred to the appropriate agency for response.

3–5. Release of information under The Privacy Act of 1974

a. The MP records will be released according to provisions of The Privacy Act of 1974, as implemented by AR 340–21 and this regulation.

b. The release and denial authorities for all Privacy Act cases concerning MP records are provided in paragraph 3–3, of this regulation.

c. Privacy Act requests for access to a record, when the requester is the subject of that record, will be processed as prescribed in AR 340–21.

3–6. Amendment of records

a. *Policy.* An amendment of records is appropriate when such records are established as being inaccurate, irrelevant, untimely, or incomplete. Amendment procedures are not intended to permit challenging an event that actually occurred. For example, a request to remove an individual’s name as the subject of a DA Form 3975 would be proper providing credible evidence was presented to substantiate that a criminal offense was not committed or did not occur as reported. Expungement of a subject’s name from a record because the commander took no action, or the prosecutor elected not to prosecute, normally will not be approved. In compliance with DOD policy, an individual will still remain entered in the defense central investigations index (DCII) to track all reports of investigation.

b. *Procedures.*

(1) Installation PMs or DESs will review amendment requests. Upon receipt of a request for an amendment of a MP record that is 5 or fewer years old, the installation PM or DES will gather all relevant available records at the installation. The installation PM or DES then reviews the request and either approves it or forwards it to the Director, USACRC with a recommendation and rationale for denial. In accordance with AR 340–21, the Commanding General, USACIDC is the sole access and amendment authority for criminal investigation reports and DA Forms 3975. Access and amendment refusal authority is delegable pursuant to Section 505.5(i)(2)(i) Title 32 Code of Federal Regulations. If the decision is made to amend a DA Form 3975, a supplemental DA Form 3975 is prepared. The supplemental DA Form 3975 will change information on the original DA Form 3975 and must be mailed to the Director, USACRC with the amendment request from the requestor as an enclosure. The Director, USACRC then files the supplemental DA Form 3975 with the original DA Form 3975 and notifies the requestor of the amendment of the DA Form 3975.

(2) Requests to amend MP documents that are older than 5 years will be coordinated through the Director, USACRC. The installation PM or DES will provide the Director, USACRC a copy of an individual's request to amend a MP record on file at the USACRC. If the Director, USACRC receives an amendment request, the correspondence with any documentation on file at the USACRC will be sent to the originating installation PMO or DES. The installation PM or DES will review the request and either approve the request or forward it to the Director, USACRC for denial. A copy of the installation PM or DES's decision must be sent to the Director, USACRC to be filed in the USACRC record. If an amendment request is granted, copies of the supplemental DA Form 3975 must be provided to each organization, activity, or individual who received a copy of the original DA Form 3975.

(3) If the installation PMO or DES no longer exists, the request will be staffed with the IMCOM region, ACOM, ASSC, or DRU PMO or DES that had oversight responsibility for the installation PMO or DES at the time the DA Form 3975 was originated.

3–7. Accounting for military police record disclosure

- a. The AR 340–21 prescribes accounting policies and procedures concerning the disclosure of MP records.
- b. The installation PMs and DESs will develop local procedures to ensure that disclosure data requirements by AR 340–21 are available on request.
- c. In every instance where records are disclosed, the individuals, agencies, or components are reminded that use or further disclosure of any MP reports, military police investigator's reports, or other information received must be in compliance with DODI 5505.7, paragraph 6.5.2., which states that "judicial or adverse administrative actions shall not be taken against individuals or entities based solely on the fact that they have been titled or indexed due to a criminal investigation."

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 exempted by AR 25–55, AR 340–21, Federal statutes, or executive orders.

b. Information will be received from a foreign source under an express pledge of confidentiality as described in AR 25–55 and 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, the FOIA, and the general and specific LE exemptions available, as outlined in AR 340–21 and AR 25–55.

(2) Information received under an express promise of confidentiality will be annotated on the DA Form 3975 or other applicable record.

(3) Information obtained under terms of confidentiality must clearly aid in furthering a criminal investigation.

c. Denial recommendations concerning information obtained under a pledge of confidentiality, like other denial recommendations, will be forwarded by the records custodian to the appropriate IDA or AARA per this chapter.

d. Release of U.S. information (classified military information or controlled unclassified information) to foreign governments is accomplished in accordance with AR 380–10.

3–9. Release of domestic incidents reports to the Army Family Advocacy Program

a. Installation PMO or DES will comply with the reporting requirements in accordance with AR 608–18.

b. In addition to substantiated incidents of domestic violence, the installation PM or DES notifies the family advocacy program manager and social work services of all incidents in which a preponderance of indicators reveal a potential risk of reoccurrence and increasing severity. Installation PMs and DESs then ensure these notifications are recorded in the official MP journal in COPS. This is done to—

(1) Establish a history of incidents that indicate an emerging pattern of risk of maltreatment or victimization to Soldiers and/or Family members. See AR 608–18 for incidents that indicate maltreatment.

(2) Develop a trend history of unsubstantiated or unresolved incidents, in order to prevent possible violence or maltreatment from occurring.

Chapter 4 Offense Reporting

4-1. General

a. This chapter establishes policy for reporting founded criminal offenses investigated by Army installation offices; any ACOM, ASCC, or DRU's PM or DES offices; and the IMCOM.

b. This chapter prescribes reporting procedures, which require the use of the COPS MPRS and a systems administrator to ensure that the system is properly functioning. Reporting requirements include—

(1) Reporting individual offenders to the USACRC, NCIC, CJIS, and the DOD.

(2) Sending crime reports to the DOD. The DOD collects data from all the Services using the DIBRS. The Army inputs its data into DIBRS, using COPS. Any data reported to DIBRS is only as good as the data reported into COPS, so the need for accuracy in reporting incidents and using proper offense codes is critical. The DIBRS data from DOD is eventually sent to the DOJ's National Incident-Based Reporting System (NIBRS). The data is eventually incorporated within the uniform crime report (UCR).

c. An installation PMO or DES initiating a DA Form 3975 or other Army LE investigation has reporting responsibility explained throughout this regulation and will refer to AR 195-2 for a list of offense investigative responsibilities.

d. In the event the installation PMO or DES determines that his or her office does not have investigative responsibility or authority, the DA Form 3975 will be terminated and the case cleared by exceptional clearance. A case cleared by exceptional clearance is closed by the installation PMO or DES when no additional investigative activity will be performed, or when the case is referred to another agency. If a case is transferred to the installation PMO or DES, from another LE investigation agency, the gaining installation PMO or DES will have all reporting responsibility using the COPS MPRS.

4-2. DA Form 3975 (Military Police Report)

a. General use. DA Form 3975 is a multipurpose form used to—

(1) Record all information or complaints received or observed by the installation PMO or DES.

(2) Serve as a record of all installation PMO or DES activities.

(3) Document entries made into the COPS MPRS and other automated systems.

(4) Report information concerning investigations conducted by civilian LE agencies related to matters of concern to the Army.

(5) Advise commanders and supervisors of offenses and incidents involving personnel or property associated with their command or functional responsibility.

(6) Report information developed by commanders investigating incidents or conducting inspections that result in the disclosure of evidence that a criminal offense has been committed.

b. Special use. DA Form 3975 will be used to—

(1) Transmit a completed DA Form 3946 (Military Police Traffic Accident Report). This will include statements, sketches, or photographs that are sent to a commander or other authorized official.

(2) Transmit the CVB Form when required by local installation or U.S. Magistrate Court policy. DA Form 3975 is used to advise commanders or supervisors that military, civilian, or contract personnel have been cited on a CVB Form.

(3) Match individual subjects with individual victims or witnesses and founded criminal offenses. This is a Federal statutory requirement. This is done using the "relationships" tab within COPS MPRS.

(4) Document victim or witness liaison activity.

(5) Indicate confirmation of command notification, and medical and nonmedical notification, as applicable (such as a physician, ASAP, (AFAP) (social services), a chaplain, local prosecutors, or LE), prior to release of subjects.

(6) Transcribe all ROI offenses to be entered into COPS.

c. Distribution. The DA Form 3975 will be prepared in three copies, signed by the installation PMO, DES, or a designated representative, and distributed as follows—

(1) Send the original to USACRC. Further information, arising or developed at a later time, will be forwarded to USACRC using a supplemental DA Form 3975. Reports submitted to USACRC will include a good, legible copy of all statements, photographs, sketches, laboratory reports, and other information that substantiates the offense or improves understanding of the report. The USACRC control number must be recorded on every DA Form 3975 sent to the USACRC. A report will not be delayed for adjudication or commander's action beyond 60 days.

(2) One copy is retained in the installation PMO or DES files.

(3) One copy is forwarded through the field grade commander to the immediate commander or supervisor of each subject or organization involved in an offense.

d. Changing reports for unfounded offenses. If an offense is determined to be unfounded, after the case has been forwarded to USACRC, the following actions will be completed—

(1) A supplemental DA Form 3975, using the same DA Form 3975 number and USACRC control number, will be submitted stating the facts of the subsequent investigation and that the case is unfounded.

(2) A copy of the supplemental DA Form 3975 will be provided to those agencies or activities that received a copy of the completed DA Form 3975 at the time of submission to USACRC and to the commander for action.

e. "Redacted" copy. When sending the DA Form 3975 to outside agencies, generate or print a "redacted" DA Form 3975 from the COPS MPRS.

4-3. Identifying criminal incidents and subjects of investigation

a. An incident will not be reported as a founded offense unless adequately substantiated by police investigation. A person or entity will be reported as the subject of an offense on DA Form 3975 when credible information exists that the person or entity has committed a criminal offense. The decision to title a person is an operational, rather than a legal, determination. The act of titling and indexing does not, in and of itself, connote any degree of guilt or innocence; rather, it ensures that information in a report of investigation can be retrieved at some future time for LE and security purposes. Judicial or adverse administrative actions will not be based solely on the listing of an individual or legal entity as a subject on DA Form 3975.

b. The PMO, DES, and USACIDC offices must remind commanders that, in accordance with AR 600-8-2, suspending favorable personnel actions is mandatory when an investigation (formal or informal) is initiated on a Soldier by military or civilian authorities. In addition, commanders will report investigations to their security manager to ensure reporting of derogatory incidents are sent to the U.S. Army Central Clearance Facility via the Joint Personnel Adjudication System, as outlined in AR 380-67.

c. A known subject will be reported to the USACRC when the suspected offense is punishable by confinement of 6 months or more. The COPS MPRS will be used to track all other known subjects. A subject can be a person, corporation, or other legal entity about which credible information exists that would cause a trained investigator to presume that the person, corporation, or other legal entity committed a criminal offense.

d. When investigative activity identifies a subject, all facts of the case must be considered. When a person, corporation, or other legal entity is entered in the "subject" block of the DA Form 3975, their identity is recorded in DA automated systems and the DCII. Once entered into the DCII, the record can only be removed in cases of mistaken identity or if an error was made in applying the credible information standard at the time of listing the entity as a subject of the report. It is emphasized that the credible information error must occur at the time of listing the entity as the subject of the DA Form 3975 rather than subsequent investigation determining that the DA Form 3975 is unfounded. This policy is consistent with DOD reporting requirements. The Director, USACRC enters individuals from DA Form 3975 into the DCII.

4-4. Offense codes

a. Each offense code describes, as nearly as possible, the complaint or offense by using an alphanumeric code. A chart listing the offense codes that are authorized for use within the Army is available at <https://www.us.army.mil/suite/page/409448>. This list will be amended from time to time, based on new reporting requirements mandated by legislation or administrative procedures. The IMCOM, ACOM, ASCC, and DRU commanders, and the installation PMOs and DESs, will be notified by special letters of instruction issued in numerical order from the OPMG when additions or deletions are made to the list. The COPS MPRS module will be used for all reporting requirements.

b. The IMCOM, ACOM, ASCC, DRU, and installations will establish local offense codes in category 2 (command and installation codes) for any offense not otherwise reportable. Locally established offense codes will not duplicate, or be used as a substitute for any offense for which a code is contained for other reportable incidents. Category 2 incidents are not reported to the Director, USACRC or the DOJ. If an offense meets the reporting description contained in the chart, that offense code takes precedence over the local offense code. Local offense codes will be included, but explained, in the narrative of the report filed with the USACRC. Use the most descriptive offense code to report offenses.

4-5. Military police codes

a. Military police codes (MPCs) identify individual PMOs and DESs. The Director, USACRC will assign MPCs to PMOs and DESs.

b. Requests for assignment of a MPC will be included in the planning phase of military operations, exercises, or missions when LE operations are anticipated. The request for a MPC will be submitted as soon as circumstances permit, without jeopardizing the military operation to HQDA, OPMG. Consistent with security precautions, the IMCOM, ACOM, ASCC, and DRU immediately informs HQDA, OPMG when assigned or attached MP units are notified for deployment, mobilization, relocation, activation, or inactivation.

c. When an MP unit is alerted for deployment to a location not in an existing PMO or DES's operational area, the receiving combatant commander will request assignment of an MPC number from HQDA, OPMG providing the area of operations does not have an existing MPC number. The receiving combatant commander is further responsible for establishing an operational COPS system for the deployment.

4-6. U.S. Army Crime Records Center control numbers

a. Case numbers to support reporting requirements will be assigned directly to each installation via COPS. To ensure accuracy in reporting criminal incidents, USACRC control numbers will be used only one time and in sequence. Every DA Form 3975 sent to the USACRC will have a USACRC control number reported. Violation of this policy could result in significant difficulties in tracing reports that require corrective action.

b. If during the calendar year the IMCOM, ACOM, ASCC, or DRU reassigns control numbers from one installation to another, HQDA, OPMG (DAPM-MPO-LE) will be notified. The Director, USACRC will receive an information copy of such notification from the IMCOM, ACOM, ASCC, or DRU's LE operations office.

c. The USACRC control numbers will be issued, along with each newly assigned MPC.

d. When the deploying unit will be located in an area where there is an existing PMO or DES, the deploying unit will use the MPC number and USACRC control numbers of the host PMO or DES.

4-7. Reserve component, U.S. Army Reserve, and Army National Guard personnel

a. When in a military duty status pursuant to official orders (Federal status for ARNG), Reserve and ARNG personnel will be reported as active duty. Otherwise, they will be reported as Reserve and National Guard Soldiers.

b. The DA Form 3975 and DA Form 4833 will be forwarded directly to Commander, USAR (ARRC-JAM), 4710 Knox Street, Building 8-1808, Fort Bragg, NC 28310-5010 for Reserve Soldiers. For ARNG Soldiers, a copy of the DA Form 3975 will be sent to the Director, Army National Guard, 1411 Jefferson Davis Highway, Arlington VA 22202-3231.

4-8. DA Form 4833 (Commander's Report of Disciplinary or Administrative Action)

a. *Form use.* The DA Form 4833 is used with DA Form 3975 to—

- (1) Record actions taken against identified offenders.
- (2) Report the disposition of offenses investigated by civilian LE agencies.

b. *Preparation by the installation PMO or DES office.* The installation PMO or DES initiates this critical document and is responsible for its distribution and for establishing a suspense system to ensure timely response by commanders. Disposition reports are part of the reporting requirements within DA, DOD, and DOJ. The installation PM, DES, and CID offices then send the DA Form 4833 to the subject's unit commander for completion; they also copy furnish the brigade judge advocate and the subject's brigade commander.

c. *Preparation and dissemination using the Forms Control Management Program.* The installation PMO or DES should use the Forms Control Management Program (FCMP) portal on the Army Knowledge Online (AKO) Web site to prepare, disseminate, and track the DA Form 4833. This ensures Public Key Infrastructure encryption of PII. The portal is located in the "My Forms" tab when logged into AKO. The FCMP will provide routing, tracking, signing, and management of the DA Form 4833. The DA Form 4833 can be found in the AKO forms library. The installation PMO or DES will enter the basic information on the DA Form 4833, attach the DA Form 3975, and route it to the offender's unit commander. The installation PMO or DES will establish the suspense date and track the form until completion. Unit commanders will receive the DA Form 4833 within their "My Forms" portal, complete the DA Form 4833 (see para d, below); digitally sign the DA Form 4833, and route back to the installation PMO or DES with supporting documents attached. A user's guide can be found under the "Help" tab on the FCMP; it presents screenshots and descriptions of how to use the program.

d. *Completion by the unit commander.* Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MP, civilian detectives employed by the DA, and the installation PMO or DES. The battalion commander or the first lieutenant colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of investigations under UCMJ, Article 15; court-martial orders; reprimands; and so on) for all USACIDC investigations. The commander completes the DA Form 4833 within 60 days of receipt and returns it to the originating office (the installation PMO, DES, or CID).

e. *Appropriate blocks for completion.* Commanders will complete the information in the appropriate blocks on the DA Form 4833. The appropriate blocks or blanks will be completed as indicated below—

(1) Action taken (for example, judicial, nonjudicial, or administrative). In the event the commander takes action against the Soldier for an offense other than the one listed on the DA Form 3975, the revised charge or offense will be specified in the "Remarks" section of the DA Form 4833.

(2) Sentence, punishment, or administrative action imposed.

(3) Should the commander take no action, the DA Form 4833 must be annotated to reflect that fact.

f. *Extenuating circumstances.* If extenuating circumstances prevent the commander from completing the DA Form

4833 within 60 days of action, the brigade-level commander will notify the installation PMO or DES of the status and request an extension. The installation PM or DES will notify the garrison commander and the senior commander of delinquent DA Forms 4833 monthly.

(1) There is no requirement for the DA Form 4833 to be completed before the installation PMO or Directorate of Emergency Services submits the completed DA Form 3975 to the USACRC. The DA Form 4833 is, however, desired when submitting fingerprint cards to the USACRC.

(2) A delay will have an impact on other reporting requirements (for example, submitting fingerprint cards to the FBI).

g. Procedures when subjects are reassigned. When the subject of an offense is reassigned, the installation PM or DES will forward the DA Form 3975, DA Form 4833, and all pertinent attachments to the gaining installation PM or DES, who must ensure that the new commander completes the document. Copies of the documents will be made and retained by the processing PM or DES before returning the documents to the losing installation PM or DES for completion of automated entries and required reports.

h. Report on subjects assigned to other installations. When the DA Form 3975 involves a subject who is assigned to another installation, the initiating installation PM or DES will forward the original and two copies of DA Form 4833 to the PM or DES of the installation where the Soldier is permanently assigned.

i. Offenses not reportable to Army Crime Records Center. When the offense is not within a category reportable to USACRC, the original DA Form 4833 is retained by the installation PM or DES. **Otherwise, the original is sent to the Director, USACRC for filing with the DA Form 3975.**

j. Civilian court proceedings. If a Soldier is tried in a civilian court, and the installation PMO or DES is notified of the charges, the installation PMO or DES will initiate a DA Form 3975 and forward the DA Form 3975 and related documents to the installation SJA court liaison to track the disposition. The installation PMO or Directorate of Emergency Services will coordinate with SJA and commanders for final disposition and report the disposition on DA Form 4833 as appropriate. The installation PMO, DES, or other designated person will sign DA Form 4833 before forwarding it to USACRC.

k. Civilian subjects titled by Army law enforcement. The PMO, DES, and USACIDC offices will complete and submit FBI Form R-84 (Final Disposition Report) to USACRC for civilian subjects, not subject to UCMJ, who are titled by Army law enforcement. The PMO or DES and USACIDC will complete the DA Form 4833 and submit the form to USACRC for these subjects. The PMO or DES and USACIDC law enforcement will not include these completed DA Forms 4833 for civilian personnel in reporting compliance statistics for commanders. This ensures records of disposition of military titled civilian cases are available in CJIS to support NCIC background checks for firearms purchases, employment, security clearances, and so on.

l. Dissemination to other agencies. A copy of the completed DA Form 4833 reflecting offender disposition will also be provided to those agencies or offices that originally received a copy of DA Form 3975 when evidence is involved. The evidence custodian will also be informed of the disposition of the case.

m. Review of offender disposition by the installation Provost Marshal Office or Directorate of Emergency Services. Upon receipt of DA Form 4833 reflecting no action taken, the PM or DES will review the DA Form 3975. The review will include, but is not limited to the following—

- (1) Determination of the adequacy of supporting documentation.
- (2) Contact with subject's commander to ensure all evidence presented is understood.
- (3) Whether or not coordination with the supporting SJA should have been sought prior to dispatch of the report to the commander for action.
- (4) Identification of functions that warrant additional training of MP or security personnel (for example, search and seizure, evidence handling, or rights warning).

n. Offender disposition summary reports. The installation PM or DES will provide the supported commander (normally, the general courts-martial convening authority or other person designated by proper authority) summary data of offender disposition as required or appropriate. Offender disposition summary data will reflect identified offenders on whom final disposition has been reported. This data will be provided in the format and at the frequency specified by the supported commander.

o. Reporting in the Centralized Operations Police Suite. Offender's disposition will be recorded in COPS on the DA Form 4833 that was automatically generated in COPS from the DA Form 3975.

p. Administrative closures. The installation PM or DES will consult with their servicing judge advocate to administratively close cases older than 2 years where a commander cannot be identified. In these cases the installation PM or DES or designee will sign in block 11 and in the name portion of block 11 will annotate "reporting."

q. Commander self-initiated DA Form 4833. In accordance with DODD 7730.47 and DODM 7730.47-m, Vol.1, commanders are also responsible for completing and submitting to installation PMOs or DESs the DA Form 4833. Commanders must complete and submit DA Form 4833 for specified offenses per AR 195-2, appendix B, table B-1. Commanders must refer to Army law enforcement (Military Police Investigation or CID) every credible allegation (that is, probable cause) that an assigned Soldier committed a crime that falls outside of the commander's investigative purview. If a commander initiates the DA Form 4833, the completed form will be forwarded to the installation PMO or

DES for input into COPS. The installation PMO or DES will initiate a DA Form 3975 using the information on the DA Form 4833 in order to generate the DA Form 4833 in COPS.

(1) The commander will submit a self-initiated DA Form 4833 to their installation PMO/DES based on the following criteria; the commander has completed their command investigation and determined to take action against the offender. The commander will annotate the final disposition of the case on the DA Form 4833, the commander must indicate on the DA Form 4833 the type of action taken (that is, judicial punishment, nonjudicial punishment, administrative reprimand, administrative separation, counseling, and so on).

(2) Commander's self-initiated DA Form 4833 reporting process overview:

(a) If a unit commander has conducted a criminal investigation about an incident not investigated by law enforcement and meets the reporting requirements in AR 195-2, table B-1, the unit commander will access the DA Form 4833 on the Army Publishing Directorate's forms Web site and complete the relevant fields. The unit commander will email the completed and signed DA Form 4833 with the supporting documents (record of commander's inquiry, Article 15, or court-martial paperwork, etc.) to the supporting installation PMO/DES. For commands not on an installation or commands on a Joint base, the supporting PMO/DES can be found in [table 1-1 of this regulation](#).

(b) Installation PMO/DES will receive the DA Form 4833 from unit commanders and generate a DA Form 3975 in the COPS using the information provided in the supporting documentation. The appropriate offense code from table 4-1 will be utilized; Series 2 offense codes will not be utilized. The first line of the narrative of the DA Form 3975 will state, "This is being completed and reported based on an investigation conducted by the unit commander." The PMO/DES will then copy the information provided by the commander into the DA Form 4833 generated in COPS and close the DA Form 3975.

4-9. Updating the Centralized Operating Police Suite Military Police Reporting System

The installation PMs or DESs will establish standard operating procedures (SOPs) to ensure that all criminal activity is reported into the COPS MPRS. Timely and accurate reporting is critical. If a case remains open, changes will be made as appropriate. This includes reporting additional witnesses and all aspects of the criminal report. These SOPs will include but are not limited to user access, restricted or suspension of access when pending an investigation, periodic name checks as deemed necessary by the installation PM or DES, training prior to be granted access and privileges into the COPS database, proper use of COPS based upon job requirements, and actions upon misuse of COPS database.

4-10. FBI Form FD 249 and final disposition report submission requirements

In general, this paragraph implements DODI 5505.11, which prescribes procedures for Army LE to report offender criminal-history data to USACRC. USACRC forwards this data to the CJIS division of the FBI, for inclusion in the National Crime Information Center's Criminal History Database. This paragraph does not eliminate other requirements to provide criminal-history data, including those concerning the DIBRS.

a. The installation PM or DES will submit offender criminal history data to USACRC, based on a probable cause standard determined in conjunction with the servicing SJA or legal advisor for all—

(1) Members of the military Services investigated for offenses listed in table 4-1, by any Army LE organization.

(2) Civilians investigated for offenses equivalent to those listed in table 4-1. This includes foreign nationals, persons serving with or accompanying an armed force in the field in time of declared war or contingency operations, and persons subject to Public Law 106-523 in accordance with Deputy Secretary of Defense Memorandum, "Responsibility for Response to Reports of Alleged Criminal Activity Involving Contractors and Civilians Serving with or Accompanying the Armed Forces Overseas," dated 10 September 2008.

(3) Military Servicemembers, their dependents, DOD employees, and contractors investigated by foreign law enforcement organizations for offenses equivalent to those listed in DODI 5505.11 and made available to any Army LE organization.

b. For purposes of this paragraph, commanders will notify their installation PMO or DES—

(1) When a military judicial proceeding is initiated or command action is taken in military nonjudicial proceedings pursuant to UCMJ, Article 15 against a military subject investigated by an Army LE organization for an offense listed in table 4-1. Offender criminal history data will not be reported in accordance with this paragraph unless the subject has been investigated by an Army LE agency for an offense listed in table 4-1. For example, if a unit investigates an alleged offense in table 4-1, and initiates a judicial and/or nonjudicial proceeding without an Army LE organization having investigated the subject, then the reporting requirements of this paragraph do not apply.

(2) When they become aware that a non-DOD and/or foreign LE organization has initiated an investigation against a Soldier, military dependent, or DOD civilian employee or contractor, for the equivalent of an offense listed at: [http://xxxxxxx](#) or punishable pursuant to the United States Code.

(3) Of the final disposition via DA Form 4833 of cases under the circumstances discussed in subparagraphs (1) and (2), above.

c. These are the fingerprint and reporting procedures—

(1) Fingerprints and all information required on FBI Form FD 249 (Suspect Fingerprint Card) is obtained from military subjects under investigation by any Army LE organization for offenses listed in table 4-1. Fingerprints and

additional required information pertaining to civilian subjects are obtained for offenses punishable pursuant to the United States Code, equivalent to those listed in table 4-1. Where required, a Privacy Act Statement is provided to each suspect whose personal data is collected in accordance with DOD 5400.11-R.

(2) Offender criminal history data records required in accordance with this paragraph is initiated by preparing and submitting an FBI Form FD 249 with the DA Form 3975, to the Director, USACRC, CICR-CR, 27130 Telegraph Road, Quantico, VA 22134. The Director, USACRC will forward the FBI Form FD 249 to CJIS. The USACRC is used as the central repository for criminal history information in the Army. When required, Army LE organizations should submit all completed FBI Form R-84 (Final Disposition Report), directly to the CJIS Division, FBI per DODI 5505.11.

(3) The originating agency identifier (ORI) identification number used on the FBI Form FD 249 will be VAUSA1400. Two FBI Forms FD 249 will be completed. One will be retained in the installation PMO or DES file. The second will be sent to the Director, USACRC, and processed with the DA Form 3975. A third set of prints will also be taken on the FBI Form R-84. The FBI Form R-84 requires completion of the disposition portion and entering of the offenses on which the commander took action.

(a) For military subjects (investigated by an Army LE organization), the FBI Form FD 249 is submitted when an agent or LE official determines, following coordination with the servicing SJA or legal advisor if necessary (in no case earlier than apprehension (military), arrest (civilian), or the subject interview), that probable cause exists to believe that the person has committed an offense listed in table 4-1. If applicable, such coordination shall be documented in the investigative file.

(b) If applicable, approval of a request for discharge, retirement, or resignation in lieu of court-martial, and/or a finding of lack of mental competence to stand trial, is recorded as "final disposition" either on the FBI Form FD 249 or FBI Form R-84.

(c) Within 15 calendar days after final disposition of military judicial or nonjudicial proceedings, or the approval of a request for discharge, retirement, or resignation in lieu of court-martial, disposition information shall be reported by Army LE organizations on the FBI Form FD 249, if it has not already been reported on an FBI Form FD 249. Do not hold the FBI Form FD 249 or FBI Form R-84 pending appellate actions. Appellate action affecting the character of an initial disposition must be reported if it occurs. Dispositions that are exculpatory in nature (for example, dismissal of charges, acquittal) are also be documented on the FBI Form R-84.

(d) For civilian subjects (investigated by an Army LE organization)—

1. Submit an FBI Form FD 249 within 15 calendar days of the subject interview, arrest, indictment, or information, as applicable, for offenses punishable pursuant to the U.S. Code that are equivalent to those listed in table 4-1.

2. Submit FBI Form R-84 within 15 calendar days after sentencing.

3. In cases investigated jointly with another law enforcement organization when that organization agrees to obtain and forward fingerprints and criminal history data to the FBI, prepare a memorandum for the case file. The memorandum shall identify each subject and the law enforcement organization collecting and forwarding the data. A current memorandum of understanding at the organizational level, addressing the requirement to obtain fingerprints and associated data and to forward said information to the FBI, will suffice in lieu of case-specific memorandums. However, copies of the submitted data must be obtained for the case file.

d. Information requirements include the following—

(1) The FBI provides blank FBI Form FD 249 and/or FBI Form R-84, pre-addressed envelopes, and further guidelines for submission of criminal history data. Installation PMs and DESs are authorized to requisition the fingerprint cards by sending a request for supplies to: Federal Bureau of Investigation Criminal Justice Information Services Division, Logistical Support Unit, 1000 Custer Hollow Road Clarksburg, WV 26306

(2) Questions regarding supplies may be directed to the Logistical Support Unit at (304) 625-3983; orders may be faxed to (304) 625-3984 or submitted electronically at <http://www.fbi.gov/>. All fingerprint-related questions should be directed to USACRC prior to contacting the FBI.

(3) Investigators must ensure that the charges annotated on the FBI Form FD 249 reflect the actual charges being pursued through court-martial or nonjudicial punishment. When submitting the FBI Forms FD 249 and FBI Form R-84, charges must be described in commonly understood descriptive terms (for example, murder, rape, robbery, assault, possession of a controlled substance) or by a commonly understood title. Offenses shall not be described solely by references to a UCMJ punitive article or to the U.S. Code or other statutory provision.

(4) The disposition reflected on the FBI Form FD 249 or the FBI Form R-84 must also be described in common language (for example, conviction (include offense(s)), dishonorable discharge, reduction in rank, forfeiture of pay, charges dismissed). The disposition of "conviction" shall only be reported for crimes prosecuted by general or special court-martial yielding a plea or a finding of guilty.

(a) Adverse findings resulting from a summary court-martial should be recorded as follows: "Subject found guilty by summary court-martial." Although action by summary courts-martial is disciplinary in nature for a violation of military law, the Supreme Court has ruled that a summary court-martial is not a criminal proceeding in accordance with U.S. Supreme Court Case 425 U.S. 25, *Middendorf v. Henry*.

(b) Adverse findings resulting from nonjudicial proceedings pursuant to UCMJ, Article 15 will be recorded as

“nonjudicial disciplinary action.” An adverse finding or punishment pursuant to UCMJ, Article 15 is a disciplinary action, but does not constitute a criminal proceeding or conviction.

Table 4–1

List of offenses from the Uniform Code of Military Justice

UCMJ article	Offense
78	Accessory after the fact (offenses listed in this table)
80	Attempts (offenses listed in this table)
81	Conspiracy (offenses listed in this table)
82	Solicitation
85	Desertion
90	Striking or assaulting a superior commissioned officer
91	Striking or assaulting warrant, noncommissioned, or petty officer
94	Mutiny or sedition
95	Resistance, breach of arrest, and escape
97	Unlawful detention
106	Spies
106a	Espionage
107	False official statements
108	Military property of the United States, sale, loss, damage, destruction, or wrongful disposition
109	Property other than military property of the United States - waste, spoilage, or destruction
111	Drunken or reckless operation of vehicle, aircraft, or vessel
112a	Wrongful use, possession, etc., of controlled substance
116	Riot or breach of peace
118	Murder
119	Manslaughter
119a	Death or injury of an unborn child
120	Rape and carnal knowledge (for offenses committed prior to October 1, 2007)
120	Rape, sexual assault, and other sexual misconduct (for offenses committed on or after October 1, 2007)
120a	Stalking (for offenses committed on or after October 1, 2007)
121	Larceny and wrongful appropriation
122	Robbery
123	Forgery
123a	Making, drawing, or uttering check, draft, or order without sufficient funds
124	Maiming
125	Sodomy
126	Arson
127	Extortion
128	Assault
129	Burglary
130	Housebreaking
131	Perjury
132	Frauds against the United States
134	Assault—indecent (for offenses committed prior to October 1, 2007)
134	Assault—with intent to commit murder, voluntary manslaughter, rape, robbery, sodomy, arson, burglary, or housebreaking

Table 4-1
List of offenses from the Uniform Code of Military Justice—Continued

UCMJ article	Offense
134	Bribery and graft
134	Burning with intent to defraud
134	Child endangerment (for offenses committed on or after October 1, 2007)
134	Child pornography offenses, to include possession, distribution, production, receipt, viewing, and accessing
134	Correctional custody—offense against
134	False or unauthorized pass offenses
134	False pretenses, obtaining services under
134	False swearing
134	Firearm, discharge—willfully, under such circumstances as to endanger human life
134	Fleeing the scene of an accident
134	Homicide, negligent
134	Impersonating commissioned, warrant, noncommissioned, or petty officer, or an agent or official
134	Indecent acts or liberties with a child (for offenses committed prior to October 1, 2007)
134	Indecent exposure (for offenses committed prior to October 1, 2007)
134	Indecent language
134	Indecent acts with another (for offenses committed prior to October 1, 2007)
134	Kidnapping
134	Mail: taking, opening, secreting, destroying, or stealing
134	Mail: depositing or causing to be deposited obscene matter in
134	Misprision of serious offense
134	Obstructing justice
134	Wrongful interference with an adverse administrative proceeding
134	Pandering and prostitution (Having someone commit an act of prostitution is still an offense pursuant to UCMJ, Article 134, but if the pandering is “compelled” it becomes an offense under UCMJ, Article 120, if on or after October 1, 2007.)
134	Perjury: subornation of
134	Public record: altering, concealing, removing, mutilating, obliterating, or destroying
134	Reckless endangerment
134	Seizure: destruction, removal, or disposal of property to prevent
134	Self-injury without intent to avoid service
134	Soliciting another to commit an offense (for crimes listed in this table)
134	Stolen property: knowingly receiving, buying, concealing
134	Testify: wrongful refusal
134	Threat or hoax designed or intended to cause panic or public fear
134	Threat, communicating
134	Weapon: concealed, carry
134	Any offenses pursuant to 18 USC 13 charged as a violation of UCMJ, Article 134

4-11. Procedures for reporting desertion, absence without leave, and special category absentee offenses

a. Desertion reporting procedures.

(1) The commander will report and PMs and DESs will enter a warrant for, desertion for high-risk Soldiers who depart without authorization, and in the determination of the commander, depart without the intent of returning. This action is also authorized for Soldiers who—without authority—fail to go to, or go from, their appointed place of duty at the time prescribed, and absent themselves with the intent to permanently remain away from their unit, organization,

or place of duty. the issuing of a deserter warrant into NCIC authorizes the Soldier's apprehension or arrest by federal, state, and local law enforcement personnel throughout the United States.

(a) For the purposes of this paragraph, a "high-risk Soldier" is a Soldier who has the potential of committing further criminal acts or harming themselves or others.

(b) When a deserter warrant is being issued based solely on the Soldier's status as "high-risk," the commander will include a written basis (either in block 19 of the DD Form 553 or by separate memorandum) for his or her finding that the Soldier is "high-risk." The commander will send a copy of the warrant, the day it is issued, to the Office of the Staff Judge Advocate (OSJA) for the installation for review to ensure there is a legally justifiable basis for the finding of "high-risk." If the OSJA finds the warrant legally insufficient, the warrant will be revoked.

(2) The unit commander must comply with the provisions of AR 630-10 when a Soldier is dropped from the rolls and reported as a deserter.

(3) On receipt of the DD Form 553 (Deserter/Absentee Wanted by the Armed Forces), the installation PMO or DES will—

(a) Initiate a DA Form 3975 and a blotter entry reflecting the Soldier's status as "deserter".

(b) Complete sections of the DD Form 553 concerning the Soldier's driver's license and vehicle information. In the remarks section, add other information known about the Soldier such as: confirmed or suspected drug abuse; history of escape(s) or attempted escape(s) from custody; suicidal tendencies or attempts; use of prescription or other medication(s); involvement in or charge(s) of crimes of violence for which an active military police investigation has been prepared and forwarded; history of unauthorized absences; and any other useful or essential information for the protection of the deserter or apprehending authorities.

(c) Assign DA Form 3975 number and a USACRC control number, which will be assigned to the case and be included in the remarks section of the DD Form 553.

(d) The DD Form 553 must be returned to the unit commander within 24 hours.

(e) If the deserter surrenders to, or is apprehended by, the parent installation PMO or DES, the parent installation PMO or DES will telephonically verify the deserter's status with the USADIP. A reference blotter entry will be completed, changing the Soldier's status from "deserter" to "returned to military control" (RMC).

(f) If the deserter surrenders to, or is apprehended by, an installation not the parent installation, the apprehending installation PMO or DES will telephonically verify the Soldier's status as a deserter with USADIP. An information DA Form 3975 will be prepared, referencing the USACRC number from the original DA Form 3975 in the information DA Form 3975 prepared by the parent installation. A blotter entry will also be prepared.

(4) A DD Form 616 (Report of Return of Absentee) will be completed when deserters are apprehended or surrendered to military authority. The USACRC control number assigned to the DD Form 553 will be included in the remarks section of the DD Form 616.

(5) Upon the deserter's RMC, a DA Form 3975, DA Form 2804 (Crime Records Data Reference), FBI Form FD 249, and DA Form 4833 will be initiated. The DA Form 3975 number and USACRC control number will be recorded on all four forms. The original DA Form 3975 and other pertinent documents will be sent to the Director, USACRC. The DA Form 4833 must include the commander's action taken, to include the Commander, Personnel Control Facility, or other commander who takes action based on the desertion offense.

(6) Complete the special category absentee (SCA) reporting procedures, which are—

(a) Regardless the length of absence, the commander will immediately report a SCA Soldier as a deserter and within 48 hours, notify the installation PMO or DES in writing. Included in this category are defectors, absentee Soldiers who travel to a country other than the one in which they are stationed, and cases in which there is evidence that the Soldier may be involved with a foreign intelligence service or terrorist organization.

(b) The unit commander must comply with the provisions of AR 190-9 and AR 630-10 when reporting a SCA as a deserter.

(c) Upon receipt of the DD Form 553 (Deserter/Absentee Wanted by the Armed Forces), the installation PMO or DES must—

1. Follow desertion reporting procedures in AR 190-9 and AR 630-10.

2. Notify the local supporting counterintelligence office that a SCA has been reported and/or RMC.

3. Notify the Deputy Chief of Staff, G-2 when a defector is RMC.

b. *Absent without leave reporting procedures.*

(1) The commander will notify the installation PMO or DES of a Soldier's reported absent without leave (AWOL).

(2) Upon receipt of an AWOL report, the installation PMO or DES will initiate a DA Form 3975, and a corresponding information blotter entry.

(3) If the AWOL Soldier surrenders to the parent unit or is RMC at another installation, the provisions of AR 190-9 will be followed.

(4) On receipt of written notification of the AWOL Soldier's return or upon apprehension, the installation PMO or DES will initiate a reference blotter entry indicating the Soldier's return to military control and will prepare an initial DA Form 3975, reflecting the total period of unauthorized absence, and the DA Form 4833. Both of these documents

will be forwarded through the battalion commander with a copy furnished to brigade commander to the unit commander.

(5) The unit commander will report action taken on the DA Form 4833 no later than the assigned suspense date or request an extension through the chain of command to the installation PM or DES.

(6) If the Soldier is apprehended at, or returns to, an installation other than his or her parent installation, then DA Form 3975 and DA Form 4833 with a copy of DD Form 460 (Provisional Pass) will be sent to the parent installation PMO or DES. The parent installation PMO or DES will initiate an information blotter entry reflecting the AWOL Soldier's return to military control. A DA Form 3975 and DA Form 4833 with an appropriate suspense will be sent through the battalion commander with a copy furnished to brigade commander, to the unit commander. On return of the completed DA Form 4833 from the unit commander, the original and one copy will be sent to the apprehending PMO or DES. The parent installation PMO or DES will retain a copy of DA Form 3975 and DA Form 4833.

4-12. Vehicle Registration System

The VRS is a module within COPS. Within VRS there are various tabs for registering vehicles that are authorized access to an installation, to include personal data on the owner of the vehicle. There are also tabs for registering weapons, bicycles, and pets. Information on individuals barred entry to an installation is also maintained within the VRS.

4-13. Establishing memorandums of understanding

a. Coordination between military LE personnel and local civilian LE personnel is essential to improve information sharing, especially concerning investigations, arrests, and prosecutions involving military personnel. The installation PM or DES or other LE officials will establish formal memorandums of understanding (MOUs) with their civilian counterparts to establish or improve the flow of information between their agencies, especially in instances involving military personnel. The MOUs will be used to clarify jurisdictional issues for the investigation of incidents, to define the mechanism whereby local LE reports involving active-duty Servicemembers will be forwarded to the appropriate installation LE office, to encourage the local LE agency to refer victims of domestic violence to the installation Family Advocacy Office or victim advocate, and to foster cooperation and collaboration between the installation LE agency and local civilian agencies.

b. Installation commanders are authorized to contract for local, State, or Federal LE services (enforcement of civil and criminal laws of the State) from civilian police departments. (See Part 330, Title 36, Code of Federal Regulations.)

c. The MOUs will address the following issues, at a minimum—

(1) A general statement of the purpose of the MOU.

(2) An explanation of jurisdictional issues that affect respective responsibilities to, and investigating incidents occurring on and off, the installation. This section should also address jurisdictional issues when a civilian order of protection is violated on military property (see 10 USC 1561a).

(3) Procedures for responding to incidents that occur on the installation involving a civilian alleged offender.

(4) Procedures for local LE to immediately (within 4 hours) notify the installation LE office of incidents and investigations involving Servicemembers.

(5) Procedures for transmitting incident and investigation reports and other LE information involving active-duty Servicemembers from local civilian LE agencies to the installation LE office.

(6) Notification of when a Soldier is required to register as a sex offender either through military judicial proceedings or civilian judicial proceedings.

(7) Procedures for transmitting civilian protection orders (CPOs) issued by civilian courts or magistrates involving active-duty Servicemembers from local LE agencies to the installation LE office.

(8) Designation of the title of the installation LE recipient of such information from the local LE agency.

(9) Procedures for transmitting military protection orders (MPOs) from the installation LE office to the local civilian LE agency with jurisdiction over the area in which the Service member resides.

(10) Designation of the title of the local LE agency recipient of domestic violence and CPO information from the installation LE agency.

(11) Respective responsibilities for providing information to victims regarding installation resources when either the victim or the alleged offender is an active duty Service member.

(12) Sharing of information and facilities during the course of an investigation in accordance with 5 USC 552a(b)(7) (The Privacy Act of 1974).

(13) Regular meetings between the local civilian LE agency and the installation LE office to review cases and MOU procedures.

4-14. Lost, abandoned, or unclaimed property

Personal property that comes into the possession, custody, or control of the Army and is unclaimed by the owner is considered to be abandoned only after diligent effort has been made to determine and locate its owner, the heir, next of kin, or legal representative. A Soldier who has permanent change of station orders and is unable to dispose of his or

her personal property should immediately notify the chain of command. The commander will appoint a board to rule on the disposition of the property. If a LE agency takes custody of the property it will be tagged and a record made as shown in paragraph *a*, below. A report will be made to the installation commander who will take action in accordance with DOD 4160.21–M, chapter 4, paragraph 40. Pending board action under DOD 4160.21–M, the LE agency having physical custody is responsible for the safekeeping of seized property. The following procedures should be used:

- a.* Property will be tagged using DA Form 4002 (Evidence/Property Tag) or clearly identified by other means, inventoried, and made a matter of record. These records are kept by the custodian of the property.
- b.* Lost, abandoned, or unclaimed property will be kept in a room or container separate from one used to store property held as evidence. Records or logs of property not held as evidence will be separated from those pertaining to evidence. However, all property will be tagged, accounted for, and receipted for in a similar manner as evidence.
- c.* Property that has been properly identified through board action under DOD 4160.21–M as having an owner will be segregated and tagged with the name of that person.
- d.* Unclaimed or forfeited property in the custody of the Army will be disposed of by order of any court of record that has territorial jurisdiction over the Army installation.
- e.* A letter will be sent to the owner of the property on the disposition of the property and a memorandum be written indicating that attempts were made to contact the owner of the property which met with negative results and kept on file.
- f.* In all cases, a receipt should be obtained at time of release.

4–15. Procedures for restricted and unrestricted reporting in sexual assault cases

Active-duty Soldiers, ARNG, and USAR Soldiers who are subject to military jurisdiction under the UCMJ can elect either restricted or unrestricted reporting if they are victims of sexual assault. See AR 600–20 for further details.

- a.* Unrestricted reporting requires normal LE reporting and investigative procedures.
- b.* Restricted reporting requires that LE and criminal investigative organizations not be informed of a victim's identity and not initiate investigative procedures. The victim may provide sexual assault response coordinators (SARCs), medical treatment facility (MTF) personnel, victim advocates, and Sexual Harassment/Assault Response & Prevention Program proponents with specific items (clothing, bedding, and so on) that may later be used as evidence, should they decide later to convert to an unrestricted report. (SARCs and MTF personnel are neither required nor encouraged to collect evidence; however, circumstances will occur where evidence comes into their possession.) In sexual assault cases additional forensic evidence may be collected using the "sexual assault evidence collection kit," (hereafter, "evidence kit"). Personnel from the MTF or SARC releasing evidence to the installation PMO or DES will comply with AR 195–5. The SARC or MTF will have only temporary possession of the evidence and must immediately notify the installation PMO or DES to transfer custody of evidence. The evidence kit, other items such as clothing or bedding sheets, and any other articles provided by the MTF or SARC will be stored in the installation PMO or DES evidence room separate from other evidence and property. The evidence kit, the other items such as clothing or bedding sheets, and any other items will be properly sealed and marked with the restricted reporting control number that is issued by the SARC. Procedures for handling evidence specified in AR 195–5 will be strictly followed.
- c.* The installation PMO or DES will complete block 1 "Report Type" of the DA Form 3975, in COPS for restricted reporting. Reports will be completed using the offense code from the "6Z" series. An entry will be made in the journal when the sexual assault evidence kit or property (clothing, bedding, and so forth) is received. An entry will not be made in the blotter. Restricted reporting incidents are not reportable as SIRs. Property will be stored for 1 year and then scheduled for destruction, unless previously released to investigative authorities. Thirty days prior to destruction of the property, a letter will be sent to the SARC by the installation PMO or DES, advising the SARC that the property will be destroyed in 30 days, unless LE personnel are notified by the SARC that the victim has elected unrestricted reporting. If the SARC notifies the installation PM or DES that the victim has not elected unrestricted reporting, clothing, or other personal effects will be released to the SARC for return to the victim. The information report will be updated when the evidence is destroyed, returned to the SARC, or released to investigative authorities.
- d.* In the event that information about a sexual assault that was made under restricted reporting is disclosed to the commander from a source independent of the restricted reporting avenues, or to LE from other sources, the commander will report the matter to LE. In this situation, LE remains authorized to initiate its own independent investigation of the matter presented. Additionally, a victim's disclosure of his or her sexual assault to persons outside the protective sphere of those covered by the restricted reporting policy will result in an investigation of the allegations.

4–16. Procedures for restricted and unrestricted reporting in domestic-violence cases

Restricted reporting is a reporting option for adult victims of domestic abuse. For the purposes of this paragraph, restricted reporting is defined as allowing a victim of domestic abuse, who is eligible to receive military medical treatment, including civilians and contractors who are eligible to receive military healthcare OCONUS on a reimbursable basis, the option of reporting an incident of domestic abuse to specified individuals without initiating the investigative process or notification to the victims or the alleged offender's commander. For the purposes of this

paragraph, an adult is a Soldier or a person who is not a Soldier who has either attained the age of 18 years of age or is married.

a. Unrestricted reporting requires normal LE reporting and investigative procedures.

b. Restricted reporting requires that LE and criminal investigative organizations not be informed of a victim's identity and not initiate investigative procedures. The victim will provide the victim advocate or MTF personnel with specific items that will be later used as evidence, should they decide to later report the incident to LE. Victim advocates and MTF personnel are neither required nor encouraged to collect evidence; however, circumstances will occur where evidence comes into their possession. Victim advocates and MTF personnel will have only temporary possession of the evidence and must immediately notify the installation PMO or DES to transfer custody of evidence. These items will be stored in the installation PMO or DES's evidence room separate from other evidence and property. Procedures for handling evidence specified in AR 195-5 will be strictly followed.

c. The installation PMO or DES will complete block 1 "Report Type" of the DA Form 3975, in COPS, for domestic violence restricted reporting. Reports will be completed using the offense code from the "9J" series. An entry will be made in the journal when the property is received. An entry will not be made in the blotter. Restricted reporting incidents are not reportable as SIRs. Property will be stored for 1 year and then scheduled for destruction, unless previously released to investigative authorities. Thirty days prior to destruction of the property, a letter will be sent to the family advocacy program manager and the victim advocate by the installation PMO or DES, advising the victim advocate that the property will be destroyed in 30 days, unless LE personnel are notified by the victim advocate that the victim has elected unrestricted reporting. The information report will be updated when the evidence is destroyed or released to investigative authorities.

d. A victim's disclosure of his or her domestic-violence incident to persons outside the protective sphere could result in an investigation of the allegations.

4-17. Domestic violence

a. Responding to incidents of domestic violence requires a coordinated effort by LE, medical, and social work personnel, to include sharing information and records as permitted by law and regulation. AR 608-18 contains additional information about domestic violence and protective orders. AR 608-18's glossary, in section II, refers to domestic violence as including "a person of the opposite sex, who is (a) a current or former spouse; (b) a person with whom the abuser shares a child in common; or (c) a current or former intimate partner with whom the abuser shares or has shared a common domicile."

b. All domestic-violence incidents will be reported to the local installation PMO or DES. All reported domestic-violence incidents will be entered into MPRS, using DA Form 3975. These codes will be used in addition to any other offense code that is appropriate for an incident. For example, a Soldier strikes his or her spouse. When entering the offense data into MPRS, both the offense code for assault (that is, 5C2B) and the offense code for spouse abuse (from the 5D6 series) will be entered.

4-18. Protection orders

a. *Documentation.* A DD Form 2873 (Military Protective Order) is a written lawful order issued by a commander that orders a Soldier to avoid contact with those persons identified in the order. MPOs are frequently used to facilitate a "cooling-off" period following domestic violence and sexual assault incidents, to include children. The commander should provide a written copy of the order within 24 hours of its issuance to the person with whom the member is ordered not to have contact and the installation LE activity. A reply by endorsement can be completed for the pertaining DA Form 3975 indicating that an MPO has been issued. Violations of an MPO must be reported on DA Form 3975 and entered into MPRS. All protective orders will be entered into MPRS. LE personnel will complete block 1 "Report Type" of the DA Form 3975 in MPRS whenever a DD Form 2873 is issued. Violations of an MPO likely constitute violations of Article 90 or 92, UCMJ.

(1) *Initial notification.* In the event a MPO is issued against a Soldier and any individual involved in the order does not reside on an Army installation at any time during the duration of the MPO, the installation PMO or DES will notify the appropriate civilian authorities (local magistrate courts, family courts, and local police) of—

(a) The issuance of the protective order.

(b) The individuals involved in the order.

(c) Any change made in a protective order.

(2) *Termination notification.* The installation PMO or DES will notify the appropriate civilian authorities (local magistrate courts, family courts, and local police) of the protective order.

b. *Compliance.* A CPO is an order issued by a judge, magistrate or other authorized civilian official, ordering an individual to avoid contact with his or her spouse or children. Pursuant to Section 1561a, Title 10, United States Code (The Armed Forces Domestic Security Act) a CPO has the same force and effect on a military installation as such order has within the jurisdiction of the court that issued the order. LE personnel will complete block 1 "Report Type" of the DA Form 3975, in COPS, whenever a CPO is issued that orders a Soldier to avoid contact with his or her spouse

or children or orders an individual to avoid contact with his or her military spouse or Family members. Violations of a CPO must be reported on DA Form 3975 and entered into COPS.

4–19. Defense Incident-Based Reporting System/National Incident-Based Reporting System reporting responsibilities

a. Reporting processes involve several databases that rely on shared information.

(1) Army LE databases (COPS and ACI2) consolidates and forwards monthly DIBRS reports to Defense Manpower Data Center.

(2) The DIBRS reporting process will be triggered when law enforcement officials respond to a founded offense of a criminal incident. The LE officials will collect information necessary to fulfill reporting responsibilities by filling out the DA Form 3975. The installation PMO or DES must ensure COPS–MPRS cases are changed from “open” or “final” status to “closed” to ensure that the DA Form 3975 is reported to DIBRS. If the crime is determined to be outside the jurisdiction of the LE organization, the DIBRS reporting responsibility will be passed to the appropriate agency, such as USACIDC, the FBI, or the local authority that has accepted investigative jurisdiction of the case.

b. If the investigation is initiated by or referred to USACIDC and USACIDC assumes the lead investigative role, it also assumes DIBRS reporting responsibility.

c. Army LE agencies will normally refer cases involving military offenders to the responsible commander for appropriate action. The responsible LE agency will initiate the DA Form 3975 or ROI. The commander may refer the case to staff agencies, dispose of the case pursuant to administrative or nonjudicial authority, or refer the case to court-martial or to an appropriate convening authority for ultimate disposition. The commander taking final action on the case will forward the DA Form 4833 to the local installation PMO or DES. If the case is forwarded to another convening authority for action, the commander assuming jurisdiction over the case is responsible for forwarding the DA Form 4833 to the local installation PMO or DES.

d. In some instances, commanders will be required to initiate DIBRS reporting when a military law enforcement activity is not involved. Commanders will ensure that reporting responsibilities and requirements as prescribed in this policy are met in these cases, and a DA Form 4833 is submitted to the local installation PMO or DES.

e. SJAs will forward all supporting judicial documents to the commander. The commander will attach the DA Form 4833 and send to the local installation PMO or DES within the prescribed 60 days.

f. Regarding reporting requirements, an incident that is listed at <http://xxxx> will be reported on a DA Form 3975 or ROI if initiated by LE. If a commander initiates reporting an incident, it will be documented and submitted on a DA Form 4833 with supporting documents (UCMJ, Article 15 court reports) and submitted to the installation PM or DES. Reportable incidents include:

(1) Criminal incidents not listed at <http://xxxx>, but punishable under the UCMJ. This includes such high-interest incidents as fraternization, sexual harassment, sexual assault, and rape.

(2) Civilian criminal incidents committed by military personnel on active duty resulting in a felony conviction, as defined in the civilian jurisdiction where the offense is tried.

g. Other reportable incidents include:

(1) Sudden infant death syndrome when the victim is a dependent residing with an active-duty Servicemember.

(2) Incidents involving the actual or attempted suicide of military personnel on active duty.

(3) Other incidents requiring action under 18 USC 922 (The Brady Handgun Violence Prevention Act of 1993, Revised Statute).

(4) Incidents covered by Public Law No. 97–291, Volume 96, US Statute at Large 1248 (Victim and Witness Protection Act of 1982) codified as amended in scattered sections of 18 USC and the Federal Rules of Criminal Procedure 32(c)(2). Army LE authorities must advise the victim or witness of their rights using the DD Form 2701 (Initial Information for Victims and Witnesses of Crime) in accordance with chapter 6 of this regulation. Victim-witness notifications will be reported on the DA Form 3975 to provide accountability in COPS.

(5) Commanders and family-advocacy programs will report all domestic violence incidents to the local installation PMO, DES, or CID office which includes:

(a) Incidents that involve evidence determined sufficient for supporting disciplinary action and, for each such incident, a description of the allegations and the action taken by command authorities in the incident.

(b) Incidents that involve evidence determined insufficient for supporting disciplinary action and, for each such case, a description of the allegation.

Chapter 5 Army Law Enforcement Trends and Analysis Report

5–1. General

a. This chapter prescribes policies and procedures for the coordination and standardization of crime statistics

reporting with HQDA. Crime statistical reports and trends provided to HQDA and other agencies and those related to special interests inquiries, the media, and the public must reflect uniformity in terminology, methods of presentation, and statistical portrayal to preclude misinterpretation of information.

b. Any report containing Armywide aggregate crime data or statistics addressed to the Secretary of the Army, Chief of Staff of the Army, or Vice Chief of Staff of the Army will be coordinated and cleared with HQDA, OPMG (DAPM-MPO-LE). Correspondence and reports will be coordinated with HQDA, OPMG (DAPM-MPO-LE) prior to release to any agency, activity, or individual.

c. HQDA staff agencies and ACOMs, ASCCs, and DRUs authorized by regulation or statute to conduct independent investigations, audits, analyses, or inquiries need not coordinate reported information with HQDA, OPMG (DAPM-MPO-LE) unless the information contains crime data for the Army as a whole. For example, reports submitted by USACIDC containing only USACIDC investigative data need not be coordinated with HQDA, OPMG (DAPM-MPO-LE).

5-2. Crime rate reporting

a. The USACIDC, Command Intelligence Operation Center (CIOC) develops criminal intelligence through the collection of raw criminal information and the centralized analysis of crime cases and other related data. The USACIDC analyzes and identifies modus operandi, trends, and vulnerabilities, and disseminates this information to DOD, Army LE and investigative agencies.

b. The CIOC criminal intelligence (CRIMINTEL) analyst provides in-depth analysis addressing current and future criminal trends and force-protection threats affecting Army installations worldwide. Army aggregate crime reports include data accessible through ACI2, COPS, and other available DOD databases.

Chapter 6 Victim and Witness Assistance Procedures

6-1. General

a. This chapter implements procedures to provide assistance to victims and witnesses of crimes that take place on Army installations and activities. The procedures in this chapter apply to—

- (1) Every victim and witness.
- (2) Violations of the UCMJ, including crimes assimilated under the Assimilative Crimes Act reported to, or investigated by, Army LE.
- (3) Foreign nationals employed or visiting on an Army installation OCONUS.

b. Installation PM or DES personnel should refer to AR 27-10 for additional policy guidance on the Army Victim/Witness Program.

6-2. Procedures

a. As required by DODD 1030.1, Army personnel involved in the detection, investigation, and prosecution of crimes must ensure that victims and witnesses rights are protected. Victims' rights include—

- (1) The right to be treated with fairness, dignity, and a respect for privacy.
- (2) The right to be reasonably protected from the accused offender.
- (3) The right to be notified of court proceedings.
- (4) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial, or for other good cause.
- (5) The right to confer with the attorney for the Government in the case.
- (6) The right to restitution, if appropriate.
- (7) The right to information regarding conviction, sentencing, imprisonment, and release of the offender from custody.

b. In keeping with the requirements listed above, the installation PM or DES must ensure that—

(1) All LE personnel are provided copies of DD Form 2701 (Initial Information for Victims and Witnesses of Crime).

- (2) A victim and witness coordinator is appointed in writing.
- (3) Statistics are collected and reported into COPS.
- (4) Coordination with the installation SJA victim witness coordinator occurs to ensure that individuals are properly referred for information on restitution, administrative, and judicial proceedings.

(5) Coordination with installation Family Advocacy Program's victim advocate occurs to support victims of spouse abuse. Victim advocacy services include crisis intervention, assistance in securing medical treatment for injuries,

information on legal rights and proceedings, and referral to military and civilian shelters and other resources available to victims.

6-3. Notification

a. LE personnel will provide crime victims and witnesses a DD Form 2701, and ensure that individuals are notified about—

- (1) Available military and civilian emergency medical care.
- (2) Social services, when necessary.
- (3) Procedures to contact the SJA victim/witness liaison office for additional assistance.

b. Investigating LE personnel, such as Army LE investigators will—

- (1) Ensure that victims and witnesses have been offered a DD Form 2701. If not, investigating personnel will give the individual a copy.
- (2) Provide status on investigation of the crime to the extent that releasing such information does not jeopardize the investigation in coordination with the installation PM or DES victim and witness coordinator.
- (3) Inform all victims and witnesses of the apprehension of a suspected offender, if requested.

6-4. Statistical reporting requirements

a. The DOD policies on victim and witness assistance require reporting of statistics on the number of individuals who are notified of their rights. The DA Form 3975 provides for the collection of statistical information.

b. The COPS system supports automated reporting of statistics. HQDA, PMG (DAPM-MPP-LE) as the program manager will require periodic reports to meet unique requests for information.

c. It is possible that a victim or witness will initially decline a DD Form 2701. As the case progresses, the individual will request information. If a case is still open, the PM or DES victim and witness coordinator will provide the DD Form 2701 (Initial Information for Victims and Witnesses of Crime) to the individual and update the records. Once the case is referred to the SJA, or LE activity ceases, COPS will not be updated without prior coordination with the installation SJA Office.

Chapter 7 Related Military Police Forms

7-1. General

a. This chapter establishes policies and procedures for the use of related MP forms. Other forms are referenced in this chapter to assist in meeting LE requirements.

b. It also provides special instructions and distribution for each related form and prescribes accountability standards for DD Form 1408 (Armed Forces Traffic Ticket) and the CVB Form.

7-2. DD Form 460 (Provisional Pass)

a. General. DD Form 460 will be used by the installation PM or DES to permit members of the U.S. Armed Forces to travel to assigned units under the following conditions:

- (1) A person is apprehended for a violation not serious enough to warrant further custody, but the person is delayed to the extent that reporting to the assigned station within the time limit of existing orders is not possible.
- (2) An absentee is returned to military control and an escort is not considered necessary in returning the Soldier to the unit of assignment.
- (3) A Soldier's leave papers have been lost or destroyed.
- (4) A Soldier is about to exceed the limits of an authorized leave or travel order.

b. Special instructions.

- (1) The form is self-explanatory. Signature authorities will be prescribed by local policy.
- (2) Refer to AR 190-9 and AR 630-10 for guidance on use of DD Form 460 in the AWOL and Deserter Apprehension Program.

c. Distribution.

- (1) The original copy is provided to the individual.
- (2) The first copy (green) is attached to the file copy of the DA Form 3975.
- (3) The second copy (yellow) is attached to the action or information DA Form 3975, which is forwarded to the commander concerned.

7-3. DD Form 553 (Deserter/Absentee Wanted by the Armed Forces)

a. General. DD Form 553 is used to—

- (1) Provide the unit commander a means of reporting cases of desertion to the USADIP and to the local PM or DES.
- (2) Provide USADIP a means of requesting deserter apprehension assistance from Federal, State, and local law-enforcement authorities.

b. Special instructions. The provisions of AR 630–10 and AR 190–9 must be reviewed and applied to each desertion case. AR 630–10 contains personnel management procedures that must be followed, and AR 190–9 provides policy guidance on law-enforcement procedures.

c. Distribution.

- (1) Unit commanders will provide the original and one copy of DD Form 553 to the installation PM or DES.
- (2) The installation PM or DES will comply with AR 630–10 and AR 190–9.
- (3) Until the deserter is returned to military control, USADIP will maintain the active file.

7–4. DD Form 616 (Report of Return of Absentee)

a. General. DD Form 616 is used to advise USADIP, the installation PM or DES, and civil authorities of the return to military control of persons previously reported as deserters and to cancel DD Form 553 entered into the NCIC.

b. Special instructions. When a deserter is returned to military control, the installation PM or DES will complete the DD Form 616, per paragraph 4–11 of this regulation, and the provisions of AR 190–9.

c. Distribution.

- (1) The installation PM or DES receiving custody of a deserter will forward one copy of the DD Form 616 to USADIP and retain one copy in the inactive deserter file.
- (2) The PM or DES of other installations who received DD Form 553 from USADIP will retain a copy of DD Form 616 with the DD Form 553 in the inactive deserter file.

7–5. DD Form 2708 (Receipt for Inmate or Detained Person)

a. General. DD Form 2708 (Receipt for Inmate or Detained Person) is used to transfer custody of prisoners or apprehended persons who cannot be released on their own recognizance.

b. Special instructions. For law enforcement purposes, the form is self-explanatory. For confinement facility personnel, see AR 190–47.

c. Distribution.

- (1) The original is attached to the file copy of DA Form 3975.
- (2) A second copy is provided to the individual receiving custody.

7–6. DD Form 1408 (Armed Forces Traffic Ticket)

a. General. DD Form 1408 is used to report minor traffic violations not reported on the CVB Form or DA Form 3975.

b. Special instructions.

- (1) A Privacy Act Statement will be required to obtain an individual's SSN. Chapter 2 of this regulation provides additional guidance.
- (2) The front side will be prepared by the issuing law enforcement official.
- (3) The rear of the yellow and pink copy is also prepared by the issuing LE official.
- (4) The issuing installation PM or DES will complete the rear of the white copy, to include the date, name, organization, "to" and "from" blocks, and will assign a suspense date.
- (5) The receiving commander will complete the remainder of the rear of the white copy and return the form to the installation PM or DES.
- (6) DD Form 1408 may be used as a warning notice. The warning block will be checked and the reason for the warning will be cited in the remarks section.

c. Distribution.

- (1) The original (white copy) will be forwarded through local distribution to the commander concerned.
- (2) The second copy (yellow) will be filed by the issuing installation PM or DES until the original is returned.
- (3) The third copy (pink) will be presented to the violator.

7–7. United States District Court CVB Form

a. General. The CVB Form is an accountable form prepared by LE personnel to report minor offenses to include violations of state traffic laws applicable to military reservations. This form is used only in conjunction with a magistrate court system. When used to cite military and DOD-affiliated personnel for violations that are normally processed by mail, the appropriate commander will be informed. An information DA Form 3975, denoting in the appropriate blocks the date, time, place, and type of violation will be used to transmit a copy of the CVB Form to the commander or supervisor. The amount of money subject to forfeiture should also be included. Local policy will determine which offenses are reported to the district court or U.S. Magistrate.

b. Special instructions.

(1) A Privacy Act Statement will be required to obtain an individual's SSN. Chapter 2 of this regulation provides additional guidance.

(2) The installation PM or DES must maintain liaison with the local U.S. Magistrate to determine accountability of the form and the referral of charges. The U.S. Magistrate inputs data from the CVB Form into the CVB Form. The provisions of chapter 4 of this regulation provide guidance on reporting offenses that will involve the use of the CVB Form.

c. Distribution. Distribution of the form will comply with chapter 4 of this regulation and the instructions printed on the form.

7-8. DD Form 1920 (Alcohol Incident Report)

a. General. DD Form 1920 is used to record the condition and behavior of individuals apprehended for offenses in which alcoholic or drug influence is a factor.

b. Special instructions. This form will be prepared for all offenses in which alcohol or drug is considered to have been a factor.

c. Distribution. DD Form 1920 will be an enclosure to the DA Form 3975.

7-9. DA Form 2804 (Crime Records Data Reference)

a. General. DA Form 2804 (Crime Records Data Reference) is used to provide identifying information on subjects of DA Forms 3975 to USACRC.

b. Special instructions. One completed form will be submitted for each offender.

c. Distribution.

(1) The original is forwarded with the DA Form 3975 to the USACRC.

(2) If a supplement DA Form 3975 is prepared, a DA Form 2804 will be completed and submitted to the Director, USACRC. This is especially important when a report's status is changed from founded to unfounded.

(3) The original is forwarded, with the DA Form 3975, to the USACRC.

(4) The copy is filed with the corresponding DA Form 3975 by the installation PM or DES initiating the form.

7-10. DA Form 2823 (Sworn Statement)

a. General. DA Form 2823 is used to record written statements of all persons related to reported incidents.

b. Special instructions. DA Form 3881 (Rights Warning Procedure/Waiver Certificate) must be prepared before a sworn statement is taken from a subject or suspect (see para 7-11).

c. Distribution. One copy of the statement will be attached to each copy of the related DA Form 3975.

7-11. DA Form 3881 (Rights Warning Procedure/Waiver Certificate)

a. General. DA Form 3881 is used to provide a standardized, legally sufficient, narrative rights warning for suspects or subjects.

b. Special instructions. This form must accompany a DA Form 2823 when the individual is a subject or suspect of a DA Form 3975.

c. Distribution. The DA Form 3881 must accompany each copy of the DA Form 2823. If a subject declines to be questioned, resulting in no DA Form 2823 being prepared, a copy of the DA Form 3881 will accompany each copy of the DA Form 3975.

7-12. DA Form 3626 (Vehicle Registration/Driver Record)

a. General. DA Form 3626 will be used to—

(1) Provide privately owned vehicle registration information for installations with a vehicle registration program.

(2) Record traffic violation data on persons operating motor vehicles on Army installations.

b. Special instructions. See AR 190-5 for complete instructions and administration of the traffic point system.

c. Distribution. See AR 190-5.

7-13. DA Form 3945 (Military Police Radio Log)

a. General. DA Form 3945 is used to record official Army LE radio transmissions not recorded by electronic means.

b. Special instructions. This form is generally used as a 24-hour record of Army LE radio traffic reflecting patrol dispatches and calls for service.

c. Distribution. No copies are required. The original is filed chronologically at the installation PMO or DES.

7-14. DA Form 3946 (Military Police Traffic Accident Report)

a. General. DA Form 3946 is used to record details of motor vehicle traffic accidents.

b. Special instructions.

(1) A Privacy Act Statement will be required (see chap 2).

(2) General instructions for completion of the form are included with the form.

c. Distribution.

(1) DA Form 3975 is the transmittal document.

(2) The original DA Form 3946 is forwarded to the applicable commander.

(3) A copy is retained in the installation files of the PM or DES.

(4) When appropriate, the original will be attached to the original DA Form 3975 and sent to USACRC. In such cases, the first copy will be retained by the installation PM or DES, and a reproduced copy will be sent to the commander.

(5) A copy will be provided to the installation safety office on accidents reported or investigated by MP which resulted in a fatality, personal injury, or estimated damage to Government property or privately owned vehicle in excess of \$1,000.

7-15. DA Form 3997 (Military Police Desk Blotter)

a. General. DA Form 3997 provides a chronological record of Army LE activities developed from reports, complaints, information incidents, and related events. The COPS provides a chronological record output suitable for electronic transmission or print on plain paper when needed. All installations are required to use COPS to generate the DA Form 3997. This is the only authorized form used to record LE activities.

b. Special instructions.

(1) Entries will not include the names of juvenile subjects, their parents, guardians, or sponsors. Entries will not list the name of any victim of sensitive incidents (for example, rape). When legitimate LE requirements are met, the term "protected identity" (PI) will be entered where the name, SSN, and address are normally listed.

(2) The term "Restricted Entry" will replace the entire blotter entry for cases in which information concerning the matter should be controlled. Examples of restricted cases include all types of sex-related offenses and other cases deemed appropriate by local policy. Use of restricted entry is authorized to protect information related to on-going police investigations, when publication could adversely impact the investigation or endanger the lives of LE personnel or informants. The responsibility to provide timely and accurate information to commanders, the chain of command, and HQDA will be considered when entering names of subjects.

(3) The first page of the complete blotter and all extracts will include the following statement: "This blotter (or blotter extract) is a daily chronological record of police activity developed from reports, complaints, incidents, or information received, and actions resulting therefrom. Entries contained in the blotter will not be completely accurate and are not adjudications attesting to the guilt or innocence of any person." Blotters will be stamped "FOUO." Separate blotter pages or attachments containing protected identity entries will be filed with juvenile records.

c. Distribution. A complete blotter will generally be provided to the senior supported commander, SJA, and USACIDC. Installation information security managers will be authorized by the commander to review the entire blotter for the purpose of submitting derogatory information reports to the Central Clearance Facility. Distribution of redacted blotter entries should be limited to commanders or civilian supervisors of personnel who are the subjects or victims of a crime or accident. Supported commanders will also direct distribution of extracts to staff activities with responsibility for direct support to personnel involved in specified categories of crime or incidents. Examples would be distribution of traffic accident information to the safety officer; distribution of domestic violence reports to the social work services counselor; or alcohol related crimes to the ASAP manager.

7-16. DA Form 4002 (Evidence/Property Tag)

a. General. DA Form 4002 is used to identify property seized as evidence or held for safekeeping.

b. Special instructions. This form should remain attached to the property until final disposition has been determined.

c. Distribution. None.

7-17. DA Form 4137 (Evidence/Property Custody Document)

a. General. DA Form 4137 is used to maintain a chain of custody on seized, impounded, or retained property passed from one individual to another. This form is also used to record found property recovered by the Army LE.

b. Special instructions.

(1) See AR 195-5 for further guidance.

(2) The original will remain in the installation PMO's or DES' evidence room, or lost-and-found files, until final disposition of the related case.

c. Distribution.

(1) The original and first copy will remain attached to the property.

(2) The second copy will be attached to the related DA Form 3975.

(3) The third copy to the person releasing the property.

(4) The original will be filed with the DA Form 3975 when property not processed through the evidence or lost and found property room is released.

7-18. Accountability of DD Form 1408 and the CVB Form

DD Form 1408 and the CVB Form are accountable forms. The installation PM or DES will establish an accounting system to control these forms. An audit trail will be maintained from issue, to use, and eventual filing. All forms must be accounted for, including voided forms. Local policy will determine procedures for voiding forms and investigating missing forms.

Chapter 8 Reportable Serious Incidents

8-1. Policy

a. Reports submitted according to this regulation are LE reports in accordance with AR 25-55. Incidents listed in paragraphs 8-2 and 8-3 of this regulation, are reportable to HQDA through PM or DES channels as category 1 and 2 serious incidents, respectively. The lists are not all inclusive. Commanders should report any incident that might concern HQDA as a serious incident, regardless of whether it is specifically listed in paragraphs 8-2 and 8-3. In cases of doubt, report the incident. In determining whether an incident is of concern to HQDA, the following factors should be considered:

- (1) Severity of the incident.
- (2) Potential for adverse publicity.
- (3) Potential consequences of the incident.
- (4) Whether or not the incident is reportable under other reporting systems.
- (5) Effect of the incident on readiness or the perception of readiness.

b. Submission of an SIR will not be delayed due to incomplete information. All pertinent information known at the time of SIR submission will be included. Additional required information will be provided in a subsequent add-on report.

c. Commands that do not have an installation PM or DES will ensure that SIRs are reported to the installation PMO or DES that has geographical LE responsibility for that particular area (see table 1 of this regulation). The installation PM or DES will be responsible for initial and follow-on SIR and for the initiation of the DA Form 3975 for reportable offenses. ACOMs that have off-post activities or facilities are required to immediately notify their installation PM or DES with geographic responsibility for the area of any SIR qualifying events that occur at the activity or facility. The installation PM or DES will be responsible for initial and follow-on SIR reporting.

d. Incidents listed in paragraphs 8-2 and 8-3, occurring on Army installations and facilities are clearly reportable. Commanders should consider the degree of Army interest and involvement in deciding to report incidents occurring off the installation. Any incident where a Soldier is the subject or victim of a serious incident is reportable no matter where it occurs. An incident involving a command-sponsored Family member or DA civilian employee OCONUS is also reportable. Incidents where a Family member, or DA civilian employee, is the subject or victim of a similar incident off post in the United States is not reportable, absent other connections to the Army.

e. On occasion, HQDA, OPMG will direct reporting of incidents or crimes that are not normally reportable. In these instances, the commanders of IMCOM regions, ACOMs, ASCCs, DRUs, and installations will be notified by message of specific requirements and time periods for reporting.

f. All SIRs in which a Soldier is listed as a subject will state whether the Soldier has deployed within the past year.

g. The Army's policy regarding the release of protected health information to LE officials for LE purposes mirrors the policy found in DOD 6025.18-R, paragraph C7.6.

h. In addition to SIR reporting, the incidents described below in paragraphs 8-2*c* and *d*, and any other matters of CI interest as specified in AR 381-12, will be reported to the nearest Army CI office.

i. Commanders and directors of biological select agents and toxins (BSAT) facilities will report as a category 1 SIR, an actual or alleged BSAT incident. The category 1 SIR will be reported by telephone to the Army Watch (DSN 225-4695/96) immediately upon discovery or notification at the installation level. It will be followed by a written report, preferably by electronic mail to the HQDA, OPMG at: usarmy.pentagon-e.hqda.mbx.armywatch@mail.mil within 12 hours of discovery or notification.

8-2. Category 1 reportable serious incidents

These are actual or alleged incidents involving the following:

a. On- and off-post riots, serious disturbances, or demonstrations targeted against the Army or involving Army personnel.

b. War crimes, including mistreatment of enemy prisoners of war, detainees, displaced persons, retained persons, or civilian internees; violations of the Geneva Conventions; and atrocities.

c. Requests by members of the Army for political asylum in foreign countries or indications of defection.

d. Terrorist activities, sabotage, and incidents, initiated or sponsored by known terrorists, dissident groups, or criminal elements that occur on an installation or that involve military personnel or property off an installation.

e. Bomb or explosive incidents resulting in death, injury of military personnel, or damage to military property.

f. Incidents involving material damage that seriously degrade unit operational or training readiness.

g. Threats against Government weapons and ammunition.

h. Information on threats, plans, or attempts to harm or kidnap, or other information bearing on the personal security of the President of the United States, Vice President of the United States, or other persons under U.S. Secret Service (USSS) protection.

i. Incidents involving Army BSAT listed below will be reported. The list of select agents is reviewed and updated by the Centers of Disease Control and Prevention and the Animal and Plant Health Inspection Service and is found in 42 CFR 73; 7 CFR 331; and 9 CFR 121. These agents are also known as high-consequence, nonoverlap agents and toxins; overlap agents and toxins; and listed plant pathogens. The list includes specific genetic elements, recombinant nucleic acids, and recombinant organisms. The list also identifies exclusions—things that are not considered as select agents or toxins (see <http://www.cdc.gov/od/sap/docs/salist.pdf>).

(1) The theft, loss, recovery, suspected theft, inventory shortage or overage, wrongful disposition, and unauthorized use and/or destruction of Army-owned BSAT.

(2) Attempts to steal or divert Army BSAT outside of physical security controls.

(3) Actual or attempted housebreaking or unauthorized access at an Army BSAT facility or laboratory.

(4) Actual or attempted housebreaking or unauthorized access at an off-post BSAT facility or laboratory under contract to the U.S. Army for BSAT research.

(5) Significant or disabling damage to an Army-owned BSAT facility.

(6) Discharge of a select agent or toxin external to the containment laboratory and into the ambient air or environment.

(7) Mishaps in which there was direct evidence of an exposure to Army-owned BSAT, such as a measurable rise in specific antibody strength to the causal agent in question, or a confirmed diagnosis of intoxication or disease.

(8) Other incidents at Army-owned BSAT facilities not identified above that the commander determines to be of immediate concern to HQDA based on the nature, gravity, and potential for adverse publicity, or potential consequences of the incident.

j. Incidents involving Army chemical agents, or research chemical agents, listed below will be reported:

(1) The theft, loss, recovery, suspected theft, inventory shortage or overage, wrongful disposition, and unauthorized use and/or destruction of Army chemical agents or Army research chemical agent.

(2) Attempts to steal or divert Army chemical agents or Army research chemicals outside of physical security controls.

(3) Actual or attempted housebreaking, or unauthorized access at an Army chemical facility or laboratory.

(4) Actual or attempted housebreaking, or unauthorized access at an off-post chemical facility or laboratory under contract to the U.S. Army for chemical research.

(5) Significant or disabling damage to an Army chemical facility.

(6) Mishaps that result in observable or known occupational exposures to Army chemical agents due to failure of personal protective equipment (PPE) to provide protection (such as malfunctions, improper, or inadequate use of PPE).

(7) Other Army chemical or Army research chemical agent incidents not identified above that the commander determines to be of immediate concern to HQDA based upon the nature, gravity, potential for adverse publicity, or potential consequences of the incident.

(8) Any other incident the commander determines to be of immediate concern to HQDA based on the nature, gravity, potential for adverse publicity, or potential consequences of the incident.

8-3. Category 2 reportable serious incidents

These are actual or alleged incidents involving the following:

a. Theft, suspected theft, wrongful appropriation, or willful destruction of Government property or appropriated funds valued at more than \$100,000.

b. Theft, suspected theft, negligence, or conflict of interest involving Government nonappropriated funds or property valued at more than \$100,000.

c. Racially or ethnically motivated criminal acts.

d. Loss, theft, wrongful disposition, willful destruction, or mismanagement of the following:

(1) Evidence.

(2) Sensitive items, other than arms and ammunition, identified by controlled inventory item code 1-6, 8, 9, Q, R, or Y (see AR 710-2).

(3) Controlled cryptographic items.

(4) Drugs identified in 21 USC 13 (The Comprehensive Drug Abuse Prevention and Control Act of 1970) as schedules 1, 2, 3, 4, and 5 controlled substances. Schedules 2 through 5 drugs are Government-controlled medical

substances and are identified as R and Q, controlled, medical items in the Federal Supply Catalog, Schedule I drugs, as identified in the act, are only used by DOD for research, and are not available through the supply system.

e. Wrongful possession, manufacture, or distribution of controlled substances, to include narcotics, drugs, or marijuana in the quantities listed below:

- (1) Cocaine, 100 grams or more.
- (2) Marijuana, 1000 grams or more.
- (3) Hashish, 1000 grams or more.
- (4) Heroin, 100 grams or more.
- (5) Methamphetamines or barbiturates, 100 grams or more.
- (6) LSD, 6 dosage units or more.
- (7) PCP, 100 grams or more.
- (8) For narcotics and dangerous drugs not listed, use quantities for like substances listed above.

f. Significant violations of Army standards of conduct, to include bribery, conflict of interest, graft, or acceptance of gratuities by Soldiers or DA or nonappropriated fund (NAF) employees.

g. Incidents involving prisoners or detainees of Army confinement or correctional facilities to include escape from confinement or custody, disturbances which require the use of force, wounding, or serious injury to a prisoner, and all prisoner deaths.

h. Theft, loss, suspected theft, unaccounted or recovered arms, ammunition, and explosives (AA&E) in the following quantities:

- (1) Any missile, rocket, mine, artillery, or mortar rounds.
- (2) Any machinegun or automatic-fire weapon.
- (3) Any fragmentation, concussion, high-explosive grenade, or other type of simulator or device containing explosive materials, including artillery or ground burst simulators.
- (4) Any explosives, to include demolition explosives (for example, detonation cord, C-4 blocks of explosives, and so on).
- (5) One or more semiautomatic or manually operated firearms.
- (6) Five or more rounds of ammunition greater than .50 caliber.
- (7) 1,000 or more rounds of .50 caliber or smaller ammunition.

i. Actual or attempted break-ins of arms rooms or storage areas for AA&E.

j. Armed robbery or attempted armed robbery of AA&E.

k. Any evidence of trafficking of AA&E, such as bartering for narcotics or any other thing of value, to include taking AA&E across international borders, regardless of the quantity of AA&E involved.

l. Aggravated arson.

m. Except for deaths occurring due to natural causes (such as pre-existing illness, disease or medical condition, to include hospice care) in medical treatment facilities, all deaths occurring on Army installations must be reported, including but not limited to, accidents, homicides, suicides, highly communicable and lethal diseases, or other incidents. All deaths of Soldiers, regardless of duty status, that occur off the installation will be reported. Additionally, deaths of Family members that occur off the installation, which are deemed to be criminal in nature, will be reported. If the manner of death of Soldier or Family member is unknown, the incident will be reported as "undetermined manner of death" and the manner of death will be updated by add-on SIR as soon as determined. Next-of-kin notification, use of seatbelt and PPE, and alcohol or drug use will be included in the initial SIR or updated accordingly in the add-on SIR.

n. Kidnapping.

o. Major fires or natural disasters involving death, serious injury, property damage in excess of \$250,000, or damage that seriously degrades unit operational or training capabilities.

p. Group breaches of discipline involving 10 or more persons who collectively act to defy authority.

q. Training and troop movement accidents resulting in serious injury or death.

r. Maltreatment of Soldiers or DA civilians to include assaults, abuse, or exploitation where the offender has a trainer, supervisor, or cadre-trainee relationship with the victim, regardless of whether they are members of the same organization. Instances of consensual sex are not reportable, unless other considerations such as sexual harassment or adverse publicity are involved.

s. Violations of Army policy as it pertains to monitoring and recording of conversations in accordance with AR 190-30 and AR 190-53, or acquisition and storage of non-affiliated U.S. person information in accordance with AR 380-13.

t. Actual or alleged incident of child abuse that takes place within an Army organizational setting or facility (for example, child development center, youth activities center, MTF, gymnasium, and so forth). Actual or alleged incident of child abuse that takes place within an Army-sponsored or -sanctioned activity (for example, quarters-based Family childcare home, youth sports or recreation activities, field trips, and so forth). This paragraph also applies to incidents of child abuse occurring within the family unit which involve the use of a weapon (for example, a firearm, knife, or

other devices which will cause serious bodily injury), the victim suffers a broken limb, is sexually abused, is choked or strangled, or is admitted to the hospital because of injuries incurred during the incident.

u. Serious child injury or death, not resulting from child abuse, while the child is in the Army's care at a nonmedical facility (child development center, quarters-based Family childcare home, youth activities center, and so forth) or within an Army-sponsored or -sanctioned activity. This paragraph does not apply to sports injuries related to, or potentially inherent in, a youth activity or event.

v. Serious domestic violence incidents (unrestricted reporting only). This report will include whether the Soldier listed as a subject was deployed within the past year leading up to the incident.

w. Incidents involving firearms that cause injury or death.

x. Federal crimes reportable under AR 381-10, when they meet reporting criteria.

y. Any other incident that the commander determines to be of concern to HQDA based on the nature, gravity, potential for adverse publicity, or potential consequences of the incident.

8-4. Category 3 reporting criteria

IMCOM regional directors, and ACOM, ASCC, and DRU commanders (excluding USACIDC) will, by approved supplementation to this regulation, establish additional reporting criteria to be known as "category 3." Means and format for reporting will be as prescribed by the IMCOM regions, ACOM, ASCC, and DRU commanders, with the requirement that numbering sequences for category 3 reports will be separate from those used for reports to HQDA.

8-5. Operational reporting reports

a. Commanders will use the operational reporting-3 (OPREP-3) format when reporting incidents meeting Chairman of the Joint Chiefs of Staff (CJCS) reporting criteria, outlined in CJCSM 3150.03D.

b. Commanders are responsible for timely and accurate reporting of all events or incidents meeting CJCS reporting criteria, as outlined in CJCSM 3150.03D. The requirements of this paragraph are for OPREP-3 pinnacle (OPREP-3P) reports and will follow the guidance of CJCSM 3150.03D, Enclosure A, Appendix A. The following criteria may also be considered for incidents potentially requiring one of the other OPREP-3 reports (non-pinnacle):

- (1) Generates a higher level of military action.
- (2) Causes a national reaction.
- (3) Affects international relations.
- (4) Causes immediate widespread coverage in news media.
- (5) Is clearly against national interest.
- (6) Affects current national policy.

c. If in doubt whether an incident meets the above-listed criteria, submit an OPREP-3 report, and the receiving agency will make the determination on further actions to take.

d. Should an incident be both OPREP-3 and SIR reportable, the OPREP-3 report will include basic information, ensuring it does not divulge information that may hinder an ongoing investigation. The SIR contains detailed information and will be protected from widespread or improper release and classified as a "law enforcement sensitive/ FOUO" report.

e. Commanders submit OPREP-3 reports through their own chain of command to HQDA Army Operations Center per the existing reporting requirements. If the chain of command does not include an ASCC, the senior commander will simultaneously submit the OPREP-3 to their chain of command, HQDA, and the ASCC assigned responsibility for the geographic combatant command. Each ASCC is responsible for forwarding the OPREP-3 to their respective geographical combatant commander and to the HQDA Army Operations Center for the SA.

8-6. Incidents reportable by means other than serious-incident reports

The events or incidents listed below may be reported by means other than SIRs.

- a. Those operational events reported according to Joint Chiefs of Staff Publication 6-0.
- b. Aircraft accidents and related mishaps, unless they meet other SIR criteria.
- c. Nuclear weapons accidents or incidents.
- d. Nuclear reactor mishaps.
- e. Incidents involving foreign students.
- f. Requests from civil authorities for military support of civil disturbances or counter-terrorist operations.
- g. Incidents involving national security crimes and deliberate security compromises will be reported to the nearest Army CI office as required by AR 381-12.
- h. Incidents covered under Executive Order 12333, as implemented by DOD 5240.1-R.I.

8-7. Suspicious activity report

The Army will use eGuardian to report, share and analyze unclassified suspicious activity information regarding

potential threats or suspicious activities affecting DOD personnel, facilities, or forces in transit in both CONUS and OCONUS. USACIDC is the Army's eGuardian program manager.

a. Suspicious activity is defined as any behavior that may be indicative of intelligence gathering or other pre-operational planning related to a terrorist or other security threats to DOD interests. The suspicious activity report (SAR) system, eGuardian, is the Federal Bureau of Investigation's (FBI) unclassified, LE centric threat reporting system. eGuardian will facilitate the preparation and dissemination of reports on actionable threat information and emerging trends. Analysis of SARs will assist CRIMINTEL analysts and commanders in mitigating potential threats and vulnerabilities, and developing annual threat assessments.

b. eGuardian user, supervisor, approver, or read-only access is limited to LE personnel and LE CRIMINTEL analysts, to include those assigned to the U.S. Army counterintelligence law enforcement cell and the HQDA antiterrorism operations and intelligence cell. The following definitions apply for eGuardian access:

(1) LE personnel and LE CRIMINTEL analysts are assigned, attached or detailed to LE activities, validated (in writing) to support LE missions.

(2) DOD contractors who, on behalf of the Army are involved in the SAR process, to include operating a system of records, and any of the activities associated with maintaining a system of record, such as collecting and disseminating records.

(3) Army entities with LE missions, including force protection, will be provided access.

(4) Antiterrorism and force protection officers, employed in support of Army LE agencies.

c. Access does not apply to the following categories of Army personnel, who are not considered to be Army LEOs:

(1) Security officers not employed as an Army LE analyst or criminal intelligence analyst and not validated, in writing, by the Army.

(2) Antiterrorism and force protection officers not validated in law enforcement or law-enforcement-supporting positions.

(3) Counterintelligence officers or counterintelligence special agents.

(4) Corrections specialists who are not Army LEOs.

d. Agencies with intelligence and CI missions are restricted from acquiring eGuardian accounts. However, LE personnel will provide eGuardian SAR information to CI and intelligence analytic cells upon indications of attempted or actual espionage, subversion sabotage, terrorism-extremist activities directed against the Army and its personnel, facilities, resources, and activities; indicators of potential terrorist-associated insider threats; illegal diversion of military technology; unauthorized intrusions into automated information systems; unauthorized disclosure of classified information; and indicators of other incidents that may indicate foreign intelligence or international terrorism targeting of the Army. This is to ensure appropriate SAR data is fused with other intelligence reporting.

e. Any concerned Soldier or citizen can submit an SAR to the nearest installation PM, DES, CI, or CID office.

f. This reporting does not negate the requirement to dispatch serious-incident reports through Army and LE reporting channels. Army activities without an installation PM or DES will refer to [table 1-1 of this regulation](#) to find their supporting installation PM or DES.

g. Each installation PM or DES will do the following:

(1) Conduct a preliminary evaluation of SAR information received to assess credibility, and initiate a DA Form 3975 only when the incident warrants immediate investigation or when the SAR is recommended as an eGuardian report. The report will be coordinated with the supporting CID office and receive supervisory-level approval, prior to entering into eGuardian. Any installation PM or DES without user access will forward SARs using the DA Form 3975 to the local CID office, for entering into eGuardian. An urgent-classification SAR will be entered as a restricted entry in the MP blotter to preclude compromise of the information. The PM or DES will ensure use of offense codes under the 9Z category, along with the DA Form 3975 or blotter entry number, to identify the information as SAR.

(2) Ensure that sufficient installation PMO or DES personnel have eGuardian access (user, supervisor, read-only) in order to establish situational awareness of SAR information entered into the eGuardian system.

(3) Ensure CI-applicable SAR information is reported to the local CI activity in accordance with AR 381-12, and affected commanders for the purposes of supporting antiterrorism (AT) decisions, in accordance with AR 525-13.

(4) Coordinate CID assistance in conducting preliminary and follow-on SAR investigations.

h. eGuardian reportable and nonreportable information is defined according to many variables:

(1) Reportable information categories—

(a) Urgent: refers to information regarding a terrorism-related event, terrorist threat, or suspicious activity. Urgent information will be submitted into eGuardian for approval in not more than 12 hours of receipt. For example, if a stolen vehicle is recovered on a DOD installation and contains firearms and a laptop computer with information pertaining to planned attacks on a government facility.

(b) Specific and actionable: those reports warranting the initiation of investigative activity. These reports will be submitted into eGuardian for approval within 24 hours. For example, if security guards observe a person taking prolonged video of the entrance to a DOD facility with a handheld video recorder, and the same individual is reported to have been observed recording video of the building on two separate occasions in the past week.

(c) Non-actionable: those reports that may be relevant to the establishment of patterns of suspicious activity. These reports will be submitted into eGuardian for approval within 72 hours. (For example: military uniforms are reported stolen out of an employee's vehicle while parked at Baltimore Washington International Airport.)

(2) In accordance with DTM 10-018, the following are examples of nonreportable or inappropriate information:

(a) Information based solely on the ethnicity, race, or religion of an individual, or reported solely due to the exercise of rights guaranteed by the first amendment (for example, authorized protests).

(b) Information gathered under 50 USC 1801, et seq. (The Foreign Intelligence Surveillance Act).

(c) Information classified confidential, secret, top secret, or compartmented. This information is reported using the classified guardian system. USACIDC elements needing to report this type of information will forward it to the Headquarters CIOC, or report the information via intelligence information reports. CIOC analysts will ensure the USACIDC liaison officer to the National Joint Terrorism Task Force receives the information for submission as a guardian report.

(d) Information pertaining to Rule 6(e) (grand jury materials) of the Federal Rules of Criminal Procedure.

(e) Any information otherwise legally restricted.

Chapter 9

Reporting Procedures for Serious-Incident Reports

9-1. Special handling of reports

Reports submitted according to this regulation are LE reports in accordance with AR 25-55. They will be assigned a proper security classification according to AR 380-5 or marked with a minimum classification of FOUO according to AR 25-55. Reports or any information from them will be released according to AR 25-55 and this regulation.

a. The stipulations of 5 USC 552a (The Privacy Act of 1974) apply to SIRs in accordance with AR 340-21. Dissemination and use of SIRs will be restricted to persons who need the reports to perform their official duties.

b. All SIRs will include the following or similarly worded statement: "In accordance with AR 340-21, AR 190-45, and DOD 5400.7-R, information contained in this report is law-enforcement sensitive, confidential and private in nature, and any further distribution (forwarding to unauthorized personnel) without the authorization of the (insert reporting command's installation PM or DES) will be in violation of the UCMJ and USC."

9-2. Time requirements and means of reporting

a. *Category 1 serious incident.* Category 1 serious incidents will be reported by telephone to the Army Watch immediately upon discovery or installation level notification (within 4 hours). The telephonic report will be in the format in figure 9-1. It will be followed by a written report, preferably by electronic mail or if electronic mail is not available, by electronic message, to **OPMG (DAPM-MPO-LE) at OPMG.Law.Enforcement@conus.army.mil and** the Army Watch within 12 hours of discovery or notification. Facsimile will be used as a supplemental transmission.

b. *Category 2 serious incidents.* Category 2 serious incidents will be reported by electronic mail or if electronic mail is not available, by electronic message to **OPMG (DAPM-MPO-LE) at OPMG.Law.Enforcement@conus.army.mil and** the Army Watch within 24 hours of discovery or notification at the installation level. Facsimile will be used to supplement the transmission. (See app C for electronic mail addresses, electronic message addresses, and facsimile numbers.)

This format is used with every method of reporting. Do not omit paragraphs or subparagraphs. If information is not known at the time of reporting, enter "unknown" where appropriate.

Subject: The SIR number. This number will always be a six-digit number. The first two digits will contain the last two digits of the calendar year in which the report is being prepared. The last four digits, beginning with 0001, are the sequential numbers for reports submitted to HQDA in that calendar year.

Paragraphs:

1. Category: Indicate category 1 or 2.
2. Type of incident. Indicate type of offense or incident, such as "suicide, murder, or undetermined death." If multiple offenses are involved, list in order of the most serious first. Do not add terms such as "suspected" or "alleged" or attempt to couch the incident in favorable terms.
3. Date and time. Enter date-time group when the incident occurred, using local time. If exact time is unknown, enter "unknown" followed by a window of date-time groups in which the incident might have occurred.
4. Location. Enter specific type of structure, facility, or area, and exact address or location where the incident might have occurred; for example, on-post, off-post, troop barracks, hospital ward, arms room, building number, open field, quarters address.
5. Other information.
 - a. Racial. Indicate by stating "yes" or "no" whether not the incident was motivated in whole or in part by race. If racial, explain circumstances fully in paragraph 8, "Remarks." If race or ethnic factors are suspected, but not confirmed, report "yes."
 - b. Trainee involvement. Indicate by stating "yes" or "no" whether or not incident involved a trainee, or a student in the Army School System, as the victim. For such victim, indicate whether active Army, ARNG, or USAR. Also, for ARNG or USAR victim, indicate initial active duty for training, annual training, or active duty for training status. Explain circumstances fully in paragraph 8, "Remarks," if necessary.
6. Personnel involved. List data pertaining to subject and victim. If no identified subject and victim exist, state "none." Do not list "U.S. Government" as victim.
 - a. Subject:
 - (1) Name: (last, first, middle).
 - (a) Rank or grade: For military, enter proper abbreviation of rank; for civilian employees, enter category and grade, that is "WG6," "GS-11," or "GM14"; for other civilians, including Family members, enter "civilian."
 - (b) Social security number: Self-explanatory. For those who do not have an SSN, for example, foreign nationals, state "none."
 - (c) Race: Use appropriate terms from AR 680-29, in other words, "white," "black," "American Indian," and so forth.
 - (d) Sex: Self-explanatory.
 - (e) Age: Self-explanatory.
 - (f) Position: If military, enter duty assignment; if civilian employee, enter job title; if family member, enter relationship to sponsor, that is "family member-spouse." For other civilians, enter occupation.
 - (g) Security clearance: Enter "top secret," "secret," "confidential," or "none," as appropriate.

Figure 9-1. Format and instructions for preparing a serious incident report

(h) Unit and station of assignment: If military, enter the unit designation and address; if civilian employee, enter the organization name and address; if Family member, enter the rank and name, followed by the home address; if other civilian, enter the home address.

(i) Duty status: If military, enter "on duty," "leave" or absent without leave (AWOL)," as appropriate; for civilian employees, enter on "on duty," "off duty," as appropriate. For other civilians, to include a Family member, enter "NA" (not applicable).

List additional subjects in consecutive paragraphs, such as a(2), a(3), and so forth, and repeat all data elements in a(1)(a) through (i), above.

b. Victim:

- (1) Name: (last, first, middle).
 - (a) Rank or grade.
 - (b) Social security number.
 - (c) Race.
 - (d) Sex.
 - (e) Age.
 - (f) Position.
 - (g) Security clearance.
 - (h) Unit and station of assignment.
 - (i) Duty status.

List additional victims in consecutive paragraphs, such as, b(2), b(3), and so forth, and repeat all data elements in b(1)(a) through (i), above. (Note: Identifying data is needed for subjects and victims only. Other persons related to the report such as witnesses or complainants can be included in paragraph 7 with brief descriptive data, such as, "LTC Tom Smith, CDR, 1-66TH INF BN, discovered...")

7. Summary of incident. Provide a brief, narrative summary of the incident. Tell the "who, what, where, why, and how" details that are basic to law-enforcement reporting. Include such information as estimated dollar loss, medical condition of victims, or disposition of offenders. Avoid jargon and trivial data that is not needed at HQDA level, such as license numbers and colors of vehicles, or military police patrol designations. Do not include descriptions of subjects and victims provided in paragraph 6.

8. Remarks. Provide any additional information that helps explain the incident, or comment on any impacts on the installation or actions taken because of the incident. Provide the corresponding military police report number and, if appropriate, the USACIDC report of investigation (ROI) number.

9. Publicity. Note the extent and type of news media coverage anticipated---that is, "National television coverage has occurred." Or "Local print media inquiries have been received." This determination is best made by the Command public affairs office.

10. Commander reporting. Enter rank and full name of reporting commander.

11. Point of contact. Enter rank, name, defense switched network (DSN) telephone number, and email address of person to call for additional information.

12. Downgrading instructions. Provide downgrading instructions for classified report or removal date of FOUO markings, as appropriate.

Figure 9-1. Format and instructions for preparing a serious incident report, continued

9-3. Types of serious-incident reports and reporting formats

There are three types of SIRs—

a. The SIR, which is the original submission. Figure 9-1, above, shows how to write an SIR. A sample showing an initial SIR involving a homicide is below this section (see fig 9-4).

b. The SIR “add-on,” submitted to provide information not available at the time of the original report or when more pertinent information, such as results of autopsy, identification of subject, recovered AA&E or sensitive items, and so on is developed, or in response to a request for more information from HQDA. Figure 9-2, below, shows how to write the SIR “add-on.” A sample showing an SIR add-on is below this section (see fig 9-5).

Subject: Use the same number as the original SIR, followed by “add-on.”

Paragraphs:

1. Type of incident. Repeat type of incident indicated on original SIR.
2. Date and time. Repeat date-time group of incident shown in original SIR.
3. Additional information. Provide information that supplements or adds to that provided in the original SIR, or which answers questions posed by higher headquarters. Repeat information only where necessary for clarity.
4. Commander reporting. Enter rank and full name of installation commander reporting.
5. Point of contact. Enter rank, name, and DSN telephone number of person to call for additional information.
6. Downgrading of classified material. Provide downgrading instructions for classified reports or the removal date of FOUO protective markings, as appropriate.

Figure 9-2. Format for a serious incident report add-on, which is used to update an earlier report

c. The SIR “correction,” submitted at any time to correct an error in a previous report. Figure 9-3, below, shows how to write an SIR correction. A sample correction is below this section (see fig 9-6).

Subject: Use the same number as the original SIR, followed by the word “correction.”

Paragraphs:

1. Type of incident. Repeat type of incident indicated on original SIR.
2. Date and time. Repeat date-time group of incident shown in original SIR.
3. Correction. Identify the erroneous data and give the correct information. If a correction is made to the SIR number, all reports following the correction report, if any, will refer to the SIR by the correct number.
4. Commander reporting. Self-explanatory.
5. Point of contact. Enter rank, name, and DSN telephone number of person to call for additional information.
6. Downgrading of classified material. Provide downgrading instructions for classified reports or the removal date of FOUO protective markings, as appropriate.

Figure 9–3. Format for a serious incident report correction

FROM: CDR, USATC Fort Jackson, SC (AHCP-PM)
TO: DA Washington, DC (DAMO-ODL)
usarmy.pentagon-e.hqda.mbx.armywatch@mail.mil
INFO: CDR, USACIDC, Washington, DC (CIOP-SA)
CDR, TRADOC, Fort Monroe, VA (ATPL)
IMA Regional Office

Subject: SIR #040002

1. Category: 2
2. Type of incident: Homicide
3. Date/time of incident: 212000 Feb 04 (est)
4. Location: subject's off-post residence, 2508 Lisbon Lane, Columbia, SC 12334.
5. Other information:
 - A. Racial: No
 - B. Trainee involvement: No
6. Personnel involved:
 - A. Subject:
 1. Name: Doe, John
 - (a) Pay grade: CW2
 - (b) SSN: XXX-XX-XXXX
 - (c) Race: white
 - (d) Sex: male
 - (e) Age: 38
 - (f) Position: maintenance officer
 - (g) Security clearance: secret
 - (h) Unit and station assigned: HHC, USAG, Fort Jackson, SC
 - (i) Duty status: leave
 2. Name: (Last name, first name of second subject)
 - (a) Pay grade: NAF 6
 - (b) SSN: XXX-XX-XXXX
 - (c) Race: other
 - (d) Sex: female
 - (e) Age: unknown
 - (f) Position: cocktail waitress
 - (g) Security clearance: none
 - (h) Unit and station assigned: Fort Jackson Officers' Club, DPCA, Fort Jackson, SC
 - (i) Duty status: off-duty
 - B. Victim:
 1. Name: Doe, Jane
 - (a) Pay grade: civilian
 - (b) SSN: XXX-XX-XXXX
 - (c) Race: American Indian
 - (d) Sex: female
 - (e) Age: 33
 - (f) Position: Family member-spouse
 - (g) Security clearance: none
 - (h) Unit and station assigned: CW2 James P. Barkey, 2508 Lisbon Lane, Columbia, SC 12334
 - (i) Duty status: NA

Figure 9-4. A sample of a serious incident report, involving a homicide

-
7. Summary of incident: CW2 Doe and (last name of second subject) were seen by a neighbor entering CW2 Doe's residence at approximately 1945 hrs (est), 21 Feb 04. After hearing yelling followed by gunshots, the neighbor called police. Police arrived at approximately 2015 hrs (est), and found J. Doe on the kitchen floor dead of apparent gunshots. CW2 Doe and (last name of second subject) remain at large.
8. Remarks: Fort Jackson military police attempted to locate subject on-post at the request of local police. Military police report number is 00287-04-MPC053. CID ROI number is 0123-04-CID032-01234.
9. Publicity: Local print and electronic media coverage anticipated.
10. Commander reporting: MG John Q. Public, commanding, Fort Jackson, SC.
11. Point of contact: MSG (last name here), Fort Jackson PMO, DSN 821-2234, (email address for POC here).
12. Downgrading instructions: FOUO protective markings may be removed on (date).
-

Figure 9-4. A sample of a serious incident report, involving a homicide, continued

FROM: CDR, USATC, Fort Jackson, SC (AHCP-PM)
TO: DA Washington, DC (DAMO-ODL)
usarmy.pentagon-e.hqda.mbx.armywatch@mail.mil
INFO: CDR, USACIDC, Washington, DC (CIOP-SO)
CDR, TRADOC, Fort Monroe, VA (ATPL)

Subject: SIR #040002 add-on

1. Type of incident: Homicide
2. Date/time of incident: 212000 Feb 04 (est)
3. Additional information: CW2 Doe and (last name of second subject) were arrested by civilian police at (second subject's) residence at 1600 hrs (est), 21 Feb 04. A .38 caliber revolver, believed to be the murder weapon, was recovered from CW2 Doe's vehicle. CW2 Doe and (second subject) remain in the Columbia county jail pending arraignment on 23 Feb 04. The preliminary results of the autopsy of J. Doe indicate that she died of a gunshot to the front of her head. The manner of death was determined as murder.
4. Commander reporting: MG John Q. Public, commanding, Fort Jackson, SC.
5. Point of contact: MSG (last name here), Fort Jackson PMO, DSN 821-2234, (email address for POC here).
6. Downgrading instructions: FOUO protective markings may be removed on (date).
-

Figure 9-5. A sample of a serious incident report add-on

FROM: CDR, Fort Jackson, SC (AHCP-PM)
TO: DA Washington, DC (DAMO-ODL)
usarmy.pentagon-e.hqda.mbx.armywatch@mail.mil
INFO: CDR, USACIDC, Washington, DC (CIOP-SA)
CDR, TRADOC, Fort Monroe, VA (ATPL)

Subject: SIR #040002--correction

1. Type of incident: Murder
2. Date/time of incident: 212000 Feb 04 (est)
3. Correction: The SIR number is incorrect. The correct number for this and two previous reports is 040003.
4. Commander reporting: MG John Q. Public, commanding, Fort Jackson, SC.
5. Point of contact: MSG (last name here), Fort Jackson PMO, DSN 821-2234, (email address of POC here).
6. Downgrading instructions: FOUO protective markings may be removed on (date).

Figure 9–6. A sample of a serious incident report correction

9–4. Protected identity

Every effort will be made to protect the identity of those individuals listed as a PI in the report that served as the basis for generating a SIR (this includes the subject if he or she was listed as a PI in the initial report). No information will be included in the SIR that will reveal the identity of the PI; for example, the name, address, unit, or duty position (see fig 9–7).

From: USAG, Fort Hood, TX 76544
To: imcomopscenter@hqda.army.mil
Info: wroops@forscom.army.mil

Subject: SIR #08-0044

1. Category: 2
2. Type of incident: Rape of a Soldier
3. Date/time of incident: 142100JUN08
4. Location: Smitty's Sports Bar & Grill, 5056 Smith Ave., Temple, TX 76543
5. Other information:
 - A. Racial: No
 - B. Trainee involvement: No
6. Personnel involved:
 - A. Subject:
 1. Name: Protected identity # 1 (PI#1) (Only give the subject a protected identity if the command believes it is necessary.)
 - (a) Rank: CPT
 - (b) SSN: XXX-XX-XXXX
 - (c) Race: caucasian
 - (d) Sex: male
 - (e) Age: 28
 - (f) Position: XXXX
 - (g) Security clearance: secret
 - (h) Unit and station assigned: XXXX
 - (i) Duty status: Off duty
 - B. Victim:
 1. Name: Protected identity # 2 (PI#2) (Protected identity only if necessary.)
 - (a) Rank: 1LT
 - (b) SSN: XXX-XX-XXXX
 - (c) Race: caucasian
 - (d) Sex: female
 - (e) Age: 25
 - (f) Position: XXXX
 - (g) Security clearance: secret
 - (h) Unit and station assigned: XXXX
 - (i) Duty status: Off duty
 7. Summary of incident: PI#2 contacted the Temple Police Department around 2100hrs 14 Jun 2008. She filed a report with allegations of rape perpetrated by PI#1. Temple police notified the military police and PI#2 was taken to Darnall Army Medical Center. While there she was interviewed, and an examination was completed. The military police are currently in the process of locating PI#1 for questioning. The battalion XO has visited PI#2 at her home and reports that she is currently stable at this time. The unit will contact the appropriate agencies for victim support.
 8. Remarks:
 - A. Alcohol involved: unknown
 - B. Recently returned from OEF/OIF: Both in Feb 2007
 - C. Next of kin notified: unknown

Figure 9–7. A sample of a serious incident report, involving a rape, showing two protected identities

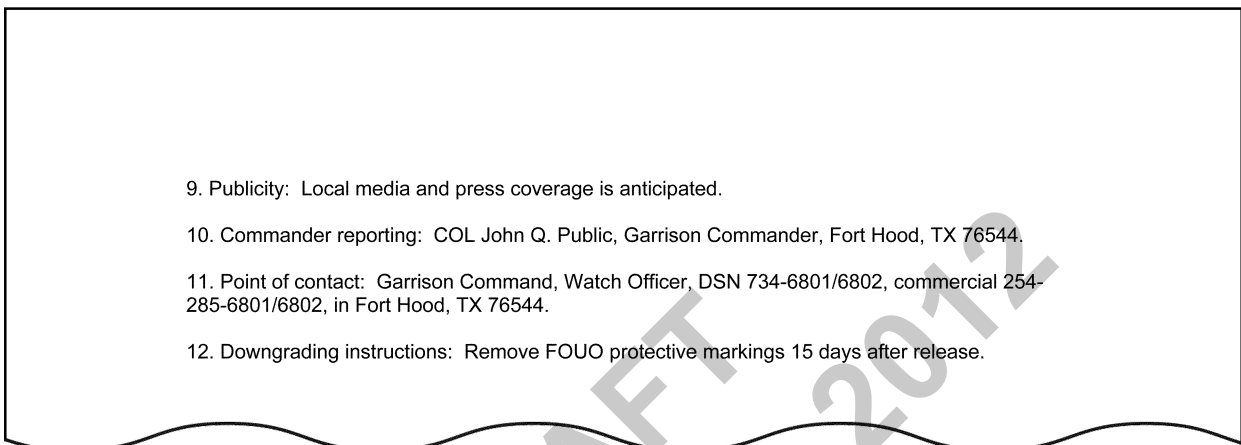


Figure 9–7. A sample of a serious incident report, involving a rape, showing two protected identities, continued

9–5. Reporting incidents when reporting responsibility is transferred

When reporting responsibility is transferred between commands—

- a. The first report submitted after an agreed transfer will contain the name and SIR number of the original submission and a statement added to the “Remarks” paragraph that reporting responsibility was transferred.
- b. The command and IMCOM region accepting SIR transfer will provide the relinquishing command an information copy of all future reports on the incident.

9–6. Required information addressees on serious-incident reports

Commanders will ensure that information addressees are included on SIRs as follows:

- a. For all SIRs, the reporting command’s ACOM, ASCC, or DRU, the respective IMCOM region, and the USACIDC, to include local CID offices.
- b. If the incident involves personnel or equipment of another unit, then the installation, IMCOM region, ACOM, ASCC, or DRU installation or facility; that unit, installation, or facility and its respective higher headquarters will be information addressees.
- c. If the incident involves ARNG personnel, facilities, or equipment, the respective State government’s Adjutant General and the National Guard Bureau will be information addressees.
- d. If the incident involves USAR personnel, facilities, or equipment, the Commander, U.S. Army Reserve Command (USARC), will be an information addressee.
- e. If the incident involves MP personnel as the subject of a criminal offense or other misconduct, the Commandant, U.S. Army Military Police School will be an information addressee.
- f. If the incident involves threats to the President of the United States, other high-ranking Government officials, or anyone under the protection of the USSS, then the USSS and the Defense Intelligence Agency will be information addressees.
- g. If the incident involves NAF personnel, resources, or property, child abuse, or the injury or death of a child in an Army organizational setting or Army-sponsored activity (see paras 8–3t and 8–3u), or serious domestic violence (see para 8–3v), the Commander, U.S. Army Community and Family Support Center, will be an information addressee.
- h. If the incident involves Federal crimes reportable under AR 381–10 and this regulation, include the Army General Counsel as a “To” addressee and HQDA Deputy Chief of Staff, G–2 (DAMI–CD) as an information addressee.

Chapter 10 U.S. Magistrate Court

10-1. Relationship to Army

The U.S. Magistrate Court provides the DA with the means to process and dispose of certain categories of misdemeanors by mail or through appearance in magistrate court. The U.S. Magistrate Courts and U.S. District Courts will, by local court rules, establish the payment of a fixed sum in lieu of court appearance in cases involving certain misdemeanors.

10-2. U.S. Magistrate Court objectives

The U.S. Magistrate Court provides the following:

- a. Uniform procedures for the collection of fines, the forfeiture of collateral in lieu of fines, the forfeiture of collateral in lieu of appearance, the scheduling of mandatory hearings or voluntary hearings requested by defendants, and the keeping of records.
- b. A simple but sure method of accounting for fines, for collateral, and for CVB Forms issued.
- c. Convenience to the public.
- d. Enforcement of misdemeanors, or violation of laws on Army installations.

10-3. Court appearances

a. Each court will determine, by local court rule, which offenses require mandatory appearances by violators. Installation PMs, DESs, or other LE officials will coordinate through installation SJAs, with local U.S. magistrates, or U.S. District Courts to secure a court-approved list of offenses requiring mandatory appearance before the local U.S. magistrate.

b. Optional appearances will be requested by violators:

(1) *At the time a CVB Form is issued.* The LE officials issuing the CVB Form will refer violators to the proper U.S. magistrate if a hearing is requested by the violator.

(2) *By mail.* These violators include those who—

(a) Are not present at the time a CVB Form is issued (for example, for a parking violation).

(b) Subsequently volunteer to appear before the U.S. magistrate rather than forfeit the collateral indicated on the CVB Form.

(c) Violators who use the mail-in procedure to request an optional appearance before a U.S. Magistrate must place check mark on the appropriate line. The violator will be notified by the clerk of the U.S. District Court of the time, date, and place to appear for the hearing.

10-4. Central Violations Bureau

a. The Administrative Office of the U.S. Courts established the CVB for processing CVB Forms. Each U.S. District Court has a local rule or order that provides or authorizes a preset forfeiture of collateral amount for persons charged with certain petty offenses. Rules for processing misdemeanors and other petty offenses are established under Rule 58 of the Federal Rules of Criminal Procedure and by the individual district courts. The existence of the local rules does not prevent LE personnel from requesting that a complaint be filed against a defendant in lieu of issuing a CVB Form. These procedures merely provide an alternative method for handling petty offense cases; a method which is usually more convenient for the law enforcement personnel, the defendant, and the court.

b. Even though the amount paid is stated to be a fine, it is actually a posting of collateral which is forfeited if the defendant pays and does not request an appearance before a U.S. magistrate judge. Acceptance of payment by the CVB terminates the proceeding. Local Federal rules and State law determine whether a moving violation will be reported as a conviction to the state Department of Motor Vehicles (DMV). There are certain offenses where forfeiture of collateral is not permitted. Those offenses require a mandatory appearance before a U.S. magistrate judge. Also, a defendant will request a hearing before a U.S. magistrate judge rather than paying the forfeiture of collateral and a hearing will be scheduled. The CVB or the U.S. magistrate judge will process these matters.

c. The U.S. Attorney is responsible for all prosecutions in the U.S. District Court and for coordinating law enforcement efforts. Generally, the U.S. Attorney delegates to the individual agencies authority to issue CVB Forms and to prosecute petty offenses initiated by CVB Form. As an example, judge advocate generals have generally been authorized by the U.S. Attorney to prosecute certain crimes in which the Army has an interest. These are commonly referred to as Special Assistant United States Attorneys.

Chapter 11 Use of United States District Court CVB Form

11–1. General

a. The basis for initiating action by the U.S. magistrate system is the United States District Court CVB Form. The form is designed to provide legal notice of a violation. It also records information required by the U.S. District Court, LE authorities, and, if appropriate, state DMVs. The three-part form printed on chemically carbonized paper and pre-numbered in a series for accounting control. The form will be bound with 25 CVB Forms per book. Installation LE agencies will be accountable for each CVB Form issued and for stock on-hand. Accountable records will be maintained in accordance with AR 25–400–2.

b. The installation PM or DES, or other LE officials, will coordinate through installation SJAs with the U.S. magistrate of the judicial district in which the installation is located. As a minimum, information listed below, must be obtained from the U.S. magistrate before referral of violators to the U.S. magistrate or U.S. District Court.

(1) A list of misdemeanors for which the mail-in procedure is authorized and the amount of collateral for each offense. The district court address will be pre-stamped (using a locally procured stamp) on the violator's copy of the CVB Form by the issuing authority.

(2) A list of misdemeanors requiring mandatory appearance by the violator before the U.S. magistrate. The magistrate's name and location, and the dates and times of appearance, will be cited when scheduling a violator to appear before the U.S. magistrate.

c. The Statement of Probable Cause and the Promise to Appear will be used in compliance with installation SJA and U.S. magistrate or U.S. District Court policies and instructions. The Statement of Probable Cause printed on the back of the original United States District Court CVB Form is required to support the issuance of a summons or an arrest warrant. The promise to appear, printed with instructions to the violator on the inner flap of the envelope, is optional and some U.S. magistrates or U.S. District Courts will elect not to use it.

11–2. Important guidelines for issuing the U.S. District Court CVB Form

The following is a list of important guidelines for the preparation of the U.S. District Court CVB Form:

- a.* Complete the CVB Form legibly. Printing is preferred.
- b.* Ensure the CVB location code is on every CVB Form.
- c.* Mail CVB Forms to the CVB within 5 days of being issued to the defendant.
- d.* Only one offense will be cited per CVB Form.
- e.* Ensure the proper forfeiture schedule is used for the appropriate U.S. District Court.
- f.* Do not indicate the fine amount on mandatory appearance violations.
- g.* Verify that the lockbox address (Central Violations Bureau, P.O. Box 70939, Charlotte, NC 28272–0939) appears on the defendant's copy to ensure proper mailing.

11–3. Issue and disposition procedures

a. Information entered on the U.S. District court CVB Form is dependent on the following:

- (1) The type of violation (standing, moving traffic violation, or nontraffic offense).
 - (2) Whether the violation cited requires the mandatory appearance of the violator before a U.S. magistrate.
- b.* A standardized CVB Form initiates a petty offense case in a U.S. District Court. It is a multipart document designed to provide legal notice to the defendant and to provide the court and the agency with necessary information for processing.
- c.* Each Federal LE agency is responsible for providing its personnel with CVB Forms. Each agency is also responsible for accounting for all CVB Forms.
- d.* The CVB Form is a three-part form which is distributed as follows:
- (1) The white (original) copy is mailed to: Central Violations Bureau, P.O. Box 780549, San Antonio, TX 78278–0549.
 - (2) The pink copy is kept by the issuing agency. The CVB recommends 5 years in accordance with records retention guidelines.
 - (3) The ivory (cardboard) copy is given to the defendant at the time of issuance; or upon arrest, it is placed on the defendant's vehicle or mailed to the defendant by the issuing agency. This copy should contain the address of the lockbox facility on the front of the envelope. This copy informs the defendant of the charges and gives detailed instructions on how to pay the collateral or plead not guilty and appear in court. The instructions also advise the defendant of the potential consequences for failure to appear or to pay, including notifying the state DMV, which could affect their driving privileges and/or registration. The citation also serves as an envelope for mailing forfeiture of collateral payment to the lockbox facility. The issuing officer must complete certain items on the CVB Form in order to provide the CVB with all necessary information for the U.S. magistrate judge.

11-4. Fines, collateral, and nonpayment delinquencies

Army LE agencies will do the following:

- a.* Not accept or otherwise collect any fines or collateral or keep records of fines or collateral paid or not paid.
- b.* Take no action concerning nonpayment delinquencies except where warrants are issued for the violator by the proper court authorities.

11-5. Notification to commanders and supervisors

When the CVB Form is used to cite military personnel and DOD-affiliated employees for misdemeanors, the violator's unit commander or supervisor will be advised as follows:

a. When the CVB Form is used to cite military personnel and DOD-affiliated employees for mandatory appearance type violations, an information copy of DA Form 3975 will be provided to the violator's unit commander or supervisor. The DA Form 3975 will denote the date, time, location, type of violation, and where the violator is scheduled to appear before the U.S. magistrate. The DA Form 3975 will be entered in COPS. DA Form 4833 will be generated and used to report action taken by the commander or supervisor.

b. When the CVB Form is used to cite military personnel and DOD-affiliated employees for violations that are disposed of by mail, the commander or supervisor will be advised by use of the DA Form 3975. The DA Form 3975 will be entered in COPS. DA Form 4833 will be generated and used to report action taken by the Magistrate Court to the commander or supervisor. That portion of the signature block of DA Form 4833 that contains the word "Commanding" will be deleted and the word "Reporting" substituted. The installation PM, DES, or other designated person will sign DA Form 4833 before forwarding it to the commander.

11-6. Use of statement of probable cause

In compliance with guidelines issued by the Administrative Office of the U.S. Courts, the reverse side of the CVB Form provides the statement of probable cause. This is required by Rule 58(d)(3) of the Federal Rules of Criminal Procedure to support the issuance of a summons or arrest warrant. The statement of probable cause will be printed on the reverse side of the original CVB Form, on all copies of the CVB Form, or as a separate form (such as DA Form 2823). Upon receipt of the probable cause statement by the issuing officer and a finding of sufficient probable cause by the U.S. magistrate judge, bench warrants forwarded by the CVB to the U.S. magistrate judge will then be signed, dated, and issued. If the statement of probable cause has been properly completed by LE personnel, the U.S. magistrate judge can then issue the bench warrant.

11-7. Mandatory appearance

Certain offenses require a mandatory appearance before a U.S. magistrate judge. When preparing such a CVB Form, LE personnel will check the box indicating mandatory appearance. The place and time box of the court appearance will not be completed, unless the CVB or the court authorizes the court date and times to be written on the CVB Form. The CVB will notify the defendant of this information by mailing to the defendant a notice to appear (NTA) letter. The CVB will either promptly forward the CVB Form to the designated U.S. magistrate judge to schedule, or CVB will schedule the court appearance. If LE personnel check the box indicating mandatory appearance, then the box indicating a collateral fine will be left blank.

11-8. Submitting mandatory hearing violations

In most districts, mandatory appearance CVB Forms are transmitted to U.S. District Court in the same manner as optional appearances. Other districts require mandatory appearance violations be mailed directly to the U.S. magistrate judge's office. If the hearing date and time has not been preassigned, it is the responsibility of the U.S. magistrate judge's staff to notify the defendant and the agency of the date.

11-9. Submitting CVB Forms to the Central Violations Bureau

Agencies should submit CVB Forms within 5 days, in person or by mail. CVB Forms should be forwarded to the CVB the same day the CVB Forms are issued. Transmittal sheets are not required by CVB, but can be used if the agency so desires. If an agency requires a receipt for the notices, they will include the transmittal sheet and a self-addressed, pre-stamped envelope. The transmittal sheet will be stamped "received," and returned to the agency. This merely acknowledges receipt of the CVB Forms.

11-10. Agency requests to dismiss or void a CVB Form

a. If a CVB Form has been issued in error, it will be voided in one of two ways. If the agency is still in possession of all copies, void the notice and record that action. If the CVB Form has already been placed on a vehicle, given to the defendant, or has been forwarded to the CVB, the notice can only be dismissed by the U.S. magistrate judge for that district.

b. A written statement signed by the supervisor or chief LE officer from an agency requesting a CVB Form or notices be dismissed or voided must be forwarded to the CVB via mail or emailed to the following address: cvb@cvb.uscourts.gov. The mailing address is: Central Violations Bureau, P.O. Box 780549, San Antonio, TX 78278-0549. The

CVB will enter a request for void into the database and forward it to the U.S. magistrate judge with a CVB transmittal letter. Upon reviewing the request from the agency, the U.S. magistrate judge will either approve or deny dismissal.

(1) To approve the dismissal or void, the U.S. magistrate judge will check the block “Dismissal Approved,” date, sign, and forward the order to the CVB. The CVB will enter the disposition code NA (Agency Requested Dismissal) into the system and file all related paperwork.

(2) To deny the dismissal or void, the U.S. magistrate judge will check the block “Further Action to Be Taken,” date, sign, and forward the order to the CVB. The CVB will then contact the agency and inform them of any additional information or action ordered by the U.S. magistrate judge.

c. If an information only DA Form 3975 was initiated, the report should be updated in COPS to reflect that the CVB Form was dismissed or voided.

11-11. Request for dismissal or void by the defendant

When a defendant mails evidence to the CVB concerning the offense, (proof of insurance, registration, and so on), or correspondence addressed to the U.S. magistrate judge directly, the information is entered into the computer and forwarded to the U.S. magistrate judge attached with the docket package. In some instances, a citation or citations will have already been forwarded to the court. These cases will be attached to a CVB transmittal letter and forwarded to the U.S. magistrate judge.

a. To approve the dismissal or void, the U.S. magistrate judge will check the block “Dismissal Approved,” will date, sign, and forward the order to the CVB. The CVB will enter the disposition code “NH” (violation request) into the system and file all related paperwork.

b. To deny the dismissal or void, the U.S. magistrate judge will check the block “Further Action to Be Taken,” date, sign, and forward the order to the CVB. The CVB will then contact the agency and inform them of any additional information or action ordered by the U.S. magistrate judge.

11-12. CVB Forms issued to unattended vehicles

CVB Forms will be issued to unattended motor vehicles. If at all possible, the issuing agency must ascertain the defendant’s name and address before the CVB Form is forwarded to CVB. CVB Forms without a complete mailing address will be returned to the agency for further action.

11-13. U.S. magistrate judge docket report

The NTA letters are mailed to defendants approximately 4 weeks before the court date to allow for a response from the defendant and to allow the defendant to forfeit collateral. If the CVB does not hear from the defendant, a computer generated docket sheet and judgment order is automatically produced 14 days before the court date. Warrants, suspensions, and images of the original CVB Form are then forwarded to the U.S. magistrate judge with the docket sheet and judgment order, which lists the violation number, CVB location code, and the defendant’s name and address. The violations are listed in alphabetical order according to the defendant’s last name. The docket sheet and judgment order has additional space for the U.S. magistrate judge’s courtroom deputy to complete at the time of the hearing. Once the hearing is held, the information will be entered on the docket sheet and judgment order and returned to CVB.

11-14. Request to agency for a better address

The CVB requests agencies mail all original citations within 3 working days of issuance. CVB Forms without full name and address information should not be mailed, unless payment has been received by CVB. CVB Forms received at the CVB without a complete mailing address will be returned to the agency for further action. If a CVB Form is entered without a valid address or returned to the CVB as undeliverable, a request for a better address will be generated. If the agency obtains a better address for these violations, please notify CVB. Failure to receive better addresses from the issuing agency within 15 days from the date of this list will result in the voidance or dismissal of these violations.

11-15. Undeliverable warning letters referred to U.S. magistrate judge

Sixteen days after the transmittal “Request to Agency for Better Address” has been printed and forwarded to the agency, and no response has been received, an “Undeliverable Warning Letters Referred to U.S. Magistrate Judge” transmittal will be produced by the CVB. This transmittal will have images of the original CVB Forms attached and will be forwarded to the U.S. magistrate judge. The U.S. magistrate judge has the following two options:

a. To approve dismissal for lack of a better address, the U.S. magistrate judge will check the block “Dismissal Approved,” date, sign, and return the transmittal to the CVB. The CVB will enter the disposition code “NM” (dismissal without prejudice) into the system and file all related paperwork. Agencies will be notified of the disposition by issuance of the “open/closed index” monthly report.

b. To deny dismissal for lack of a better address, the U.S. magistrate judge will check the block “Further Action to be Taken,” and then date, sign, and return the transmittal to the CVB with instructions on any action to be taken by the CVB or issuing agency.

11-16. Notice to appear letters

a. The NTA letters are mailed to defendants 4 weeks prior to the court date. The NTA letter lists the citation number, location code, date of offense, amount that will be forfeited in lieu of going to court (if the offense committed requires a mandatory appearance, the NTA will read “mandatory appearance required”), the date the NTA letter was mailed, the offense, place of offense, and any special instructions the court wishes the defendant to know. The NTA letter will notify the defendant of the location, date and time of hearing. Each NTA letter contains a postage paid business reply envelope. In the event the offense was an “optional appearance,” the defendant has the opportunity of paying the citation prior to the court date.

b. Defendants have the option of calling to obtain their court date from the automated voice case information system at the CVB. A selection on the automated answering system allows them to enter their violation number, and after doing so, the recording will repeat the court date and time. Should the defendants have any questions, an operator will assist them.

11-17. Warrant

This is a three-part form produced by CVB. The warrant reflects the defendant’s name and address, the violation number, the date the CVB Form was issued, and the offense. If the court date has passed and the defendant has failed to appear, the U.S. magistrate judge may issue a warrant. The “notice before arrest” is mailed by the U.S. Marshal to the defendant, upon receipt of the warrant from the U.S. magistrate judge.

11-18. Suspension notices

If legislation in a state allows acceptance of a Federal citation from the CVB by the state DMV, a defendant who does not pay the forfeiture of collateral amount and does not appear before the U.S. magistrate judge on the scheduled court date may have their State-issued driver’s license suspended. The CVB will produce a suspension notice to mail to the court together with the final docket. The suspension process normally takes the place of the warrant process. If the court decides to issue the suspension, then the court is responsible for mailing a copy to the defendant and to the DMV, and for retaining a copy for the court’s records. If the defendant pays the forfeiture of collateral amount after receiving notice of the suspension, the court should submit a withdrawal of the suspension to the State government’s DMV.

11-19. Agency notification

When the U.S. magistrate judge docket is produced by the CVB, a report (the “magistrate-referred listing”) of violations is emailed to all agencies which have citations on the upcoming docket.

11-20. Hearing types

All petty-offense violations are either an optional court appearance (O) or a mandatory court appearance (M). The optional CVB Form allows for a predetermined forfeiture of collateral amount to be paid which will close the CVB Form. The hearing type is listed on the petty offense docket between the violation number and the defendant’s name. Optional is designated as “O.” A mandatory appearance will be shown as an “M.” If the officer fails to write the forfeiture amount on the CVB Form, CVB will automatically enter “M” for mandatory appearance. The court will choose to change hearing types from mandatory to optional and indicate the dollar amount that may be forfeited on the docket.

11-21. Forfeiture of collateral on a court docket

Once on the docket, images of the CVB Form(s) and warrant(s) have been mailed to the court, the CVB will email the court if a payment has been made on a CVB Form on the docket. All payments received by CVB are processed daily. Therefore, the CVB will notify the court of any payments received on the docket the next working day.

11-22. Payment by credit card

The CVB can accept payment by Visa, MasterCard, Discover, and American Express for fines to minimize deferred or installment payments for petty offense fines. The U.S. magistrate judge’s courtroom deputy will also provide the defendant with a Plastic Card Sale Transaction to complete. The defendant should mail the Plastic Card Sale Transaction to the CVB lockbox facility (Central Violations Bureau, P.O. Box 70939, Charlotte, NC 28272-0939). Please ensure all fields have been completed. A daytime phone number should be used when applicable. The CVB will process the credit card payment when received. If the credit card company denies the use of the card, the CVB will notify the defendant that the charge was denied.

11-23. Payroll deductions

If a court services a military installation, payroll deductions will be used. This allows the fine assessed to be deducted from the defendant’s payroll check and deposited to the U.S. Treasury. The information will be provided by the Military Financial Section. Upon receipt of the docket with a disposition code of “PR” or “TR,” the CVB will close the case.

11–24. Citations on the docket to be reset

In some cases, additional time is required by the court or the defendant to prepare for the case. The citation will then be reset. The CVB will initially set the cases for the first hearing; thereafter, the court is responsible for all resets. Notification to the defendant of the reset must be made by the court.

11–25. Agency monthly reports

The “Agency Open Index Report” is emailed monthly to each agency. It lists all pending CVB Forms. It will also indicate if the CVB Form has been set for a hearing. In the form of a two-letter code it shows what, if any, action has occurred on the CVB Form. It is the responsibility of each agency to notify the CVB of any changes in personnel. The agency should provide a name, email address, phone, and fax number for each point of contact. The “Agency Closed Index Report” is emailed monthly to the agencies and is similar to the “Agency Open Index Report.” It lists all violations closed the previous month, the date the violation was disposed of, and in the form of a two letter-code which indicates the disposition of the case. These reports provide an excellent means of comparing agency records with those of the CVB. Agencies should contact the CVB if there are any discrepancies between the reports.

11–26. Waiver of venue for plea and sentence

Pursuant to Rule 58(c)(2) of the Federal Rules of Criminal Procedure, a defendant will state in writing a wish to plead guilty or nolo contendere to waive venue and trial in the district where the violation is pending and consent to disposition of the case in a district in which that defendant is present. Unless the defendant thereafter pleads not guilty, the prosecution will be had as if venue were in such district. Notice of the same will be given to the magistrate judge in the district where the violation was originally commenced. The defendant’s statement of a desire to plead guilty or nolo contendere is not admissible against the defendant. The original request, made under Rule 58(c)(2) of the Federal Rules of Criminal Procedure, is then forwarded to the court which currently has jurisdiction of the case for transfer. The magistrate judge signs the request and returns the file and the request to the requesting court. A copy of the signed order should be mailed to the CVB. Upon receipt of the original documents, the receiving court will set the case for the next available docket.

11–27. Intra-district transfer

When a CVB Form is transferred from one U.S. magistrate judge to another in the same district, the notice and any other paperwork is mailed directly from the present U.S. magistrate judge to the receiving U.S. magistrate judge. The CVB is notified in writing of this intra-district transfer so system records can correctly reflect the U.S. magistrate judge assigned to the case.

11–28. Voice Case Information System

The Voice Case Information System (VCIS) is available by calling CVB’s main number at 1–800–827–2982. The VCIS provides case information over the telephone 24 hours per day. Defendants, agencies, and courts can verify if a payment has been received or a date a citation has been scheduled.

11–29. Central Violations Bureau database search option through email

The CVB has an email program that can be used instead of calling VCIS. It is superior to the VCIS telephone functionality in a number of ways. There is no limit to the number of citations that can be checked and it is able to retrieve the information in less time. There is more information available via email. The response will be via email so the information can be kept electronically for your records. Simply list the citations in an email and send it to search@cvb.uscourts.gov. To use the system, do the following:

a. Compose an email to search@cvb.uscourts.gov. The subject of the email does not matter. The return email will have the same subject as you enter. It is suggested that the user choose something he or she will recognize.

b. Create a list of citations. The list should start with a line containing the word “start” followed by one citation per line. After the last citation add a line containing the word “end.” For example—

- (1) Start.
- (2) A1234567.
- (3) B2345678.
- (4) C3456.
- (5) End.

(6) In this example, searches for citation numbers A1234567, B2345678, and C3456 will be performed against the CVB database.

c. Send your message.

d. Wait for a reply. The reply should return to you within a few minutes of submission.

11–30. Disposition of personnel subject to the Uniform Code of Military Justice

Personnel subject to the UCMJ who pay a fine or forfeit collateral or whose cases are disposed of in accordance with

this regulation will not be punished under the provisions of the UCMJ for the same violation. Installation commanders should establish policies on how to refer Army personnel to the U.S. magistrate for disposition when the violator's conduct constitutes a misdemeanor within the magistrate's jurisdiction and is also a violation of the UCMJ. Such policies must be consistent with directives of higher headquarters and coordinated through installation SJAs and with local U.S. magistrates or U.S. District Courts.

11-31. Disposition of juvenile offenders

Juveniles are not subject to the jurisdiction of U.S. magistrates or U.S. District Courts without a certification by the U.S. Attorney General that the state juvenile court lacks jurisdiction, refuses to assume jurisdiction, or does not have adequate programs and services available (under 18 USC 5032). Therefore, coordination should be made with local juvenile authorities concerning the disposition of offenses committed by juveniles on Army installations. Coordination will also be made with the appropriate Juvenile Disciplinary Advisory Council, which will also have the authority to dispose of offenses committed by juveniles.

Chapter 12 National Crime Information Center Policy

12-1. Authority

The authority for Army LE agencies to access CJIS, NCIC, and NLETS is based on this regulation, user agreements between the installation LE activity and the respective State government's CTA, and issuance of an originating agency identifier (ORI). All transactions must be according to the standards of this regulation, the NCIC Operating Manual, State government user manuals, and State user agreements. In instances where there will be a conflict in standards, the strictest policy interpretation will apply.

12-2. Standards

The following standards must be followed in operating terminals:

- a. The NCIC use is limited to authorized criminal justice purposes, such as stolen vehicle checks or wants and warrants. NCIC checks of visitors to a military installation may be authorized by the installation or garrison commander in accordance with DTM 09-012, Attachment 3.
- b. Dissemination of information is based on an official need to know.
- c. Only trained and authorized personnel will operate terminals.
- d. An Army agency queried over the NCIC must respond within 10 minutes for a priority-1 (urgent) hit confirmation and within 1 hour for a priority-2 (routine) hit confirmation.
- e. Required NCIC documentation and State-written documentation must be prepared and retained for audit by the NCIC or State CTA.
- f. Army LE agencies will not use DOJ Joint Automated Book System accounts to directly interface with CJIS.
- g. Only personnel in the Latent Print Division of the USACIL will submit or receive IAFIS transactions involving latent finger or palm prints.

12-3. Authorized access

- a. The NCIC terminal operators are authorized access to files maintained in the NCIC in the performance of their official duties:
- b. Participation in other Federal, State, and local police information systems is authorized.

12-4. Reports of positive urinalysis-test results entered into the National Instant Checks System database through National Crime Information Center

H.R. 2640 (110th): The NICS Improvement Amendment Act of 2007, creates independent statutory obligation for federal agencies to report records identifying prohibited persons to the U.S. Attorney General. Army LE is required to report positive drug urinalysis tests to the NICS under the authority of 18 USC 922 (The Brady Handgun Violence Prevention Act of 1993) for the following:

a. Unlawful users, in accordance with 18 USC 922(g)(3) and 27 CFR 478.11. It is unlawful for any person who is an unlawful user of, or addicted to, any controlled substance as defined in 21 USC 802 (The Controlled Substance Act) section 102, to purchase weapons.

(1) Inference of current use may be drawn from evidence of recent use or possession of a controlled substance, or a pattern of use or possession that reasonably covers the present time such as—

- (a) Conviction for use or possession of a controlled substance within the past year.
- (b) Multiple arrests for such offenses within past 5 years if most recent arrest occurred within past year, or

(c) Person found through a drug test to use a controlled substance unlawfully, provided test was administered within past year.

(2) Sentence coming soon.

b. Upon being notified of a positive urinalysis test administered within the last year, LE staff will enter the information into the NICS database using their NCIC terminal. (States that do not have the capability to enter NICS information are exempt until a change to their operating systems and/or funding is provided.) An entry into the NICS index requires, at a minimum, the following fields to be populated:

(1) NICS message field "EDP."

(2) Name.

(3) Sex.

(4) PCA – prohibited category code (enter the code C).

(5) Date of birth.

(6) ARI – agency records identifier (MP case number).

c. The entry requires that an expiration date be added. The expiration date will be 1 year from the positive urinalysis date. For example, for a positive test date of "20100123," the expiration date will be "20110123."

d. The NICS database will automatically purge the information on the expiration date.

Chapter 13

National Crime Information Center Procedures

13–1. Requesting an originating agency identifier

a. To be considered for participation and assignment of an ORI, an activity must meet the standards of the NCIC and the State CTA.

b. Requests for participation are initiated by the installation PM or DES and submitted to the garrison commander; requests are then forwarded through the regional IMCOM office or ACOM, ASCC, DRU commander. The regional IMCOM office will forward their requests to the HQDA IMCOM and to the Director, USACRC for a decision. The ACOM, ASCC, and DRU commanders will forward their requests to the Director, USACRC for a decision. The Director, USACRC will disapprove requests that do not meet the criteria of this regulation, NCIC, or state eligibility requirements. See figures 13–1 and 13–2, below, for an example of a request for an ORI.



DEPARTMENT OF THE ARMY
ORGANIZATION
STREET ADDRESS
CITY STATE ZIP

(office symbol)

(date)

MEMORANDUM THRU

FOR DIRECTOR, U.S. ARMY CRIME RECORDS CENTER (CICR-ZA), 6010 6th
Street, Fort Belvoir, VA 22060

SUBJECT: Request for Originating Agency Identifier (ORI)

1. Request an ORI number be assigned to the provost marshal office on this installation.
2. This request meets the criteria of AR 190-27, Army Participation in the National Crime Information Center (NCIC). The ORI number will be used to enter records into and query the NCIC, with the exception of the interstate identification index file.
3. Funding for leasing or purchasing equipment for connection to the State Control Terminal Agency (CTA) is available. On approval of this request, a users' agreement will be signed with the CTA. Use of the ORI will be limited to criminal justice purposes.

(garrison commander signature)

Figure 13-1. Sample request from a regional office of the Installation Management Command to obtain an originating agency identifier



DEPARTMENT OF THE ARMY
ORGANIZATION
STREET ADDRESS
CITY STATE ZIP

(office symbol)

(date)

MEMORANDUM FOR DIRECTOR, U.S. ARMY CRIME RECORDS CENTER (CICR-ZA),
27130 TELEGRAPH ROAD, QUANTICO, VA 22134-2253

SUBJECT: Request for Originating Agency Identifier (ORI)

1. Request assignment of an ORI number for the Provost Marshal Office on this installation.
2. This request meets the criteria of AR 190-45, Military Police Law Enforcement Reporting. The ORI number will be used to enter records into and query the NCIC, with the exception of the interstate identification index file.
3. Funding is available for leasing or purchasing equipment required for connection to the State Control Terminal Agency (CTA). Upon approval of this request, a user agreement will be signed with the CTA. The ORI will only be used for criminal justice purposes.

(ACOM, ASCC, or DRU garrison commander
signature)

Figure 13-2. Sample request—from an Army command, Army service component command, or direct reporting unit—to obtain an originating agency identifier

13-2. Suspension or revocation

a. The NCIC and State CTAs have the authority to suspend or revoke an Army terminal's access to files when operating policies are not correctly followed.

b. Notification of serious violations, suspension, or revocation from the use of NCIC and State government terminals and NCIC files will be immediately reported directly to the Director, USACRC's Federal service coordinator by the most expeditious means. The Federal service coordinator will review the circumstances and effect immediate coordination to resolve issues.

c. When notified of a serious violation, the installation PM or DES will take corrective action required by the NCIC or State government's CTA.

13-3. Entry

a. Entry messages place a new record in the NCIC using the ORI assigned to the agency. Procedures for entering a new record are explained in each file of the NCIC Operating Manual.

(1) The installation PMs or DESs within the CONUS, as well as Alaska, and Hawaii will enter stolen or missing government property valued at \$500 or more and having a unique manufacturer assigned serial number. All Government or privately owned weapons reported lost, stolen, or recovered will be entered into the NCIC gun file, regardless of value.

(2) Director, USACRC, enters stolen property and gun reports for PM or DES offices in overseas areas.

b. LE activities not located on an Army installation or having access to a terminal will enter into a written

13-4. Modification

Modification messages are used to add, delete, or change a portion of data that is part of the NCIC entry. An entering agency will modify a record while it is in an active status following file procedures in the NCIC Operating Manual.

13-5. Cancellation

Canceling an NCIC entry removes the entire record from the NCIC. A record must be canceled by the entering ORI when it is determined to be invalid.

13-6. Validation

The NCIC periodically prepares a listing of records on file for validation by system users. Each State CTA and Federal service coordinator receives a letter explaining the records on the validation list, the order in which records are listed, and general procedures for validating the records. Army participants must validate their records and respond to the State CTA. Failure to comply with validation procedures could result in the record being deleted or administrative action taken against the entering agency.

13-7. Army participation in Criminal Justice Information System

a. Programs consolidated under the CJIS Division included the NCIC, UCR, and Fingerprint Identification Program. In addition, responsibilities include the IAFIS, NCIC 2000, and the NIBRS.

b. The installation PM's or DES's procedures for submitting data to the UCR, IAFIS, and NIBRS are explained paragraph 4-10.

c. The purchase of IAFIS equipment must be coordinated and approved by the Installation Management Agency, or the ACOM, ASCC, DRU commanders, and the Director, USACRC. This will ensure that all IAFIS devices are compatible and that the Director, USACRC, properly submits all fingerprint submissions to IAFIS and the criminal history file of the NCIC.

Appendix A References

Section I

Required Publications

Unless otherwise stated, all publications are available at <http://www.apd.army.mil/>. Department of Defense regulations are available at <http://www.dtic.mil/>. The U.S. Code is available at <http://www.gpo.gov/fdsys/>.

AR 25-55

The Department of the Army Freedom of Information Act Program (Cited in paras 2-1a, 2-1e, 2-1i, 2-2b, 2-5e, 3-1c, 3-3a, 3-3b, 3-3c, 3-4c, 3-8a, 3-8b, 8-1a, 9-1.)

AR 25-400-2

The Army Records Information Management System (Cited in paras 1-4a(2), 2-1a, 2-5c, 2-9, 11-1a.)

AR 27-10

Military Justice (Cited in paras 2-7c(2), 2-9f(3), 6-1b.)

AR 190-9

Absentee Deserter Apprehension Program and Surrender of Military Personnel to Civilian Law Enforcement Agencies (Cited in paras 2-9c, 4-11a(6)(b) and (c), 4-11b(3), 7-2b(2), 7-3b, 7-4b.)

AR 195-2

Criminal Investigation Activities (Cited in paras 2-5a, 2-6h, 3-3a, 4-1c.)

AR 340-21

The Army Privacy Program (Cited in paras 2-1a, 2-1g, 2-1i, 2-2c, 2-3a, 2-3d, 2-6a, 3-1c, 3-3a through c, 3-5a, 3-5c, 3-6b(1), 3-7a, 3-7b, 3-8a, 3-8b, 9-1a, 9-1b.)

AR 360-1

The Army Public Affairs Program (Cited in paras 3-1a, 3-3a.)

AR 380-5

Department of the Army Information Security Program (Cited in paras 2-2a, 9-1.)

AR 380-10

Foreign Disclosure and Contacts with Foreign Representatives (Cited in para 3-8d.)

AR 380-13

Acquisition and Storage of Information Concerning Nonaffiliated Persons and Organizations (Cited in paras 2-5c, 8-3s.)

AR 381-10

U.S. Army Intelligence Activities (Cited in paras 8-3x, 9-6h.)

AR 381-12

Threat Awareness and Reporting Program (Cited in paras 1-4a(6), 2-5a, 8-1h, 8-6g, 8-7g(3).)

AR 525-13

Antiterrorism (Cited in para 8-7g(3).)

AR 600-20

Army Command Policy (Cited in para 4-15.)

AR 600-37

Unfavorable Information (Cited in para 3-3a.)

AR 600-63

Army Health Promotion (Cited in para 2-1a.)

AR 600–85

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

AR 608–18

The Army Family Advocacy Program (Cited in paras 3–9a, 3–9b(1), 4–17a.)

AR 630–10

Absence Without Leave, Desertion, and Administration of Personnel Involved in Civilian Court Proceedings (Cited in paras 4–11a(2), 7–2b(2), 7–3a(2), b, and c(2).)

AR 710–2

Supply Policy Below the National Level (Cited in para 8–3d(2).)

DA Pam 600–24

Health Promotion, Risk Reduction, and Suicide Prevention (Cited in para 2–1a.)

CJCSM 3150.03D

Joint Reporting Structure Event and Incident List (Cited in paras 1–4b(10), 8–5a, 8–5b.) (This classified issuance is available to authorized individuals at <http://www.intelink.sgov.gov/sites/jointstaff>)

DOD 4160.21–M

Defense Materiel Disposition Manual (Cited in para 4–14c.)

DOD 6025.18–R

DOD Health Information Privacy Regulation (Cited in para 8–1g.)

DODI 5505.14

Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations (incorporating change 1, April 24, 2012) (Cited in paras 2–8a, 2–8h(2).)

UCMJ, Article 112a

Wrongful use, possession, etc., of controlled substance (Cited in paras 2–8e(1), table 4–1.)

Federal Rules of Criminal Procedure, Rule 58

Petty Offenses and Other Misdemeanors (Cited in para 10–4a.)

Federal Rules of Criminal Procedure, Rule 58(c)(2)

Additional Procedures in Certain Petty Offense Cases, Waiving Venue (Cited in para 11–26.)

18 USC 13

Laws of states adopted for areas within Federal jurisdiction (Cited in table 4–1, para B-2b(1), and glossary section II.)

50 USC 1801 et seq

The Foreign Intelligence Surveillance Act (Cited in para 8–7h(2)(b).)

National Crime Information Center

National Crime Information Center Operating Manual (Cited in paras 1–1, 12–1, 13–1a, 13–4.) (This manual may be obtained from the FBI, Washington, DC 20535.)

Section II

Related Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this publication. Unless otherwise stated, all publications are available at: <http://www.apd.army.mil/>. Department of Defense regulations are available at: <http://www.dtic.mil/>. The U.S. Code, the Federal Register, the Code of Federal Regulations, acts of Congress, and public laws are available at: <http://www.gpo.gov/fdsys/>. Executive orders are available at: http://www.archives.gov/federal_register/executive_orders/disposition_tables.html

AR 15–1

Boards, Commissions, and Committees-Committee Management

AR 15-6

Procedures for Investigating Officers and Boards of Officers

AR 20-1

Inspector General Activities and Procedures

AR 25-1

Army Knowledge Management and Information Technology

AR 27-20

Claims

AR 27-40

Litigation

AR 40-61

Medical Logistics Policies

AR 40-66

Medical Record Administration and Health Care Documentation

AR 190-5/OPNAV 1200.5D/AFI 31-218(I)/MCO 5110.1D/DLAR 5720.1

Motor Vehicle Traffic Supervision

AR 190-11

Physical Security of Arms, Ammunition, and Explosives

AR 190-30

Military Police Investigations

AR 190-47

The Army Corrections System

AR 190-53

Interception of Wire and Oral Communications for Law Enforcement Purposes

AR 195-5

Evidence Procedures

AR 380-67

Personnel Security Program

AR 381-20

The Army Counterintelligence Program

AR 600-8-2

Suspension of Favorable Personnel Actions (FLAGS)

AR 600-85

Army Substance Abuse Program

FM 19-10

The Military Police Law and Order Operations

DOD 5240.1-R

Procedures Governing the Activities of DOD Intelligence Components That Affect United States Persons

DOD 5400.7-R

DOD Freedom of Information Act Program

DOD 8320.02-G

Guidance for Implementing Net-Centric Data Sharing

DODD 1030.1

Victim and Witness Assistance

DODD 5240.1

DOD Intelligence Activities

DODD 7730.47

Defense Incident-Based Reporting System (DIBRS)

DODI 1030.2

Victim and Witness Assistance Procedures

DODI 1325.7

Administration of Military Correctional Facilities and Clemency and Parole Authority

DODI 5505.11

Fingerprint Card and Final Disposition Report Submission Requirements

DTM 08-035

Self-Reporting by Officers and Senior Enlisted Members of Criminal Convictions

DTM 09-012

Interim Policy Guidance for DOD Physical Access Control

DTM 10-018

Law Enforcement Reporting of Suspicious Activity, dated 1 October 2010

Deputy Secretary of Defense Memorandum

Responsibility for Response to Reports of Alleged Criminal Activity Involving Contractors and Civilians Serving with or Accompanying the Armed Forces Overseas, dated 10 September 2008 Available at: http://www.DOD.gov/DODgc/images/ucmj_art2.pdf

Joint Publication 6-0

Doctrine for Command, Control, Communications, and Computer (C4) Systems Support to Joint Operations Available at: <http://www2.dla.mil/j-6/dlmsso/elibrary/manuals/joint.asp>

RCM 307

Preferral of charges

RCM 305(h)(2)(c)

Pretrial confinement, 72-hour memorandum

UCMJ, Article 15

Commanding officer's non-judicial punishment

UCMJ, Article 90

Assaulting or willfully disobeying superior commissioned officer

UCMJ, Article 92

Failure to obey order or regulation

EO 13478

Amendments to Executive Order 9397 Relative to Federal Agency Use of Social Security Numbers

EO 12333

United States Intelligence Activities

Federal Rules of Criminal Procedure, Rule 6(e)

Recording and Disclosing the Proceedings (Available at: <http://www.uscourts.gov/RulesAndPolicies/FederalRulemaking/RulesAndForms.aspx>)

Federal Rules of Criminal Procedure, Rule 58(d)(3)

Paying a Fixed Sum in Lieu of Appearance, Summons or Warrant

U.S. Supreme Court Case 425 U.S. 252

Middendorf v. Henry (Available at: <http://supreme.justia.com/cases/federal/us/425/25/>)

33 Federal Register 5495

The National Guidelines for Sex Offender Registration and Notification, Final Guidelines

73 Federal Register 38030–38050

The National Guidelines for Sex Offender Registration and Notification

PL 106–65

Defense Authorization Act for Fiscal Year 2000

PL 106–523

Military Extraterritorial Jurisdiction Act of 2000

PL 108–375

Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005

PL 110–53

Implementing Recommendations of the 9/11 Commission Act of 2007

HR 2640

NICS Improvement Amendment Act of 2007

7 CFR 331

Agriculture: Possession, use, and transfer of select agents and toxins

9 CFR 121

Animals and Animal Products: Possession, use, and transfer of select agents and toxins

27 CFR 478.11

Alcohol, Tobacco Products and Firearms: Meaning of terms

32 CFR 505.5(i)(2)(i)

Procedures for denying or limiting an individual's right to access or amendment and the role of the denial authority

36 CFR 330

Regulation of law enforcement services contracts at civil works water resource projects administered by the Chief of Engineers

42 CFR 73

Select agents and toxins

5 USC 552

The Freedom of Information Act

5 USC 552a

The Privacy Act of 1974

5 USC 2951

Reports to the Office of Personnel Management

6 USC 1104

Immunity for reports of suspected terrorist activity or suspicious behavior and response

10 USC 301

Definitions

10 USC 1561a

Civilian orders of protection: force and effect on military installations

10 USC 2671

Military reservations and facilities: hunting, fishing, and trapping

15 USC 2605

Toxic Substance Control Act

16 USC 668

The Bald Eagle Protection Act

16 USC 703

The Migratory Bird Treaty Act

16 USC 718

The Migratory Bird Hunting Stamp Act

16 USC 3372

The Lacey Act

18 USC 922

The Brady Handgun Violence Prevention Act of 1993, Revised Statute

18 USC 1382

Entering military, naval, or Coast Guard property

18 USC 5032

Delinquency proceedings in district courts; transfer for criminal prosecution

21 USC 13

The Comprehensive Drug Abuse Prevention and Control Act of 1970

21 USC 802

Controlled Substance Act

28 USC 534

The Uniform Federal Crime Reporting Act

29 USC 655

Occupational Safety and Health Act of 1970

33 USC 1251

Water Pollution Control Act

42 USC 300f et seq

Safe Drinking Water Act

42 USC 4321

National Environmental Policy Act

42 USC 6901

Hazardous Waste Control Act

42 USC 7401

Clean Air Act

42 USC 9601

Comprehensive Environmental Response, Compensation, and Liability Act

42 USC 10601

The Victim Rights and Restitution Act

42 USC 14135a(a)(1)(a)

Collection and Use of DNA Identification Information from Certain Federal Offenders: Collection of DNA Samples from Individuals in Custody

42 USC 16901

The Sex Offender Registration and Notification Act

42 USC 16911(5)(B)

Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators

Section III

Prescribed Forms

Unless otherwise indicated, DA forms are available on the APD Web site at <http://www.apd.army.mil> and DD forms are available on the OSD Web site at <http://www.dtic.mil/whs/directives/infomgt/forms/>.

DA Form 2823

Sworn Statement (Prescribed in paras 7–10, 7–11.)

DA Form 3945

Military Police Radio Log (Prescribed in para 7–13.)

DA Form 3946

Military Police Traffic Accident Report (Prescribed in paras 4–2, 7–14.)

DA Form 3975

Military Police Report (Prescribed in paras 3–6, 4–1, 4–2, 4–3, 6–4, 7–6, 7–7, 7–8.)

DA Form 3975–1

Military Police Report - Additional Offenses (Prescribed in para app B–2.)

DA Form 3975–2

Military Police Report - Additional Subjects (Prescribed in para app B–2.)

DA Form 3975–3

Military Police Report - Additional Victims (Prescribed in para app B–2.)

DA Form 3975–4

Military Police Report - Additional Persons Related to Report (Prescribed in para app B–2.)

DA Form 3975–5

Military Police Report - Additional Property (Prescribed in para app B–2.)

DA Form 3997

Military Police Desk Blotter (Prescribed in para 3–3.)

DA Form 4833

Commander's Report of Disciplinary or Administrative Action (Prescribed in paras 4–7, 4–8.)

DD Form 460

Provisional Pass (Prescribed in paras 4–11, 7–2.)

DD Form 2701

Initial Information for Victims and Witnesses of Crime (Prescribed in paras 6–3, 6–4.)

FBI Form FD 249

Suspect Fingerprint Card (Prescribed in para 4–10.) (Obtain directly from FBI.)

FBI Form R–84

Final Disposition Report (Prescribed in para 4–10.) (Obtain directly from FBI.)

Section IV

Referenced Forms

Unless otherwise indicated, DA forms are available on the APD Web site at <http://www.apd.army.mil> and DD forms are available on the OSD Web site at <http://www.dtic.mil/whs/directives/infomgt/forms/>.

DA Form 1602

Civilian Identification (Available through normal forms supply channels.)

DA Form 2028

Recommended Changes to Publications and Blank Forms

DA Form 2804

Crime Records Data Reference

DA Form 3626

Vehicle Registration/Driver Record

DA Form 3881

Rights Warning Procedure/Waiver Certificate

DA Form 4002

Evidence/Property Tag (Available through normal forms supply channels.)

DA Form 4137

Evidence/Property Custody Document

DA Form 4187

Personnel Action

DA Form 4430

Department of the Army Report of Results of Trial

DA Form 7439

Acknowledgement of Sex Offender Registration Requirements

DA Form 7566

Composite Risk Management Worksheet

DA Form 7630

Department of the Army Law Enforcement Escort Credential (S&I HQDA, OPMG (DAPM–MPO–LE), 2800 Army Pentagon, Washington, DC 20310–2800.)

DD Form 553

Deserter/Absentee Wanted by the Armed Forces

DD Form 616

Report of Return of Absentee

DD Form 1173

Uniformed Services Identification and Privilege Card (Available through normal forms supply channels.)

DD Form 1408

Armed Forces Traffic Ticket (Available through normal forms supply channels.)

DD Form 1920

Alcohol Incident Report

DD Form 2707

Confinement Order

DD Form 2708

Receipt for Inmate or Detained Person (Available through normal forms supply channels)

DD Form 2873

Military Protective Order

Central Violations Bureau (CVB) Form

United States District Court Violation Notice (Obtain directly from the CVB at <http://www.cvb.uscourts.gov/>.)

Appendix B**General Instructions for Completing DA Form 3975**

This appendix provides block-by-block instructions for completing a DA Form 3975.

B-1. Generating a DA Form 3975 electronically in the Centralized Operations Police Suite database

A DA Form 3975 must be completed for every founded criminal incident. A founded incident, even without a known subject, must be reported using the DA Form 3975 into the COPS MPRS module. The word “unknown” will be entered if there is an unidentified subject.

B-2. Other forms

If additional space is needed, DA Form 3975-1 (Military Police Report – Additional Offenses) will be used to report additional offenses. DA Form 3975-2 (Military Police Report – Additional Subjects) will be used to report additional subjects. A DA Form 3975-3 (Military Police Report – Additional Victims) will be used to report additional victims. DA Form 3975-4 (Military Police Report – Additional Persons Related to Report) will be used to report additional persons related to the DA Form 3975. A DA Form 3975-5 (Military Police Report – Additional Property) will be used to report additional property. The DA Forms 3975 with unknown subjects will also be reported into MPRS. The word “unknown” will be entered for each subject.

a. DA Form 3975. General information—

(1) *Military police report number.* The first set of numbers is the sequence number of the report. For example, 00001. The second set is the year, 00001-12, and the third set is the MPC number assigned to the reporting PMO or DES. The completed incident number will appear as 00001-12-MPC032.

(2) *Date block.* Enter the date (that is, YYYY/MM/DD) the report is signed.

(3) *Originating agency identifier number.* Do not use the NCIC ORI number assigned to the PMO or DES. Identify the civilian city or county closest to the installation. Enter the first seven characters of the NCIC ORI for that city or county. The last two characters for every DA Form 3975 will be DM. For example, a criminal incident occurring on Fort Hood will use the first seven characters of the NCIC ORI assigned to the sheriff or police department in Killeen, TX. The letters DM will be added at the end to identify the DA Form 3975 as a Federal report completed by the PMO or DES. ORI numbers can be obtained from the State government control terminal agency, a query on the NCIC terminal, or by calling the local law enforcement agency.

(4) *U.S. Army Crime Records Center control number.* Reports that are prepared for the local use of an installation PM or DES are assigned local numbers. Local reports are not sent to the CRC. Reports that must be sent to USACRC and reported to NIBRS must have a CRC number. The first group is the year, 03-XXXXXX-XXXX-XX, followed by the installation MP code (that is, 03-MPC002), and the USACRC case number. USACRC numbers will only be used once and are assigned to installation PMs or DESs by the ACOM, ASCC, or DRU or IMCOM region. The report number will now read 03-MPC002-4000C. The final number will include the most serious offense code that was investigated and found to have occurred.

(5) *Thru:* Enter the address of the intermediate commander.

(6) *To:* Enter the address for the commander of the Soldier(s) or the civilian supervisor identified as the subject of the DA Form 3975.

(7) *From:* Enter the address of the installation PMO or DES completing the DA Form 3975.

b. Section I. Administrative.

(1) *Report type.* Multiple blocks will be checked. The information block is used to document installation PM or DES activity that does not get reported to a commander or the USACRC. It is retained only within the installation PMO or Directorate of Emergency Services. The traffic report block is checked for motor vehicle incidents or to forward traffic accident reports to commanders. The military offense block is checked for violations of the UCMJ and is only used for military subjects in the DA Form 3975. The criminal block is checked to identify criminal incidents under the UCMJ or crimes falling within 18 USC 13 (The Assimilated Crimes Act). The complaint box is checked to identify the DA Form 3975 as documenting that a complaint on some criminal action was received.

(2) *Status.* The initial report block is checked to document that the DA Form 3975 requires additional follow-up action. The supplemental block is checked if the DA Form 3975 has been closed and additional information must be added to the DA Form 3975. The commander's action block is checked to forward the DA Form 3975 to the commander for action and report back to the Provost Marshal Office on the action taken.

(3) *Evaluation.* Mark the appropriate selection when completing the DA Form 3975. There will be circumstances when an unfounded case will be processed once it is started.

(4) *Complaint date.* Enter the year (YYYY), month (MM), and day (DD) the complaint was received in the PMO or Directorate of Emergency Services.

(5) *Complaint time.* Enter time the complaint was received in the installation PMO or Directorate of Emergency Services (use 24-hour numbers).

(6) *Complaint received by.* Check the block showing how the individual making the complaint contacted the installation PMO or DES.

(7) *Clearance reason.* Check a block when circumstances establish that further investigation will not take place.

(8) *Exceptional clearance date.* Enter the year (YYYY), month (MM), and day (DD), the DA Form 3975 is cleared.

(9) *Military police action.* Check the block for the section within the installation PMO, Directorate of Emergency Services, or another agency that will receive the DA Form 3975 for some type of action. Use the "other" block to enter agencies and offices not listed (such as mental health).

(10) *Date referred.* Enter the year (YYYY), month (MM), and day (DD) the DA Form 3975 is referred to another agency.

(11) *Involvement.* Check the appropriate block if law-enforcement involvement was required for a situation listed. This is both an administrative and Federal statute requirement to help identify gang activity, hate crime, bias, domestic violence, and extremist activity.

c. Section II. Offense.

(1) *Offense number.* Enter a one (1) to report the most serious offense first. Use DA Form 3975-1 to report additional offenses going from the most serious to the least serious.

(2) *Subject number involvement.* NIBRS requires the matching of subjects to offenses. Use the appropriate subject number from block 1a of section III. Use DA Form 3975-2 to report additional subjects.

(3) *Victim number involvement.* NIBRS requires the matching of victims to offenses. Use the appropriate victim number from block 1a of section IV. Use DA Form 3975-3 to report additional victims.

(4) *National Incident Based Reporting System location code.* Use the table at the bottom of page 1 of DA Form 3975, NIBRS location codes, to complete this block of information.

(5) *Attempted or completed.* Place a mark in the appropriate box for the offense. If two offenses were committed and one was completed and the other only attempted, then a separate offense form must be used for each offense.

(6) *Same offense data same for all offense codes.* This block is used if there is more than one offense code used in the DA Form 3975. Place a checkmark for "yes" if all of the related information to the offense is the same for all of the offense codes. For example, two Soldiers are apprehended for larceny and destruction of Government property. All of the NIBRS data is the same for both offenses, with both offenses occurring at the same location. Both offense codes can be placed in block 1g, with the most serious code placed at the top of the block.

(7) *Offense code(s).* Enter the offense code(s) starting with the most serious. Multiple offense codes will only be listed here if all of the related offense data is the same for all offenses. For example, a shoplifting occurred at the post exchange and during the chase of the subject, one of the MPs was assaulted three blocks away by the subject, using a chain. The aggravated assault code would be listed on the offense continuation sheet (DA Form 3975-1). The continuation sheet is used because the locations of the two offenses are different, a weapon was used in only one of the offenses, and aggravated assault or homicide circumstances are involved in only one of the offenses.

(8) *Offense description(s).* Enter the best description of the criminal offense that took place. For example, simple assault. This description can be obtained from the offense code table (see table 4-1 of this publication).

(9) *Offense location address.* Enter the location where each offense listed in block 1g occurred. Be specific, using street addresses, room numbers, and so on.

(10) *Begin date.* Enter the year (YYYY), month (MM), and day (DD) that each offense began.

(11) *Begin time.* Enter the approximate time each offense began. Use the 24-hour clock (that is, 1800, 1730, 0800).

(12) *End date.* Enter the year (YYYY), month (MM), and day (DD) that each offense in block 1a was completed.

- (13) *End time.* Enter the approximate time each offense was completed. Use the 24-hour clock (that is, 1800, 1730, 0800).
- (14) *Type of criminal activity.* Check up to three blocks in this section that describe the type of activity involving the subject(s). Use only for counterfeiting, forgery, stolen property, drug or narcotic violations, drug equipment, gambling equipment, pornography or obscene material, and weapons violations.
- (15) *Offense statutory basis.* Check the appropriate box to identify the criminal code that was violated. All military offenses (AWOL, desertion, fail to obey lawful general order, and so on) are checked as UCMJ violations. If State, local, or Assimilated Crimes Act violations are reported check the state, local, or Federal block. When there is a death and there is no criminal offense, mark the noncriminal block. Use the foreign block for any criminal offense that is referred to authorities of the foreign host government.
- (16) *Offender used.* Check up to three for each offense to identify if an offender is suspected of using drugs or alcohol before the criminal incident. Check the computer block only if a computer or computer equipment was used to commit the criminal act.
- (17) *Type of weapon or force used.* Check up to three for each offense to identify the type weapon, if any, that was used by the subject and whether it was fully automatic.
- (18) *For burglary or housebreaking only.* Enter the number of buildings that were entered, and check the block to identify whether force was used to gain entry.
- (19) *Aggravated assault or homicide circumstances.* Only check one block. These blocks are checked only when investigation shows that an assault or homicide occurred. Reporting of the time for each offense is a requirement for the FBI. Check up to two for each aggravated assault or homicide victim. Traffic fatalities, accidental deaths, and deaths of victims due to their negligence are not reported as negligent manslaughter.
- (20) *Additional justifiable homicide circumstances.* Only check one block. This section is used in the event that the subject attempts to evade apprehension, there is an assault by the subject against law enforcement personnel, the subject assaults non-law enforcement individuals, or the subject is killed by law enforcement personnel.
- (21) *Bias motivation.* Check the block “yes” only if the criminal incident occurred as a result of a bias item listed in section IV, part 5.
- d. Section III. Subject.*
- (1) *Subject number.* Enter the number of the subject starting with one (1) for the first subject. Use DA Form 3975–2 for additional subjects beyond the first one.
- (2) *Name.* Enter the subject’s last, first, and full middle name. IF the subject only has a middle initial, record the middle initial followed by the letters in parenthesis (IO). If the subject has no middle name or initial, enter the letters NMN. The suffix (Jr., Sr., I, II, or III) will also be entered.
- (3) *SSN, foreign national number, or alien registration number.* Enter the subject’s SSN. If the subject is a foreign national, enter a unique number from official Government identification according to local policy. If no Government identification is available, enter the subject’s last name followed by the date of birth (DOB) in DOD format without spaces (that is, doeYYMMDD).
- (4) *Protected identity.* Place a check mark if the subject falls within the protected identity provision. Protected identity includes victims of rape, and juvenile offenders. This block relates to how a subject’s information will appear in the blotter.
- (5) *Category.* Check only one block to show the status of the individual at the time of offense. Check the Service for military subjects if the individual is a member of an Armed Service. Check civil service, contractor, or other Government employee when the subject is a civilian employed by the Government in some capacity. Check the retired military block if that is the individual’s only connection to the military.
- (6) *Date of birth.* For DOB, enter the year (YYYY), month (MM), and day of birth (DD) for the subject.
- (7) *Place of birth.* For POB, enter the subject’s city, state, and country of birth.
- (8) *Grade.* Enter the grade for the military (that is, E–6) and civilian subjects (such as GS–12, WB–07). For contractors, enter the abbreviation “CONT.” For Family members, enter the letters F/W (wife), F/H (husband), F/S (son), and F/D (daughter).
- (9) *Home telephone.* Enter the subject’s home telephone number to include the area code.
- (10) *Work telephone.* Enter the subject’s duty or place of business telephone number in this block to include the area code.
- (11) *Nickname or alias.* Enter up to three nicknames and alias used by the subject. If none, leave blank.
- (12) *Citizenship.* Check the appropriate block for U.S. and so forth. If the subject is a resident of a foreign country, enter the full name of the country. If the subject is a naturalized U.S. citizen, do not enter a foreign country.
- (13) *Component.* Check the appropriate block to report the military component in which the subject serves.
- (14) *Driver’s license number.* Enter the subject’s driver’s license number.
- (15) *Issuer of license.* Check the appropriate issuing authority for either a foreign or international license. For a license issued by a State Government in the United States, write the name of the State. The blocks will not be marked for military license or a category not listed.

- (16) *Organization, unit identification code, and address.* Enter the subject's organization or unit UIC. The COPS system administrators add UICs to the MPRS UIC table. Individual users cannot manually enter a UIC into MPRS. Include complete military address for the unit. Leave blank if the subject has no affiliation with the Government.
- (17) *Installation or city.* Enter the installation or city where military and civilian subjects are assigned or employed.
- (18) *State or country.* Enter the authorized abbreviation for the state and country where military and civilian subjects are assigned or employed.
- (19) *ZIP code or APO number.* Enter the zip code or Army Post Office where military and civilian subjects are assigned or employed.
- (20) *Unit telephone.* Enter the unit telephone number if different from work number entered in section III, subject block 1j. The phone number for the unit's orderly room or commander is preferable. Leave blank if the individual has no connection to the military.
- (21) *Residence address.* Use the physical address of the room, house number, building number, and street name. Do not enter post box addresses unless absolutely necessary.
- (22) *Installation or city.* Enter the installation or city for the residence address from block 3a.
- (23) *State or country.* Enter the authorized abbreviation for the state and country where military and civilian subjects reside.
- (24) *ZIP code or APO number.* Enter the zip code or Army Post Office for the residence address listed in block 3a. Omit the APO if the individual has no connection to the military.
- (25) *Hair color.* Check the appropriate block for hair color of the subject. If there is an unusual color use the "other" block to report the color.
- (26) *Eye color.* Self-explanatory.
- (27) *Complexion.* Check the appropriate block to report skin color.
- (28) *Age range.* For unidentified subjects, estimate the age range (that is, 25 to 30 and so on).
- (29) *Height.* Enter the subject's height in feet and inches. For unknown subjects, enter an estimate.
- (30) *Weight.* Enter the subject's weight in pounds. For unknown subjects, enter estimated weight range.
- (31) *Juvenile.* Check this block if a subject is less than 18 years of age, who is not a military member, spouse of a military member, or otherwise having been declared to have reached his or her majority at the time of the offense.
- (32) *Sex or gender.* Self-explanatory.
- (33) *Race.* Check the appropriate race block. Hispanic individuals will be marked as white, black, or unknown, with a subsequent selection of Hispanic in block 8, ethnicity. These race codes are mandated by the DOJ for UCRs.
- (34) *Ethnicity.* Check the appropriate block.
- (35) *Identifying marks and location.* Write out a description of any scars, marks, tattoos, and their location on the subject's body.
- (36) *How dressed.* Write out a description of the clothing the subject was wearing at the time of the offense.
- (37) *Offender disposition.* Write whether the offender was released to their commander, parent or guardian, or another law enforcement agency.
- (38) *Security clearance.* Check the appropriate block. Check the other block and write the type of clearance if it cannot be determined whether the individual has a security clearance.
- (39) *Marital status.* Check the appropriate block.
- (40) *Subject armed with.* Check up to two types for weapons the subject was armed with. If the subject was armed with more than two weapons, check the block for the weapon that was most lethal (that is, select rifles before handguns, and automatic and semi-automatic before manual). Circle (F) for fully automatic, (M) for manual, (S) for semi-automatic, or (U) for unknown.
- (41) *Subject involvement.* Place a check mark in the primary role the subject played in the activity that resulted in their becoming a subject of the criminal activity.
- (42) *Apprehension type.* Check the block that describes the law enforcement agency that apprehended the subject or "surrender" if the subject reported to the installation PMO, DES, or commander.
- (43) *Apprehension date.* Enter the year (YYYY), month (MM), and date (DD) the subject was apprehended.
- (44) *Apprehending PMO or DES.* Enter the MPC for the apprehending PMO or DES. For civilian agencies, enter their ORI, if known.
- (45) *Detention type.* Check the block that describes the type facility where the individual was first confined. Check non-uniformed block when the offender is a member of the Armed Services and is ordered detained in a detention cell or pretrial confinement.
- (46) *How dressed.* Write a description of the clothing the subject was wearing at the time of apprehension.
- (47) *Disposition of person under 18 years.* Check the "handled internally" block when the juvenile is released to the custody of their parents or guardians. Check the referred to other agency block when the juvenile is released to civilian authorities or an agency. Write the organization that took custody of the juvenile (that is, civilian law enforcement agency and hospital). For Soldiers, enter that they were returned to their unit.

(48) *FBI Form FD 249 submitted.* This block is checked when a suspect has been identified and charges have been preferred under the UCMJ.

(49) *FBI Form R-84 submitted.* This block is checked *only* when an FBI Form FD 249 has been previously submitted.

(50) *Alcohol involvement.* This block is checked if there is reasonable suspicion that the subject consumed alcohol prior to or during the commission of the offense.

(51) *Blood alcohol count.* Place the blood alcohol count that resulted from testing.

(52) *Illness or injury.* Describe any illness or injury the subject suffered due to the use of alcohol.

(53) *Alcohol or drug involvement remarks.* Describe any particular information concerning the use of alcohol or drugs by the subject.

(54) *Chemical test type.* Self-explanatory.

(55) *Drug involvement.* This block is checked if there is reasonable suspicion that the subject used or consumed drugs prior to or during the commission of the offense.

(56) *Chemical test results.* Enter the name of the drug test and the amount of chemicals found in the specimen.

(57) Drug detection by the other LE means. Place a check mark in the appropriate block.

e. Section IV. Victim.

(1) *Victim number.* Enter the number of the victim starting with one for the first victim. Use DA Form 3975-3 for additional victims beyond the first one.

(2) *Name.* Enter the victim's last, first, and full middle name. If the victim only has a middle initial, record the middle initial followed by the letters in parenthesis (IO). If the victim has no middle name or initial, enter the letters NMN. The suffix (Jr., Sr., I, II, or III) will also be entered.

(3) *SSN, foreign national number, or alien registration number.* Enter the victim's social security number. If the victim is a foreign national, enter a unique number from official Government identification according to local policy. If no Government identification is available, enter the victim's last name followed by the DOB in DOD format without spaces (that is, doeYYMMDD).

(4) *Protected identity.* Place a check mark if the victim's identity is protected.

(5) *Category.* Check only one block to show the status of the individual at the time of offense. Check the Service for military victims if the individual is a member of the U.S. Armed Services. Check civil service, contractor, or other Government employee when the victim is a civilian employed by the Government in some capacity. Check the retired military block if that is their only connection to the military.

(6) *Date of birth.* Enter the year (YYYY), month (MM), and day of birth (DD) for the victim.

(7) *Place of birth.* Enter victim's city, state, and country of birth.

(8) *Grade.* Enter the grade for the military and civilian victims.

(9) *Home telephone.* Enter the victim's home telephone number to include the area code.

(10) *Work telephone.* Enter the victim's duty or place of business telephone number in this block to include the area code.

(11) *Nicknames or aliases.* Enter up to three nicknames and alias used by the victim. If none, leave blank.

(12) *Citizenship.* Check the appropriate block for U.S. and so forth. If the victim is a resident of a foreign country enter the full name of the country. If the victim is a naturalized U.S. citizen do not enter a foreign country.

(13) *Component.* Check the appropriate block to report the military component in which the victim serves.

(14) *Driver's license number.* Enter the victim's driver's license number.

(15) *Issuer of license.* Check the appropriate issuing authority (foreign, international, state, or other (fill in)). The other block will not be completed for military license or a category not listed.

(16) *Organization, unit identification code, and address.* Enter the victim's organization or unit UIC. The COPS system administrators add UICs to the MPRS UIC table. Individual users cannot manually enter a UIC into MPRS. Include complete military address for the unit. Leave blank if the victim has no affiliation with the Government.

(17) *Installation or city.* Enter the installation or city where military and civilian victims are assigned or employed.

(18) *State or country.* Enter the authorized abbreviation for the state and country where military and civilian victims are assigned or employed.

(19) *ZIP code or APO number.* Enter the zip code or APO where military and civilian victims are assigned or employed.

(20) *Unit telephone.* Enter the unit telephone number if different from work number entered in section III, victim block 1j. The phone number for the unit's orderly room or commander is preferable. Leave blank if the individual has no connection to the military.

(21) *Residence address.* Use the physical address of the room, house number, building number and street name. Do not enter post box addresses unless absolutely necessary.

(22) *Installation or city.* Enter the installation or city for the residence address from block 3a.

- (23) *State or country.* Enter the authorized abbreviation for the state and country where military and civilian victims reside.
- (24) *ZIP code or APO number.* Enter the zip code or Army Post Office for the residence address listed in block 3a. Omit APO if the individual has no connection to the military.
- (25) *Type of victim.* Check the box that describes the victim.
- (26) *Sex.* Check the block for the appropriate sex of the victim. This block is only marked for human victims and marked unknown when the sex of the victim cannot be determined.
- (27) *Age.* Enter the appropriate age range when the age of the victim cannot be determined.
- (28) *Race.* Check the appropriate race block. Hispanic individuals will be marked as white, black, or unknown, with a subsequent selection of Hispanic in block 4e ethnicity. These race codes are mandated by the DOJ for UCRs.
- (29) *Ethnicity.* This block is only marked for human victims.
- (30) *Bias motivation.* Check the appropriate block if the victim was targeted for one of the anti reasons listed.
- (31) *Relationship of victim to offender.* Check blocks that best describe any connection between the victim and the offender. Multiple blocks can be checked. Enter the subject number to the left of the appropriate block describing the relationship to the victim if there is more than one subject.
- (32) *Victim involvement.* Victims will play a criminal role in activity that resulted in their becoming a victim of the criminal activity. Check the “accessory” block to show that the victim assisted in the criminal activity. Check the “conspiracy” block if the victim took part in planning the crime(s). Check the “principal” block when the victim was directly involved in the criminal activity. Check the “solicit” block when the victim asked other individuals to assist in the criminal activity.
- (33) *Injury type.* Check up to five categories to describe the injuries sustained by the victim based upon initial observation by law enforcement personnel. A major injury is identified by injuries that require hospitalization for 24 hours or more as part of a medical treatment regimen. A minor injury is checked when an individual is treated and released. The blocks provide types of common injuries.
- (34) *Victim/witness rights notification.* Check the appropriate block to identify if the individual was notified of their rights under the victim/witness rights protection program.
- (35) *Victim declined DD Form 2701.* If DD Form 2701 was not issued, check whether the victim declined receipt or none was required to be provided.
- f. Section V. Persons related to report.*
- (1) *Persons related to report number.* Enter the number of the person related to the report starting with one for the first person. Use DA Form 3975-4 for additional persons beyond the first one.
- (2) *Status.* Check the appropriate block that describes the person related to the report (that is, witness). If civilian law enforcement or MP personnel are involved, only items 1a, 1b, 1c, 1d, and 2a need to be completed.
- (3) *Name.* Enter the individual’s last, first, and full middle name. If the individual only has a middle initial, record the middle initial followed by the letters in parenthesis (IO). If the individual has no middle name or initial, enter the letters NMN. The suffix (Jr., Sr., I, II, or III) will also be entered.
- (4) *SSN, foreign national number, or alien registration number.* Enter the victim’s social security number. If the victim is a foreign national, enter a unique number from official Government identification according to local policy. If no Government identification is available, enter the victim’s last name followed by the DOB in DOD format without spaces (that is, doeYYMMDD).
- (5) *Citizenship.* Check the appropriate block for U.S. and so forth. If the individual is a resident of a foreign country, enter the full name of the country. If the individual is a naturalized U.S. citizen, do not enter a foreign country.
- (6) *Category.* Check only one block to show the status of the individual at the time of offense. Check the Service for military victims if the individual is a member of the U.S. Armed Services. Check civil service, contractor, or other Government employee when the individual is a civilian employed by the Government in some capacity. If the individual is retired from the military, check the retired military block if that is his or her only connection to the military.
- (7) *Date of birth.* For DOB, enter the year (YYYY), month (MM), and day of birth (DD) for the individual.
- (8) *Place of birth.* For POB, enter individual’s city, state, and country of birth.
- (9) *Grade.* Enter the grade for the military and civilian individuals.
- (10) *Home telephone.* Enter the individual’s home telephone number to include the area code.
- (11) *Work telephone.* Enter the individual’s duty or place of business telephone number in this block to include the area code.
- (12) *Nicknames or aliases.* Enter up to three nicknames and alias used by the individual. If none, leave blank.
- (13) *Component.* Check the appropriate block to report the military component in which the individual serves.
- (14) *Driver’s license number.* Enter the individual’s driver’s license number.
- (15) *License.* Check the appropriate issuing authority (foreign, international, state, or other (fill in)). The other block will not be completed for military license or a category not listed.

(16) *Organization, unit identification code, and address.* Enter the individual's organization or unit UIC. The COPS system administrators add UICs to the MPRS UIC table. Individual users cannot manually enter a UIC into MPRS. Include complete military address for the unit. Leave blank if the individual has no affiliation with the Government.

(17) *Installation or city.* Enter the installation or city where military and civilian individuals are assigned or employed.

(18) *State or country.* Enter the authorized abbreviation for the state and country where military and civilian individuals are assigned or employed.

(19) *ZIP code or APO number.* Enter the zip code or Army Post Office where military and civilian individuals are assigned or employed.

(20) *Unit telephone.* Enter the unit telephone number if different from work number entered in section III, persons related to report, block 1k. The phone number for the unit's orderly room or commander is preferable. Leave blank if the individual has no connection to the military.

(21) *Residence address.* Use the physical address of the room, house number, building number, and street name. Do not enter post box addresses unless absolutely necessary.

(22) *Installation or city.* Enter the installation or city for the residence address from block 3a.

(23) *State or country.* Enter the authorized abbreviation for the state and country where military and civilian individuals reside.

(24) *ZIP code or APO number.* Enter the zip code or Army Post Office for the residence address listed in block 3a. Omit APO if the individual has no connection to the military.

(25) *Victim or witness rights notification.* Check the appropriate block to identify if the individual was notified of their rights under the Victim/Witness Rights Protection Program.

(26) *Victim declined DD Form 2701.* If DD Form 2701 was not issued, check whether the individual declined receipt or none was required to be provided.

(27) *Number of victims and witnesses notified with DD Form 2701.* Enter the total number of victims and witnesses notified with DD Form 2701 who were involved in the DA Form 3975.

g. Section VI. Property. General instructions. Enter a separate property information segment for each type of property. Example #1: Three items of property are stolen during a larceny (a bike, a tennis racket, and a VCR) and subsequently two are recovered. Three property information segments would be filled out. Two on page 4 of the DA Form 3975 and one on DA Form 3975-5 (Military Police Report – Additional Property). Example #2: A shoplifter is apprehended trying to steal seven music CDs found in her purse. Only one property information segment has to be filled out.

(1) *Item number.* Enter sequential numbers for each property segment completed starting with one.

(2) *Code.* Enter in the correct property description code from the property description code table on page 4 of DA Form 3975.

(3) *Quantity.* Enter a numerical value for the quantity of property being listed.

(4) *Value.* Enter the approximate or actual dollar value if available for each item. Use whole dollars. The value entered for each property description should be the total value of the property loss for all of the victims in the incident. If the value is unknown, enter one dollar (\$1). If more than ten types of property are involved, the values of the ten most valuable properties are to be entered. When drugs or narcotics are involved in other types of crime. Their value is to be entered.

(5) *Description.* Enter a written description of the property. Include the make, model, color, and identifying marks. Be as descriptive as possible.

(6) *Serial number.* Enter the serial number for each item.

(7) *Date recovered.* Enter the year (YYYY), month (MM), and day (DD) the property was recovered.

(8) *Date returned.* Enter the year (YYYY), month (MM), and day (DD) the property was returned.

(9) *Security.* Check the appropriate block to describe safekeeping the property at the time it was stolen.

(10) *Property ownership.* Check the box that describes the owner of the property.

(11) *Property loss type.* Check all types that apply to the property.

h. Section VII. Narrative.

(1) *Description.* Complete a written description on the events and people that resulted in the DA Form 3975 being prepared.

(2) The narrative must answer the questions who, when, where, how, and why concerning the criminal events and the individuals involved (subject, victim, witness, other persons) as well as property.

Appendix C

Contact information and mailing addresses for serious-incident reports

Commonly used information addresses on SIRs are listed below.

C-1. Army Materiel Command

MSG: CDR, USAMC Fort Belvoir, VA (AMCOPS-CS)
Fax: 703-806-9280 DSN: 656-9280

C-2. Army watch

MSG: armywatch.aoc@us.army.mil

C-3. Defense Intelligence Agency

MSG: DIA, Washington, DC (OS-1/JSO)

C-4. Eighth United States Army

MSG: CDR, USAEIGHT, Seoul, KOR (PMJ)
FAX: 011-822-7918 DSN: 738-6290

C-5. Forces Command

MSG: CDR, FORSCOM, Fort McPherson, GA (AFPM)
Fax: 404-464-5938 DSN: 367-5938

C-6. Headquarters, Department of the Army, Office of the Provost Marshal General

(DAPM-MPP) MSG: DA Washington, DC (OPMG-LE)
email: mpops@conus.army.mil
Fax: 703-693-6580 DSN: 223-4243

C-7. Installation Management Command

MSG: imcomopscenter@hqda.army.mil
email: usarmy.jbsa.imcom-hg.list.operations-center-dl@mail.mil
Fax: 703-602-1703 DSN: 332-1703

C-8. National Guard Bureau

MSG: CNGB, Washington, DC (NGBZA)

C-9. Surface Deployment and Distribution Command

MSG: CDR, MTMC, Falls Church, VA (MTSS)
Fax: 703-756-0547 DSN: 289-0547

C-10. Training and Doctrine Command

MSG: CDR, TRADOC, Fort Monroe, VA (ATTG-J)
Fax: 757-788-3504 DSN: 680-3504

C-11. U.S. Army Community and Family Support Center

MSG: CDR, USACFSC, Alexandria, VA (CFSC-FSC)

C-12. U.S. Army Criminal Investigation Command

MSG: CDR, USACIDC, Fort Belvoir, VA (CIOP-ZA)
FAX: 703-806-0307

C-13. U.S. Army Europe

MSG: CINCUSAREUR, Heidelberg, GE (AEAPM)
Fax: 011-49-621-730-7324 DSN: 8-314-381-7324

C-14. U.S. Army Information Systems Command

MSG: CDR, USAISC, Fort Huachuca, AZ (ASIS-S)
Fax: 602-538-8787 DSN: 879-8787

C-15. U.S. Army Medical Command

MSG: CDR, USAMEDCOM, Fort Sam Houston, TX (MCOP-O-PM)
Fax: 210-221-6055 DSN: 471-6055

C-16. U.S. Army Military Police School

MSG: COMDT, MPSCH, Fort Leonard Wood, MO (ATZN-MP-Z)

C-17. U.S. Army Reserve

MSG: CDR, USARC, Fort McPherson, GA (AFRC-CG)

C-18. U.S. Army Pacific

MSG: CDR, USARPAC, Fort Shafter, HI (APPM)

Fax: 808-438-9313 DSN: 315-9313

DRAFT
as of 18 Dec 2012

C-19. U.S. Secret Service

MSG: U.S. Secret Service, Washington, DC

Appendix D Management Control Checklist

D-1. Functions

The functions covered by this checklist are the administration of the Law Enforcement Reporting System, use of the U.S. District Court CVB Form, the SIR procedures, the SAR system, and use of the NCIC.

D-2. Purpose

The purpose of this checklist is to help assessable unit managers and management control administrators evaluate the key management controls outlined below. It is not intended to cover all controls.

D-3. Instructions

Answers must be based on the actual testing of key management controls (for example, document analysis, direct observation, sampling, simulation, other). Answers that indicate deficiencies must be explained and corrective action indicated in supporting documentation. These key management controls must be formally evaluated at least once every 5 years.

D-4. Test questions

- a. Are law enforcement and PMO administrative personnel trained in the use of COPS?
- b. Are procedures in place to ensure that release of law enforcement information is done in accordance with the FOIA, The Privacy Act, and this regulation?
- c. Are procedures in place to ensure that police intelligence information is purged as required by this regulation?
- d. Does the system administrator for COPS maintain control and accountability of personnel using the system?
- e. Are procedures in place to ensure that reports of a commander's action taken are returned to the PMO in a timely manner?
- f. Are both military and civilian protection orders being entered into COPS?
- g. Are PMs or DESs reporting incidents that occur off the installation in their geographic areas, in accordance with table 1-1 of AR 190-45?
- h. Are thefts, suspected thefts, wrongful appropriation, or willful destruction of Government property or appropriated funds valued at more than \$100,000 being reported as a category-2 SIR?
- i. Are category-1 serious incidents being reported to HQDA within 12 hours of discovery or notification at the installation level?
- j. Are "add-on" SIRs being completed to provide information not available at the time of the original report?
- k. Are category-2 serious incidents being reported to HQDA within 24 hours of discovery or notification at the installation level?
- l. Are law enforcement personnel issuing a separate U.S. District Court Violations Notice (CVB Form) for each offense or violation?
- m. Are procedures in place to ensure that each CVB Form is accounted for?
- n. Are procedures in place to ensure that each CVB Form is completed properly, in accordance with CVB procedures?
- o. Are procedures in place to ensure that all violations issued on the CVB Form are entered into COPS?
- p. Are procedures in place to ensure that the release of law enforcement information is being handled in accordance with the FOIA, The Privacy Act, and chapter 3 of this regulation?
- q. Are installation PMs or DESs appointing NCIC terminal coordinators?
- r. Are terminal coordinators ensuring that NCIC use is limited to authorized criminal justice purposes?
- s. Are only trained personnel allowed to operate NCIC terminals?
- t. Are requests for NCIC participation initiated by the PM or DES and submitted to the garrison commander?
- u. Are notifications of serious violation, suspension, or revocation from the use of NCIC and State government terminals and NCIC files immediately reported to the Director, USACRC's Federal service coordinator by the most expeditious means?
- v. Are all Government or privately owned weapons reported lost, stolen, or recovered entered into the NCIC gun file, regardless of value?
- w. Have PM or Directorate of Emergency Services personnel whose law enforcement responsibilities require access to the eGuardian system applied directly to the FBI for access via the Law Enforcement Online Web site?

- x. Has implementation and establishment of user account protocols and account management procedures, to include obtaining FBI user training prerequisites and account deactivation protocols placed in action?
- y. Are procedures in place to ensure that release of SAR information is done in accordance with FOIA, The Privacy Act, and this regulation?
- z. Does the program manager for eGuardian maintain control and accountability of personnel using the system?
 - aa. Are unknown subject thefts or suspected thefts, wrongful appropriation, or willful destruction of Government property or appropriated funds valued at more than \$100,000 being reported as an SAR?
 - ab. Are specific-and-actionable SARs being reported to HQDA within 24 hours of discovery or notification at the installation level?
 - ac. Are procedures in place to ensure that non-actionable SAR reporting is made within 72 hours?
 - ad. Did the installation PM or DES appoint a SAR coordinator?
 - ae. Are only trained LE personnel obtaining eGuardian accounts?
 - af. Are notifications of serious violations, suspension, or revocation from the use of eGuardian immediately reported to the FBI by the most expeditious means?
 - ag. Are SARs initiated on all Government or privately owned weapons that are reported lost, stolen, or recovered regardless of value?
 - ah. Has the eGuardian program manager provided adequate guidelines and oversight to define properly its use and to ensure adequate protections, including 6 USC 1104 (Immunity for reports of suspected terrorist activity or suspicious behavior and response), relating to SARs?
 - ai. Do the eGuardian reports comply with the standards outlined in the applicable regulations?
 - aj. Are reports retained in the eGuardian SDR programmed for retention for a period of 5 years?
 - ak. Are SARs that are entered into the eGuardian SDR, and resolved as having no clear link to terrorism as a result of an FBI Joint terrorism task force or DCIO investigation, removed from the eGuardian system after 180 days?
 - al. Is the installation PM or DES in compliance with 5 USC 552A (The Privacy Act), implemented in the DOD by DODD 5400.11 and DOD 5400.11-R, other Federal laws, and DOD regulations in the collection, use, storage, and dissemination of personally identifiable information concerning U.S. persons?

D-5. Supersession

No previous management control evaluation checklist exists for this program.

D-6. Comments

Help to make this a better tool for evaluating management controls. Submit comments to: HQDA, PMG (DAPM-MPO-LE), 2800 Army Pentagon, Washington, DC 20318-2800.

Glossary

Section I Abbreviations

AA&E

arms, ammunition, and explosives

AARA

access and amendment refusal authority

ACI2

Automated Criminal Investigation and Criminal Intelligence

ACOM

Army command

AKO

Army Knowledge Online

AMC

Army Materiel Command

APO

Army Post Office

AR

Army regulation

ARNG

Army National Guard

ARNGUS

Army National Guard of the United States

ASAP

Army Substance Abuse Program

ASCC

Army service component command

AWOL

absence without leave

BSAT

biological select agents and toxins

CAC

common access card

CDR

commander

CFR

Code of Federal Regulations

CG

commanding general

CI

counterintelligence

CID

criminal investigation division

CIOC

Command Intelligence Operation Center

CJIS

Criminal Justice Information System

CONUS

continental United States

COPS

Centralized Operations Police Suite

CPO

civilian protection order

CRC

Crime Records Center

CRIMINTEL

criminal intelligence

CTA

control terminal agency

CVB

Central Violations Bureau

DA

Department of the Army

DCII

defense central investigations index

DES

Director of Emergency Services

DIBRS

Defense Incident-Based Reporting System

DMV

Department of Motor Vehicles

DNA

deoxyribonucleic acid

DOB

date of birth

DOD

Department of Defense

DODD

Department of Defense directive

DODI

Department of Defense instruction

DOJ
Department of Justice

DRU
direct reporting unit

EST
Eastern standard time

FCMP
Forms Control Management Program

FM
field manual

FBI
Federal Bureau of Investigation

FOIA
Freedom of Information Act

FOUO
for official use only

HQDA
Headquarters, Department of the Army

IAFIS
Integrated Automated Fingerprint Identification System

IASO
information assurance security officer

IDA
initial denial authority

IMCOM
Installation Management Command

LE
law enforcement

LSD
lysergic acid diethylamide

MEDCOM
Medical Command

MOU
memorandum of understanding

MP
military police

MPC
military police code

MPO
military protection order

MPRS

Military Police Reporting System

MTF

medical treatment facility

NAF

non appropriated fund

NCIC

National Crime Information Center

NIBRS

National Incident Based Reporting System

NICS

National Instant Checks System

NLETS

National Law Enforcement Telecommunications Systems

NMN

no middle name

NTA

notice to appear

OCONUS

outside continental United States

OPREP-3

operational reporting-3

OPREP-3P

operational reporting-3 pinnacle

ORI

originating agency identifier

PAO

public affairs officer

PCP

phencyclidine

PI

protected identity

PII

Personally identifiable information

PM

provost marshal

PMG

Provost Marshal General

PMO

provost marshal office

POB

place of birth

POW

prisoner of war

PPE

personal protective equipment

RCM

rule for court-martial

RMC

returned to military control

ROI

report of investigation

SAR

suspicious activity report

SARC

sexual assault response coordinator

SCA

special category absentee

SDDC

Surface Deployment and Distribution Command

SIR

serious-incident report

SJA

staff judge advocate

SOP

standard operating procedures

SSN

social security number

TRADOC

Training and Doctrine Command

UCMJ

Uniform Code of Military Justice

UCR

uniform crime report

UIC

unit identification code

USACIDC

U.S. Army Criminal Investigation Command

USACIL

U.S. Army Criminal Information Laboratory

USACRC

U.S. Army Crime Records Center

USADIP

U.S. Army Deserter Information Point

USAG

U.S. Army Garrison

USAR

U.S. Army Reserve

USARC

U.S. Army Reserve Command

USAREUR

U.S. Army Europe

USARPAC

U.S. Army Pacific

USC

United States Code

USSS

United States Secret Service

VCIS

Voice Case Information System

VRS

Vehicle Registration System

Section II**Terms****Adult offender**

A criminal offender who has attained the age of 18, or who, although under the age of 18, was a member of the military at the time of the offense. This includes emancipated minors and those minors who are married. This will also include juveniles who are prosecuted as adult offenders.

Anti-bias

A crime against an individual or organization based upon race, ethnic background, religious or sexual orientation. (See also hate crime).

Army interest

Incidents or offenses of interest to the Army because Army personnel are involved, the Army is a victim of the offense, or other substantive ties to the Army or DOD exist.

Barred or expelled person

A person against whom administrative action has been imposed by the installation commander to preclude future entry or continued presence on the installation.

Blotter extract

A single or series of entries removed from the chronological form of the full MP blotter, and reflecting the relevant information required by the specific recipient of the extract.

Bomb threats

Communication by any means specifically threatening to use a bomb to attack against U.S. forces, facilities, or missions.

Category 1 serious incident

A serious incident that is of immediate concern to HQDA. Incidents that must be reported to HQDA as Category 1 serious incidents are listed in chapter 8, paragraph 8–2.

Category 2 serious incident

A serious incident that is of concern to HQDA. Incidents that must be reported to HQDA as Category 2 serious incidents are listed in chapter 8, paragraph 8–3.

Category 3 serious incident

An incident that is of concern to the IMCOM region, ACOM, ASCC, or DRU (see chapter 8 paragraph 8–4), any incident that must be reported to the IMCOM region, ACOM, ASCC, or DRU as a category 3 serious incident according to an approved IMCOM region, ACOM, ASCC, or DRU supplement to this regulation. Establishment of category 3 serious incidents is neither required nor reportable to HQDA.

Collateral

Payment of a fixed sum in lieu of appearance in court.

Control Terminal Agency

A state criminal justice agency on the NCIC System providing statewide service to criminal justice users with respect to NCIC data.

Controlled cryptographic items

Controlled cryptographic items are described as secure telecommunications or information handling equipment, associated cryptographic components, or other hardware items, which perform a critical communication security function.

Controlled inventory item code

Controlled inventory item codes are items that require quarterly inventory with characteristics that require special identification accounting, security, or handling to ensure their safeguard. These items are considered controlled items that require a high degree of protection and control, because of statutory requirements, or regulations; high-value, highly technical, or hazardous items; small arms, ammunition, explosives, demolition material, night vision devices, and navigation systems.

Criminal history file

Information collected by criminal justice agencies on individuals consisting of descriptions of an individual, notations of arrest, detentions, indictments on serious criminal charges, and any disposition. The term does not include identification information such as fingerprints.

Criminal investigation

An investigation of a criminal incident, offense, or allegation conducted by law enforcement personnel

Criminal justice

Pertaining to the enforcement of criminal laws, including efforts to prevent, control, or reduce crime, or to identify, apprehend, and prosecute criminal offenders.

Criminal offense

Any act or omission defined and prohibited as a criminal act by the UCMJ, the USC, state and local codes, foreign law, or international law or treaty. For juveniles, this term refers to acts which, if committed by an adult, would be subject to criminal penalties.

Dangerous drugs

Non-narcotic 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 and Human Services or the Attorney General of the United States. A dangerous drug is a drug that is not safe for self-medication and is not included in Schedules I–V.

Disclosure

The furnishing of information about an individual, by any means, to an organization, Government agency, or to an individual who is not the subject of the record, the subject's designated agent, or legal guardian.

Elicitation

Any attempts to obtain security-related or military-specific information by anyone who does not have the appropriate

security clearance and the need-to-know. Elicitation attempts will be made by mail, fax, telephone, by computer, or in person.

Evidence kit

A sexual assault evidence-collection kit.

Family member

Includes those individuals for whom the Service member provides medical, financial, and logistical (for example, housing, food, and clothing) support. This includes, but is not limited to, the spouse, unmarried dependent child under 22 years of age, including an adopted child or natural child, elderly adults, and persons with disabilities.

Founded offense

An offense adequately substantiated by police investigation as a violation of the UCMJ, the USC, state and local codes, foreign law, international law or treaty, regulation, or other competent policy. Determination that an offense is founded is a law enforcement decision based on probable cause supported by corroborating evidence and is not dependent on final adjudication.

Gang

A group of individuals whose acts of crime are committed against the public at large as well as other groups. A gang usually has in common one or more of the following traits: geographic area of residence, race, or ethnic background. They have a defined hierarchy that controls the general activities of its members.

Hate crime

Crimes directed against persons, places of worship, organizations (and their establishments where individuals gather), because of their race, ethnic background, religious, or sexual orientation.

Indexed

Refers to the procedure whereby an organization responsible for conducting criminal investigations submits identifying information concerning subjects, victims, or incidentals of investigations for addition to the Defense Clearance and Investigations Index (DCII).

Informant

A person who agrees to confidentially collect or provide recurring information of law enforcement value to police agencies.

Initiating Provost Marshal/Director of Emergency Services

The PM/DES who first records a complaint, initiates police actions, and subsequently initiates a DA Form 3975 on a criminal offense or incident.

Investigative jurisdiction

Jurisdiction with responsibility to investigate criminal offenses based on geographical boundaries or the category of the offense.

Juvenile

A subject of an incident who is under the age of 18, who was not a military member, spouse of a military member, or otherwise having been declared to have reached their majority at the time of an offense.

Law enforcement activity

An activity engaged in the enforcement of criminal laws to prevent, control and reduce crime, and apprehend criminals.

Live scan

An electronic finger and/or palm print capturing system.

Military offense

Any offense unique to the military. Examples are AWOL, desertion, and uniform violations.

Military police

Any type of DOD, Army, contracted, or contractor police or security forces responsible for performing law enforcement or security on Army installations.

Misdemeanor

Any offense not punishable by death or imprisonment for a term exceeding 1 year. Included are violations of those provisions of state laws made applicable to military reservations by 18 USC 13 (The Assimilated Crimes Act).

Multiple offenses

Two or more offenses occurring within the same reported incident (for example, murder, rape, and robbery of a single victim).

Non-specific threats

Threats received by any means, which contain a specific time, location, or area for an attack against U.S. forces, facilities, or missions. This includes, but is not limited to, any event or incident, or series of events or incidents, which in and of themselves will indicate the potential for a threat to U.S. forces, facilities, or mission, regardless of whether the threat posed is deliberately targeted or collateral.

Name check

Procedure to determine the existence of prior civilian or military criminal records on an individual.

National Crime Information Center

A nationwide computerized information System established as a service to all criminal justice agencies.

National Law Enforcement Telecommunications Systems

Computer-controlled message switching network linking local, state, and Federal criminal justice agencies together for the purpose of information exchange.

Offender (same as subject)

Person identified and reported by law enforcement officials as the person who committed an offense. Determination that a person committed an offense is based on probable cause supported by corroborating evidence.

Offender disposition

The result of actions taken by commanders, supervisors, and military or civil courts to dispose of founded offenses. These actions will be judicial, non-judicial, or administrative.

Officer

Any Army installation law enforcement agent, either military or civilian, who is authorized to issue U.S. District Court CVB Form (including Statement of Probable Cause and, if appropriate, Promise to Appear portions of the U.S. District Court CVB Form).

Originating agency identifier

An identifier assigned by the FBI to an agency meeting the criteria for participation in the NCIC.

Originating law enforcement agency

Military or civilian law enforcement activity where a criminal incident was originally reported or investigated.

Personal information

Information about an individual that is intimate or private to the individual, as distinguished from information concerning the person's official functions or public life.

Petty offense

Minor misdemeanors that are not punishable by imprisonment for more than 6 months or a fine of more than \$500.

Pledge of confidentiality

Promise not to disclose to an unauthorized person or agency information provided by an individual in confidence.

Police intelligence

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

Protected identity

A term used in preparation of DA Form 3997 and Serious Incident Reports to replace the name and personal data of

juvenile subjects and certain other individuals. This term may also be used for juvenile victims in sensitive cases such as child abuse, incest or rape.

Provost Marshal/Director of Emergency Services

The senior officer, military or civilian directly responsible for law enforcement and security, regardless of the individual's position or title (for example, security officer, security director, and security manager). This individual must occupy a position that involves the administration of criminal justice.

Records custodian

Person charged with responsibility for proper processing, storage, safekeeping, and disposition of records containing personal information relevant to criminal investigations.

Redacted

Editing PI from military police reports to send to outside agencies.

Repetitive activities

Any activities that meet one of the other criteria listed in chapters 2 through 5 and have occurred two or more times or the same activity by the same person and/or vehicle, within a one month period.

Restricted entry

A term used in preparation of DA Form 3997 to replace a blotter entry for which dissemination of any information concerning the incident is controlled or restricted.

Serious domestic violence

Any incident of domestic violence where a weapon (such as a firearm, knife or motor vehicle) is involved; the victim suffers a broken limb, is injured during pregnancy, is sexually abused, is choked or strangled or is admitted to the hospital because of injuries incurred during the incident; domestic violence incidents where a violation of a protective order (military or civilian) has occurred.

Serious incident

Any actual or alleged incident, accident, misconduct, or act, primarily criminal in nature, that, because of its nature, gravity, potential for adverse publicity, or potential consequences warrants timely notice to HQDA.

Serious incident report

A formal notification to HQDA of a serious incident as prescribed by this regulation.

Special Latent Cognizant File

A manually concentrated subset of the Criminal Master File that consists of 35 separate files with a total capacity of 1.5 million subjects, such as terrorists, disaster victims, serial crimes, and so forth).

Subject (same as offender)

Person identified and reported by law enforcement officials as the person who committed an offense. Determination that a person committed an offense is based on probable cause supported by corroborating evidence.

Surveillance

Any reported possible activity in which an attempt to record information or to use unusual means to monitor activities is observed. Such attempts will include use of cameras (either still or video), note taking, annotated maps or drawings, hand-drawn maps or diagrams, use of binoculars or other vision-enhancing devices, or any reports from host nation security forces of possible surveillance of U.S. assets.

Suspicious activities/incidents

Any activity/incident that does not specifically fit into one of the other six categories in paragraph 2–5 yet is believed to represent a force protection threat.

Temporary custodian

An individual or organization other than the originating MP organization in possession of, or with access to MP files or records.

Tests of security

Any attempts to measure security reaction times or strengths; any attempts to test or to penetrate physical security

barriers or procedures; any attempts to acquire or duplicate uniforms, badges, passes, or other security related documents.

Titled

Placing the name(s) of a person, corporation(s), or other legal entity, organization(s), or other occurrence(s) in the subject block of a criminal investigative report.

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 investigation and not on court-martial findings, civil court verdicts, or command determinations.

User agreement

A document describing operating policies and responsibilities between an installation PM/DES and a State CTA.

Victim

A person who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime committed in violation of the UCMJ, or in violation of the law of another jurisdiction if any portion of the investigation is conducted primarily by the DOD components. Such individuals will include, but are not limited to, the following: (1) Military members and their Family members. (2) When stationed outside the continental United States, DOD civilian employees and contractors, and their Family members, in stateside locations, such as medical care in military medical facilities. (3) When a victim is under 18 years of age, incompetent, incapacitated or deceased, the term includes one of the following (in order of preference): a spouse; legal guardian; parent; child; sibling; another Family member; or another person designated by a court or the component responsible official, or designee. (4) For a victim that is an institutional entity, an authorized representative of the entity. Federal Departments and State and local agencies, as entities, are not eligible for services available to individual victims.

Witness

A person who has information or evidence about a crime and provides that knowledge to a DOD component concerning an offense within the component's investigative jurisdiction. When the witness is a minor, this term includes a Family member or legal guardian. The term "witness" does not include a defense witness or any individual involved in the crime as a perpetrator or accomplice.

Section III

Special Abbreviations and Terms

This section contains no entries.

DRAFT
as of 18 Dec 2012

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